

106TH CONGRESS  
1ST SESSION

# H. R. 2425

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

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## IN THE HOUSE OF REPRESENTATIVES

JULY 1, 1999

Mr. FARR of California (for himself, Mr. GREENWOOD, Ms. WOOLSEY, Mr. GILCHREST, Mr. BLUMENAUER, Mrs. CAPPS, Mrs. JOHNSON of Connecticut, Mrs. MORELLA, Mr. KENNEDY of Rhode Island, Ms. PELOSI, Mr. GEORGE MILLER of California, Mr. ABERCROMBIE, Mr. OLVER, Mrs. TAUSCHER, Mr. DEFazio, Mr. PALLONE, Mr. DELAHUNT, Mr. THOMPSON of California, Mr. ROMERO-BARCELÓ, Mrs. MINK of Hawaii, Ms. ESHOO, Mr. FALEOMAVAEGA, Mr. GUTIERREZ, Mr. UNDERWOOD, Mr. LANTOS, Mr. ORTIZ, Mr. PICKETT, Mr. BILBRAY, Mr. MEEHAN, Mr. MARKEY, Mr. BAIRD, Ms. HOOLEY of Oregon, Mr. HOUGHTON, Mrs. KELLY, Ms. LOFGREN, Ms. WATERS, Mr. KASICH, Mr. HOYER, Mr. MORAN of Virginia, and Ms. SCHAKOWSKY) introduced the following bill; which was referred to the Committee on Resources

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## A BILL

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 1999”.

5 **SEC. 2. DEFINITIONS.**

6 As used in this Act:

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

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

9           (3) COUNCIL.—The term “Council” means the  
10 National Ocean Council established under section 4.

11           (4) 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           (5) 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           (6) OCEAN AND COASTAL RESOURCE.—The  
24 term “ocean and coastal resource” means any living

1 or nonliving natural, historic, or cultural resource or  
2 mineral found in the marine environment.

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

9 **SEC. 3. NATIONAL OCEAN AND COASTAL POLICY.**

10 (a) EXECUTIVE RESPONSIBILITIES.—The President,  
11 with the assistance of the Council and the advice of the  
12 Commission, shall—

13 (1) develop and maintain a coordinated, com-  
14 prehensive, and long-range national policy with re-  
15 spect to ocean and coastal activities consistent with  
16 obligations of the United States under international  
17 law; and

18 (2) with regard to Federal agencies and  
19 departments—

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

23 (B) plan and implement an integrated and  
24 cost-effective program of ocean and coastal ac-  
25 tivities including, but not limited to, oceanog-

1 raphy, stewardship of ocean and coastal re-  
2 sources, protection of the marine environment,  
3 maritime transportation safety and efficiency,  
4 marine recreation and tourism, and marine as-  
5 pects of weather, climate, and natural hazards;

6 (C) designate responsibility for funding  
7 and conducting ocean and coastal activities; and

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

13 (b) BIENNIAL REPORT.—Beginning in January  
14 1999, the President shall transmit to the Congress bienni-  
15 ally a report that shall include a detailed listing of all ex-  
16 isting Federal programs relating to ocean and coastal ac-  
17 tivities, including a description of each program, the cur-  
18 rent funding for the program, and a projection of the  
19 funding level for the program for each of the following  
20 5 fiscal years.

21 (c) BUDGET COORDINATION.—Each agency or de-  
22 partment involved in ocean and coastal activities shall in-  
23 clude with its annual request for appropriations a report  
24 that identifies significant elements of the proposed agency

1 or department budget relating to ocean and coastal activi-  
2 ties.

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

5 (1) may use such staff, interagency, and advi-  
6 sory arrangements as the President finds necessary  
7 and appropriate; and

8 (2) shall consult with State and local govern-  
9 ments and non-Federal organizations and individuals  
10 involved in ocean and coastal activities.

11 **SEC. 4. NATIONAL OCEAN COUNCIL.**

12 (a) ESTABLISHMENT.—The President shall establish  
13 a National Ocean Council and appoint a Chairperson of  
14 the Council from among its members. The Council shall  
15 consist of—

16 (1) the President;

17 (2) the Secretary of Commerce;

18 (3) the Secretary of Defense;

19 (4) the Secretary of State;

20 (5) the Secretary of Transportation;

21 (6) the Secretary of the Interior;

22 (7) the Attorney General;

23 (8) the Administrator of the Environmental  
24 Protection Agency;

1           (9) the Director of the National Science Foun-  
2           dation;

3           (10) the Director of the Office of Science and  
4           Technology Policy;

5           (11) the Chairman of the Council on Environ-  
6           mental Quality;

7           (12) the Chairman of the Council of Economic  
8           Advisers;

9           (13) the Director of the Office of Management  
10          and Budget; and

11          (14) such other Federal officers and officials as  
12          the President considers appropriate.

