



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 regulat-  
4 ing climate, sustain a large part of Earth's biodiver-  
5 sity, provide an important source of food and a  
6 wealth of other natural products, act as a frontier  
7 to scientific exploration, are critical to national secu-  
8 rity, and provide a vital means of transportation.  
9 The coasts, transition between land and open ocean,  
10 are regions of remarkably high biological productiv-  
11 ity, contribute more than 30 percent of the Gross  
12 Domestic Product, and are of considerable impor-  
13 tance for recreation, waste disposal, and mineral ex-  
14 ploration.

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) Ocean and coastal resources are not infi-  
2           nite, and human pressure on them is increasing. One  
3           half of the Nation's population lives within 50 miles  
4           of the coast, ocean and coastal resources once con-  
5           sidered inexhaustible are now threatened with deple-  
6           tion, and if population trends continue as expected,  
7           pressure on and conflicting demands for ocean and  
8           coastal resources will increase further as will vulner-  
9           ability to coastal hazards.

10           (4) Marine technologies hold tremendous prom-  
11           ise for expanding the range and increasing the util-  
12           ity of products from the oceans and Great Lakes,  
13           improving the stewardship of ocean and coastal re-  
14           sources, and contributing to business and manufac-  
15           turing innovations and the creation of new jobs.

16           (5) Marine research has uncovered the link be-  
17           tween oceanic and atmospheric processes and im-  
18           proved understanding of world climate patterns and  
19           forecasts. Important new advances, including avail-  
20           ability of military technology, have made feasible the  
21           exploration of large areas of the ocean which were  
22           inaccessible several years ago. In designating 1998  
23           as "The Year of the Ocean", the United Nations  
24           highlights the value of increasing our knowledge of  
25           the oceans.

1           (6) It has been 30 years since the Commission  
2           on Marine Science, Engineering, and Resources  
3           (known as the Stratton Commission) conducted a  
4           comprehensive examination of ocean and coastal ac-  
5           tivities that led to enactment of major legislation  
6           and the establishment of key oceanic and atmos-  
7           pheric institutions.

8           (7) A review of existing activities is essential to  
9           respond to the changes that have occurred over the  
10          past three decades and to develop an effective new  
11          policy for the twenty-first century to conserve and  
12          use sustainable ocean and coastal resources, protect  
13          the marine environment, explore ocean frontiers,  
14          protect human safety, and create marine tech-  
15          nologies and economic opportunities.

16          (8) While significant Federal ocean and coastal  
17          programs are underway, those programs would bene-  
18          fit from a coherent national ocean and coastal policy  
19          that reflects the need for cost-effective allocation of  
20          fiscal resources, improved interagency coordination,  
21          and strengthened partnerships with State, private,  
22          and international entities engaged in ocean and  
23          coastal activities.

24          (b) PURPOSE AND OBJECTIVES.—The purpose of this  
25          Act is to develop and maintain a coordinated, comprehen-

1 sive, and long-range national policy with respect to ocean  
2 and coastal activities that will assist the Nation in meeting  
3 the following objectives:

4 (1) The protection of life and property against  
5 natural and manmade hazards.

6 (2) Responsible stewardship, including use, of  
7 fishery resources and other ocean and coastal re-  
8 sources.

9 (3) The protection of the marine environment  
10 and prevention of marine pollution.

11 (4) The enhancement of marine-related com-  
12 merce, transportation, and national security, and the  
13 resolution of conflicts among users of the marine en-  
14 vironment.

15 (5) The expansion of human knowledge of the  
16 marine environment including the role of the oceans  
17 in climate and global environmental change and the  
18 advancement of education and training in fields re-  
19 lated to ocean and coastal activities.

20 (6) The continued investment in and develop-  
21 ment and improvement of the capabilities, perform-  
22 ance, use, and efficiency of technologies for use in  
23 ocean and coastal activities.

