

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HR 319 Gulf of Mexico Range Complex
SPONSOR(S): Ponder, Rodrigues and others
TIED BILLS: **IDEN./SIM. BILLS:** SR 550

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local, Federal & Veterans Affairs Subcommittee	13 Y, 0 N	Renner	Miller
2) Government Accountability Committee	21 Y, 0 N	Renner	Williamson

SUMMARY ANALYSIS

The Gulf of Mexico Range Complex (GOMEX Range Complex) stretches from the Florida Panhandle (commonly referred to as the Military Mission Line) south to Key West and is the largest military testing and training range in the United States. Surrounding the GOMEX Range Complex are numerous Department of Defense joint installations and multiple live-fire bombing ranges. Additionally, Florida's military bases, which help account for an \$85 billion state economic impact in defense-related spending, are dependent on access to the air and sea space the GOMEX Range Complex provides. Due to its capabilities of offering joint training exercises, access to sea and land, and close proximity to Florida's bases, the GOMEX Range Complex serves as a vital part to the Department of Defense's training strategies.

While offshore drilling and oil exploration have taken place in the Gulf of Mexico since the 1930's, the interest in new exploration and drilling technologies has caused drilling to increase over the last few decades. To ensure that drilling platforms and activities would not encroach on the GOMEX Range Complex, and thus jeopardize military training, the Gulf of Mexico Security Act (GOMESA) was signed into law on December 20, 2006. Among other things, the GOMESA implemented a moratorium on oil exploration in the eastern Gulf of Mexico east of the Military Mission Line until 2022.

HR 319 pronounces that:

- The State of Florida must maintain a unified front in supporting an extension of the current moratorium on drilling in the Gulf of Mexico east of the Military Mission Line;
- Drilling east of the Military Mission Line would mean loss of range areas and possible relocation of aircraft and bases to other unrestricted range areas; and
- The Florida House of Representatives supports an indefinite extension of the restriction, specified in the GOMESA, on oil and gas leasing in all areas east of the Military Mission Line established at 86°41' west longitude and indefinite extension of the GOMESA's ban on oil and gas leasing within 125 miles of the Florida coastline in the Eastern Planning Area and in a portion of the Central Planning Area.

Resolutions are not subject to action by the Governor and do not have the effect of law. In addition, they are not subject to the constitutional single-subject limitation or title requirements.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Gulf of Mexico Range Complex

Florida's 20 major military installations and defense business presence provide a nearly \$85 billion annual economic impact and account for roughly 800,000 jobs in Florida.¹ Additionally, Florida houses three of 10 unified combatant commands and hosts two of only four Navy deep water ports in the United States with adjacent airfields, the military's only east coast space launch facility, the Marine Corps' only maritime prepositioning force facility, and one of only three Navy Fleet Readiness Centers, as well as several critical research, development, training, and evaluation centers.²

Joint basing, joint usage, and joint training areas are vital to assessing the future of a military base. The Gulf of Mexico Range Complex (GOMEX Range Complex) is larger than all other training ranges inside the continental United States combined and has been in use for over 60 years. The GOMEX Range Complex stretches from the Florida Panhandle (commonly referred to as the Military Mission Line) south to Key West and encompasses 180,000 square miles in the eastern Gulf of Mexico.³ The GOMEX Range Complex supports Naval Air Station (NAS) Pensacola, NAS Whiting Field, Hurlburt Air Force Base, Duke Field, Eglin Air Force Base, NAS Panama City, Tyndall Air Force Base, MacDill Air Force Base, and NAS Key West missions, while also supporting joint live fire weapons and operational testing for the Air Force, Navy, and Marine units from around the world.⁴ The GOMEX Range Complex also contains multiple live-fire bombing ranges, including Pinecastle Range, Avon Park Air Force Range, and Eglin Bombing Range, which allow for simultaneous maritime, air, and land training exercises.⁵

New technology and the need for more integrated realistic training missions are constantly changing in order to keep up with ever changing global threats. Consequently, Air Force and Navy ranges within the GOMEX Range Complex must keep pace to ensure they will be capable of handling the new aircraft and weapons requirements.⁶ Due to its capabilities of offering joint training exercises, access to sea and land, and close proximity to Florida's bases, the GOMEX Range Complex serves as a vital part to the Department of Defense's training strategies.