13          (b) ADMINISTRATION.—

14           (1) ABSENCE OR UNAVAILABILITY OF CHAIR-  
15           PERSON.—The President or the Chairperson of the  
16           Council may from time to time designate one of the  
17           members of the Council to preside over meetings of  
18           the Council during the absence or unavailability of  
19           such Chairperson.

20           (2) ALTERNATES.—Each member of the Coun-  
21           cil may designate an officer of his or her agency or  
22           department appointed with the advice and consent of  
23           the Senate to serve on the Council as an alternate  
24           in the event of the unavoidable absence of such  
25           member.

1           (3) EXECUTIVE SECRETARY.—An executive sec-  
2           retary shall be appointed by the Chairperson of the  
3           Council, with the approval of the Council. The exec-  
4           utive secretary shall be a permanent employee of one  
5           of the agencies or departments represented on the  
6           Council and shall remain in the employ of such  
7           agency or department.

8           (4) FEDERAL AGENCY ASSISTANCE.—For the  
9           purpose of carrying out the functions of the Council,  
10          each Federal agency or department represented on  
11          the Council shall furnish necessary assistance to the  
12          Council. Such assistance may include—

13                 (A) detailing employees to the Council to  
14                 perform such functions, consistent with the pur-  
15                 poses of this section, as the Chairperson of the  
16                 Council may assign to them; and

17                 (B) undertaking, upon request of the  
18                 Chairperson of the Council, such special studies  
19                 for the Council as are necessary to carry out its  
20                 functions.

21          (5) DECISIONS REGARDING DETAILEES.—The  
22          Chairperson of the Council shall have the authority  
23          to make personnel decisions regarding any employ-  
24          ees detailed to the Council.

25          (c) FUNCTIONS.—The Council shall—

1           (1) assist the Commission in completing its re-  
2           port under section 5;

3           (2) serve as the forum for developing an imple-  
4           mentation plan for a national ocean and coastal pol-  
5           icy and program, taking into consideration the Com-  
6           mission report;

7           (3) improve coordination and cooperation, and  
8           eliminate duplication, among Federal agencies and  
9           departments with respect to ocean and coastal activi-  
10          ties; and

11          (4) assist the President in the preparation of  
12          the first report required by section 3(a).

13          (d) SUNSET.—The Council shall cease to exist one  
14          year after the Commission has submitted its final report  
15          under section 5.

16          (e) SAVINGS PROVISION.—

17               (1) OTHER MECHANISMS AND RESPONSIBIL-  
18               ITIES.—Council activities are not intended to super-  
19               sede or interfere with other Executive Branch mech-  
20               anisms and responsibilities.

21               (2) OFFICERS AND AGENCIES.—Nothing in this  
22               Act has any effect on the authority or responsibility  
23               of any Federal officer or agency under any other  
24               Federal law.

1 **SEC. 5. COMMISSION ON OCEAN POLICY.**

2 (a) ESTABLISHMENT.—

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

5 (2) MEMBERSHIP.—(A) The Commission shall  
6 be composed of 16 members appointed by the Presi-  
7 dent from among individuals who are knowledgeable  
8 in ocean and coastal activities, including individuals  
9 representing State and local governments, ocean-re-  
10 lated industries, academic and technical institutions,  
11 and public interest organizations involved with sci-  
12 entific, regulatory, economic, and environmental  
13 ocean and coastal activities. The membership of the  
14 Commission shall be balanced geographically to the  
15 extent consistent with maintaining the highest level  
16 of expertise on the Commission.

17 (B) Of the members of the Commission ap-  
18 pointed under this paragraph—

19 (i) 4 shall be appointed from a list of 8 in-  
20 dividuals who shall be recommended by the ma-  
21 jority leader of the Senate in consultation with  
22 the Chairman of the Senate Committee on  
23 Commerce, Science, and Transportation;

24 (ii) 4 shall be appointed from a list of 8 in-  
25 dividuals who shall be recommended by the  
26 Speaker of the House of Representatives in con-

1           sultation with the Chairmen of the Committee  
2           on Resources, Transportation and Infrastruc-  
3           ture, and Science;

4           (iii) 2 shall be appointed from a list of 4  
5           individuals who shall be recommended by the  
6           minority leader of the Senate in consultation  
7           with the ranking member of the Senate Com-  
8           mittee on Commerce, Science, and Transpor-  
9           tation; and

10          (iv) 2 shall be appointed from a list of 4  
11          individuals who shall be recommended by the  
12          minority leader of the House of Representatives  
13          in consultation with the ranking members of  
14          the Committees on Resources, Transportation  
15          and Infrastructure, and Science.

