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UNITED STATES DEPARTMENT OF COMMERCE
The Assistant Secretary for Legislative and Intergovernmental Affairs
Washington, D.C. 20230

JUN 26 2002

The Honorable James V. Hansen
Chairman, House Resources Committee
House of Representatives
Washington, D.C. 20515-6201

Dear Mr. Chairman:

This letter provides you with the Administration's views on H.R. 4883, as reported out of the House Resources Committee's Subcommittee on Fisheries Conservation, Wildlife and Oceans on June 20, 2002. This bill would reauthorize the Hydrographic Services Improvement Act of 1998 (HSIA of 1998) and update the authority for the National Oceanic and Atmospheric Administration (NOAA) Commissioner Officer Corps. In general, the Administration supports the purposes of this legislation. The Department of Commerce respectfully requests that H.R. 4883 be amended to reflect the views and recommendations provided for in this letter, and looks forward to working with you as this bill moves through the legislative process.

The Administration supports the Title I reauthorization of the HSIA. NOAA's hydrographic services provide data that are vital to efficient maritime and international commerce and the protection of life, property, and the marine environment. The Department would like to highlight several points regarding this legislation:

Section 103(a)(4). This section removes existing discretion and would require the Administration to design, install, maintain, and operate real-time hydrographic monitoring systems, including Physical Oceanographic Real Time Systems (PORTS).

The Department opposes this change, which eliminates an important cost-sharing element in existing law. Although PORTS support important national goals, each system also provides significant local benefits. This substantial local benefit is recognized through NOAA's cost-shared partnership approach. This approach also ensures that there is local buy-in and that the system design is commensurate with the local need. The HSIA of 1998 provided NOAA with the authority to establish PORTS and discretion on how to do so. The removal of this discretion through the requirement that NOAA fund all costs associated with PORTS could have significant negative impacts on the PORTS program. Should this provision be enacted, NOAA would not have sufficient funds available for operations and maintenance costs of the existing PORTS. While the responsibility for individual local operation and maintenance costs

is relatively low, the cumulative burden to NOAA would be high. In addition, costs to establish future PORTS could be substantial.

Section 104. Subsection (a) removes existing discretion and requires the development and implementation of a quality assurance program within two years. Subsection (b) requires the NOAA Administrator to seek international certification for all private sector products certified by the Administration "to the maximum extent practicable." Subsection (c) requires NOAA to report annually on its implementation of Executive Order 12906 and OMB Circular A-16 to the panel that would be created under Section 105 of H.R. 4883.

The Department believes existing authority under the HSIA is sufficient because NOAA already is developing a quality assurance program that will be completed within two years. The language could also lead to confusion regarding the respective responsibilities of the U.S. Coast Guard and NOAA. NOAA programs are responsible for maintaining the Nation's hydrographic services. However, the U.S. Coast Guard, not NOAA, regulates vessel carriage requirements, including the carriage of nautical charts and tide information. Also, vessel carriage requirements are primarily governed through international agreements, which are then implemented by nations. The foreign policy objectives in subsection (b) should be advisory and be included in the Committee Report on the bill.

Subsection (c) should also be advisory as part of the Committee Report. This section would require NOAA to study annually and report to the panel created under Subsection 105 of the HSIA on NOAA's implementation of White House policies contained in Executive Order 12906 and OMB Circular A-16. The Department is aware of, and currently implementing, its Executive Branch policies on geospatial information.

Section 105. This section would create an advisory panel under the Federal Advisory Committee Act. The Department does not oppose the authority to create an advisory panel for hydrographic services; however, the bill language creates a mandatory requirement to establish the panel along with the requirement to finance its operation. The Department opposes this requirement because funds have not been appropriated for this activity and are not requested in the President's FY 2003 Budget. The Department believes funds should not be diverted from other mission-critical requirements to fund the costs associated with operating this panel.

Section 106. This section requires the Administrator to submit to Congress a plan for increasing contracting with the private sector for photogrammetric, remote sensing, and other geospatial reference services related to hydrographic data acquisition or hydrographic services activities. The Department believes that this reporting requirement is unnecessary because NOAA is developing an outsourcing strategy for the hydrographic shoreline mapping program.

Section 107. Authorizations of appropriations should be consistent with the President's budget. The President's FY 2003 Budget proposes $48.169 million for mapping and charting; $47.645 million for surveys, including outsourcing, $25.442 million for geodetic functions,

including the National Spatial Reference System; and $18.269 million for tide and current measurement functions, including the National Water Level Observation Network (NWLON) and PORTS.

With respect to Title II, the Administration is reviewing certain sections related to the authority granted to the President. Depending on the outcome of the review, we may supply comments on that section at a later date.

The Office of Management and Budget has advised the Department that there is no objection to the submission of this letter to the Congress from the standpoint of the Administration's program.

Sincerely,

Brenda L. Becker

cc: The Honorable Nick J. Rahall II
The Honorable Wayne T. Gilchrest
The Honorable Robert A. Underwood