24 (7) Close cooperation among all government  
25 agencies and departments to ensure—

1 (A) coherent regulation of ocean and coast-  
2 al activities;

3 (B) availability and appropriate allocation  
4 of Federal funding, personnel, facilities, and  
5 equipment for such activities; and

6 (C) cost-effective and efficient operation of  
7 Federal departments, agencies, and programs  
8 involved in ocean and coastal activities.

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

15 **SEC. 3. DEFINITIONS.**

16 As used in this Act—

17 (1) The term “Commission” means the Com-  
18 mission on Ocean Policy.

19 (2) The term “Council” means the National  
20 Ocean Council.

21 (3) The term “marine research” means sci-  
22 entific exploration, including basic science, engineer-  
23 ing, mapping, surveying, monitoring, assessment,  
24 and information management, of the oceans, coasts,  
25 and Great Lakes—

1 (A) to describe and advance understanding  
2 of—

3 (i) the role of the oceans, coasts and  
4 Great Lakes in weather and climate, natu-  
5 ral hazards, and the processes that regu-  
6 late the marine environment; and

7 (ii) the manner in which such role,  
8 processes, and environment are affected by  
9 human actions;

10 (B) for the conservation, management and  
11 sustainable use of living and nonliving re-  
12 sources; and

13 (C) to develop and implement new tech-  
14 nologies related to sustainable use of the ma-  
15 rine environment.

16 (4) The term “marine environment” includes—

17 (A) the oceans, including coastal and off-  
18 shore waters and the adjacent shore lands;

19 (B) the continental shelf;

20 (C) the Great Lakes; and

21 (D) the ocean and coastal resources there-  
22 of.

23 (5) The term “ocean and coastal activities” in-  
24 cludes activities related to marine research, fisheries  
25 and other ocean and coastal resource stewardship

1 and use, marine aquaculture, energy and mineral re-  
2 source extraction, national security, marine trans-  
3 portation, recreation and tourism, waste manage-  
4 ment, pollution mitigation and prevention, and natu-  
5 ral hazard reduction.

6 (6) The term “ocean and coastal resource”  
7 means, with respect to the oceans, coasts, and Great  
8 Lakes, any living or non-living natural resource (in-  
9 cluding all forms of animal and plant life found in  
10 the marine environment, habitat, biodiversity, water  
11 quality, minerals, oil, and gas) and any significant  
12 historic, cultural or aesthetic resource.

13 **SEC. 4. NATIONAL OCEAN AND COASTAL POLICY.**

14 (a) EXECUTIVE RESPONSIBILITIES.—The President,  
15 with the assistance of the Council and the advice of the  
16 Commission, shall—

17 (1) develop and maintain a coordinated, com-  
18 prehensive, and long-range national policy with re-  
19 spect to ocean and coastal activities; and

20 (2) with regard to Federal agencies and depart-  
21 ments—

22 (A) review significant ocean and coastal  
23 activities, including plans, priorities, accom-  
24 plishments, and infrastructure requirements;

1 (B) plan and implement an integrated and  
2 cost-effective program of ocean and coastal ac-  
3 tivities including, but not limited to, marine re-  
4 search, stewardship of ocean and coastal re-  
5 sources, protection of the marine environment,  
6 maritime transportation safety and efficiency,  
7 the marine aspects of national security, marine  
8 recreation and tourism, and marine aspects of  
9 weather, climate, and natural hazards;

10 (C) designate responsibility for funding  
11 and conducting ocean and coastal activities; and

12 (D) ensure cooperation and resolve dif-  
13 ferences arising from laws and regulations ap-  
14 plicable to ocean and coastal activities which re-  
15 sult in conflicts among participants in such ac-  
16 tivities.

17 (b) COOPERATION AND CONSULTATION.—In carrying  
18 out responsibilities under this Act, the President and the  
19 Council may use such staff, interagency, and advisory ar-  
20 rangements as they find necessary and appropriate and  
21 shall consult with non-Federal organizations and individ-  
22 uals involved in ocean and coastal activities.