16          (C) The members of the Commission shall be  
17          appointed for the life of the Commission by not later  
18          than 90 days after the date of the enactment of this  
19          Act.

20          (3) FIRST MEETING.—The Commission shall  
21          hold its first meeting within 30 days after it is es-  
22          tablished.

23          (4) CHAIRPERSON.—The Commission shall elect  
24          one of its members as Chairperson of the Commis-  
25          sion.

1 (b) REPORT.—

2 (1) IN GENERAL.—The Commission shall sub-  
3 mit to the Congress and the President, by not later  
4 than 18 months after the date of the establishment  
5 of the Commission, a final report of its findings and  
6 recommendations regarding United States ocean pol-  
7 icy.

8 (2) PUBLIC AND STATE REVIEW.—Before sub-  
9 mitting the final report to the Congress, the Com-  
10 mission shall—

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

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

20 (3) FINAL REPORT CONTENTS, GENERALLY.—  
21 Subject to paragraph (4), the final report of the  
22 Commission shall include recommendations for the  
23 responsible use and stewardship of ocean and coastal  
24 resources, including the following:

1 (A) Recommendations for any modifica-  
2 tions to United States laws and regulations,  
3 and the administrative structure of the Execu-  
4 tive agencies, that are necessary to improve the  
5 understanding, management, and conservation  
6 and use of, and access to, ocean and coastal re-  
7 sources.

8 (B) An assessment of the condition and  
9 adequacy of existing and planned facilities asso-  
10 ciated with ocean and coastal activities, includ-  
11 ing human resources, vessels, computers, sat-  
12 ellites, and other appropriate platforms and  
13 technologies, and recommendations for invest-  
14 ments and improvements in those facilities.

15 (C) A review of existing and planned ocean  
16 and coastal activities of Federal entities, and  
17 recommendations for changes in such activities  
18 necessary to reduce duplication of Federal ef-  
19 forts.

20 (D) A review of the cumulative effect of  
21 Federal laws and regulations on United States  
22 ocean policy, an examination of those laws and  
23 regulations for inconsistencies and contradic-  
24 tions that might adversely affect the conduct of  
25 ocean and coastal activities, and recommenda-

1 tions for resolving any such inconsistencies. In  
2 particular, this portion of the report shall in-  
3 clude an examination of the relationship be-  
4 tween the fisheries development and fisheries  
5 conservation responsibilities of the National  
6 Marine Fisheries Service.

7 (E) A review of the known and anticipated  
8 supply of and demand for ocean and coastal re-  
9 sources of the United States.

10 (F) A review of the relationship between  
11 Federal, State, and local governments and the  
12 private sector in planning and carrying out  
13 ocean and coastal activities, and recommenda-  
14 tions for enhancing the role of State and local  
15 governments.

16 (G) A review of opportunities for the devel-  
17 opment of or investment in new products, tech-  
18 nologies, or markets related to ocean and coast-  
19 al activities.

20 (H) A review of previous and ongoing  
21 State efforts and Federal efforts to enhance the  
22 effectiveness and integration of ocean activities,  
23 including those occurring offshore and in near-  
24 shore saltwater estuaries.

1           (4) STATE COMMENTS.—The Commission shall  
2 include in the final report comments received from  
3 the Governor of any coastal State regarding rec-  
4 ommendations in the draft report that apply to  
5 areas within the boundaries of that coastal State.

6           (5) CONSIDERATION OF FACTORS.—In making  
7 its assessments and reviews and developing its rec-  
8 ommendations, the Commission shall give full and  
9 balanced consideration to environmental, technical,  
10 economic, and other relevant factors, with an equal  
11 opportunity for all parties to present a fair and rea-  
12 sonable case for unbiased consideration by the Com-  
13 mission. All recommendations should consider effects  
14 on private property. To the greatest extent possible,  
15 no recommendations shall have a negative impact on  
16 local economies that are dependent on ocean and  
17 coastal resources. Any data used by the Commission  
18 in making its recommendations for regulations shall  
19 be peer reviewed.

20          (c) DUTIES OF THE CHAIRPERSON.—In carrying out  
21 the provisions of this section, the Chairperson of the Com-  
22 mission shall be responsible for—

23           (1) the assignment of duties and responsibilities  
24 among staff personnel and their continuing super-  
25 vision; and

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

3           (d) COMPENSATION.—Members of the Commission  
4 shall, subject to the availability of appropriations, when  
5 engaged in the actual performance of duties of the Com-  
6 mission, receive reimbursement of travel expenses, includ-  
7 ing per diem in lieu of subsistence as authorized for per-  
8 sons employed intermittently in the Government service  
9 under section 3109 of title 5, United States Code.

