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107TH CONGRESS *2d Session*	SENATE	REPORT 107–340

FISHERIES CONSERVATION ACT OF 2002

R E P O R T

OF THE

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ON

H.R. 1989

NOVEMBER 13, 2002.—Ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE

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SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED SEVENTH CONGRESS

SECOND SESSION

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107TH CONGRESS, 2d Session | SENATE | REPORT 107–340

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NOVEMBER 13, 2002.—Ordered to be printed

Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, submitted the following

REPORT

[To accompany H.R. 1989]

The Committee on Commerce, Science, and Transportation, to which was referred the Act (H.R. 1989) to reauthorize various fishing conservation management programs, and for other purposes, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the Act (as amended) do pass.

PURPOSE OF THE BILL

The purpose of H.R. 1989, the Fisheries Conservation Act of 2002, is to reauthorize the Interjurisdictional Fisheries Act of 1986, the Anadromous Fisheries Conservation Act of 1965, the Atlantic Tunas Convention Act of 1975, and the Northwest Atlantic Fisheries Conservation Act of 1995, through fiscal year (FY) 2006, and to make technical changes to the Oceans Act of 2000.

BACKGROUND AND NEEDS

This legislation would reauthorize, through FY 2006, four existing Acts dealing with the preservation and enhancement of various fish species. In addition, the legislation would adjust specific deadlines relating to the activities of the United States Commission on Ocean Policy.

The Interjurisdictional Fisheries Act and the Anadromous Fisheries Conservation Act provide grants to States to allow them to conduct research to help improve the way fisheries are managed, fund enforcement activities, rebuild habitat, and take other measures to improve the survival of fish species that travel across State boundaries or over great distances. The authorizations for these

Acts expired in FY 2000. H.R. 1989, as reported by the Committee, would authorize appropriations through FY 2006.

The Atlantic Tunas Convention Act and the Northwest Atlantic Fisheries Convention Act implement international treaties to which the United States is a party. The Atlantic Tunas Convention Act allows the United States to implement conservation recommendations by the International Commission for the Conservation of Atlantic Tunas, while the Northwest Atlantic Fisheries Convention Act allows the United States to implement recommendations of the Northwest Atlantic Fisheries Organization. Authorizations for these Acts expired in FY 2001. H.R. 1989, as reported by the Committee, would authorize appropriations through FY 2006.

LEGISLATIVE HISTORY

H.R. 1989 was reported by the House of Representatives Committee on Resources on September 12, 2001, and passed by the House of Representatives on December 11, 2001. It was received in the Senate on December 12, 2001, and referred to the Senate Committee on Commerce, Science, and Transportation. An amendment in the nature of a substitute was agreed to at the executive session of the Committee on September 19, 2002. The Act was ordered to be reported as amended.

ESTIMATED COSTS

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 3, 2002.

Hon. ERNEST F. HOLLINGS,
Chairman, Committee on Commerce, Science, and Transportation, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1989, the Fisheries Conservation Act of 2002.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Deborah Reis (for federal costs) and Marjorie Miller (for the state and local impact).

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

H.R. 1989—Fisheries Conservation Act of 2002

Summary: H.R. 1989 would reauthorize appropriations for programs carried out by the National Oceanic and Atmospheric Administration (NOAA) under five fisheries statutes. These laws authorize various grant programs, studies, reports and operations of the National Marine Fisheries Service (NMFS) of NOAA. Assuming appropriations of the authorized amounts for fiscal years 2003 through 2006, CBO estimates that implementing the act would cost

$12 million in 2003 and $68 million over the 2003–2007 period. (An estimated $3 million would be spent after 2007). The act would not affect direct spending over revenues.

The legislation contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments. This act would reauthorized funding for programs that include grants to states and to multistate organizations.

Estimated Cost to the Federal Government: The estimated budgetary impact of H.R. 1989 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—				
	2003	2004	2005	2006	2007
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Selected NMFS Programs:					
Authorization level [1]	18	17	18	18	0
Estimated outlays	12	15	17	18	6

[1] Approximately $14 million was appropriated for fiscal year 2002 for the NMFS programs authorized by H.R. 1989. A full-year appropriation for 2003 has not yet been enacted for these programs.