23 **SEC. 5. NATIONAL OCEAN COUNCIL.**

24 (a) ESTABLISHMENT.—The President shall establish  
25 a National Ocean Council which shall consist of—

1           (1) the Secretary of Commerce, who shall be  
2 Chairman of the Council;

3           (2) the Secretary of the Navy;

4           (3) the Secretary of State;

5           (4) the Secretary of Transportation;

6           (5) the Secretary of the Interior;

7           (6) the Administrator of the Environmental  
8 Protection Agency;

9           (7) the Director of the National Science Foun-  
10 dation;

11           (8) the Director of the Office of Science and  
12 Technology Policy;

13           (9) the Chairman of the Council on Environ-  
14 mental Quality;

15           (10) the Chairman of the National Economic  
16 Council;

17           (11) the Director of the Office of Management  
18 and Budget; and

19           (12) such other Federal officers and officials as  
20 the President considers appropriate.

21 (b) ADMINISTRATION.—

22           (1) The President or the Chairman of the  
23 Council may from time to time designate one of the  
24 members of the Council to preside over meetings of

1 the Council during the absence or unavailability of  
2 such Chairman.

3 (2) Each member of the Council may designate  
4 an officer of his or her agency or department ap-  
5 pointed with the advice and consent of the Senate to  
6 serve on the Council as an alternate in the event of  
7 the unavoidable absence of such member.

8 (3) An executive secretary shall be appointed by  
9 the Chairman of the Council, with the approval of  
10 the Council. The executive secretary shall be a per-  
11 manent employee of one of the agencies or depart-  
12 ments represented on the Council and shall remain  
13 in the employ of such agency or department.

14 (4) For the purpose of carrying out the func-  
15 tions of the Council, each Federal agency or depart-  
16 ment represented on the Council shall furnish nec-  
17 essary assistance to the Council. Such assistance  
18 may include—

19 (A) detailing employees to the Council to  
20 perform such functions, consistent with the pur-  
21 poses of this section, as the Chairman of the  
22 Council may assign to them; and

23 (B) undertaking, upon request of the  
24 Chairman of the Council, such special studies

1           for the Council as are necessary to carry out its  
2           functions.

3           (5) The Chairman of the Council shall have the  
4           authority to make personnel decisions regarding any  
5           employees detailed to the Council.

6           (c) FUNCTIONS.—The Council shall—

7           (1) serve as the forum for developing an ocean  
8           and coastal policy and program, taking into consid-  
9           eration the Commission report, and for overseeing  
10          implementation of such policy and program;

11          (2) improve coordination and cooperation, and  
12          eliminate duplication, among Federal agencies and  
13          departments with respect to ocean and coastal activi-  
14          ties;

15          (3) work with academic, State, industry, public  
16          interest, and other groups involved in ocean and  
17          coastal activities to provide for periodic review of the  
18          Nation's ocean and coastal policy;

19          (4) cooperate with the Secretary of State in—

20                  (A) providing representation at inter-  
21                  national meetings and conferences on ocean and  
22                  coastal activities in which the United States  
23                  participates; and

1 (B) coordinating the Federal activities of  
2 the United States with programs of other na-  
3 tions; and

4 (5) report at least biennially on Federal ocean  
5 and coastal programs, priorities, and accomplish-  
6 ments and provide budgetary advice as specified in  
7 section 7.

8 **SEC. 6. COMMISSION ON OCEAN POLICY.**

9 (a) ESTABLISHMENT.—

10 (1) The President shall, within 90 days of the  
11 enactment of this Act, establish a Commission on  
12 Ocean Policy. The Commission shall be composed of  
13 15 members including individuals drawn from Fed-  
14 eral and State governments, industry, academic and  
15 technical institutions, and public interest organiza-  
16 tions involved with ocean and coastal activities.  
17 Members shall be appointed for the life of the Com-  
18 mission as follows:

19 (A) 7 shall be appointed by the President  
20 of the United States, no more than 3 of whom  
21 may be from the executive branch of the Gov-  
22 ernment.

23 (B) 2 shall be appointed by the Majority  
24 Leader of the Senate in consultation with the

1 Chairman of the Senate Committee on Com-  
2 merce, Science, and Transportation.

3 (C) 2 shall be appointed by the Minority  
4 Leader of the Senate in consultation with the  
5 Ranking Member of the Senate Committee on  
6 Commerce, Science, and Transportation.

