

106TH CONGRESS
2^D SESSION

S. 2327

IN THE HOUSE OF REPRESENTATIVES

JUNE 26, 2000

Referred to the Committee on Resources

AN ACT

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”.

1 **SEC. 2. PURPOSE AND OBJECTIVES.**

2 The purpose of this Act is to establish a commission
3 to make recommendations for coordinated and comprehen-
4 sive national ocean policy that will promote—

5 (1) the protection of life and property against
6 natural and manmade hazards;

7 (2) responsible stewardship, including use, of
8 fishery resources and other ocean and coastal re-
9 sources;

10 (3) the protection of the marine environment
11 and prevention of marine pollution;

12 (4) the enhancement of marine-related com-
13 merce and transportation, the resolution of conflicts
14 among users of the marine environment, and the en-
15 gagement of the private sector in innovative ap-
16 proaches for sustainable use of living marine re-
17 sources and responsible use of non-living marine re-
18 sources;

19 (5) the expansion of human knowledge of the
20 marine environment including the role of the oceans
21 in climate and global environmental change and the
22 advancement of education and training in fields re-
23 lated to ocean and coastal activities;

24 (6) the continued investment in and develop-
25 ment and improvement of the capabilities, perform-
26 ance, use, and efficiency of technologies for use in

1 ocean and coastal activities, including investments
2 and technologies designed to promote national en-
3 ergy and food security;

4 (7) close cooperation among all government
5 agencies and departments and the private sector to
6 ensure—

7 (A) coherent and consistent regulation and
8 management of ocean and coastal activities;

9 (B) availability and appropriate allocation
10 of Federal funding, personnel, facilities, and
11 equipment for such activities;

12 (C) cost-effective and efficient operation of
13 Federal departments, agencies, and programs
14 involved in ocean and coastal activities; and

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

22 (8) the preservation of the role of the United
23 States as a leader in ocean and coastal activities,
24 and, when it is in the national interest, the coopera-
25 tion by the United States with other nations and

1 international organizations in ocean and coastal ac-
2 tivities.

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

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

8 (b) MEMBERSHIP.—

9 (1) APPOINTMENT.—The Commission shall be
10 composed of 16 members appointed by the President
11 from among individuals described in paragraph (2)
12 who are knowledgeable in ocean and coastal activi-
13 ties, including individuals representing State and
14 local governments, ocean-related industries, aca-
15 demic and technical institutions, and public interest
16 organizations involved with scientific, regulatory,
17 economic, and environmental ocean and coastal ac-
18 tivities. The membership of the Commission shall be
19 balanced by area of expertise and balanced geo-
20 graphically to the extent consistent with maintaining
21 the highest level of expertise on the Commission.

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

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

7 (B) 4 members shall be appointed from a
8 list of 8 individuals who shall be nominated by
9 the Speaker of the House of Representatives in
10 consultation with the Chairmen of the House
11 Committees on Resources, Transportation and
12 Infrastructure, and Science.

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

19 (D) 2 members shall be appointed from a
20 list of 4 individuals who shall be nominated by
21 the Minority Leader of the House in consulta-
22 tion with the Ranking Members of the House
23 Committees on Resources, Transportation and
24 Infrastructure, and Science.

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

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

7 (B) the use and expenditure of funds avail-
8 able to the Commission.

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

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

14 (1) is authorized to secure directly from any
15 Federal agency or department any information it
16 deems necessary to carry out its functions under this
17 Act, and each such agency or department is author-
18 ized to cooperate with the Commission and, to the
19 extent permitted by law, to furnish such information
20 (other than information described in section
21 552(b)(1)(A) of title 5, United States Code) to the
22 Commission, upon the request of the Commission;

23 (2) may enter into contracts, subject to the
24 availability of appropriations for contracting, and
25 employ such staff experts and consultants as may be

1 necessary to carry out the duties of the Commission,
2 as provided by section 3109 of title 5, United States
3 Code; and

4 (3) in consultation with the Ocean Studies
5 Board of the National Research Council of the Na-
6 tional Academy of Sciences, shall establish a multi-
7 disciplinary science advisory panel of experts in the
8 sciences of living and non-living marine resources to
9 assist the Commission in preparing its report, in-
10 cluding ensuring that the scientific information con-
11 sidered by the Commission is based on the best sci-
12 entific information available.