Basis of estimate: For this estimate, CBO assumes that the amounts authorized by the legislation will be appropriated for each of fiscal years 2003 through 2006 and that outlays will follow historical spending patterns for the authorized NMFS programs. The fiscal year 2003 authorization level includes $1.5 million for the Commission on Ocean Policy to complete its report, due at the end of fiscal year 2003. H.R. 1989 would raise the authorization level for that project from $6 million to $8.5 million, but appropriations to date already exceed the existing authorization level by $1 million, making the act's net additional authorization $1.5 million.

Intergovernmental and private-sector impact: H.R. 1989 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments. This legislation would reauthorize funding for programs that include grants to states and to multistate organizations.

Previous CBO estimate: On October 1, 2001, CBO transmitted a cost estimate for H.R. 1989 as ordered reported by the House Committee on Resources on September 12, 2001. CBO's cost estimates reflect the different provisions in these versions of the legislation.

Estimate prepared by: Federal costs: Deborah Reis; impact on state, local, and tribal governments: Susan Seig Tompkins; impact on the private sector: Lauren Marks.

Estimated approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT STATEMENT

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee provides the following evaluation of the regulatory impact of the legislation, as reported:

Because H.R. 1989 does not create any new programs, the legislation would have no additional regulatory impact and would not result in any additional reporting requirements. The legislation would have no further effect on the number or types of individuals and businesses regulated, the economic impact of such regulation,

the personal privacy of affected individuals, or the paperwork required from such individuals and businesses.

SECTION-BY-SECTION ANALYSIS

TITLE I—INTERJURISDICTIONAL FISHERIES ACT OF 1986

Sec. 1. Short title

This section would provide that the short title of the Act is "The Fisheries Conservation Act of 2002".

Section 101. Reauthorization of the Interjurisdictional Fisheries Act of 1986

This section would amend section 308 of the Interjurisdictional Fisheries Act by authorizing the grants to States through the Interjurisdictional Fisheries Act at $5.4 million for FY 2003 and FY 2004, and $5.9 million for FY 2005 and FY 2006. It also would amend section 308(c) to authorize increased funding for the Interstate Fisheries Commissions through the Interjurisdictional Fisheries Act at $850,000 for FY 2003 and FY 2004, and $900,000 for FY 2005 and FY 2006.

Section 102. Purposes of the Interjurisdictional Fisheries Act of 1986

This section would amend section 302 of the Interjurisdictional Fisheries Act of 1986 by adding language to promote and encourage research in the preparation and use of ecosystems and interspecies approaches for the conservation and management of interjurisdictional fishery resources throughout their range.

TITLE II—ANADROMOUS FISH CONSERVATION ACT

Section 201. Reauthorization of Anadromous Fish Conservation Act

This section would amend section 4 of the Anadromous Fisheries Conservation Act (16 U.S.C. 757(a)-757(d)) by authorizing appropriations for grants to States through the Anadromous Fisheries Conservation Act at $4.75 million for FY 2003 and FY 2004, and $5.0 million for FY 2005 and FY 2006.

Section 202. Research on and Use of Ecosystems and Interspecies Approaches to Conservation and Management

This section also would amend the Anadromous Fisheries Conservation Act by adding language to promote and encourage research in the preparation and use of ecosystems and interspecies approaches for the conservation and management of anadromous and Great Lakes fishery resources.

TITLE III—ATLANTIC TUNAS CONVENTION ACT OF 1975

Section 301. Reauthorization of the Atlantic Tunas Convention Act of 1975

This section would amend section 10 of the Atlantic Tunas Convention Act of 1975 by authorizing appropriations at $5.48 million for the implementation of the Atlantic Tunas Convention Act for FY 2003 and FY 2004, and $5.495 million for FY 2005 and FY 2006.

TITLE IV—NORTHWEST ATLANTIC FISHERIES CONVENTION ACT OF 1995

Section 401. Reauthorization of the Northwest Atlantic Fisheries Convention Act of 1995

This section would amend section 211 of the Northwest Atlantic Fisheries Convention Act by extending the authorization through FY 2006.