¹ Florida Defense Factbook, pg. 1 (December 2017), available at <https://www.enterpriseflorida.com/wp-content/uploads/Florida-Defense-Factbook-2017-1.pdf> (last viewed 1/7/2018).

² *Id.* at pg. 5.

³ Florida Defense Support Task Force White Paper, *Oil Drilling & Military Mission Compatibility*, pg. 1 (January 2017), available at <https://www.enterpriseflorida.com/wp-content/uploads/FDSTF-White-Paper-Oil-Drilling-and-Military-Mission-Compatibility.pdf> (last viewed 10/23/2017).

⁴ *Id.* at 2.

⁵ *Supra* note 2

⁶ *Supra* note 3, at 3

After the OPEC crisis in the 1970's and the attacks on September 11, 2001, an interest in energy production, particularly domestic oil and natural gas, grew. The Department of Defense was concerned about the possibility of an unchecked expansion of oil drilling platforms in the eastern Gulf of Mexico conflicting with military training and weapons testing in the GOMEX Range Complex. In 2005, the Secretary of Defense sent a memo to the U.S. Senate Armed Services Committee stating the concern and said the Department of Defense would work with the Department of Interior to strike a balance between energy needs and national security goals.¹⁰

Gulf of Mexico Energy Security Act of 2006

The Secretary of Defense's memo led to legislation limiting oil and gas production in the Gulf of Mexico. On December 20, 2006, the Gulf of Mexico Energy Security Act of 2006 (GOMESA)¹¹ was signed into law. GOMESA enhances Outer Continental Shelf oil and gas leasing activities and revenue sharing in the Gulf of Mexico by doing the following:

- Shares leasing revenues with Gulf producing states and the Land and Water Conservation Fund for coastal restoration projects;
- Bans oil and gas leasing within 125 miles off the Florida coastline in the Eastern Gulf of Mexico Planning Area, and a portion of the Central Planning Area until 2022; and
- Allows companies to exchange certain existing leases in moratorium areas for bonus and royalty credits to be used on other Gulf of Mexico leases.

Specifically, GOMESA restricts leasing activities that include portions of the Eastern Planning Area within 125 miles of Florida, all areas in the Gulf of Mexico east of the Military Mission Line (86° 41' west longitude), and the area within the Central Planning Area that is within 100 miles of Florida.¹²

Efforts to Revise the Moratorium

In 2013, the "Offshore Energy and Jobs Act was introduced to remove limits imposed by the GOMESA, including shortening the duration of the moratorium from 2022 to 2017. The bill passed the U.S. House of Representatives; however, it was never taken up in the Senate.¹³

Two years later a similar bill, the "Offshore Energy Jobs Act of 2015, was filed. Among other things, the bill reduced the exclusion area east of the Military Mission Line from 125 miles to 50 miles off shore and reduced the area subject to the moratorium in the Central Planning Area off the coastline of Florida. The bill was never heard in the Senate.¹⁴

On April 28, 2017, President Trump signed an executive order with the intent to expand offshore drilling in the Arctic and Atlantic Oceans, in addition to assessing whether energy exploration can take place in marine sanctuaries in the Pacific and Atlantic.¹⁵ The order also directs the Secretary of the Interior, in consultation with the Secretary of Defense, to review "the schedule of proposed oil and gas lease sales...in the Western Gulf of Mexico, Central Gulf of Mexico, Chukchi Sea, Beaufort Sea, Cook Inlet,

¹⁰ *Supra* note 3, at 4.

¹¹ Gulf of Mexico Energy Security Act of 2006, Pub. L. No. 109-432, S. 3711, 109th Cong. (Dec. 20, 2006), available at <https://www.congress.gov/bill/109th-congress/senate-bill/3711> (last viewed 10/23/2017).

¹² Department of the Interior Bureau of Ocean Energy Management website, *Gulf of Mexico Energy Security Act*, available at <https://www.boem.gov/Revenue-Sharing/> (last viewed 10/25/2017).

¹³ H.R. 2231, 113th Cong. (June 4, 2013). *See* <https://www.congress.gov/bill/113th-congress/house-bill/2231> (last viewed 10/23/2017).

¹⁴ S. 1276, 114th Cong. (May 11, 2015). *See* <https://www.congress.gov/bill/114th-congress/senate-bill/1276> (last viewed 10/23/2017).

¹⁵ Executive Order 13795, available at <https://www.whitehouse.gov/the-press-office/2017/04/28/presidential-executive-order-implementing-america-first-offshore-energy> (last viewed 10/24/2017).

