

105TH CONGRESS
2^D SESSION

H. R. 3445

AN ACT

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

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To establish the 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 1998”.

1 **SEC. 2. DEFINITIONS.**

2 As used in this Act:

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

6 (2) COASTAL STATE.—The term “coastal
7 State” means a State in, or bordering on, the Atlan-
8 tic, Pacific, or Arctic Ocean, the Gulf of Mexico,
9 Long Island Sound, or one or more of the Great
10 Lakes.

11 (3) MARINE ENVIRONMENT.—The term “ma-
12 rine environment” includes—

13 (A) the oceans, including coastal and off-
14 shore waters and nearshore saltwater estuaries;

15 (B) the continental shelf; and

16 (C) the Great Lakes.

17 (4) OCEAN AND COASTAL ACTIVITIES.—The
18 term “ocean and coastal activities” includes activi-
19 ties consisting of, affecting, or otherwise related to
20 oceanography, fisheries, or the management or use
21 of any ocean and coastal resource. The term does
22 not include military operations and training.

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

1 (6) STATE.—The term “State” means any
2 State of the United States, the District of Columbia,
3 the Commonwealth of Puerto Rico, the Virgin Is-
4 lands, Guam, American Samoa, the Commonwealth
5 of the Northern Mariana Islands, and any other ter-
6 ritory or possession of the United States.

7 **SEC. 3. EXECUTIVE RESPONSIBILITIES.**

8 (a) NATIONAL OCEAN AND COASTAL POLICY.—The
9 Congress and the President, after receiving and consider-
10 ing the report of the Commission under section 4, shall
11 develop and propose a coordinated, comprehensive, and
12 long-range national policy for the responsible use and
13 stewardship of ocean and coastal resources for the benefit
14 of the United States, including a plan to meet the resource
15 monitoring and assessment facilities and equipment re-
16 quirements of Federal ocean and coastal programs.

17 (b) BIENNIAL REPORT.—Beginning in January
18 1999, the President shall transmit to the Congress bienni-
19 ally a report that shall include a detailed listing of all ex-
20 isting Federal programs relating to ocean and coastal ac-
21 tivities, including a description of each program, the cur-
22 rent funding for the program, and a projection of the
23 funding level for the program for each of the following
24 5 fiscal years.

1 (c) BUDGET COORDINATION.—Each agency or de-
2 partment involved in ocean and coastal activities shall in-
3 clude with its annual request for appropriations a report
4 that identifies significant elements of the proposed agency
5 or department budget relating to ocean and coastal activi-
6 ties.

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

9 (1) may use such staff, interagency, and advi-
10 sory arrangements as the President finds necessary
11 and appropriate; and

12 (2) shall consult with State and local govern-
13 ments and non-Federal organizations and individuals
14 involved in ocean and coastal activities.

15 **SEC. 4. COMMISSION ON OCEAN POLICY.**

16 (a) ESTABLISHMENT.—

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

19 (2) MEMBERSHIP.—(A) The Commission shall
20 be composed of 16 members appointed by the Presi-
21 dent from among individuals who are knowledgeable
22 in ocean and coastal activities, including individuals
23 representing State and local governments, ocean-re-
24 lated industries, academic and technical institutions,
25 and public interest organizations involved with sci-

1 entific, regulatory, economic, and environmental
2 ocean and coastal activities. The membership of the
3 Commission shall be balanced geographically to the
4 extent consistent with maintaining the highest level
5 of expertise on the Commission.

6 (B) Of the members of the Commission ap-
7 pointed under this paragraph—

8 (i) 4 shall be appointed from a list of 8 in-
9 dividuals who shall be recommended by the ma-
10 jority leader of the Senate in consultation with
11 the Chairman of the Senate Committee on
12 Commerce, Science, and Transportation;

13 (ii) 4 shall be appointed from a list of 8 in-
14 dividuals who shall be recommended by the
15 Speaker of the House of Representatives in con-
16 sultation with the Chairmen of the Committee
17 on Resources, Transportation and Infrastruc-
18 ture, and Science;

19 (iii) 2 shall be appointed from a list of 4
20 individuals who shall be recommended by the
21 minority leader of the Senate in consultation
22 with the ranking member of the Senate Com-
23 mittee on Commerce, Science, and Transpor-
24 tation; and

1 (iv) 2 shall be appointed from a list of 4
2 individuals who shall be recommended by the by
3 the minority leader of the House of Representa-
4 tives in consultation with the ranking members
5 of the Committees on Resources, Transpor-
6 tation and Infrastructure, and Science.