TITLE V—EXTENSION OF DEADLINE FOR SUBMISSION OF OCEAN POLICY REPORT

Section 501. Extension of deadline

This section would amend section (3)(i) of the Oceans Act of 2000 by increasing the number of days that the Commission will exist after the submission of the final report from 30 days to 90 days; and amend section (4)(a) of the Act by decreasing the number of days that the President has to submit his recommendations to Congress following the receipt of the report from 120 days to 90 days. Additionally, the Act would amend section 3(j) of the Oceans Act, which provides an appropriation for the 3-year time frame covering fiscal years 2001–2003, by increasing the authorization of appropriations from $6 million to $8.5 million. This increase of $2.5 million would fund remaining activities in FY 2003.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new material is printed in italic, existing law in which no change is proposed is shown in roman):

ANADROMOUS FISH CONSERVATION ACT

FIRST SECTION

[16 U.S.C. 757a]

That (a) [F]or the purpose of conserving, developing, and enhancing within the several States the anadromous fishery resources of the Nation that are subject to depletion from water resources developments and other causes, or with respect to which the United States has made conservation commitments by international agreements, and for the purpose of conserving, developing, and enhancing the fish in the Great Lakes and Lake Champlain that ascend streams to spawn, the Secretary of the Interior is authorized to enter into cooperative agreements with one or more States, acting jointly or severally, that are concerned with the development, conservation, and enhancement of such fish, and, whenever he deems it appropriate, with other non-Federal interests. Such agreements shall describe (1) the actions to be taken by the Secretary and the cooperating parties, (2) the benefits that are expected to be derived by the States and other non-Federal interests, (3) the estimated cost of these actions, (4) the share of such costs to be borne by the Federal Government and by the States and other non-Federal interests: Provided, That, except as provided in subsection (c) of this

section, the Federal share, including the operation and maintenance costs of any facilities constructed by the Secretary pursuant to this Act, which he annually determines to be a proper Federal cost, shall not exceed 50 per centum of such costs exclusive of the value of any Federal land involved: Provided further, That the non-Federal share may be in the form of real or personal property, the value of which will be determined by the Secretary, as well as money, (5) the term of the agreement, (6) the terms and conditions for disposing of any real or personal property acquired by the Secretary during or at the end of the term of the agreement, and (7) such other terms and conditions as he deems desirable.

(b)*(1)* The Secretary may also enter into agreements with the States for the operation of any fiscal and management and administration of any lands or interests therein acquired or facilities constructed pursuant to this Act.

(2) In carrying out responsibilities under this section, the Secretary shall conduct, promote, and encourage research in preparation for the implementation of the use of ecosystems and interspecies approaches to the conservation and management of anadromous and Great Lakes fishery resources.

(c) INCREASE OF FEDERAL SHARE.—

(1) Whenever two or more States having a common interest in any basin jointly enter into a cooperative agreement with the Secretary under subsection (a) of this section to carry out a research and development program to conserve, develop, and enhance anadromous fishery resources of the Nation, or fish in the Great Lakes and Lake Champlain that ascend streams to spawn, the Federal share of the program costs shall be increased to a maximum of 66⅔ per centum.

(2) In the case of any State that has implemented an interstate fisheries management plan for anadromous fishery resources, prepared by an interstate commission the Federal share of any grant made under this section to carry out activities required by such plan shall be up to 90 percent. For purposes of this paragraph, the term "interstate commission" means—

(A) the commission established by the Atlantic States Marine Fisheries Compact (as consented to and approved by Public Law 80–77), approved May 4, 1942 (56 Stat. 267);

(B) the commission established by the Pacific Marine Fisheries Compact (as consented to and approved by Public Law 80–232), approved July 24, 1947 (16 Stat. 419); and

(C) the commission established by the Gulf States Marine Fisheries Compact (as consented to and approved by Public Law 81–66), approved May 19, 1949 (63 Stat. 70).

* * * * * * *

AUTHORIZATION OF APPROPRIATIONS

[16 U.S.C. 757d]

[SEC. 4.(a)(1) There are authorized to be appropriated to carry out the purposes of this Act not to exceed the following sums:

[(A) $4,000,000 for fiscal year 1997; and

[(B) $4,250,000 for each of fiscal years 1998, 1999, and 2000.

