

PARTIAL NOAA PROGRAMS AUTHORIZATION ACT OF 1999

—————
OCTOBER 25, 2000.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed
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Mr. YOUNG of Alaska, from the Committee on Resources,
submitted the following

R E P O R T

[To accompany H.R. 1552]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 1552) to authorize appropriations for fiscal year 2000 and fiscal year 2001 for the Marine Research and related environmental research and development program activities of the National Oceanic and Atmospheric Administration and the National Science Foundation, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Partial NOAA Programs Authorization Act of 1999”.

SEC. 2. DEFINITIONS.

(a) **IN GENERAL.**—For purposes of this Act, the term—

- (1) “Administrator” means the Administrator of the National Oceanic and Atmospheric Administration; and
- (2) “Secretary” means the Secretary of Commerce.

(b) **MARINE RESEARCH.**—For the purposes of this Act, the term “marine research” does not include—

- (1) fisheries research, assessment, and management;
- (2) acquisition of hydrographic survey data; or
- (3) navigation services.

SEC. 3. NATIONAL OCEAN SERVICE.

(a) **OPERATIONS, RESEARCH, AND FACILITIES.**—There are authorized to be appropriated to the Secretary to enable the National Oceanic and Atmospheric Administration to carry out the oceanographic and marine research activities of the National Ocean Service \$38,806,000 for fiscal year 2000 and \$38,806,000 for fiscal year 2001, to remain available until expended.

(b) OCEAN RESOURCES, CONSERVATION, AND ASSESSMENT.—Of the amounts authorized under subsection (a), \$14,055,000 for fiscal year 2000 and \$14,055,000 for fiscal year 2001 shall be for Ocean Resources and Conservation Assessment, of which—

(1) \$7,970,000 for fiscal year 2000 and \$7,970,000 for fiscal year 2001 shall be for Oceanic and Coastal Research; and

(2) \$6,085,000 for fiscal year 2000 and \$6,085,000 for fiscal year 2001 shall be for the Great Lakes Environmental Research Laboratory.

(c) ACQUISITION OF DATA.—Of the amounts authorized under subsection (a), \$5,321,000 for fiscal year 2000 and \$5,321,000 for fiscal year 2001 shall be for Acquisition of Data.

(d) COASTAL OCEAN PROGRAM.—Of the amounts authorized under subsection (a), \$19,430,000 for fiscal year 2000 and \$19,430,000 for fiscal year 2001 shall be for the Coastal Ocean Program.

SEC. 4. OCEANIC AND ATMOSPHERIC RESEARCH.

(a) OPERATIONS, RESEARCH, AND FACILITIES.—There are authorized to be appropriated to the Secretary to enable the National Oceanic and Atmospheric Administration to carry out the oceanographic and marine research activities of the Office of Oceanic and Atmospheric Research \$68,100,000 for fiscal year 2000 and \$68,100,000 for fiscal year 2001, to remain available until expended.

(b) MARINE ENVIRONMENTAL RESEARCH.—Of the amounts authorized under subsection (a), \$24,000,000 for fiscal year 2000 and \$24,000,000 for fiscal year 2001 shall be for Marine Environmental Research. Of such amounts, \$2,000,000 for fiscal year 2000 and \$2,000,000 for fiscal year 2001 shall be for arctic research.

(c) NURP.—Of the amounts authorized under subsection (a), \$15,000,000 for fiscal year 2000 and \$15,000,000 for fiscal year 2001 shall be for the National Oceanic and Atmospheric Administration Undersea Research Program (NURP).

(d) OCEAN OBSERVATIONS.—Of the amounts authorized under subsection (a), \$14,100,000 for fiscal year 2000 and \$14,100,000 for fiscal year 2001 shall be for ocean observations.

(e) ACQUISITION OF DATA.—Of the amounts authorized under subsection (a), \$15,000,000 for fiscal year 2000 and \$15,000,000 for fiscal year 2001 shall be for Acquisition of Data.

SEC. 5. PROGRAM SUPPORT.

(a) OPERATIONS, RESEARCH, AND FACILITIES.—There are authorized to be appropriated to the Secretary to enable the National Oceanic and Atmospheric Administration to carry out the oceanographic and marine research activities of Program Support \$73,887,000 for fiscal year 2000 and \$73,887,000 for fiscal year 2001, to remain available until expended.

