101st Congress
2d Session | HOUSE OF REPRESENTATIVES | Report
101-492

U.S. OCEANS AND GREAT LAKES POLICY IMPLEMENTATION

May 21, 1990.—Referred to the House Calendar and ordered to be printed

Mr. Jones of North Carolina, from the Committee on Merchant Marine and Fisheries, submitted the following

REPORT

[To accompany H. Con. Res. 69]

Including cost estimate of the Congressional Budget Office]

The Committee on Merchant Marine and Fisheries, to whom was referred the resolution (H. Con. Res. 69) to urge the development and implementation of a comprehensive U.S. oceans and Great Lakes policy, having considered the same, report favorably thereon without amendment and recommend that the resolution do pass.

PURPOSE OF THE BILL

The purpose of House Concurrent Resolution 69 is to encourage the establishment of a comprehensive national oceans and Great Lakes policy. The resolution further urges the President to work with Congress to establish this policy and to dedicate adequate funding to implement the resulting policy.

BACKGROUND AND NEED FOR LEGISLATION

During the 1960's, the United States recognized the need to establish a directed national policy towards our oceans and Great Lakes. In 1967, as a result of this recognition, the Commission on Marine Science Engineering and Resources (also known as the Stratton Commission) was formed by President Johnson. The Commission's final report, "Our Nation and the Sea," issued in 1969 stated:

> How fully and wisely the United States uses the sea in the decade ahead will affect profoundly its security, its economy, its ability to meet increasing demands for food and raw materials, its position and influence in the world

community, and the quality of the environment in which its people live.

Charged with reviewing and evaluating our national policy towards our oceans and Great Lakes, the Stratton Commission set goals for the coming decade and made recommendations as to how to achieve them. The 1970's saw many of the recommendations of the Commission implemented by both the President and Congress. In 1970, President Nixon emphasized the importance of the oceans and the Great Lakes to the Nation when he created the National Oceanic and Atmospheric Administration in the Department of Commerce and the Environmental Protection Agency as an independent agency by reorganization plans. Congress also enacted a series of comprehensive laws pertaining to the marine environment, including: The Water Quality Improvement Act; the National Environmental Policy Act; the Federal Water Pollution Control Act; the Coastal Zone Management Act; the Marine Protection, Research, and Sanctuaries Act; the Ports and Wateways Safety Act; the Magnuson Fishery Conservation and Management Act; the Clean Water Act Amendments of 1977; and the Outer Continental Shelf Lands Act Amendments of 1978.

After this wealth of activity in the 1970's, the following decade brought stagnation to ocean and Great Lakes issues. The limited successor to the Stratton Commission, the National Advisory Committee on Oceans and Atmosphere [NACOA], had been in operation since 1971, but failed to provide comprehensive recommendations or guidance, although it did review on an individual basis the Nation's marine and atmospheric science programs. NACOA was deauthorized by Congress in 1986 for failing to meet its original intent. Still, the problems that plagued marine and Great Lakes environments continued and additional stresses on coastal resources grew.

While the situation at home was strained, the 1980's witnessed a certain amount of U.S. activism in the international arena in ocean management. The United States participated in the negotiations aimed at establishing a global Convention on the Law of the Sea [LOS], but in 1982 President Reagan announced that the United States was terminating further participation in LOS due to the failure of the seabed mining provisions meeting U.S. objectives. In 1983, the President clarified that announcement by declaring that the United States would recognize those parts of LOS which reflect customary international law; this did not include provisions in LOS dealing with seabed mining.

Consistent with his position that the United States would act in accordance with the customary international law principles reflected in LOS, in 1983 President Reagan issued a proclamation claiming a 200-mile U.S. Exclusive Economic Zone [EEZ] within which the United States would have sovereignty over living and nonliving resources. This greatly expanded the jurisdictional claims of the United States, and could change how we manage our fisheries, oil and gas, ocean energy sources, ocean minerals, and other resources. The past decade also saw U.S. involvement in negotiating other international agreements, such as the London Dumping Convention; the International Convention for the Prevention of Pollu-

tion from Ships [MARPOL]; the Convention on Conservation of Antarctic Marine Living Resources; and the Provisional Understanding Regarding Deep Seabed Matters.

The primary constraint for a comprehensive approach towards resolving the many problems facing the oceans and Great Lakes of the United States during the 1980's was the growing budget deficit. The portion of the Federal budget devoted to oceans and the Great Lakes was disproportionately affected. For example, in 1980 the oceans and fisheries portion of the NOAA budget accounted for 46 percent of the total. That percentage declined steadily toward the 23 percent mark in the fiscal year 1989 budget. A glimmer of sunshine is on the horizon, however; President Bush's fiscal year 1991 budget request has increased the oceans and fisheries portion of the NOAA budget to 30 percent of the total.

The 1990's provide an opportunity for the United States to avoid the errors of the past decade. From a global perspective, there is increasing worldwide competition for ocean resources of economic and security interest to the United States. From a domestic perspective, our oceans and Great Lakes are in need of new legislation to address a wide array of continuing problems, such as coastal pollution and sea-level rise, as well as the necessity to implement and provide adequate funding for a variety of basic ocean and coastal programs.

There is a crucial need for the United States to address in a comprehensive way the challenges of the coming decade for our coasts and Great Lakes. There are, however, many bureaucratic hurdles to overcome to formulate a comprehensive and coordinated national oceans and Great Lakes policy. Both the executive and legislative branches are hampered by overlapping and competing jurisdictions. Responsibilities for ocean programs within the executive branch are shared by 9 departments, 8 independent agencies, and approximately 38 agencies within Cabinet-level departments. Within Congress, legislative responsibility is shared by 39 subcommittees of 12 standing committees in the House of Representatives, and 36 subcommittees of 10 standing committees in the Senate.

