

TO DESIGNATE THE EXCLUSIVE ECONOMIC ZONE OF THE UNITED STATES
AS THE RONALD WILSON REAGAN EXCLUSIVE ECONOMIC ZONE OF THE
UNITED STATES

SEPTEMBER 10, 2013.—Referred to the House Calendar and ordered to be printed

Mr. HASTINGS of Washington, from the Committee on Natural
Resources, submitted the following

R E P O R T

together with

DISSENTING VIEWS

[To accompany H.R. 553]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 553) to designate the exclusive economic zone of the United States as the Ronald Wilson Reagan Exclusive Economic Zone of the United States, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 553 is to designate the exclusive economic zone of the United States as the “Ronald Wilson Reagan Exclusive Economic Zone of the United States.”

BACKGROUND AND NEED FOR LEGISLATION

The concept of designating the territorial waters of a sovereign nation has its historical roots in the 1600s when European colonial powers tried to protect their shores by adopting the “cannon shot” rule. This term reflected the principle that dominion over certain lands stopped where the range of coastal artillery weapons ended. It was generally agreed that three miles, which is measured from the territorial sea baseline, was the appropriate designation line and the United States made such a claim in 1789.

In 1799, the 5th Congress of the United States adopted legislation to allow the boarding of foreign flag vessels within 12 nautical miles. On September 28, 1945, the U.S. became the first country

to abandon the 3-mile limit when President Harry Truman signed a Proclamation declaring that this nation had the right to all of the ocean resources that existed on the Outer Continental Shelf. The Proclamation states that "Having concern for the urgency of conserving and prudently utilizing its natural resources, the Government of the United States regards the natural resources of the subsoil and seabed of the continental shelf beneath the high seas but contiguous to the coasts of the United States as appertaining to the United States, subject to its jurisdiction and control."

On June 23, 1947 and August 1, 1947, the Governments of Chile and Peru became the first two nations to establish a 200-mile Exclusive Economic Zone (EEZ). The definition of this term is "a maritime zone adjacent to the territorial sea that may not exceed beyond 200 nautical miles from the baseline from which the breadth of the territorial sea is measured." It allows a coastal nation the sole right to explore and extract all natural resources from the ocean up to 200 miles off its shores. The Chilean Declaration proclaimed natural "sovereignty over submarine areas, regardless of their size or depth, as well as over the adjacent seas extending as far as necessary to reserve, protect, maintain, and utilize natural resources and wealth."

On March 10, 1983, President Ronald Wilson Reagan signed Presidential Proclamation 5030. This historic document established the 200-mile U.S. EEZ which was defined as a zone contiguous to the territorial sea, including zones contiguous to the territorial sea of the United States, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands and the United States overseas territories and possessions. Within the EEZ, the United States has sovereign rights for the purpose of conserving, exploiting, exploring and managing natural resources of the seabed and subsoil for the economic exploitation and exploration of the zone. In addition, the U.S. has jurisdiction over the establishment and use of artificial islands and installations, and for the protection and preservation of the marine environment.

The Proclamation also made it clear that it does not change existing United States policies concerning the continental shelf, fisheries including highly migratory species, freedom of navigation and overflight and the management of marine mammals.

While the United States was not the first nation to establish an EEZ, it has the largest such zone with 7,094,375 miles, which is nearly 25 percent larger than the country's total land mass. It extends from the Arctic Ocean to the tropics, comprising at least 11 different ecosystems. The next four nations in terms of EEZ size are France, Australia, Russia and the United Kingdom. In total, more than 150 nations have established an EEZ. Over the years, some of the more heated international EEZ boundary disputes involved the so-called "Cod Wars" between the United Kingdom and Iceland, a dispute over oil reserves in the Beaufort Sea involving Canada and the United States and arguments between Norway and Russia over who controls the Svalbard Archipelago.

H.R. 553 will simply designate our EEZ as the "Ronald Wilson Reagan Exclusive Economic Zone of the United States."

COMMITTEE ACTION

H.R. 553 was introduced on February 6, 2013, by Congressman Darrell Issa (R-CA). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs. On June 13, 2013, the Subcommittee held a hearing on the bill. On July 31, 2013, the Full Natural Resources Committee met to consider the bill. The Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs was discharged by unanimous consent. Congressman Jared Huffman (D-CA) offered an amendment designated 028 to the bill; the amendment was not adopted by a bipartisan roll call vote of 14 to 24, as follows:

Committee on Natural Resources
U.S. House of Representatives
113th Congress

Date: July 31, 2013

Recorded Vote #: 6

Meeting on / Amendment on: H.R. 553 - HUFFMAN_028, Not agreed to by a vote of 14 yeas and 24 nays