7 (D) 2 shall be appointed by the Speaker of  
8 the House of Representatives in consultation  
9 with the Chairman of the House Committee on  
10 Resources and the Chairman of the House  
11 Committee on Science.

12 (E) 2 shall be appointed by the Minority  
13 Leader of the House of Representatives in con-  
14 sultation with the Ranking Member of the  
15 House Committee on Resources and the Rank-  
16 ing Member of the House Committee on  
17 Science.

18 (2) CHAIRMAN.—The President shall select a  
19 Chairman and Vice Chairman from among such 15  
20 members.

21 (3) ADVISORY MEMBERS TO THE COMMIS-  
22 SION.—The President shall appoint 4 advisory mem-  
23 bers from among the Members of the Senate and  
24 House of Representatives as follows:

1           (A) Two Members, one from each party,  
2           selected from the Senate.

3           (B) Two Members, one from each party,  
4           selected from the House of Representatives.

5           (b) FINDINGS AND RECOMMENDATIONS.—The Com-  
6 mission shall report to the President and the Congress on  
7 a comprehensive national ocean and coastal policy to carry  
8 out the purpose and objectives of this Act. In developing  
9 the findings and recommendations of the report, the Com-  
10 mission shall—

11           (1) review and suggest any necessary modifica-  
12 tions to United States laws, regulations, and prac-  
13 tices necessary to define and implement such policy;

14           (2) assess the condition and adequacy of invest-  
15 ment in existing and planned facilities and equip-  
16 ment associated with ocean and coastal activities in-  
17 cluding human resources, vessels, computers, sat-  
18 ellites, and other appropriate technologies and plat-  
19 forms;

20           (3) review existing and planned ocean and  
21 coastal activities of Federal agencies and depart-  
22 ments, assess the contribution of such activities to  
23 development of an integrated long-range program for  
24 marine research, ocean and coastal resource man-  
25 agement, and protection of the marine environment,

1 and identify any such activities in need of reform to  
2 improve efficiency and effectiveness;

3 (4) examine and suggest mechanisms to address  
4 the interrelationships among ocean and coastal ac-  
5 tivities, the legal and regulatory framework in which  
6 they occur, and their inter-connected and cumulative  
7 effects on the marine environment, ocean and coast-  
8 al resources, and marine productivity and biodiver-  
9 sity;

10 (5) review the known and anticipated demands  
11 for ocean and coastal resources, including an exam-  
12 ination of opportunities and limitations with respect  
13 to the use of ocean and coastal resources within the  
14 exclusive economic zone, projected impacts in coastal  
15 areas, and the adequacy of existing efforts to man-  
16 age such use and minimize user conflicts;

17 (6) evaluate relationships among Federal,  
18 State, and local governments and the private sector  
19 for planning and carrying out ocean and coastal ac-  
20 tivities and address the most appropriate division of  
21 responsibility for such activities;

22 (7) identify opportunities for the development  
23 of or investment in new products, technologies, or  
24 markets that could contribute to the objectives of  
25 this Act;

1           (8) consider the relationship of the ocean and  
2           coastal policy of the United States to the United Na-  
3           tions Convention on the Law of the Sea and other  
4           international agreements, and actions available to  
5           the United States to effect collaborations between  
6           the United States and other nations, including the  
7           development of cooperative international programs  
8           for marine research, protection of the marine envi-  
9           ronment, and ocean and coastal resource manage-  
10          ment; and

11          (9) engage in any other preparatory work  
12          deemed necessary to carry out the duties of the  
13          Commission pursuant to this Act.