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

11 (3) FIRST MEETING.—The Commission shall
12 hold its first meeting within 30 days after it is es-
13 tablished.

14 (4) CHAIRMAN.—The Commission shall elect
15 one of its members as Chair.

16 (b) REPORT.—

17 (1) IN GENERAL.—The Commission shall sub-
18 mit to the Congress and the President, by not later
19 than 18 months after the date of the establishment
20 of the Commission, a final report of its findings and
21 recommendations regarding United States ocean pol-
22 icy.

23 (2) PUBLIC AND STATE REVIEW.—Before sub-
24 mitting the final report to the Congress, the Com-
25 mission shall—

1 (A) publish in the Federal Register a no-
2 tice that the draft report is available for public
3 review; and

4 (B) provide a copy of the draft report to
5 the Governor of each coastal State, the Com-
6 mittees on Resources, Transportation and In-
7 frastructure, and Science of the House of Rep-
8 resentatives, and the Committee on Commerce,
9 Science, and Transportation of the Senate.

10 (3) FINAL REPORT CONTENTS, GENERALLY.—

11 Subject to paragraph (4), the final report of the
12 Commission shall include recommendations for the
13 responsible use and stewardship of ocean and coastal
14 resources, including the following:

15 (A) Recommendations for any modifica-
16 tions to United States laws and regulations,
17 and the administrative structure of the Execu-
18 tive agencies, that are necessary to improve the
19 understanding, management, and conservation
20 and use of, and access to, ocean and coastal re-
21 sources.

22 (B) An assessment of the condition and
23 adequacy of existing and planned facilities asso-
24 ciated with ocean and coastal activities, includ-
25 ing human resources, vessels, computers, sat-

1 ellites, and other appropriate platforms and
2 technologies, and recommendations for invest-
3 ments and improvements in those facilities.

4 (C) A review of existing and planned ocean
5 and coastal activities of Federal entities, and
6 recommendations for changes in such activities
7 necessary to reduce duplication of Federal ef-
8 forts.

9 (D) A review of the cumulative effect of
10 Federal laws and regulations on United States
11 ocean policy, an examination of those laws and
12 regulations for inconsistencies and contradic-
13 tions that might adversely affect the conduct of
14 ocean and coastal activities, and recommenda-
15 tions for resolving any such inconsistencies. In
16 particular, this portion of the report shall in-
17 clude an examination of the relationship be-
18 tween the fisheries development and fisheries
19 conservation responsibilities of the National
20 Marine Fisheries Service.

21 (E) A review of the known and anticipated
22 supply of and demand for ocean and coastal re-
23 sources of the United States.

24 (F) A review of the relationship between
25 Federal, State, and local governments and the

1 private sector in planning and carrying out
2 ocean and coastal activities, and recommenda-
3 tions for enhancing the role of State and local
4 governments.

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

9 (H) A review of previous and ongoing
10 State efforts and Federal efforts to enhance the
11 effectiveness and integration of ocean activities,
12 including those occurring offshore and in near-
13 shore saltwater estuaries.

14 (4) STATE COMMENTS.—The Commission shall
15 include in the final report comments received from
16 the Governor of any coastal State regarding rec-
17 ommendations in the draft report that apply to
18 areas within the boundaries of that coastal State.

19 (5) CONSIDERATION OF FACTORS.—In making
20 its assessments and reviews and developing its rec-
21 ommendations, the Commission shall give full and
22 balanced consideration to environmental, technical,
23 economic, and other relevant factors, with an equal
24 opportunity for all parties to present a fair and rea-
25 sonable case for unbiased consideration by the Com-

1 mission. All recommendations should consider effects
2 on private property. To the greatest extent possible,
3 no recommendations shall have a negative impact on
4 local economies that are dependent on ocean and
5 coastal resources. Any data used by the Commission
6 in making its recommendations for regulations shall
7 be peer reviewed.

8 (6) LIMITATION ON RECOMMENDATIONS.—The
9 Commission shall not make any specific rec-
10 ommendations with respect to lands and waters
11 within the boundary of any State located north of 51
12 degrees North latitude, or with respect to lands and
13 waters within the State of Idaho.

14 (c) DUTIES OF THE CHAIR.—In carrying out the pro-
15 visions of this section, the Chair of the Commission shall
16 be responsible for—

17 (1) the assignment of duties and responsibilities
18 among staff personnel and their continuing super-
19 vision; and

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

22 (d) COMPENSATION.—Members of the Commission
23 shall, subject to the availability of appropriations, when
24 engaged in the actual performance of duties of the Com-
25 mission, receive reimbursement of travel expenses, includ-

1 ing per diem in lieu of subsistence as authorized for per-
2 sons employed intermittently in the Government service
3 under section 3109 of title 5, United States Code.