Mid-Atlanta, and the South Atlantic.”¹⁶ The executive order does not require a review of oil and gas lease sales in the eastern Gulf of Mexico; however, the oil industry is pushing to drill in the region.¹⁷

Subsequently, in October, 2017, Department of the Interior Secretary Zinke announced that the department is proposing “the largest oil and gas lease sale ever held in the United States, 76,967,935 acres in federal waters of the Gulf of Mexico, offshore Texas, Louisiana, Mississippi, Alabama and Florida.”¹⁸ The proposed lease sale is scheduled for March 2018. The lease sale appears to exclude all portions of the Eastern Gulf of Mexico east of the Military Mission Line, including the GOMEX Range Complex due to the GOMESA moratorium.

Expanding the Current Moratorium

Senator Bill Nelson (D-FL) filed the “Marine Oil Spill Prevention Act” in January 2017. The bill, among other things, expands the GOMESA to 2027. The bill has been referred to committees but has not received a hearing.¹⁹

Senator Nelson also filed the “Florida Coastal Protection Act” on January 10, 2018. The bill would create a permanent ban on drilling in any area of the Eastern Gulf of Mexico that is referred to in section 104(a) of the GOMESA; the portion of the South Atlantic Planning Area south of 30 degrees, 43 minutes North Latitude; or the Straits of Florida Planning Area. The bill has been referred to committees.²⁰

In May 2017, Acting Under Secretary of Defense, A.M. Kurta, sent a letter to Representative Matt Gaetz (R-FL) stating military training and related exercises in the Eastern Gulf necessitate a continuation of the GOMESA. Kurta also stated the:

Emerging technologies such as hypersonics, autonomous systems, and advanced sub-surface systems will require enlarged testing and training footprints and increased Department of Defense reliance on the Gulf of Mexico Energy Security Act’s moratorium beyond 2022. The moratorium is essential for developing and sustaining our nation’s future combat capabilities.²¹

Additionally, county commissions, chambers of commerce, local economic development councils, and military affairs committees from the counties bordering the Gulf of Mexico have provided resolutions in support of the GOMESA to the Florida Legislature.²²

Effect of the Resolution

The resolution pronounces that:

- The State of Florida must maintain a unified front in supporting an extension of the current moratorium on drilling in the Gulf of Mexico east of the Military Mission Line;

¹⁶ *Id.*

¹⁷ Timothy Cama, *Pentagon wants offshore drilling ban maintained in eastern Gulf*, THE HILL (May 2, 2017), <http://thehill.com/policy/energy-environment/331520-pentagon-wants-offshore-drilling-ban-maintained-in-eastern-gulf> (last viewed 10/24/2017).

¹⁸ Department of the Interior Press Release, October 24, 2017, available at <https://www.doi.gov/pressreleases/secretary-zinke-announces-largest-oil-gas-lease-sale-us-history> (last viewed 10/25/2017).

¹⁹ S. 74, 115th Cong. (January 9, 2017). See <https://www.congress.gov/bill/115th-congress/senate-bill/74?q=%7B%22search%22%3A%5B%22oil+drilling+moratorium%22%5D%7D&r=1> (last viewed 10/24/2017).

²⁰ S. 2292, 115th Cong. (January 10, 2018). See <https://www.congress.gov/bill/115th-congress/senate-bill/2292/text?q=%7B%22search%22%3A%5B%22S.+2292%22%5D%7D&r=1> (last viewed 1/19/2018).

²¹ Congressional Record on *Gulf of Mexico Oil Drilling Moratorium*, Senator Bill Nelson remarks, May 1, 2017, available at <https://www.congress.gov/congressional-record/2017/05/01/senate-section/article/S2654-4> (last viewed 10/24/2017).

²² *Supra* note 3, at 5.

- Drilling east of the Military Mission Line would mean loss of range areas and possible relocation of aircraft and bases to other unrestricted range areas; and
- The Florida House of Representatives supports an indefinite extension of the restriction, specified in the GOMESA, oil and gas leasing in all areas east of the Military Mission Line established at 86°41' west longitude and indefinite extension of the GOMESA's ban on oil and gas leasing within 125 miles of the Florida coastline in the Eastern Planning Area and in a portion of the Central Planning Area.

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B. SECTION DIRECTORY:

Not applicable.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.