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.

IN THE HOUSE OF REPRESENTATIVES

APRIL 26, 1999

Mr. CALVERT introduced the following bill; which was referred to the Committee on Science, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

OCTOBER 18, 2000
Reported from the Committee on Science with an amendment
[Strike out all after the enacting clause and insert the part printed in italic]

OCTOBER 18, 2000
Referral to the Committee on Resources extended for a period ending not later than October 20, 2000

OCTOBER 20, 2000
Referral to the Committee on Resources extended for a period ending not later than October 25, 2000

OCTOBER 25, 2000
Reported from the Committee on Resources with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed
A BILL

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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Marine Research and Related Environmental Research and Development Programs Authorization Act of 1999”.

SEC. 2. DEFINITIONS.

For purposes of this Act, the term—

(1) “Administrator” means the Administrator of the National Oceanic and Atmospheric Administration;

(2) “Director” means the Director of the National Science Foundation; and

(3) “Secretary” means the Secretary of Commerce.
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 Operations, Research, and Facilities marine research and related environmental research and development activities of the National Ocean Service $200,343,000 for fiscal year 2000 and $200,343,000 for fiscal year 2001, to remain available until expended.

(b) NAVIGATION SERVICES.—Of the amounts authorized under subsection (a), $82,967,000 for fiscal year 2000 and $82,967,000 for fiscal year 2001 shall be for Navigation Services, of which—

(1) $33,335,000 for fiscal year 2000 and $33,335,000 for fiscal year 2001 shall be for Mapping and Charting;

(2) $14,900,000 for fiscal year 2000 and $14,900,000 for fiscal year 2001 shall be for Hydrographic Survey Backlog;

(3) $19,849,000 for fiscal year 2000 and $19,849,000 for fiscal year 2001 shall be for Geodesy; and

(4) $14,883,000 for fiscal year 2000 and $14,883,000 for fiscal year 2001 shall be for Tide and Current Data.
(c) **Ocean Resources and Conservation Assessment.**—Of the amounts authorized under subsection (a), $99,650,000 for fiscal year 2000 and $99,650,000 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**;

(2) $7,085,000 for fiscal year 2000 and $7,085,000 for fiscal year 2001 shall be for the **Great Lakes Environmental Research Laboratory**;

(3) $46,281,000 for fiscal year 2000 and $46,281,000 for fiscal year 2001 shall be for the **Ocean Assessment Program**;

(4) $18,884,000 for fiscal year 2000 and $18,884,000 for fiscal year 2001 shall be for **Response and Restoration**; and

(5) $19,430,000 for fiscal year 2000 and $19,430,000 for fiscal year 2001 shall be for the **Coastal Ocean Program**.

(d) **Acquisition of Data.**—Of the amounts authorized under subsection (a), $17,726,000 for fiscal year 2000 and $17,726,000 for fiscal year 2001 shall be for **Acquisition of Data**.
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 Operations, Research, and Facilities marine research and related environmental research and development activities of the Office of Oceanic and Atmospheric Research $44,320,000 for fiscal year 2000 and $44,320,000 for fiscal year 2001, to remain available until expended.

(b) MARINE ENVIRONMENTAL RESEARCH.—Of the amounts authorized under subsection (a), $22,300,000 for fiscal year 2000 and $22,300,000 for fiscal year 2001 shall be for Marine Environmental Research.

(c) NURP.—Of the amounts authorized under subsection (a), $9,000,000 for fiscal year 2000 and $9,000,000 for fiscal year 2001 shall be for the National Oceanic and Atmospheric Administration Undersea Research Program (NURP).

(d) ACQUISITION OF DATA.—Of the amounts authorized under subsection (a), $13,020,000 for fiscal year 2000 and $13,020,000 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 Operations, Research, and Facilities marine
research and related environmental research and develop-
ment activities of Program Support $63,769,000 for fiscal
year 2000 and $63,769,000 for fiscal year 2001, to remain
available until expended.

(b) Administration and Services.—Of the amounts
authorized under subsection (a), $52,750,000 for fiscal year
2000 and $52,750,000 for fiscal year 2001 shall be for Ad-
ministration and Services, of which—

(1) $19,200,000 for fiscal year 2000 and
$19,200,000 for fiscal year 2001 shall be for Executive
Direction and Administration;

(2) $700,000 for fiscal year 2000 and $700,000
for fiscal year 2001 shall be for Systems Acquisition
Office;

(3) $31,850,000 for fiscal year 2000 and
$31,850,000 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 Histori-
cally 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 Serv-
ices.
(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 inspect any records of and have access to personnel of the Na-
tional 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 ex-
ternal 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 marine
research and related environmental research and develop-
ment 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 fis-
cal 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. FLEET MAINTENANCE, PLANNING AND REPLACEMENT.

(a) FLEET MAINTENANCE AND PLANNING.—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 marine research and related environmental research and development activities of Fleet Maintenance and Planning $9,243,000 for fiscal year 2000 and $9,243,000 for fiscal year 2001, to remain available until expended.

(b) FLEET REPLACEMENT.—There are authorized to be appropriated to the National Science Foundation $50,000,000 for fiscal year 2000 and $50,000,000 for fiscal year 2001, to remain available until expended, to meet the marine research and related environmental research and development data requirements of the National Oceanic and Atmospheric Administration set forth in the “NOAA Fisheries Data Acquisition Plan”, dated September 1998, and that could also help meet the Nation’s marine research and related environmental research and development needs. The National Science Foundation, in consultation with the Department of the Navy, the University-National Oceanic Laboratory System, academia, the National Oceanic and
Atmospheric Administration, the private sector, and any other parties it considers appropriate, shall develop a strategy for meeting such requirements and other Federal marine research and related environmental research and development requirements, using funds appropriated under this subsection and at the lowest possible cost. The National Science Foundation shall consider all options, including various methods of acquiring vessel services, remote sensing, and any other possible means.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Director of the National Science Foundation shall submit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report detailing the strategy developed pursuant to subsection (b) and a plan for implementing such strategy. The Director shall include in such report an analysis of the extent to which funds authorized by subsection (b) will be sufficient to implement such strategy.