14          (c) DUTIES OF CHAIRMAN.—In carrying out the pro-  
15          visions of this subsection, the Chairman of the Commis-  
16          sion shall 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 OF MEMBERS.—Each member of  
23          the Commission who is not an officer or employee of the  
24          Federal Government, or whose compensation is not pre-  
25          cluded by a State, local, or Native American tribal govern-

1 ment position, shall be compensated at a rate equal to the  
2 daily equivalent of the annual rate payable for Level IV  
3 of the Executive Schedule under section 5315 of title 5,  
4 United States Code, for each day (including travel time)  
5 during which such member is engaged in the performance  
6 of the duties of the Commission. All members of the Com-  
7 mission who are officers or employees of the United States  
8 shall serve without compensation in addition to that re-  
9 ceived for their services as officers of employees of the  
10 United States.

11 (e) STAFF.—

12 (1) The Chairman of the Commission may,  
13 without regard to the civil service laws and regula-  
14 tions, appoint and terminate an executive director  
15 who is knowledgeable in administrative management  
16 and ocean and coastal policy and such other addi-  
17 tional personnel as may be necessary to enable the  
18 Commission to perform its duties. The employment  
19 and termination of an executive director shall be  
20 subject to confirmation by a majority of the mem-  
21 bers of the Commission.

22 (2) The executive director shall be compensated  
23 at a rate not to exceed the rate payable for Level  
24 V of the Executive Schedule under section 5316 of  
25 title 5, United States Code. The Chairman may fix

1 the compensation of other personnel without regard  
2 to the provisions of chapter 51 and subchapter III  
3 of chapter 53 of title 5, United States Code, relating  
4 to classification of positions and General Schedule  
5 pay rates, except that the rate of pay for such per-  
6 sonnel may not exceed the rate payable for GS-15,  
7 step 7, of the General Schedule under section 5332  
8 of such title.

9 (3) Upon request of the Chairman of the Com-  
10 mission, the head of any Federal Agency shall detail  
11 appropriate personnel of the agency to the Commis-  
12 sion to assist the Commission in carrying out its  
13 functions under this Act. Federal Government em-  
14 ployees detailed to the Commission shall serve with-  
15 out reimbursement from the Commission, and such  
16 detailee shall retain the rights, status, and privileges  
17 of his or her regular employment without interrup-  
18 tion.

19 (4) The Commission may accept and use the  
20 services of volunteers serving without compensation,  
21 and to reimburse volunteers for travel expenses, in-  
22 cluding per diem in lieu of subsistence, as authorized  
23 by section 5703 of title 5, United States Code. Ex-  
24 cept for the purposes of chapter 81 of title 5, United  
25 States Code, relating to compensation for work inju-

1       ries, and chapter 171 of title 28, United States  
2       Code, relating to tort claims, a volunteer under this  
3       section may not be considered to be an employee of  
4       the United States for any purpose.

5           (5) The Commission is authorized to procure  
6       the temporary and intermittent services of experts  
7       and consultants in accordance with section 3109 of  
8       title 5, United States Code, but at rates not to ex-  
9       ceed the daily rate payable for GS-15, step 7, of the  
10      General Schedule under section 5332 of title 5,  
11      United States Code.

12      (f) ADMINISTRATION.—

13           (1) All meetings of the Commission shall be  
14      open to the public, except when the Chairman of the  
15      Commission or a majority of the members of the  
16      Commission determine that the meeting or any por-  
17      tion of it may be closed to the public. Interested per-  
18      sons shall be permitted to appear at open meetings  
19      and present oral or written statement on the subject  
20      matter of the meeting. The Commission may admin-  
21      ister oaths or affirmations to any person appearing  
22      before it.

23           (2) All open meetings of the Commission shall  
24      be preceded by timely public notice in the Federal

1 Register of the time, place, and subject of the meet-  
2 ing.

3 (3) Minutes of each meeting shall be kept and  
4 shall contain a record of the people present, a de-  
5 scription of the discussion that occurred, and copies  
6 of all statements filed. Subject to section 552 of title  
7 5, United States Code, the minutes and records of  
8 all meetings and other documents that were made  
9 available to or prepared for the Commission shall be  
10 available for public inspection and copying at a sin-  
11 gle location in the offices of the Commission.

12 (4) The Federal Advisory Committee Act (5  
13 U.S.C. App.) does not apply to the Commission.

