

WRITTEN TESTIMONY OF

THE HONORABLE SAM FARR
U.S. HOUSE OF REPRESENTATIVES
THE 17TH DISTRICT OF CALIFORNIA

BEFORE THE NATURAL RESOURCES SUBCOMMITTEE
ON INSULAR AFFAIRS, OCEANS AND WILDLIFE
ON H.R. 21

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Chairwoman Bordallo, Ranking Member Brown and distinguished members of this Subcommittee: Thank you for holding this hearing on H.R. 21 and for the opportunity to submit this testimony for the record. Today I would like to give you some background on my bill H.R. 21: on its history, its necessity, and its intent. But before I tell you about my bill, I thought I would start by giving you some background on the United States Department of Agriculture—the USDA.

Early in our Nation's history, we recognized that challenges to agriculture, like weather and watersheds or pests and pollination, did not abide by human imposed state boundaries. Recognizing this and the need for a national level understanding of how agricultural issues impacted our nation and how science and policy could impact agriculture, President Abraham Lincoln first established the U.S. Department of Agriculture in 1862. Since then, the USDA has been a crucial agency, assisting farmers,

conducting research, and ensuring the safe and effective production and distribution of foodstuffs in the United States.

Today, the oceans and their management are at the same point that the USDA was in the late 1800's: oceans are over one hundred years behind. Many different ocean industries and ocean interests are in competition for federal attention and are in conflict within an inadequate management system. There is no federal recognition of the simple fact long since understood for agriculture, that oceans don't abide by human imposed boundaries like state lines, or jurisdictions like fisheries or discharge. The result is that oceans suffer. Fishermen suffer. Coastal industries suffer. The public that relies on them suffers. Agriculture and farmers have the USDA, but oceans and their users still need a USDO: a United States Department of Oceans.

What we are proposing in this bill would accomplish this. But because federal agency jurisdictions and designations are so heavily entrenched in our government, we're not creating a new agency or taking away any powers from other agencies. Instead we are creating a framework that would help the existing agencies work together in the way that they manage our shared ocean resources. But before I discuss the details of H.R. 21, I will briefly review the history of the legislation.

In 1998, over ten years ago, the White House held its first National Oceans Conference in my district in Monterey. President Clinton and Vice President Gore attended and spoke, and three Cabinet members attended as well. The attention generated by this event stimulated Congress to pass the Oceans Act of 2000, creating the U.S. Commission on Ocean Policy to review this nation's management of the oceans, coasts, and Great Lakes. Such an accounting had not been undertaken since the Stratton Commission in 1965, which among other things, had led to the formation of the National Oceanic and Atmospheric Administration.

The new U.S. Commission on Ocean Policy was subsequently appointed during the presidency of George W. Bush, and was tasked with making recommendations for a

coordinated and comprehensive national ocean policy. Simultaneously, the Pew Charitable Trust founded the Pew Ocean Commission to independently review and recommend the same. Both commissions were comprised of highly respected scientists, politicians, corporate executives, and coastal community representatives. Between these two commissions, they visited more than forty cities around the country and took comments from thousands of citizens.

These reports were conducted simultaneously, but independently. The Pew Ocean Commission released their report in May of 2003 and the U.S. Commission on Ocean Policy in July of 2004. Both reports highlighted the importance of the oceanic, coastal, and Great Lake resources to the U.S. economy, the degraded state of these resources and the ecosystems that support them, as well as the urgent need to change the way we manage these resources. The reports and recommendations of these independent commissions were so similar that the Chairs of both agreed to subsequently form the Joint Ocean Commission Initiative (JOCI) in 2005 and continue to advocate for the adoption their commissions' priority recommendations. The most recent JOCI report entitled "Changing Oceans, Changing World: Ocean priorities for the Obama Administration and Congress," was released in April 2009.

As the commissions were finishing their reports, I worked with their staff and with former U.S. Representatives Tom Allen and Jim Saxton to draft a bill that would implement the commissions' recommendations. That first version was introduced jointly by several co-chairs of the House Oceans Caucus shortly after the U.S. Commission released their report. Since this initial introduction, the bill has been carefully polished and amended, and reintroduced in each congress. This subcommittee held a highly successful markup in April of last year, and the bill that is before you now incorporates all of the excellent feedback that we received then.

H.R. 21 has four main purposes, contained in each of four titles, which I will briefly summarize:

Title 1 establishes a national ocean policy (NOP) which shall “protect, maintain, and restore the health of marine ecosystems in order to fulfill the ecological, economic, educational, social, cultural, nutritional, recreational, and other requirements of current and future generations of Americans.” Federal agencies are further directed operate in accordance with this policy to the extent not inconsistent with other laws. The position of National Ocean Advisor is created on the President’s cabinet and the Committee on Ocean Policy is formerly codified and directed to develop a national plan for coordinating federal activities in ocean and coastal waters.

Title 2 is an Organic Act for the National Oceanic and Atmospheric Administration, formerly codifying, for the first time, the existence and vital role for this agency in the federal government.

Title 3 promotes efforts to implement the NOP at a regional scale by taking advantage of the myriad regional ocean governance structures that already exist, including but not limited to fisheries management councils, state agreements, etc. Regions are responsible for assembling partnerships of these organizations and are directed to develop regionally appropriate strategic ocean plans that will include, *inter alia*, a gap analysis of the scientific data necessary to accomplish the goals of the plan and the NOP.

Title 4 creates an Ocean and Great Lakes Conservation Trust Fund as a permanent source of revenue, in addition to authorizing appropriations and creating a Healthy Oceans Stamp, to provide for the purposes of the act.

Taken as a whole, this bill establishes both the top down policy *and* the bottom up regional structure by organizing features of our pre-existing ocean bureaucracy into a more streamlined and effective program.

It’s no coincidence that I began this testimony with a discussion of agriculture. Oceans and agriculture don’t just share the similar agency history that I described, but they share

a very real physical connection as well. The health, productivity and sustainability of the lands and seas are inextricably woven together with each other, and with the health, productivity and sustainability of our whole planet. The human population is growing faster than ever, placing a even greater burden on the fields and fisheries that sustain us.

The oceans are bigger than commerce, bigger than NOAA, bigger than the MMS or the ESA. They are the biggest features on the surface of our planet and just as our health and survival as a species are critically linked to our ability of our farms to feed our population, our health and survival as a species are also inextricably linked to the health and productivity of the oceans. There are those out there who don't like this bill and it's because they are afraid of change, just like some groups initially feared the USDA. But what those same people will like even less is the changes that occur in our wallets, on our plates, and in our air, if we don't make a change for the better.

Is this bill perfect? We've worked for almost a decade to make it the best we can. The situation for oceans is similar to the one that the President described for healthcare reform, when he said: "If not now, when?" So in conclusion, I am looking forward to working with all of the members of this committee to get this bill passed. Thank you again for this hearing, and I look forward to a thoughtful and informative discussion with the many accomplished witnesses who will be giving testimony next.