



March 12, 2003

The Honorable Richard W. Pombo
Chairman, Committee on Resources
House of Representatives
Washington, DC 20515-6201


Dear Mr. Chairman:

This is to inform you that the Administration has transmitted to the Congress a draft National Defense Authorization Act (NDAA) for FY 2004 that proposes amendments to the Marine Mammal Protection Act (MMPA) of 1972, 16 U.S.C. § 1361 et seq. (copy enclosed). Specifically, the NDAA contains a "Readiness and Range Preservation Initiative", the objective of which is "[t]o ensure military readiness by addressing problems created by encroachment on military readiness activities..., while ensuring that the Department of Defense fulfills its environmental stewardship responsibilities...." The term "military readiness activities" is defined to include any training and operations that could be related to combat readiness.

The draft NDAA would, among other things, amend the MMPA (i) to clarify the definition of harassment for purposes of military readiness activities, (ii) to clarify the relationship between the "small numbers" and "negligible impact standard" for takes of marine mammals for the purposes of military readiness activities, and (iii) to provide greater flexibility when analyzing military readiness activities that may be carried out in large portions of the ocean. Additionally, the NDAA would provide a limited exemption from certain MMPA requirements for reasons of national security. A similar exemption already exists in complementary environmental statutes, such as the Endangered Species Act. Because these proposed amendments deal solely with military readiness activities and national security, they have been included in the draft National Defense Authorization Act for FY 2004 and not in the draft Marine Mammal Protection Act Amendments of 2003 that I transmitted to you on February 21, 2003. We ask that you give due consideration to all of these proposals as your Committee considers reauthorization of marine mammal programs.

We have been advised by the Office of Management and Budget that there is no objection to the submission of this letter to the Congress from the standpoint of the Administration's program.

Sincerely,


Theodore W. Kassinger

Enclosure

cc: The Honorable Nick J. Rahall
Ranking Minority Member



March 12, 2003

The Honorable John McCain
Chairman, Committee on Commerce,
Science and Transportation
United States Senate
Washington, D.C. 20510-6125

Dear Mr. Chairman:

This is to inform you that the Administration has transmitted to the Congress a draft National Defense Authorization Act (NDAA) for FY 2004 that proposes amendments to the Marine Mammal Protection Act (MMPA) of 1972, 16 U.S.C. § 1361 et seq., (copy enclosed). Specifically, the NDAA contains a "Readiness and Range Preservation Initiative", the objective of which is "[t]o ensure military readiness by addressing problems created by encroachment on military readiness activities..., while ensuring that the Department of Defense fulfills its environmental stewardship responsibilities...." The term "military readiness activities" is defined to include any training and operations that could be related to combat readiness.

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We have been advised by the Office of Management and Budget that there is no objection to the submission of this letter to the Congress from the standpoint of the Administration's program.

Sincerely,

A handwritten signature in black ink that reads "Theodore W. Kassinger". The signature is written in a cursive, flowing style.

Theodore W. Kassinger

Enclosure

cc: The Honorable Ernest F. Hollings
Ranking Minority Member