(d) NOTIFICATION REQUIREMENT FOR REDUCTION IN AUTHORIZED NUMBER OF NOAA CORPS COMMISSIONED OFFICERS.—Section 2(a)(3) of the Coast and Geodetic Survey Commissioned Officers’ Act of 1948 (33 U.S.C. 853a(a)(3)) is amended by inserting “and the Committee on Science” after “Committee on Resources”.

•HR 1552 RH
SEC. 8. MARINE SERVICES.

(a) Service Contracts.—Notwithstanding any other provision of law and subject to the availability of appropriations, the Secretary shall enter into contracts, including multiyear contracts, subject to subsection (c), for the use of vessels to conduct marine research and related environmental research and development activities, monitoring, enforcement, and management, and to acquire other data necessary to carry out the missions of the National Oceanic and Atmospheric Administration. The Secretary shall enter into these contracts unless—

(1) the cost of the contract is more than the cost (including the cost of vessel operation, maintenance, and all personnel) to the National Oceanic and Atmospheric Administration of obtaining those services on vessels of the National Oceanic and Atmospheric Administration;

(2) the contract is for more than 7 years; or

(3) the data are acquired through a vessel agreement pursuant to subsection (d).

(b) Vessels.—The Secretary may not enter into any contract under this section for the construction, lease-purchase, upgrade, or service life extension of any vessel.

(c) Multiyear Contracts.—

(1) In general.—Subject to paragraphs (2) and (3), and notwithstanding section 1341 of title 31,
United States Code, and section 11 of title 41, United States Code, the Secretary may acquire data, including marine research and related environmental research and development data, under multiyear contracts.

(2) Required Findings.—The Secretary may not enter into a contract pursuant to this subsection unless the Secretary finds with respect to that contract that there is a reasonable expectation that throughout the contemplated contract period the Secretary will request from Congress funding for the contract at the level required to avoid contract termination.

(3) Required Provisions.—The Secretary may not enter into a contract pursuant to this subsection unless the contract includes—

(A) a provision under which the obligation of the United States to make payments under the contract for any fiscal year is subject to the availability of appropriations provided in advance for those payments;

(B) a provision that specifies the term of effectiveness of the contract; and

(C) appropriate provisions under which, in case of any termination of the contract before the
end of the term specified pursuant to subpara-
graph (B), the United States shall only be liable
for the lesser of—

(i) an amount specified in the contract
for such a termination; or

(ii) amounts that were appropriated
before the date of the termination for the
performance of the contract or for procure-
ment of the type of acquisition covered by
the contract and are unobligated on the date
of the termination.

(d) VESSEL AGREEMENTS.—The Secretary shall use
excess capacity of University-National Oceanographic Lab-
oratory System vessels where appropriate and may enter
into memoranda of agreement with the operators of these
vessels to carry out this requirement.

SEC. 9. REPEAL.

The NOAA Fleet Modernization Act (33 U.S.C. 891
et seq.) is repealed.

SEC. 10. INTERNET AVAILABILITY OF INFORMATION.

The Administrator shall make available through the
Internet home page of the National Oceanic and Atmos-
pheric 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 per-
mit the release of any information prohibited by law or regulation from being released to the public.

SEC. 11. ELIGIBILITY FOR AWARDS.

(a) IN GENERAL.—The Administrator and the Director shall exclude from consideration for grant agreements made after fiscal year 1999 by the National Oceanic and Atmospheric Administration and the National Science Foundation, under the activities for which funds are authorized by this Act, any person who received funds, other than those described in subsection (b), appropriated for a fiscal year after fiscal year 1999, under a grant agreement from any Federal funding source for a project that was not subjected to a competitive, merit-based award process, except as specifically authorized by this Act. Any exclusion from consideration pursuant to this section shall be effective for a period of 5 years after the person receives such Federal funds.

(b) EXCEPTION.—Subsection (a) shall not apply to the receipt of Federal funds by a person due to the membership of that person in a class specified by law for which assistance is awarded to members of the class according to a formula provided by law.

(c) DEFINITION.—For purposes of this section, the term “grant agreement” means a legal instrument whose principal purpose is to transfer a thing of value to the re-
recipient to carry out a public purpose of support or stimulation authorized by a law of the United States, and does not include the acquisition (by purchase, lease, or barter) of property or services for the direct benefit or use of the United States Government. Such term does not include a cooperative agreement (as such term is used in section 6305 of title 31, United States Code) or a cooperative research and development agreement (as such term is defined in section 12(d)(1) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)(1))).

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 the 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 Administra-
tion to carry out the oceanographic and ma-
rine 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 Administra-
tion 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 Administra-
tion;

(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 Univer-
sities.
(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 inde-
pendent external auditor the infor-
mation such auditor requires to con-
duct the audit under paragraph (1).
The independent external auditor
may inspect any records of and have
access to personnel of the National
Oceanic and Atmospheric Administra-
tion 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 Representa-
tives and the Committee on Science, 
Commerce, and Transportation of the
Senate.

Sec. 6. Facilities.

(a) Operations, Research, and Facili-
ties.—There are authorized to be appro-
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 author-
ized 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 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.”.
A BILL

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.

OCTOBER 25, 2000

Reported from the Committee on Resources with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed