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Opening Statement
The Honorable Henry Brown
Ranking Subcommittee Member
Subcommittee on Insular Affairs,
Oceans and Wildlife hearing on
HR 21, Oceans Conservation, Education, and
National Strategy for the 21st Century Act
June 18, 2009

Madame Chairwoman, we are here today to discuss H.R. 21 the Oceans Conservation, Education, and National Strategy for the 21st Century Act which was sponsored by our colleague Congressman Sam Farr from California.

The oceans make up roughly 70 percent of the surface of the Earth and for many hundreds of years have been considered to be full of unlimited resources. For the last 50 to 100 years, our nation has come to realize that we need to be better stewards of ocean resources and we have passed many laws - the Magnuson-Stevens Fishery Conservation and Management Act, the Coastal Zone Management Act, the National Environmental Policy Act, to name a few - to provide guidance on how we interact with the ocean environment.

Our country has also pushed many international bodies to follow our lead with respect to managing ocean resources. Our commercial industries have been leaders and have borne much of the burden when it comes to conserving ocean resources, by voluntarily giving up resources in the short-term in order to achieve long-term pay backs. Unfortunately, in the international fishing arena, these sacrifices have not always paid off. However, I commend our industry for being proactive stewards of this renewable resource.

Madame Chairwoman, we can probably agree on a number of issues with regard to the management of our ocean and its resources – ocean management programs have not received adequate funding, the agencies with ocean jurisdiction have not always coordinated their actions, and it is a tragedy that we know more about some areas in outer-space than we do our own oceans.

That said, I think you would agree that Congress has responded to the calls to address ocean conservation issues over the last 10 years. In 2000, Congress passed the Oceans Act which authorized the creation of the U.S. Commission on Ocean Policy. After the Commission released its report in 2004, Congress passed, in 2006, amendments to reauthorize the Magnuson-Stevens Act, which took into account many of the Commission's recommendations. In addition, Congress has passed ocean observation, marine debris, ocean exploration and research and hydrographic services legislation, all of these bills were enacted into law and took into account recommendations from the Commission.

We continually hear that H.R. 21 would implement the Ocean Commission recommendations. I would argue the bill goes far beyond the recommendations and if enacted would create insurmountable hurdles for ocean industries.

One area of concern is the creation of a national ocean policy. The national policy and its implementing principles, which are defacto national standards, would apply to any Federal action, including those carried out or funded by a Federal agency, affecting U.S. waters. Even if there are existing legislative authorities authorizing the actions, H.R. 21 would overrule these existing authorities and require the Federal agency to comply with the requirements of the national ocean policy principles in the bill.

We currently have a law governing environmental impacts of Federal actions on the environment - the National Environmental Policy Act. I find it unnecessary to create an overarching new law which would duplicate existing statutes.

I support better coordination to ensure the conservation and best management practices for our coastal areas, the ocean and its resources, but we should be able to do so without creating a new overly burdensome process.

Madame Chairwoman, as you know, the President issued an Executive Order on Friday, June 12th, regarding the establishment of a Task Force to develop recommendations for a national ocean policy, including a framework for policy coordination and an implementation strategy. In light of this Executive Order, I wonder if it is appropriate for the Committee to move forward with the requirements of a national ocean policy at this time. We would be better served to see how the Administration moves forward with its process before we move legislation. However, I am concerned with whether the Task Force can successfully complete its charge in 90 days and I would urge the Administration to not use the national policy as means to create a new OCS drilling moratorium.

Another area of concern with H.R. 21 deals with funding. The bill authorizes appropriations of \$1.19 billion and unfortunately, the money does not fund existing ocean programs, as suggested by the Ocean Commission. Instead, the funding goes only to new responsibilities created in the bill, specifically actions to develop the Regional Ocean Partnerships.

Madame Chairwoman, I do not agree with the approach taken in H.R. 21, which is overly-prescriptive. Instead, I would recommend again looking at each chapter of the Ocean Commission report and the specific piece of legislation it references to develop specific changes to each law instead of creating a new overarching bill that supersedes existing authorities.

As always, I would be pleased to work with you, Madame Chairwoman, to develop ocean legislation that will benefit your constituency in Guam, mine in South Carolina, and the nation.

I look forward to hearing from our witnesses today and deliberating further on what actions Congress should take with regard to the Ocean Commission recommendations.

A number of outside groups have sent in comments on H.R. 21 that I would like to submit for the record at this time.

Thank you, Madame Chairwoman.

