

105TH CONGRESS
1ST SESSION

S. 1213

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

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 24, 1997

Mr. HOLLINGS (for himself, Mr. STEVENS, Mr. KERRY, Ms. SNOWE, Mr. INOUE, Mr. BREAUX, Mr. MCCAIN, Mr. KENNEDY, Mrs. BOXER, Mr. BIDEN, Mr. LAUTENBERG, Mr. AKAKA, and Mr. MURKOWSKI) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To establish a National Ocean Council, 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 1997”.

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 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 or 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 volved 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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