[(2) Sums appropriated under this subsection are authorized to remain available until expended.

[(b) Not more than $625,000 of the funds appropriated under this section in any one fiscal year shall be obligated in any one State.]

AUTHORIZATION OF APPROPRIATIONS

SEC. 4.(a)(1) There are authorized to be appropriated to carry out the purposes of this Act not to exceed the following sums:

(A) $4,500,000 for fiscal year 2002;

(B) $4,750,000 for each of fiscal years 2003 and 2004; and

(C) $5,000,000 for each of fiscal years 2005 and 2006.

(2) FUNDS TO REMAIN AVAILABLE UNTIL EXPENDED.—Sums appropriated under this subsection are authorized to remain available until expended.

(b) Not more than $625,000 of the funds appropriated under this section in any one fiscal year shall be obligated in any one State.

* * * * * * *

ATLANTIC TUNAS CONVENTION ACT OF 1975

[AUTHORIZATION OF APPROPRIATIONS

[16 U.S.C. 971h]

[SEC. 10. There are authorized to be appropriated to carry out this Act, including use for payment of the United States share of the joint expenses of the Commission as provided in Article X of the Convention, the following sums:

[(1) For fiscal year 1995, $4,103,000, of which $50,000 are authorized in the aggregate for the advisory committee established under section 4 and the species working groups established under section 4A, and $2,890,000 are authorized for research activities under this Act and the Act of September 4, 1980 (16 U.S.C. 971i).

[(2) For fiscal year 1996, $5,453,000, of which $50,000 are authorized in the aggregate for such advisory committee and such working groups, and $4,240,000 are authorized for such research activities.

[(3) For fiscal year 1997, $5,465,000 of which $62,000 are authorized in the aggregate for such advisory committee and such working groups, and $4,240,000 are authorized for such research activities.

[(4) For each of fiscal years 1998, 1999, 2000, and 2001, $5,465,000 of which $75,000 are authorized in the aggregate for such advisory committee and such working groups, and $4,240,000 are authorized for such research activities.]

AUTHORIZATION OF APPROPRIATIONS

SEC. 10. (a) IN GENERAL.—There are authorized to be appropriated to carry out this Act, including use for payment of the

United States share of the joint expenses of the Commission as provided in Article X of the Convention, the following sums:

(1) For each of fiscal years 2002, 2003, and 2004, $5,480,000.

(2) For each of fiscal years 2005 and 2006, $5,495,000.

(b) ALLOCATION.—Of amounts available under this section for each fiscal year—

(1) $150,000 are authorized for the advisory committee established under section 4 and the species working groups established under section 4A; and

(2) $4,240,000 are authorized for research activities under this Act and the Act of September 4, 1980 (16 U.S.C. 971i).

* * * * * * *

INTERJURISIDICTIONAL FISHERIES ACT OF 1986

SEC. 302. PURPOSES.

[16 U.S.C. 4101]

The purposes of this title are—

(1) to promote and encourage State activities in support of the management of interjurisdictional fishery resources; [and]

(2) to promote and encourage management of interjurisdictional fishery resources throughout their [range.] *range; and*

(3) to promote and encourage research in preparation for the implementation of the use of ecosystems and interspecies approaches to the conservation and management of interjurisdictional fishery resources throughout their range.

* * * * * * *

SEC. 308. AUTHORIZATION OF APPROPRIATIONS.

[16 U.S.C. 4107]

[(a) GENERAL APPROPRIATIONS.—There are authorized to be appropriated to the Department of Commerce for apportionment to carry out the purposes of this title—

[(1) $3,400,000 for fiscal year 1996;

[(2) $3,900,000 for fiscal year 1997;

[(3) $4,400,000 for each of the fiscal years 1998, 1999, and 2000.]

(a) GENERAL APPROPRIATIONS.—There are authorized to be appropriated to the Department of Commerce for apportionment to carry out the purposes of this title—

(1) $4,900,000 for fiscal year 2002;

(2) $5,400,000 for each of fiscal years 2003 and 2004; and

(3) $5,900,000 for each of fiscal years 2005 and 2006.