10          (e) STAFF.—

11           (1) EXECUTIVE DIRECTOR.—The Chairperson  
12 of the Commission may, with the consent of the  
13 Commission and without regard to the civil service  
14 laws and regulations, appoint and terminate an execu-  
15 tive director who is knowledgeable in administrative  
16 management and ocean and coastal policy and such  
17 other additional personnel as may be necessary to  
18 enable the Commission to perform its duties.

19           (2) COMPENSATION.—The executive director  
20 shall, subject to the availability of appropriations, be  
21 compensated at a rate not to exceed the rate payable  
22 for Level V of the Executive Schedule under section  
23 5316 of title 5, United States Code. The Chair-  
24 person may fix the compensation of other personnel  
25 without regard to the provisions of chapter 51 and

1 subchapter III of chapter 53 of title 5, United  
2 States Code, relating to classification of positions  
3 and General Schedule pay rates, except that the rate  
4 of pay for such personnel may not exceed the rate  
5 payable for GS-15, step 7, of the General Schedule  
6 under section 5332 of such title.

7 (3) DETAILEES.—Upon a request of the Chair-  
8 person of the Commission made after consulting  
9 with the head of any Federal agencies responsible  
10 for managing ocean and coastal resources, the head  
11 of any such Federal agency may detail appropriate  
12 personnel of the agency to the Commission to assist  
13 the Commission in carrying out its functions under  
14 this Act. Federal Government employees detailed to  
15 the Commission shall serve without reimbursement  
16 from the Commission, and shall retain the rights,  
17 status, and privileges of his or her regular employ-  
18 ment without interruption.

19 (4) EXPERTS AND CONSULTANTS.—To the ex-  
20 tent that funds are available, and subject to such  
21 rules as may be prescribed by the Commission, the  
22 executive director of the Commission may procure  
23 the temporary and intermittent services of experts  
24 and consultants in accordance with section 3109 of  
25 title 5, United States Code, but at rates not to ex-

1       ceed the daily rate payable for GS–15, step 7, of the  
2       General Schedule under section 5332 of title 5,  
3       United States Code.

4       (f) ADMINISTRATION.—

5           (1) MEETINGS.—All meetings of the Commis-  
6       sion shall be open to the public, except that a meet-  
7       ing or any portion of it may be closed to the public  
8       if it concerns matters or information described in  
9       section 552b(c) of title 5, United States Code. Inter-  
10      ested persons shall be permitted to appear at open  
11      meetings and present written statements or oral  
12      statements at the discretion of the Commission on  
13      the subject matter of the meeting. The Commission  
14      may administer oaths or affirmations to any person  
15      appearing before it.

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

20           (3) MINUTES AND OTHER RECORDS.—Minutes  
21      of each meeting of the Commission shall be kept and  
22      shall contain a record of the people present, a de-  
23      scription of the discussion that occurred, and copies  
24      of all statements filed. Subject to restrictions set  
25      forth in section 552 of title 5, United States Code,

1 the minutes and records of all meetings and other  
2 documents that were made available to or prepared  
3 for the Commission shall be available for public in-  
4 spection and copying at a single location in the of-  
5 fices of the Commission.

6 (4) MEETING LOCATIONS.—The Commission  
7 shall have at least one meeting in each of the fol-  
8 lowing 6 geographic regions of the United States:

9 (A) The Northeast.

10 (B) The Southeast.

11 (C) The Southwest.

12 (D) The Northwest.

13 (E) The Great Lakes States.

14 (F) The Gulf of Mexico States.

15 (5) FEDERAL ADVISORY COMMITTEE ACT.—The  
16 Federal Advisory Committee Act (5 U.S.C. App.)  
17 does not apply to the Commission.

18 (g) COOPERATION WITH OTHER FEDERAL ENTI-  
19 TIES.—

20 (1) OTHER FEDERAL AGENCIES AND DEPART-  
21 MENTS.—The Commission may secure directly from  
22 any Federal agency or department any information  
23 it considers necessary to carry out its functions  
24 under this Act. Each such agency or department  
25 may cooperate with the Commission and, to the ex-

1 tent permitted by law, furnish such information to  
2 the Commission, upon the request of the Chair-  
3 person of the Commission.

4 (2) **MAILS.**—The Commission may use the  
5 United States mails in the same manner and under  
6 the same conditions as departments and agencies of  
7 the United States.

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

22 (h) **TERMINATION.**—The Commission shall cease to  
23 exist 30 days after the date on which it submits its final  
24 report.

1       (i) AUTHORIZATION OF APPROPRIATIONS.—There  
2 are authorized to be appropriated to support the activities  
3 of the Commission a total of up to \$6,000,000 for fiscal  
4 years 2001 and 2002. Any sums appropriated may remain  
5 available without fiscal year limitation until the Commis-  
6 sion ceases to exist.

○