

Union Calendar No. 345

103^D CONGRESS
2^D SESSION

H. R. 4008

[Report No. 103-583, Parts I and II]

A BILL

To authorize appropriations for the National Oceanic and Atmospheric Administration for fiscal years 1994 and 1995, and for other purposes.

JULY 29, 1994

Reported from the Committee on Science, Space, and Technology with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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IN THE HOUSE OF REPRESENTATIVES

MARCH 10, 1994

Mr. ORTIZ (for himself, Mr. WELDON, Mr. STUDDS, Mr. FIELDS of Texas, Mr. LIPINSKI, Mr. MANTON and Mr. YOUNG of Alaska) introduced the following bill; which was referred to the Committee on Merchant Marine and Fisheries

JULY 8, 1994

Reported with an amendment and referred to the Committee on Science, Space, and Technology for a period ending not later than July 29, 1994, for consideration of such provisions contained in the bill and amendment as fall within the jurisdiction of the committee pursuant to clause 1(r), rule X

[Strike out all after the enacting clause and insert the part printed in italic]

JULY 29, 1994

Additional sponsor: Mr. SAXTON

JULY 29, 1994

Reported from the Committee on Science, Space, and Technology with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in boldface roman]

[For text of introduced bill, see copy of bill as introduced on March 10, 1994]

A BILL

To authorize appropriations for the National Oceanic and Atmospheric Administration for fiscal years 1994 and 1995, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “National Oceanic and*
5 *Atmospheric Administration Authorization Act of 1994”.*

6 **SEC. 2. DEFINITIONS.**

7 *For the purposes of this Act, the term—*

8 (1) *“Act of 1890” means the Act entitled “An*
9 *Act to increase the efficiency and reduce the expenses*
10 *of the Signal Corps of the Army, and to transfer the*
11 *Weather Bureau to the Department of Agriculture”,*
12 *approved October 1, 1890 (26 Stat. 653);*

13 (2) *“Act of 1947” means the Act entitled “An*
14 *Act to define the functions and duties of the Coast*
15 *and Geodetic Survey, and for other purposes”, ap-*
16 *proved August 6, 1947 (33 U.S.C. 883a et seq.); and*

17 (3) *“Act of 1970” means the Act entitled “An*
18 *Act to clarify the status and benefits of commissioned*
19 *officers of the National Oceanic and Atmospheric Ad-*
20 *ministration, and for other purposes”, approved De-*
21 *cember 31, 1970 (33 U.S.C. 857–1 et seq.).*

1 **TITLE I—NOAA OCEAN AND**
2 **COASTAL PROGRAMS**

3 **SEC. 101. NATIONAL OCEAN SERVICE.**

4 (a) *MAPPING AND CHARTING.*—

5 (1) *IN GENERAL.*—There are authorized to be ap-
6 propriated to the Secretary of Commerce, to enable
7 the National Oceanic and Atmospheric Administra-
8 tion to carry out mapping and charting activities
9 under the Act of 1947 and any other law involving
10 those activities, \$29,005,000 for fiscal year 1995 and
11 \$30,049,000 for fiscal year 1996.

12 (2) *AUTOMATED NAUTICAL CHARTING.*—In addi-
13 tion to amounts authorized under paragraph (1),
14 there are authorized to be appropriated to the Sec-
15 retary of Commerce, to enable the National Oceanic
16 and Atmospheric Administration to develop and im-
17 plement an automated nautical charting system,
18 \$1,300,000 for fiscal year 1995 and \$1,347,000 for
19 fiscal year 1996.

20 (b) *GEODESY.*—There are authorized to be appro-
21 priated to the Secretary of Commerce, to enable the Na-
22 tional Oceanic and Atmospheric Administration to carry
23 out geodesy activities under the Act of 1947 and any other
24 law involving those activities, \$19,332,000 for fiscal year
25 1995 and \$20,028,000 for fiscal year 1996.

1 (c) *OBSERVATION AND PREDICTION.*—

2 (1) *IN GENERAL.*—There are authorized to be ap-
3 propriated to the Secretary of Commerce, to enable
4 the National Oceanic and Atmospheric Administra-
5 tion to carry out observation and prediction activities
6 under the Act of 1947 and any other law involving
7 those activities, \$12,429,000 for fiscal year 1995 and
8 \$12,876,000 for fiscal year 1996.

9 (2) *CIRCULATORY SURVEY PROGRAM.*—In addi-
10 tion to amounts authorized under paragraph (1),
11 there are authorized to be appropriated to the Sec-
12 retary of Commerce, to enable the National Oceanic
13 and Atmospheric Administration to carry out the
14 Circulatory Survey Program, \$700,000 for fiscal year
15 1995 and \$725,000 for fiscal year 1996.