(b) ADMINISTRATION AND SERVICES.—Of the amounts authorized under subsection (a), \$62,868,000 for fiscal year 2000 and \$62,868,000 for fiscal year 2001 shall be for Administration and Services, of which—

(1) \$19,573,000 for fiscal year 2000 and \$19,573,000 for fiscal year 2001 shall be for Executive Direction and Administration;

(2) \$712,000 for fiscal year 2000 and \$712,000 for fiscal year 2001 shall be for Systems Acquisition Office;

(3) \$41,583,000 for fiscal year 2000 and \$41,583,000 for fiscal year 2001 shall be for Central Administrative Support; and

(4) \$1,000,000 for fiscal year 2000 and \$1,000,000 for fiscal year 2001 shall be for Historically Black Colleges and Universities.

(c) AIRCRAFT SERVICES.—Of the amounts authorized under subsection (a), \$11,019,000 for fiscal year 2000 and \$11,019,000 for fiscal year 2001 shall be for Aircraft Services.

(d) INDEPENDENT AUDIT OF AIRCRAFT SERVICES.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary shall, using available funds, enter into appropriate arrangements with an independent external auditor capable of providing an audit to determine whether outsourcing of aircraft services is a more cost-effective alternative to in-house operation of aircraft in meeting the National Oceanic and Atmospheric Administration's aircraft requirements of the conduct of marine and atmospheric research and related environmental research and development activities, and for other data and mission needs.

(2) AUDITING PROCEDURES.—

(A) IN GENERAL.—The audit under paragraph (1) shall be conducted in accordance with generally accepted government auditing standards.

(B) ACCESS TO INFORMATION.—The Secretary shall provide the independent external auditor the information such auditor requires to conduct the audit under paragraph (1). The independent external auditor may in-

spect any records of and have access to personnel of the National Oceanic and Atmospheric Administration to obtain such information.

(3) REPORT OF THE RESULTS OF THE AUDIT.—Not later than 180 days after the initiation of the audit required by this subsection, the independent external auditor shall submit a report concerning the results of the audit to the Committee on Science of the House of Representatives and the Committee on Science, Commerce, and Transportation of the Senate.

SEC. 6. FACILITIES.

(a) OPERATIONS, RESEARCH, AND FACILITIES.—There are authorized to be appropriated to the Secretary to enable the National Oceanic and Atmospheric Administration to carry out the Operations, Research, and Facilities oceanographic and marine research activities required to carry out Facilities Maintenance and Repairs and Environmental Compliance \$5,717,000 for fiscal year 2000 and \$5,717,000 for fiscal year 2001, to remain available until expended.

(b) FACILITIES MAINTENANCE AND REPAIRS.—Of the amounts authorized under subsection (a), \$1,818,000 for fiscal year 2000 and \$1,818,000 for fiscal year 2001 shall be for Facilities Maintenance and Repairs.

(c) ENVIRONMENTAL COMPLIANCE.—Of the amounts authorized under subsection (a), \$3,899,000 for fiscal year 2000 and \$3,899,000 for fiscal year 2001 shall be for Facilities Environmental Compliance.

SEC. 7. INTERNET AVAILABILITY OF INFORMATION.

The Administrator shall make available through the Internet home page of the National Oceanic and Atmospheric Administration the abstracts relating to all research grants and awards made with funds authorized by this Act. Nothing in this section shall be construed to require or permit the release of any information prohibited by law or regulation from being released to the public.

SEC. 8. REIMBURSEMENT OF EXPENSES.

Notwithstanding section 3302 (b) and (c) of title 31, United States Code, of the amounts received by the United States in settlement of, or judgment for, damage claims arising from the October 9, 1992, allision of the vessel ZACHARY into the National Oceanic and Atmospheric Administration research vessel DISCOVERER, \$349,000—

(1) shall be retained as an offsetting collection in the Operations, Research and Facilities account of the National Oceanic and Atmospheric Administration;

(2) shall be deposited into that account upon receipt by the United States Government; and

(3) shall be available only for obligation for National Oceanic and Atmospheric Administration marine services.

SEC. 9. ABOLISHMENT OF CHIEF SCIENTIST POSITION.

(a) ABOLISHMENT OF POSITION.—The position of Chief Scientist of the National Oceanic and Atmospheric Administration is abolished.

(b) TERMINATION OF REORGANIZATION PLAN PROVISION.—Subsection (d) of section 2 of Reorganization Plan No. 4 of 1970 (5 U.S.C. App.) shall have no force or effect.

