

CONVEYANCE OF NOAA VESSEL WHITING

JUNE 9, 2004.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. POMBO, from the Committee on Resources,
submitted the following

R E P O R T

[To accompany H.R. 4158]

[Including cost estimate to the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 4158) to provide for the conveyance to the Government of Mexico of a decommissioned National Oceanic and Atmospheric Administration ship, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 4158 is to provide for the conveyance to the Government of Mexico of a decommissioned National Oceanic and Atmospheric Administration ship, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

Operating under the International Hydrographic Organization, the United States chairs the MesoAmerican-Caribbean Sea Hydrographic Commission (MACHC). The objective of this commission is to coordinate the hydrographic surveys and charting activities of member nations. The National Oceanographic and Atmospheric Administration (NOAA) and U.S. Navy are the main U.S. representatives in these efforts. In March 2002 the U.S.-Mexico Charting Advisors Committee (Committee) was established as a part of MACHC to address common regional issues on charting, research, and data collection of the two countries. The Committee coordinates activities such as joint surveys, cartographer and hydrographer exchanges, joint international chart production for border waters, and data exchange. As part of the cooperative activities of the Committee, the government of Mexico contacted NOAA in June

2003 indicating an interest in obtaining the recently decommissioned vessel *Whiting* from the United States.

The survey vessel *Whiting* is 163 feet in length, has a draft of 12 feet, a displacement of 907 tons, a cruising range of 5,700 nautical miles, and a cruising speed of 12 knots. In 2002 NOAA removed the *Whiting* from service and the vessel was decommissioned in May 2003. Since 1963 the *Whiting* had been in service conducting hydrographic surveys along the east and Gulf coasts of the United States and the Great Lakes. In March 2003, NOAA took possession of the former U.S. Navy hydrographic survey vessel *Littlehales*. This vessel was commissioned into service in July 2003 as a replacement for the *Whiting*.

As of August 2003, Mexico did not yet have a vessel dedicated to hydrographic surveys and the *Whiting* would be the first ship to fill that role. Conveyance of the *Whiting* to the Government of Mexico would have several benefits. First it would result in less reliance by Mexico on NOAA and U.S. Navy assets for hydrographic surveys, and would assist in regional capacity building. In addition, it would likely result in updated charts, provide a platform for information exchange, and improve navigational safety for all vessels that sail in the Gulf of Mexico.

This legislation is necessary because NOAA does not have authority to transfer ships directly to foreign governments. The bill stipulates that the Secretary of Commerce shall convey at no cost to the Government of Mexico all rights, title, and interests to the decommissioned survey vessel *Whiting*. In addition, the legislation requires the *Whiting* be used as a hydrographic survey platform in support of activities of the U.S.-Mexico Charting Advisors Committee. Furthermore, the *Whiting* shall be delivered to the Mexican government at the vessel's current home port of Norfolk, Virginia, and the United States will not be responsible for any remediation, maintenance, or operation of the *Whiting* after delivery.

COMMITTEE ACTION

H.R. 4158 was introduced on April 2, 2004, by Congressman Solomon Ortiz (D-TX). The bill was referred to the Committee on Resources and within the Committee to the Subcommittee on Fisheries Conservation, Wildlife and Oceans. On May 13, 2004, the Subcommittee held a hearing on the bill. On May 19, 2004, the Full Resources Committee met to consider the bill. The Subcommittee was discharged from further consideration of the bill by unanimous consent. No amendments were offered and the bill was then ordered favorably reported to the House of Representatives by unanimous consent.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article 1, section 8 of the constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in tax expenditures. According to the Congressional Budget Office, the sale of the ship transferred to the Government of Mexico might have generated offsetting receipts to the government, but these would amount to less than \$500,000.

3. General Performance Goals and Objectives. This bill does not authorize funding and therefore, clause 3(c)(4) of rule XIII of the Rules of the House of Representatives does not apply.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 4, 2004.

Hon. RICHARD W. POMBO,
*Chairman, Committee on Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4158, a bill to provide for the conveyance to the government of Mexico of a decommissioned National Oceanic and Atmospheric Administration ship.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis.

Sincerely,

ELIZABETH M. ROBINSON
(For Douglas Holtz-Eakin, Director).

Enclosure.

H.R. 4158—To provide for the conveyance to the government of Mexico of a decommissioned National Oceanic and Atmospheric Administration ship

H.R. 4158 would direct the Secretary of Commerce to convey without consideration the *Whiting*, a decommissioned survey vessel, to the government of Mexico. Based on information provided by the National Oceanic and Atmospheric Administration, CBO estimates that conveying the *Whiting* would not result in any significant cost to the federal government. Because the decommissioned ship might have been sold in the absence of this legislation, the

conveyance to Mexico could cause the government to forgo offsetting receipts, but CBO expects that any loss would be less than \$500,000.

The legislation would impose no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Deborah Reis. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.