16 (3) *OCEAN AND EARTH SCIENCES.*—In addition
17 to amounts authorized under paragraph (1), there are
18 authorized to be appropriated to the Secretary of
19 Commerce, to enable the National Oceanic and At-
20 mospheric Administration to carry out ocean and
21 earth science activities, \$4,442,000 for fiscal year
22 1995 and \$4,602,000 for fiscal year 1996.

23 (4) *CENTER FOR OCEAN ANALYSIS AND PRE-*
24 *DICTION.*—In addition to amounts authorized under
25 paragraph (1), there are authorized to be appro-

1 *riated to the Secretary of Commerce, to enable the*
2 *National Oceanic and Atmospheric Administration to*
3 *continue the activities of the Center for Ocean Analy-*
4 *sis and Prediction, \$400,000 for fiscal year 1995 and*
5 *\$414,000 for fiscal year 1996.*

6 (5) *OBSERVATION BUOYS.—In addition to*
7 *amounts authorized under paragraph (1), there are*
8 *authorized to be appropriated to the Secretary of*
9 *Commerce, to enable the National Oceanic and At-*
10 *mospheric Administration to operate and maintain*
11 *observation buoys in the Chesapeake Bay, \$400,000*
12 *for fiscal year 1995 and \$414,000 for fiscal year*
13 *1996.*

14 (d) *ESTUARINE AND COASTAL ASSESSMENT.—*

15 (1) *IN GENERAL.—There are authorized to be ap-*
16 *propriated to the Secretary of Commerce, to enable*
17 *the National Oceanic and Atmospheric Administra-*
18 *tion to support estuarine and coastal assessment ac-*
19 *tivities under the Act of 1947 and any other law in-*
20 *volving those activities, \$2,420,000 for fiscal year*
21 *1995 and \$2,507,000 for fiscal year 1996.*

22 (2) *OCEAN ASSESSMENT.—In addition to*
23 *amounts authorized under paragraph (1), there are*
24 *authorized to be appropriated to the Secretary of*
25 *Commerce, to enable the National Oceanic and At-*

1 *mospheric Administration to carry out the National*
2 *Status and Trends Program, the Strategic Environ-*
3 *mental Assessment Program, and the Hazardous Ma-*
4 *terials Response Program, \$18,945,000 for fiscal year*
5 *1995 and \$19,627,000 for fiscal year 1996.*

6 (3) *DAMAGE ASSESSMENT PROGRAM.—In addi-*
7 *tion to amounts authorized under paragraph (1),*
8 *there are authorized to be appropriated to the Sec-*
9 *retary of Commerce, to enable the National Oceanic*
10 *and Atmospheric Administration to carry out the*
11 *Damage Assessment Program, \$1,500,000 for fiscal*
12 *year 1995 and \$1,554,000 for fiscal year 1996.*

13 (4) *COASTAL OCEAN PROGRAM.—In addition to*
14 *amounts authorized under paragraph (1), there are*
15 *authorized to be appropriated to the Secretary of*
16 *Commerce to, enable the National Oceanic and At-*
17 *mospheric Administration to carry out the Coastal*
18 *Ocean Program, \$11,433,000 for fiscal year 1995 and*
19 *\$11,845,000 for fiscal year 1996. Of the amounts au-*
20 *thorized under this paragraph for fiscal years 1995*
21 *and 1996, a total of \$120,000 is available until ex-*
22 *pended to study the use of oceanographic data ob-*
23 *tained from satellite imagery and other sources to de-*
24 *termine and predict the presence of endangered sea*
25 *turtles in the Gulf of Mexico.*

1 (e) *OCEAN MANAGEMENT.*—There are authorized to be
2 appropriated to the Secretary of Commerce, to enable the
3 National Oceanic and Atmospheric Administration to carry
4 out deep ocean mineral and ocean energy activities,
5 \$500,000 for each of fiscal years 1995 and 1996.

6 **SEC. 102. OCEAN AND GREAT LAKES RESEARCH.**

7 (a) *MARINE PREDICTION RESEARCH.*—

8 (1) *IN GENERAL.*—There are authorized to be ap-
9 propriated to the Secretary of Commerce, to enable
10 the National Oceanic and Atmospheric Administra-
11 tion to carry out marine prediction research activities
12 under the Act of 1947, the Act of 1890, and any other
13 law involving those activities, \$10,000,000 for fiscal
14 year 1995 and \$10,360,000 for fiscal year 1996.