(c) REFERENCES.—Any reference in any other Federal law, Executive order, rule, regulation, delegation of authority, or document to Chief Scientist of the National Oceanic and Atmospheric Administration is deemed to refer to the Administrator of the National Oceanic and Atmospheric Administration.

(d) CLERICAL AMENDMENT.—Section 5316 of title 5, United States Code, is amended by striking “Chief Scientist, National Oceanic and Atmospheric Administration.”.

Amend the title so as to read:

A bill to authorize appropriations for fiscal year 2000 and fiscal year 2001 for the oceanographic and marine research activities of the National Oceanic and Atmospheric Administration, and for other purposes.

PURPOSE OF THE BILL

The purpose of H.R. 1552, as reported by the Committee on Resources, is to authorize appropriations for fiscal year 2000 and fiscal year 2001 for oceanographic and marine research activities of the National Oceanic and Atmospheric Administration, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

The National Oceanic and Atmospheric Administration (NOAA) conducts research, monitoring, assessments and other studies on a variety of ocean, fisheries and coastal topics to support its oceanographic, environmental prediction and marine resource management functions. Lacking an Organic Act for the agency, some of NOAA's work is authorized under permanent statutory general and some is authorized in free-standing statutes for specific periods of time. Several efforts have been made over the last five years to enact annual NOAA authorization measures for those programs that are carried out under permanent general authorities, but none of these efforts have succeeded. H.R. 1552 authorizes appropriations for a large portion of NOAA's oceanographic activities for fiscal years 2000 and 2001.

H.R. 1552 was referred to both the Committee on Science and the Committee on Resources for consideration of the provisions that fall within each committee's jurisdiction. The Resources Committee has jurisdiction over "oceanography" and the Science Committee has jurisdiction over "marine research" under Rule 10 of the Rules of the House of Representatives. Therefore, oversight jurisdiction for some NOAA programs is shared by the two Committees. Other programs, such as navigation services and fisheries research and management, fall exclusively under the jurisdiction of the Resources Committee. H.R. 1552, as introduced, included authorization of several NOAA programs under the exclusive jurisdiction of the Committee on Resources. H.R. 1552 as reported by the Committee on Resources removes the programs under its exclusive jurisdiction. The bill as reported contains authorizations only for those programs with shared committee jurisdiction, and restores funding for these programs to the levels in the Administration's fiscal year 2000 budget request. Table 1 summarizes the funding levels and programs authorized in the bill as reported from the Committee on Resources.

Table 1: FY 2000 and 2001 Authorizations in H.R. 1552

Program/Activity	Authorization
NATIONAL OCEAN SERVICE (NOS)	
<i>Ocean Resources Conservation and Assessment</i>	
Oceanic and Coastal Research	\$7,970,000
Great Lakes Environmental Research Lab	\$6,085,000
<i>Ocean Resources Conservation and Assessment Subtotal</i>	<i>\$14,055,000</i>
<i>Coastal Ocean Program</i>	<i>\$19,430,000</i>
<i>Acquisition of Data Subtotal</i>	<i>\$5,321,000</i>
NOS Total	\$38,806,000
OCEANIC AND ATMOSPHERIC RESEARCH (OAR)	
<i>Marine Environmental Research Subtotal</i>	<i>\$24,000,000</i>
<i>National Undersea Research Subtotal</i>	<i>\$15,000,000</i>
<i>Ocean Observations</i>	<i>\$14,100,000</i>
<i>Acquisition of Data</i>	<i>\$15,000,000</i>
OAR Total	\$68,100,000
PROGRAM SUPPORT	
<i>Administration and Services</i>	
Executive Direction and Administration	\$19,573,000
Systems Acquisition	\$712,000
Central Administrative Support	\$41,583,000
Historically Black Colleges	\$1,000,000
<i>Administration and Services Subtotal</i>	<i>\$62,868,000</i>
<i>Aircraft Services Subtotal</i>	<i>\$11,019,000</i>
Program Support Total	\$73,887,000
FACILITIES	
<i>Facilities Maintenance and Repairs Subtotal</i>	<i>\$1,818,000</i>
<i>Environmental Compliance Subtotal</i>	<i>\$3,899,000</i>
Facilities Total	\$5,717,000
NOAA TOTAL	\$186,510,000