(b) ADDITIONAL APPROPRIATIONS.—In addition to the amounts authorized in subsection (a), there are authorized to be appropriated to the Department of Commerce $65,000,000 for each of the fiscal years 1994 and 1995, which shall be available in such amounts as the Secretary may determine appropriate for the purposes of this title; except that—

(1) in providing funds to States under this subsection, the Secretary shall give a preference to those States regarding

which the Secretary determines there is a commercial fishery failure or serious disruption affecting future production due to a fishery resource disaster arising from natural or undetermined causes, and any sums made available under this subsection may be used either by the States or directly by the Secretary in cooperation with the States for any purpose that the Secretary determines is appropriate to restore the fishery affected by such a failure or to prevent a similar failure in the future;

(2) the funds authorized to be appropriated under this subsection shall not be available to the Secretary for use as grants for chartering fishing vessels; and

(3) the Federal share of the cost of any activity carried out with an amount appropriated under the authority of this subsection shall be 75 percent of the cost of that activity.

Amounts appropriated under this subsection shall remain available until expended.

(c) DEVELOPMENT OF MANAGEMENT PLANS.—In addition to the amounts authorized under subsections (a) and (b), there are authorized to be appropriated to the Department of Commerce **[**$700,000 for fiscal year 1997, and $750,000 for each of the fiscal years 1998, 1999, and 2000,**]** *$800,000 for fiscal year 2002, $850,000 for each of fiscal years 2003 and 2004, and $900,000 for each of fiscal years 2005 and 2006* to support the efforts of the following interstate commissions to develop interstate fishery management plans for interjurisdictional fishery resources:

(1) The commission established by the Atlantic States Marine Fisheries Compact, as consented to and approved by Public Law 77–539 (56 Stat. 267), approved May 4, 1942.

(2) The commission established by the Pacific Marine Fisheries Compact, as consented to and approved by Public Law 80–232 (61 Stat. 419), approved July 24, 1947.

(3) The commission established by the Gulf States Marine Fisheries Compact, as consented to and approved by Public Law 81–66 (63 Stat. 70), approved May 19, 1949.

(d) ASSISTANCE TO COMMERCIAL FISHERMEN.—

(1) In addition to the amounts authorized under subsections (a), (b), and (c), there are authorized to be appropriated to the Department of Commerce $65,000,000 for fiscal year 1992 to enable the Secretary to help persons engaged in commercial fisheries, either by providing assistance directly to those persons or by providing assistance indirectly through States and local government agencies and nonprofit organizations, for projects or other measures to alleviate harm determined by the Secretary to have been incurred as a direct result of a fishery resource disaster arising from Hurricane Hugo, Hurricane Andrew, Hurricane Iniki, or any other natural disaster. Amounts appropriated under this subsection shall remain available until expended.

(2) The Secretary shall determine the extent, and the beginning and ending dates, of any fishery resource disaster under this subsection.

(3) Eligibility for direct assistance to a person under this subsection shall be limited to any person that has less than

$2,000,000 in net revenues annually from commercial fishing, as determined by the Secretary.

(4)(A) Assistance may not be provided under this subsection as part of a fishing capacity reduction program in a fishery unless the Secretary determines that adequate conservation and management measures are in place in that fishery.

(B) As a condition of awarding assistance with respect to a vessel under a fishing capacity reduction program, the Secretary shall—

(i) prohibit the vessel from being used for fishing; and

(ii) require that the vessel be—

(I) scrapped or otherwise disposed of in a manner approved by the Secretary; or

(II) donated to a nonprofit organization and thereafter used only for purposes of research, education, or training; or

(III) used for another non-fishing purpose provided the Secretary determines that adequate measures are in place to ensure that the vessel cannot reenter any fishery.

(C) A vessel that is prohibited from fishing under subparagraph (B) shall not be eligible for a fishery endorsement under section 12108(a) of title 46, United States Code, and any such endorsement for the vessel shall not be effective.

(5) The Secretary shall establish, after notice and opportunity for public comment, appropriate limitations, terms, and conditions for receiving assistance under this subsection.

(6) As used in this subsection, the term "person" means any individual or any corporation, partnership, trust, association, or other nongovernmental entity.

(7) With respect to funds available for the New England region, the Secretary shall submit to the Congress by January 1, 1997, with annual updates thereafter as appropriate, a report on the New England fishing capacity reduction initiative which provides—

(A) the total number of Northeast multispecies permits in each permit category and calculates the maximum potential fishing capacity of vessels holding such permits based on the principal gear, gross registered tonnage, engine horsepower, length, age, and other relevant characteristics;

(B) the total number of days at sea available to the permitted Northeast multispecies fishing fleet and the total days at sea weighted by the maximum potential fishing capacity of the fleet;

(C) an analysis of the extent to which the weighted days at sea are used by the active participants in the fishery and of the reduction in such days as a result of the fishing capacity reduction program; and

(D) an estimate of conservation benefits (such as reduction in fishing mortality) directly attributable to the fishing capacity reduction program.

* * * * * * *

NORTHWEST ATLANTIC FISHERIES CONVENTION ACT OF 1965

SEC. 211. AUTHORIZATION OF APPROPRIATIONS.

[16 U.S.C. 5610]

There are authorized to be appropriated to carry out this title, including use for payment as the United States contribution to the Organization as provided in Article XVI of the Convention, $500,000 for each fiscal year through fiscal year [2001.] *2006.*

* * * * * * *

OCEANS ACT OF 2000

SEC. 3. COMMISSION ON OCEAN POLICY.

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

(b) MEMBERSHIP.—

(1) APPOINTMENT.—The Commission shall be composed of 16 members appointed by the President from among individuals described in paragraph (2) who are knowledgeable in ocean and coastal activities, including individuals representing State and local governments, ocean-related industries, academic and technical institutions, and public interest organizations involved with scientific, regulatory, economic, and environmental ocean and coastal activities. The membership of the Commission shall be balanced by area of expertise and balanced geographically to the extent consistent with maintaining the highest level of expertise on the Commission.

(2) NOMINATIONS.—The President shall appoint the members of the Commission, within 90 days after the effective date of this Act, including individuals nominated as follows:

(A) 4 members shall be appointed from a list of 8 individuals who shall be nominated by the Majority Leader of the Senate in consultation with the Chairman of the Senate Committee on Commerce, Science, and Transportation.

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

(C) 2 members shall be appointed from a list of 4 individuals who shall be nominated by the Minority Leader of the Senate in consultation with the Ranking Member of the Senate Committee on Commerce, Science, and Transportation.

(D) 2 members shall be appointed from a list of 4 individuals who shall be nominated by the Minority Leader of the House in consultation with the Ranking Members of the House Committees on Resources, Transportation and Infrastructure, and Science.

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

(A) the assignment of duties and responsibilities among staff personnel and their continuing supervision; and

(B) the use and expenditure of funds available to the Commission.

(4) VACANCIES.—Any vacancy on the Commission shall be filled in the same manner as the original incumbent was appointed.

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

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

(2) may enter into contracts, subject to the availability of appropriations for contracting, and employ such staff experts and consultants as may be necessary to carry out the duties of the Commission, as provided by section 3109 of title 5, United States Code; and

(3) in consultation with the Ocean Studies Board of the National Research Council of the National Academy of Sciences, shall establish a multidisciplinary science advisory panel of experts in the sciences of living and non-living marine resources to assist the Commission in preparing its report, including ensuring that the scientific information considered by the Commission is based on the best scientific information available.

(d) STAFFING.—The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an Executive Director and such other additional personnel as may be necessary for the Commission to perform its duties. The Executive Director shall be compensated at a rate not to exceed the rate payable for Level V of the Executive Schedule under section 5136 of title 5, United States Code. The employment and termination of an Executive Director shall be subject to confirmation by a majority of the members of the Commission.

