GENERAL COUNSEL OF THE
UNITED STATES DEPARTMENT OF COMMERCE
Washington, D.C. 20230

April 27, 2005

The Honorable Sherwood L. Boehlert
Chairman, Committee on Science
U.S. House of Representatives
Washington, DC 20515-6301

Dear Mr. Chairman:

This letter provides the Department of Commerce's views on H.R. 1674, the "United States Tsunami Warning and Education Act." The Department supports the Committee's efforts to strengthen the National Oceanic and Atmospheric Administration's (NOAA) tsunami detection, forecast, warning, mitigation and education and outreach programs. In light of the recent Indian Ocean tsunami, as well as this past hurricane season, the Department believes we should take this opportunity to strengthen and clarify NOAA's responsibilities for protecting lives and property from the broad spectrum of natural hazards the Nation faces. We would like to work with the Committee this year to pass the Administration's NOAA Organic Act, which provides the necessary authorities and flexibility for NOAA to effectively and efficiently carry out its mission, including tsunami warnings.

The Department supports the Committee's legislative intent to address tsunamis through the authorization process, and appreciates the efforts of the Science Committee to work with the United States Senate on this issue. As you know, H.R. 1674 is very similar to S. 50, the "Tsunami Preparedness Act," which was introduced in the Senate. The Department appreciates that the Committee has worked to provide NOAA the increased flexibility required to manage its resources and priorities, while strengthening our tsunami detection, forecast, warning, and mitigation programs. However, we are concerned H.R. 1674 does not vest authorities with the Secretary of Commerce, who is responsible for all Department of Commerce programs.

Finally, the Department requests all funding authorized for this purpose be consistent with the amounts contained in the Administration's proposal for strengthening the U.S. Tsunami Warning System, which was released on January 14, 2005, and the FY 2006 Budget Request. The Department of Commerce appreciates the opportunity to present its views on H.R. 1674 and looks forward to working with you to ensure NOAA has the necessary authorities to respond effectively to all natural hazards, including tsunamis. Additional specific comments on the bill language are enclosed.

The Office of Management and Budget has advised that there is no objection to the transmittal of these views from the standpoint of the Administration's program.

Sincerely,

Jane T. Dana

Jane T. Dana
Acting General Counsel

Enclosure

cc: The Honorable Bart Gordon
Ranking Member

Specific comments from the Department of Commerce (Department) on H.R. 1674, the "United States Tsunami Warning and Education Act"

Overall: The Department requests all authorities be vested with the Secretary of Commerce, who is responsible for all Department of Commerce programs, including NOAA's National Weather Service.

Section 2(1): The Department recommends replacing the clause: "both in the United States and elsewhere in the world," with "in the United States." The phrase "elsewhere in the world" is vague, and providing such a broad mandate may result in unintended consequences. The Department believes the desire to improve systems internationally is encapsulated in Section 2(b)(5).

Section 3(e)(1)(A): The Department recommends replacing "global earth observing system of systems," with "Global Earth Observing System of Systems."

Section 4: For consistency, the Department recommends the title of this section be modified as follows (note italics):

> "Sec. 4. *National* Tsunami Hazard Mitigation Program"

Section 4(b): The Department recommends replacing "comprising" with "comprised of."

Section 4(b)(3): The Department recommends inserting "and other mitigation practices" at the end of this clause.

Section 4(c)(1): The Department recommends additional language for this section (note italics):

> "(1) use National Oceanic and Atmospheric Administration inundation models to improve the quality and extent of inundation mapping, including assessment of vulnerable inner coastal *and nearshore* areas, *in a coordinated and standardized fashion to maximize resources and the utility of data collected.*"

Section 6(a): The Department recommends inclusion of the word "Hazard" in this section, for consistency (note italics):

> "(a) INTERNATIONAL TSUNAMI WARNING SYSTEM- The Administrator of the National Oceanic and Atmospheric Administration, through the National Weather Service, in coordination with other members of the United States Interagency Committee of the National Tsunami *Hazard* Mitigation Program, shall provide technical assistance and advice to the Intergovernmental Oceanographic Commission, the World Meteorological Organization, and other international entities, as part of international efforts to develop a fully functional global tsunami forecast and warning system comprised of regional tsunami warning networks, modeled on the International Tsunami Warning System of the Pacific."

Section 6(b): As mentioned above, the Department recommends all authorities be vested with the Secretary of Commerce. In this section, the Department recommends language be added stating the Secretary "in cooperation with the Intergovernmental Oceanographic Commission," shall operate an International Tsunami Information Center.

Section 6(c)(1): The Department recommends modifying this section in order to make clear our first priority must be preparing at-risk communities within the United States and associated territories. The Department recommends replacing the language with:

> "(1) shall assist nations in identifying vulnerable coastal areas, creating inundation maps, obtaining or designing real-time detection and reporting equipment, and establishing communication and warning networks and contact points in each vulnerable nation;"

Section 6(d): The Department has serious concerns with the language in this subsection. It is the Department's policy to support full and open data exchange. The language, as written, does not encourage that position. The Department recommends this subsection be modified as follows:

> "(d) DATA-SHARING REQUIREMENT.-- The Secretary, when deciding to provide assistance under this section, may take into consideration the data sharing policies and practices of the nations proposed to receive such assistance, with a goal to encourage all nations to support full and open exchange of data."

Section 7: The Department opposes obligating a fixed percentage of tsunami-related appropriations to specific activities as outlined in this section. The Department recommends elimination of Sections 7(1), (2), and (3).