It would be in the best interests of the United States for both the executive and legislative branches of Government to work with each other to formulate a comprehensive and coordinated policy to manage our oceans and Great Lakes. As we enter a new decade which may see our fiscal restraints lessened, it is the committee's view that the time is right for both branches of Government to work together to formulate such a policy.

COMMITTEE ACTION

On March 8, 1989, Congresswoman Claudine Schneider of Rhode Island, with four cosponsors, introduced House Concurrent Resolution 69. The resolution, which currently has 25 cosponsors, was referred to the Committee on Merchant Marine and Fisheries, and within the committee referred to the Subcommittee on Oceanography and Great Lakes. On April 4, 1990, the Subcommittee on Oceanography and Great Lakes met in open session to mark up House Concurrent Resolution 69. By voice vote the subcommittee ordered the resolution favorably reported to the full committee. On

April 18, the Committee on Merchant Marine and Fisheries met to mark up House Concurrent Resolution 69, among other bills, and ordered the resolution reported favorably without amendment, to the full House by voice vote.

SECTION-BY-SECTION ANALYSIS

The bill makes several findings relating to the importance of the oceans and Great Lakes to the United States, noting their ecological, economic, social, aesthetic, and military significance. The bill recognizes that the U.S. ocean and coastal programs are administered by numerous Federal agencies, leading to fractured and overlapping approaches to marine and Great Lakes resource management.

The bill urges the President to work with Congress to establish a comprehensive oceans and Great Lakes policy and to revitalize existing Federal programs. It also encourages all interested public and private parties to share their expertise in coastal matters to preserve and responsibly use the oceans and Great Lakes. Finally, the bill requests the President to commit appropriate funding to implement the comprehensive national policy.

COST OF THE LEGISLATION

Clause 7 of rule XIII of the Rules of the House of Representatives requires a statement of the estimated costs to the United States which would be incurred in carrying out House Concurrent Resolution 69. There are no costs that would be incurred by the United States by House Concurrent Resolution 69.

COMPLIANCE WITH CLAUSE 2(l) OF RULE XI OF THE RULES OF THE HOUSE OF REPRESENTATIVES

1. With respect to the requirements of clause 2(l)(3)(A) of rule XI of the Rules of the House of Representatives, no oversight findings or recommendations on the subject of House Concurrent Resolution 69 have been made by the Committee on Merchant Marine and Fisheries during the 101st Congress.

2. With respect to the requirements of clause 2(l)(3)(B) of rule XI of the Rules of the House of Representatives, House Concurrent Resolution 69 does not provide any new budget authority, new spending authority, new credit authority, or an increase or decrease in tax revenues. Accordingly, a statement pursuant to section 308(a)(1) of the Congressional Budget Act of 1974 is not required.

3. With respect to the requirements of clause 2(l)(3)(C) of rule XI of the Rules of the House of Representatives, the Committee on Merchant Marine and Fisheries has received the following report prepared by the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 27, 1990.

Hon. WALTER B. JONES,
Chairman, Committee on Merchant Marine and Fisheries, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H. Con. Res. 69, a concurrent resolution to urge the development and implementation of a comprehensive U.S. oceans and Great Lakes policy, as ordered reported by the House Committee on Merchant Marine and Fisheries, April 18, 1990.

CBO estimates that this resolution, if enacted, would not affect the budget of the federal government, or of any state or local government. The resolution would express the intent of the Congress regarding ocean and Great Lakes policy but would not require that any specific actions be taken.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Michael Sieverts, who can be reached at 226-2860.

Sincerely,

ROBERT D. REISCHAUER,
Director.

4. With respect to the requirements of clause 2(l)(3)(D) of rule XI of the Rules of the House of Representatives, the Committee on Merchant Marine and Fisheries has received no report from the Committee on Government Operations of oversight findings and recommendations on House Concurrent Resolution 69.

INFLATIONARY IMPACT STATEMENT

Pursuant to clause (2)(l)(4) of rule XI of the Rules of the House of Representatives, the committee estimates that the enactment of House Concurrent Resolution 69 will have no significant inflationary impact on prices and costs in the operation of the national economy.

DEPARTMENTAL REPORTS

The Committee on Merchant Marine and Fisheries received an unfavorable report from the Department of Defense, dated January 18, 1990. No other reports have been received on House Concurrent Resolution 69.

GENERAL COUNSEL,
DEPARTMENT OF DEFENSE,
Washington, DC, January 18, 1990.

Hon. ROBERT W. DAVIS,
Ranking Minority Leader, Committee on Merchant Marine and Fisheries, House of Representatives, Washington, DC.

DEAR SENATOR DAVIS: This is in response to the Committee's request for the views of Department of Defense on H. Con. Res. 69, 101st Congress, a concurrent resolution "To urge development and implementation of a comprehensive United States oceans and Great Lakes policy."

While concurring in the Resolution's statement on the profound importance of the oceans to the national security of the United States, the Department of Defense cannot conclude that a new comprehensive oceans policy is needed. In the view of the Department of Defense the variety of issues implicated in development of oceans policy have adequate fora in existing entities such as the Policy Coordinating Committee for Oceans, Environmental, and Scientific Affairs.

The Office of Management and Budget has advised that, there is no objection to the presentation of this report to the Congress from the standpoint of the Administration.

Sincerely,

TERRENCE O'DONNELL.

CHANGES IN EXISTING LAW

House Concurrent Resolution 69 makes no changes in existing law.

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