14 (g) COOPERATION WITH OTHER AGENCIES.—

15 (1) The Commission is authorized to secure di-  
16 rectly from any Federal agency or department any  
17 information it deems necessary to carry out its func-  
18 tions under this Act. Each such agency or depart-  
19 ment is authorized to cooperate with the Commis-  
20 sion and, to the extent permitted by law, to furnish  
21 such information to the Commission, upon the re-  
22 quest of the Chairman of the Commission.

23 (2) The Commission may use the United States  
24 mails in the same manner and under the same con-

1       ditions as other departments and agencies of the  
2       United States.

3           (3) The General Services Administration shall  
4       provide to the Commission on a reimbursable basis  
5       the administrative support services that the Commis-  
6       sion may request.

7           (4) The Commission may enter into contracts  
8       with Federal and State agencies, private firms, insti-  
9       tutions, and individuals to assist the Commission in  
10      carrying out its duties. The Commission may pur-  
11      chase and contract without regard to sections 303 of  
12      the Federal Property and Administration Services  
13      Act of 1949 (41 U.S.C. 253), section 18 of the Of-  
14      fice of Federal Procurement Policy Act (41 U.S.C.  
15      416), and section 8 of the Small Business Act (15  
16      U.S.C. 637), pertaining to competition and publica-  
17      tion requirements, and may arrange for printing  
18      without regard to the provisions of title 44, United  
19      States Code. The contracting authority of the Com-  
20      mission under this Act is effective only to the extent  
21      that appropriations are available for contracting  
22      purposes.

23      (h) REPORT.—The Commission shall submit to the  
24      President, via the Council, and to the Congress not later  
25      than 18 months after the establishment of the Commis-

1 sion, a final report of its findings and recommendations.  
2 The Commission shall cease to exist 30 days after it has  
3 submitted its final report.

4 (i) AUTHORIZATION OF APPROPRIATIONS.— There  
5 are authorized to be appropriated to support the activities  
6 of the Commission a total of \$6,000,000 for fiscal years  
7 1998 and 1999. Any sums appropriated shall remain  
8 available remain available without fiscal year limitation  
9 until expended.

10 **SEC. 7. REPORT AND BUDGET COORDINATION.**

11 (a) BIENNIAL REPORT.—Beginning in January,  
12 1999, the President, through the Council, shall transmit  
13 to the Congress biennially a report, which shall include—

14 (1) a comprehensive description of the ocean  
15 and coastal activities and related accomplishments of  
16 all agencies and departments of the United States  
17 during the preceding two fiscal years; and

18 (2) an evaluation of such activities and accom-  
19 plishments in terms of the purpose and objectives of  
20 this Act. Reports made under this section shall con-  
21 tain such recommendations for legislation as the  
22 President may consider necessary or desirable.

23 (b) BUDGET COORDINATION.—

24 (1) Each year the Council shall provide general  
25 guidance to each Federal agency or department in-

1       involved in ocean or coastal activities with respect to  
2       the preparation of requests for appropriations.

3               (2) Working in conjunction with the Council,  
4       each agency or department involved in such activi-  
5       ties shall include with its annual request for appro-  
6       priations a report which—

7                       (A) identifies significant elements of the  
8                       proposed agency or department budget relating  
9                       to ocean and coastal activities; and

10                      (B) specifies how each such element con-  
11                      tributes to the implementation of a national  
12                      ocean and coastal policy.

13               (3) Each agency or department that submits a  
14       report under paragraph (1) shall submit such report  
15       simultaneously to the Council.

16               (4) The President shall, in a timely fashion,  
17       provide the Council with an opportunity to review  
18       and comment on the budget estimate of each such  
19       agency or department.

20               (5) The President shall identify in each annual  
21       budget submitted to the Congress under section  
22       1105 of title 31, United States Code, those elements  
23       of each agency or department budget that contribute  
24       to the implementation of a national ocean and coast-  
25       al policy.

1 **SEC. 8. REPEAL OF 1966 STATUTE.**

2       The Marine Resources and Engineering Development

3 Act of 1966 (33 U.S.C. 1101 et seq.) is repealed.

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