13 (d) STAFFING.—The Chairman of the Commission
14 may, without regard to the civil service laws and regula-
15 tions, appoint and terminate an Executive Director and
16 such other additional personnel as may be necessary for
17 the Commission to perform its duties. The Executive Di-
18 rector shall be compensated at a rate not to exceed the
19 rate payable for Level V of the Executive Schedule under
20 section 5136 of title 5, United States Code. The employ-
21 ment and termination of an Executive Director shall be
22 subject to confirmation by a majority of the members of
23 the Commission.

24 (e) MEETINGS.—

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

11 (A) All open meetings of the Commission
12 shall be preceded by timely public notice in the
13 Federal Register of the time, place, and subject
14 of the meeting.

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

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

4 (3) REQUIRED PUBLIC MEETINGS.—The Com-
5 mission shall hold at least one public meeting in
6 Alaska and each of the following regions of the
7 United States:

8 (A) The Northeast (including the Great
9 Lakes).

10 (B) The Southeast (including the Carib-
11 bean).

12 (C) The Southwest (including Hawaii and
13 the Pacific Territories).

14 (D) The Northwest.

15 (E) The Gulf of Mexico.

16 (f) REPORT.—

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

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

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

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

12 (C) A review of the cumulative effect of
13 Federal laws and regulations on United States
14 ocean and coastal activities and resources and
15 an examination of those laws and regulations
16 for inconsistencies and contradictions that
17 might adversely affect those ocean and coastal
18 activities and resources, and recommendations
19 for resolving such inconsistencies to the extent
20 practicable. Such review shall also consider con-
21 flicts with State ocean and coastal management
22 regimes.

23 (D) A review of the known and anticipated
24 supply of, and demand for, ocean and coastal
25 resources of the United States.

1 (E) A review of and recommendations con-
2 cerning the relationship between Federal, State,
3 and local governments and the private sector in
4 planning and carrying out ocean and coastal ac-
5 tivities.

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

10 (G) A review of previous and ongoing State
11 and Federal efforts to enhance the effectiveness
12 and integration of ocean and coastal activities.

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

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

1 (3) CONSIDERATION OF FACTORS.—In making
2 its assessment and reviews and developing its rec-
3 ommendations, the Commission shall give equal con-
4 sideration to environmental, technical feasibility, eco-
5 nomic, and scientific factors.

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

9 (g) PUBLIC AND COASTAL STATE REVIEW.—

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

12 (A) publish in the Federal Register a no-
13 tice that a draft report is available for public
14 review; and

15 (B) provide a copy of the draft report to
16 the Governor of each coastal State, the Com-
17 mittees on Resources, Transportation and In-
18 frastructure, and Science of the House of Rep-
19 resentatives, and the Committee on Commerce,
20 Science, and Transportation of the Senate.

21 (2) INCLUSION OF GOVERNORS' COMMENTS.—
22 The Commission shall include in the final report
23 comments received from the Governor of a coastal
24 State regarding recommendations in the draft re-
25 port.

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

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

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

14 **SEC. 4. NATIONAL OCEAN POLICY.**

15 (a) NATIONAL OCEAN POLICY.—Within 120 days
16 after receiving and considering the report and rec-
17 ommendations of the Commission under section 3, the
18 President shall submit to Congress a statement of pro-
19 posals to implement or respond to the Commission's rec-
20 ommendations for a coordinated, comprehensive, and long-
21 range national policy for the responsible use and steward-
22 ship of ocean and coastal resources for the benefit of the
23 United States. Nothing in this Act authorizes the Presi-
24 dent to take any administrative or regulatory action re-
25 garding ocean or coastal policy, or to implement a reorga-

1 nization plan, not otherwise authorized by law in effect
2 at the time of such action.

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

8 **SEC. 5. BIENNIAL REPORT.**

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

17 **SEC. 6. DEFINITIONS.**

18 In this Act:

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

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

23 (B) the continental shelf; and

24 (C) the Great Lakes.

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

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

8 **SEC. 7. EFFECTIVE DATE.**

9 This Act shall become effective on January 20, 2001.

Passed the Senate June 26, 2000.

Attest:

GARY SISCO,
Secretary.