MEMBERS	Yes	No	Pres	MEMBERS	Yes	No	Pres
Mr. Hastings, WA, Chairman		X		Mr. Duncan of SC		X	
<i>Mr. Defazio, OR, Ranking</i>	X			<i>Mr. Cardenas, CA</i>	X		
Mr. Young, AK				Mr. Tipton, CO		X	
<i>Mr. Falcomavaega, AS</i>				<i>Mr. Horsford, NV</i>			
Mr. Gohmert, TX				Mr. Gosar, AZ		X	
<i>Mr. Pallone, NJ</i>	X			<i>Mr. Huffman, CA</i>	X		
Mr. Bishop, UT		X		Mr. Labrador, ID		X	
<i>Mrs. Napolitano, CA</i>	X			<i>Mr. Ruiz, CA</i>	X		
Mr. Lamborn, CO		X		Mr. Southerland, FL		X	
<i>Mr. Holt, NJ</i>				<i>Ms. Shea-Porter, NH</i>		X	
Mr. Wittman, VA		X		Mr. Flores, TX		X	
<i>Mr. Grijalva, AZ</i>	X			<i>Mr. Lowenthal, CA</i>	X		
Mr. Broun, GA		X		Mr. Runyan, NJ		X	
<i>Ms. Bordallo, GU</i>	X			<i>Mr. Garcia, FL</i>	X		
Mr. Fleming, LA		X		Mr. Amodei, NV			
<i>Mr. Costa, CA</i>	X			<i>Mr. Cartwright, PA</i>	X		
Mr. McClintock, CA		X		Mr. Mullin, OK		X	
<i>Mr. Sablan, CNMI</i>				Mr. Stewart, UT		X	
Mr. Thompson, PA		X		Mr. Daines, MT		X	
<i>Ms. Tsongas, MA</i>				Mr. Cramer, ND		X	
Ms. Lummis, WY		X		Mr. LaMalfa, CA		X	
<i>Mr. Pierluisi, PR</i>	X			Mr. Smith, MO		X	
Mr. Benishek, MI		X					
<i>Ms. Hanabusa, HI</i>	X						
				TOTALS	14	24	

No further amendments were offered, and the bill was then adopted and ordered favorably reported to the House of Representatives by voice vote.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(1) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(2)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 22, 2013.

Hon. DOC HASTINGS,
*Chairman, Committee on Natural Resources,
House of Representatives. Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 553, a bill to designate the exclusive economic zone of the United States as the "Ronald Wilson Reagan Exclusive Economic Zone of the United States," as ordered reported by the House Committee on Natural Resources on July 31, 2013.

CBO estimates that enacting this legislation to name the exclusive economic zone, which includes coastal waters extending from three to nine miles off the coast to 200 miles offshore, would have no significant impact on the federal budget and would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply. H.R. 553 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Jeff LaFave.

Sincerely,

DOUGLAS W. ELMENDORF.

2. Section 308(a) of Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures. CBO estimates that enacting this legislation would have no significant impact on the federal budget and would

not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to designate the exclusive economic zone of the United States as the “Ronald Wilson Reagan Exclusive Economic Zone of the United States”.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

COMPLIANCE WITH H. RES. 5

Directed Rule Making. The Chairman does not believe that this bill directs any executive branch official to conduct any specific rule-making proceedings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95-220, as amended by Public Law 98-169) as relating to other programs.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

DISSENTING VIEWS

The framework that allows nations to peacefully claim a 200 nautical mile (nm) Exclusive Economic Zone (EEZ) and establish sovereign rights to the natural resources within it is the 1982 United Nations Convention on the Law of the Sea (UNCLOS). A total of 162 nations have endorsed UNCLOS, including all of the major Western powers except the United States. The major East Asian powers are also parties to UNCLOS. Both Japan and China ratified the treaty in 1996. The United States played a prominent and successful role in drafting and negotiating UNCLOS, yet it was neither signed by President Reagan nor ratified by the Senate during the Reagan Administration.

However, President Reagan did claim the U.S. EEZ by Presidential Proclamation in 1983, pursuant to the authority created by UNCLOS. Cherry-picking this particular piece of UNCLOS without supporting the treaty itself showed poor leadership, and was a failure to take advantage of the momentum the treaty had gained at the time. The Senate has since failed to ratify UNCLOS despite the support of both Bush administrations, the Clinton and Obama administrations, secretaries of State and Defense under Republican and Democratic presidents, the oil and natural gas industry, and other industries with interests in our territorial waters. UNCLOS accession by the United States would be prudent considering the substantial benefits it offers for navigation, security, and environmental protection.

H.R. 553 would designate the U.S. EEZ, as the "Ronald Wilson Reagan Exclusive Economic Zone of the United States." The bill would deem any reference to the EEZ in a law, map, regulation, document, paper, or other record of the United States to be a reference to the "Ronald Wilson Reagan Exclusive Economic Zone of the United States." Aside from being a silly exercise and a colossal waste of time, this legislation would bestow an undeserved honor on someone who has already had plenty of public and private entities named after him. A massive federal building, a major airport, and a nuclear powered aircraft carrier top the list. President Reagan's refusal to support UNCLOS has left the United States on the sidelines while other nations develop extended continental shelf resources, plan to divvy up the Arctic, and explore the possibility of mining the deep seabed.

H.R. 553 passed the Committee by voice vote without Democratic support. Republicans rejected an amendment offered by Mr. Huffman that would have made the designation in the bill contingent upon the Senate ratifying UNCLOS. In the absence of UNCLOS, President Reagan would not have been able to claim the U.S. EEZ without the use of military force. His shortsightedness and the subsequent recalcitrance of Republicans in the Senate have left America without a seat at the table as important decisions about maritime security, marine resources, and ocean exploration are being made. For these reasons, we oppose H.R. 553 as reported.

PETER DEFAZIO.
GREGORIO KILILI CAMACHO
SABLAN.

