



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

February 1, 2005

The Honorable Ted Stevens
Chairman, Committee on Commerce, Science
and Transportation
United States Senate
Washington, DC 20510-6125

Dear Mr. Chairman:

This letter provides you with the Department of Commerce's views on S. 50, the "Tsunami Preparedness Act". The recent catastrophic event in the Indian Ocean highlights the threat tsunamis pose to many coastal communities, and the need to defend American communities against future tsunamis. 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 this event, as well as this past hurricane season, the Department believes that 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.

While the Department supports the Committee's legislative intent to address tsunamis through the authorization process, we are concerned that the specificity in the proposed bill could unintentionally limit NOAA's ability to effectively manage these programs. Our major concerns are with sections 3(b), which could restrict NOAA's ability to apply new technologies and techniques, and 3(d)(4), 3(e), 4(c)(6), 6(a)(1), 6(b) and 7(c), which seek to restrict the authority of NOAA and the Administrator, and which would impair NOAA's ability to manage its own resources and priorities. Further, we are concerned that S. 50 does not vest authorities in the Secretary of Commerce, who is responsible for all Department of Commerce programs.

Finally, the Department requests that 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. The Department of Commerce appreciates the opportunity to present views on S. 50 and looks forward to working with you to ensure NOAA has the necessary authorities to respond effectively to all natural hazards, including tsunamis.

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,

A handwritten signature in cursive script that reads "Jane T. Dana".

Jane T. Dana
Acting General Counsel

cc: The Honorable Daniel K. Inouye