COMMITTEE ACTION

H.R. 1552 was introduced on April 26, 1999, by Congressman Ken Calvert (R-CA). The bill was referred to the Committee on Science and additionally to the Committee on Resources. Within the Committee on Resources, the bill was referred to the Subcommittee on Fisheries Conservation, Wildlife and Oceans. On March 18, 1999, the Subcommittee held a hearing on the fiscal year 2000 budget for NOAA, which includes the programs authorized in this bill. On May 6, 1999, the Subcommittee met to mark up the bill. Subcommittee Chairman Jim Saxton (R-NJ) offered an amendment to remove from the bill authorizations for activities that fall under the exclusive jurisdiction of the Committee on Resources, move the Coastal Ocean Program to the Office of Oceanic and Atmospheric Research, create a new ocean observation activity line item, and restore funding for the remaining programs to the fiscal year 2000 Administration request levels. The amendment was adopted by voice vote. The bill, as amended, was then ordered favorably reported to the Full Committee by voice vote. On June 30, 1999, the Full Resources Committee met to consider the bill. Subcommittee Chairman Saxton (R-NJ) offered an amendment to eliminate the position of Chief Scientist within NOAA, allow NOAA to be reimbursed for costs incurred due to an accident involving one of its ships, and return the Coastal Ocean Program to the National Ocean Service. The amendment was adopted by voice vote. The bill, as amended, was then ordered favorably reported to the House of Representatives by voice vote.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

This Act may be cited as the Partial NOAA Programs Authorization Act of 1999.

Section 2. Definitions

The term "Administrator" means the Administrator of the National Oceanic and Atmospheric Administration and the term "Secretary" means the Secretary of Commerce. For the purposes of this Act, the term "marine research" does not include hydrographic surveys, navigation services or fisheries research, assessment, and management.

Section 3. National Ocean Service

Section 3 authorizes \$38,806,000 in appropriations for oceanographic and marine research activities carried out by the National Ocean Service under the Operations, Research and Facilities account during each of fiscal years 2000 and 2001. These activities include authorizations of \$14,055,000 for Ocean Resources Conservation and Assessment, \$19,430,000 for the Coastal Ocean Program and \$5,321,000 for non-hydrographic Acquisition of Data. This section retains the Administration's request for the Great Lakes Environmental Research Lab at \$6,085,000 and reduces the authorization for Acquisition of Data to \$5,321,000 to reflect the needs for non-hydrographic data acquisition. Acquisition of hydrographic data is authorized separately in the Hydrographic Services Improvement Act (Public Law 105-384).

Section 4. Oceanic and atmospheric research

Section 4 authorizes \$68,100,000 in appropriations for oceanographic and marine research activities carried out by the Office of Oceanic and Atmospheric Research under the Operations, Research and Facilities account during each of fiscal years 2000 and 2001. These activities include \$24,000,000 for Marine Environmental Research, \$15,000,000 for the National Undersea Research

Program, \$14,100,000 for Ocean Observations, and \$15,000,000 for Acquisition of Data. The Ocean Observations line is a new authorization which consolidates existing ocean observing activities into a single unit. These activities are currently funded in several places under the Office of Oceanic and Atmospheric Research. The funding levels authorized in this section reflect the amounts in the fiscal year 2000 Administration request and an increase for the ocean observations activity line.

Section 5. Program support

Section 5 authorizes \$73,887,000 for NOAA's Program Support activities in each of fiscal years 2000 and 2001. These activities include \$19,573,000 for Executive Direction and Administration, \$712,000 for Systems Acquisition, \$41,583,000 for Central Administrative Support, \$1,000,000 for Historically Black Colleges and Universities, and \$11,019,000 for Aircraft Services. These authorizations reflect the levels in the Administration's fiscal year 2000 request. This section also requires the Secretary to contract with an independent, external auditor to evaluate whether the use of private aircraft to carry out NOAA's oceanographic activities is a more cost effective alternative to in-house maintenance and operation of aircraft.

Section 6. Facilities

Section 6 authorizes \$5,717,000 for NOAA's Facilities account for each of fiscal years 2000 and 2001. Activities authorized under this account include \$1,818,000 for Facilities Maintenance and Repairs, and \$3,899,000 for Environmental Compliance.

Section 7. Internet availability of information

Section 7 requires the Secretary to publish on the Internet abstracts for all research grants and awards made with funds authorized under this Act.