(e) MEETINGS.—

(1) ADMINISTRATION.—The meetings of the Commission shall be open to the public, except that a meeting or any portion of it may be closed to the public if it concerns matters or information described in section 552b(c) of title 5, United States Code. Interested persons shall be permitted to appear at open meetings and present oral or written statements on the subject matter of the meeting. The Commission may administer oaths or affirmations to any person appearing before [it:] *it.*

(2) NOTICE; MINUTES; PUBLIC AVAILABILITY OF DOCUMENTS.—

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

(B) Minutes of each meeting shall be kept and shall contain a record of the people present, a description of the discussion that occurred, and copies of all statements filed. Subject to section 552 of title 5, United States Code, the minutes and records of all meetings and other documents that were made available to or prepared for the Commission shall be available for public inspection and copying at a single location in the offices of the Commission.

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

[(3)] *(4)* REQUIRED PUBLIC MEETINGS.— The Commission shall hold at least one public meeting in Alaska and each of the following regions of the United States:

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

(B) The Southeast (including the Caribbean).

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

(D) The Northwest.

(E) The Gulf of Mexico.

(f) REPORT.—

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

(2) REQUIRED MATTER.—The final report of the Commission shall include the following assessment, reviews, and recommendations:

(A) An assessment of existing and planned facilities associated with ocean and coastal activities including human resources, vessels, computers, satellites, and other appropriate platforms and technologies.

(B) A review of existing and planned ocean and coastal activities of Federal entities, recommendations for changes in such activities necessary to improve efficiency and effectiveness and to reduce duplication of Federal efforts.

(C) A review of the cumulative effect of Federal laws and regulations on United States ocean and coastal activities and resources and an examination of those laws and regulations for inconsistencies and contradictions that might adversely affect those ocean and coastal activities and resources, and recommendations for resolving such inconsistencies to the extent practicable. Such review shall also consider conflicts with State ocean and coastal management regimes.

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

(E) A review of and recommendations concerning the relationship between Federal, State, and local governments and the private sector in planning and carrying out ocean and coastal activities.

(F) A review of opportunities for the development of or investment in new products, technologies, or markets related to ocean and coastal activities.

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

(H) Recommendations for any modifications to United States laws, regulations, and the administrative structure of Executive agencies, necessary to improve the understanding, management, conservation, and use of, and access to, ocean and coastal resources.

(I) A review of the effectiveness and adequacy of existing Federal interagency ocean policy coordination mechanisms, and recommendations for changing or improving the effectiveness of such mechanisms necessary to respond to or implement the recommendations of the Commission.

(3) CONSIDERATION OF FACTORS.—In making its assessment and reviews and developing its recommendations, the Commission shall give equal consideration to environmental, technical feasibility, economic, and scientific factors.

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

(g) PUBLIC AND COASTAL STATE REVIEW.—

(1) NOTICE.—Before submitting the final report to the Congress, the Commission shall—

(A) publish in the Federal Register a notice that a draft report is available for public review; and

(B) provide a copy of the draft report to the Governor of each coastal State, the Committees on Resources, Transportation and Infrastructure, and Science of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate.

(2) INCLUSION OF GOVERNORS' COMMENTS.—The Commission shall include in the final report comments received from the Governor of a coastal State regarding recommendations in the draft report.

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

(i) TERMINATION.—The Commission shall cease to exist [30 days] *90 days* after the date on which it submits its final report.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section a total of [$6,000,000] *$8,500,000* for the 3 fiscal-year period beginning with fiscal year 2001, such sums to remain available until expended.

SEC. 4. NATIONAL OCEAN POLICY.

(a) NATIONAL OCEAN POLICY.—Within [120 days] *90 days* after receiving and considering the report and recommendations of the Commission under section 3, the President shall submit to Congress a statement of proposals to implement or respond to the Commission's recommendations for a coordinated, comprehensive, and long-range national policy for the responsible use and stewardship of ocean and coastal resources for the benefit of the United States. Nothing in this Act authorizes the President to take any administrative or regulatory action regarding ocean or coastal policy,

or to implement a reorganization plan, not otherwise authorized by law in effect at the time of such action.

(b) COOPERATION AND CONSULTATION.—In the process of developing proposals for submission under subsection (a), the President shall consult with State and local governments and non-Federal organizations and individuals involved in ocean and coastal activities.

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