4 (e) STAFF.—

5 (1) EXECUTIVE DIRECTOR.—The Chair of the
6 Commission may, with the consent of the Commis-
7 sion and without regard to the civil service laws and
8 regulations, appoint and terminate an executive di-
9 rector who is knowledgeable in administrative man-
10 agement and ocean and coastal policy and such
11 other additional personnel as may be necessary to
12 enable the Commission to perform its duties.

13 (2) COMPENSATION.—The executive director
14 shall, subject to the availability of appropriations, be
15 compensated at a rate not to exceed the rate payable
16 for Level V of the Executive Schedule under section
17 5316 of title 5, United States Code. The Chairman
18 may fix the compensation of other personnel without
19 regard to the provisions of chapter 51 and sub-
20 chapter III of chapter 53 of title 5, United States
21 Code, relating to classification of positions and Gen-
22 eral Schedule pay rates, except that the rate of pay
23 for such personnel may not exceed the rate payable
24 for GS-15, step 7, of the General Schedule under
25 section 5332 of such title.

1 (3) DETAILEES.—Upon a request of the Chair
2 of the Commission made after consulting with the
3 head of any Federal agencies responsible for manag-
4 ing ocean and coastal resources, the head of any
5 such Federal agency may detail appropriate person-
6 nel of the agency to the Commission to assist the
7 Commission in carrying out its functions under this
8 Act. Federal Government employees detailed to the
9 Commission shall serve without reimbursement from
10 the Commission, and shall retain the rights, status,
11 and privileges of his or her regular employment
12 without interruption.

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

23 (f) ADMINISTRATION.—

24 (1) MEETINGS.—All meetings of the Commis-
25 sion shall be open to the public, except that a meet-

1 ing or any portion of it may be closed to the public
2 if it concerns matters or information described in
3 section 552b(c) of title 5, United States Code. Inter-
4 ested persons shall be permitted to appear at open
5 meetings and present written statements or oral
6 statements at the discretion of the Commission on
7 the subject matter of the meeting. The Commission
8 may administer oaths or affirmations to any person
9 appearing before it.

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

14 (3) MINUTES AND OTHER RECORDS.—(A) Min-
15 utes of each meeting shall be kept and shall contain
16 a record of the people present, a description of the
17 discussion that occurred, and copies of all state-
18 ments filed. Subject to restrictions set forth in sec-
19 tion 552 of title 5, United States Code, the minutes
20 and records of all meetings and other documents
21 that were made available to or prepared for the
22 Commission shall be available for public inspection
23 and copying at a single location in the offices of the
24 Commission.

1 (B) The Commission shall have at least one
2 meeting in each of the following 6 geographic re-
3 gions of the United States:

4 (i) The Northeast.

5 (ii) The Southeast.

6 (iii) The Southwest.

7 (iv) The Northwest.

8 (v) The Great Lakes States.

9 (vi) The Gulf of Mexico States.

10 (g) COOPERATION WITH OTHER FEDERAL ENTI-
11 TIES.—

12 (1) OTHER FEDERAL AGENCIES AND DEPART-
13 MENTS.—The Commission may secure directly from
14 any Federal agency or department any information
15 it considers necessary to carry out its functions
16 under this Act. Each such agency or department
17 may cooperate with the Commission and, to the ex-
18 tent permitted by law, furnish such information to
19 the Commission, upon the request of the Chair of
20 the Commission.

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

1 (3) ACQUISITIONS.—The Commission may
2 enter into contracts with Federal and State agen-
3 cies, private firms, institutions, and individuals to
4 assist the Commission in carrying out its duties. The
5 Commission may purchase and contract without re-
6 gard to section 18 of the Office of Federal Procure-
7 ment Policy Act (41 U.S.C. 416) and section 8 of
8 the Small Business Act (15 U.S.C. 637), pertaining
9 to competition and publication requirements, and
10 may arrange for printing without regard to the pro-
11 visions of title 44, United States Code. The contract-
12 ing authority of the Commission under this Act is
13 effective only to the extent that appropriations are
14 available for contracting purposes.

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

18 (i) AUTHORIZATION OF APPROPRIATIONS.—There
19 are authorized to be appropriated to support the activities
20 of the Commission \$2,000,000 for fiscal year 1999 and
21 \$1,000,000 for fiscal year 2000. Any sums appropriated

- 1 may remain available without fiscal year limitation until
- 2 the Commission ceases to exist.

Passed the House of Representatives September 15,
1998.

Attest:

Clerk.