Section 8. Reimbursement of expenses

Section 8 requires that \$349,000 of the amounts recovered by the United States, in settlement of or by judgment for damage claims arising from the October 1992 collision of the vessel ZACHARY with the NOAA research vessel DISCOVERER, be used as an offsetting collection and be available only for obligation for NOAA marine services.

Section 9. Abolishment of the chief scientist position

This section abolishes the statutory references to the Chief Scientist position at NOAA. This position is currently vacant. NOAA has recently undergone an agency reorganization, and does not wish to fill the Chief Scientist vacancy. References to the Chief Sci-

entist in statutes are deemed to refer to the Administrator of NOAA.

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 I, 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, credit authority, or an increase or decrease in revenues or tax expenditures. Enactment of this bill would result in \$340,000 in direct spending but any such effect "would not be significant" according to the Congressional Budget Office.

3. Government Reform Oversight Findings. Under clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform on this bill.

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, August 5, 1999.

Hon. DON YOUNG,
*Chairman, Committee on Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimated for H.R. 1552, the Partial NOAA Programs Authorization Act of 1999.

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

Sincerely

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

H.R. 1552—Partial NOAA Programs Authorization Act of 1999

Summary: H.R. 1552 would authorize the appropriation of \$187 million in each of fiscal years 2000 and 2001 for certain marine and environment programs of the National Oceanic and Atmospheric Administration (NOAA). The bill also would require an independent study of savings that could result from outsourcing aircraft services related to atmospheric and environmental research. In addition, H.R. 1552 would allow NOAA to spend, without further appropriations action, the amount that has been collected by the federal government as a result of damage claims against the vessel ZACHARY.

CBO estimates that implementing H.R. 1552 would result in additional outlay of \$373 million over the 2000–2004 period, assuming the appropriation of the authorized amounts. Because enacting H.R. 1552 would affect direct spending, pay-as-you-go procedures would apply, but CBO estimates that such effects would not be significant. H.R. 1552 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandate Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated impact of H.R. 1552 on discretionary spending is shown in the following table. CBO also estimates that allowing NOAA to spend offsetting receipts from federal claims against the vessel ZACHARY would increase direct spending by about \$340,000 over the next five years. For the purpose of this estimate, CBO assumes that H.R. 1552 will be enacted by the end of fiscal year 1999 and that the amounts authorized will be appropriated for each fiscal year. Estimated outlays are based on historical spending rates for these programs. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—					
	1999	2000	2001	2002	2003	2004
Spending Under Current Law:						
Budget Authority ¹	155	0	0	0	0	0
Estimated Outlays	159	62	19	9	0	0
Proposed Changes:						
Authorization Level	0	187	187	0	0	0
Estimated Outlays	0	119	164	56	22	11
Spending Under H.R. 1552:						
Authorization Level ¹	155	187	187	0	0	0
Estimated Outlays	159	182	183	65	22	11

¹The 1999 level is the amount appropriated for that year for the marine and environmental programs conducted by NOAA that would be authorized by H.R. 1552.

Pay-as-you-go considerations: The Balanced Budget and Emergency Deficit Control Act sets up pay-as-you-go procedures for legislation affecting direct spending or receipts. H.R. 1552 would affect direct spending by allowing NOAA to spend the sum collected

as a result of damage claims against the vessel ZACHARY, but the amount involved would not be significant.

Intergovernmental and private-sector impact: This bill contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments. Some of the funds authorized in this bill would be used to provide grants for research at public universities.

Previous CBO estimate: On May 7, 1999, CBO transmitted a cost estimate for H.R. 1552, the Marine Research and Related Environmental Research and Development Programs Authorization Act of 1999, as ordered reported by the House Committee on Science on April 29, 1999. Differences between the estimates are attributable to differences in the two versions. The Science Committee's version included funding for programs of NOAA and the National Science Foundation that were not included in this version. The Science Committee's version would not affect direct spending or receipts, however.

Estimate prepared by: Mark Hadley.

Estimate approved by: Robert A. Sunshine, 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 MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets and existing law in which no change is proposed is shown in roman):

SECTION 5316 OF TITLE 5, UNITED STATES CODE

§ 5316. Positions at level V

Level V of the Executive Schedule applies to the following positions, for which the annual rate of basic pay shall be the rate determined with respect to such level under chapter 11 of title 2, as adjusted by section 5318 of this title:

Administrator, Bonneville Power Administration, Department of the Interior.

*	*	*	*	*	*	*
[Chief Scientist, National Oceanic and Atmospheric Administration.]						
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