15 (2) *GREAT LAKES ENVIRONMENTAL RESEARCH*
16 *LABORATORY.*—

17 (A) *IN GENERAL.*—There are authorized to
18 be appropriated to the Secretary of Commerce,
19 for the operation and maintenance of the Great
20 Lakes Environmental Research Laboratory,
21 \$4,558,000 for fiscal year 1995 and \$4,722,000
22 for fiscal year 1996.

23 (B) *GREAT LAKES NEARSHORE RE-*
24 *SEARCH.*—There are authorized to be appro-
25 priated to the Secretary of Commerce, to enable

1 *the National Oceanic and Atmospheric Adminis-*
2 *tration to carry out nearshore research activities*
3 *of the Great Lakes Environmental Research Lab-*
4 *oratory, \$500,000 for each of fiscal years 1995*
5 *and 1996.*

6 (C) *ZEBRA MUSSEL RESEARCH.*—*In addi-*
7 *tion to amounts authorized under subparagraph*
8 *(A), there are authorized to be appropriated to*
9 *the Secretary of Commerce, to enable the Na-*
10 *tional Oceanic and Atmospheric Administration*
11 *to carry out zebra mussel research activities of*
12 *the Great Lakes Environmental Research Lab-*
13 *oratory under the Nonindigenous Aquatic Nui-*
14 *sance Prevention and Control Act of 1990 (16*
15 *U.S.C. 4701 et seq.), \$911,000 for fiscal year*
16 *1995 and \$1,125,000 for fiscal year 1996.*

17 (3) *SOUTHEAST FLORIDA AND CARIBBEAN RE-*
18 *CRUITMENT PROGRAM.*—*In addition to amounts au-*
19 *thorized under paragraph (1), there are authorized to*
20 *be appropriated to the Secretary of Commerce a total*
21 *of \$2,000,000 for fiscal years 1995 and 1996 to enable*
22 *the National Oceanic and Atmospheric Administra-*
23 *tion to carry out, through the Cooperative Institute*
24 *for Marine and Atmospheric Studies, collaborative in-*

1 *vestigations to examine the physical and biological*
2 *processes which—*

3 *(A) occur in tropical marine environments*
4 *in coastal waters of the United States, Florida,*
5 *and the Caribbean; and*

6 *(B) impact variability and development of*
7 *fisheries resources.*

8 *(b) NATIONAL UNDERSEA RESEARCH PROGRAM—*
9 *There are authorized to be appropriated to the Secretary*
10 *of Commerce, to enable the National Oceanic and Atmos-*
11 *pheric Administration to carry out undersea research ac-*
12 *tivities under the National Undersea Research Program es-*
13 *tablished by section 411, \$22,100,000 for fiscal year 1995*
14 *and \$24,200,000 for fiscal year 1996, of which \$1,250,000*
15 *shall be available each fiscal year for implementing section*
16 *411(c).*

17 *(c) CLIMATE AND GLOBAL CHANGE RESEARCH.—*

18 *(1) IN GENERAL.—There are authorized to be ap-*
19 *propriated to the Secretary of Commerce, to enable*
20 *the National Oceanic and Atmospheric Administra-*
21 *tion to carry out climate and global change research*
22 *activities, \$84,012,000 for fiscal year 1995 and*
23 *\$87,036,000 for fiscal year 1996. Of sums appro-*
24 *priated under this subsection, sufficient funds should*
25 *be made available by the Secretary of Commerce to*

1 *initiate and support research on the effects of climate*
2 *and global change on the Nation's major freshwater*
3 *systems, including the Great Lakes and the Mis-*
4 *issippi River.*

5 (2) *ENVIRONMENTAL OBSERVATIONS.—In addi-*
6 *tion to the amounts authorized to be appropriated*
7 *under paragraph (1), there is authorized to be appro-*
8 *riated to the Secretary of Commerce \$7,000,000 for*
9 *each of fiscal years 1995 and 1996 for a program to*
10 *increase scientific understanding of the earth by using*
11 *a network of schools to collect environmental observa-*
12 *tions.*

13 **TITLE II—NOAA MARINE** 14 **FISHERY PROGRAMS**

15 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

16 *The National Oceanic and Atmospheric Administra-*
17 *tion Marine Fisheries Program Authorization Act (Public*
18 *Law 98-210; 97 Stat. 1409) is amended—*

19 (1) *in section 2(a) by—*

20 (A) *striking “1992 and” and inserting*
21 *“1992,”; and*

22 (B) *inserting after “1993” the following: “,*
23 *\$51,092,000 for fiscal year 1995, and*
24 *\$52,931,000 for fiscal year 1996”;*

25 (2) *in section 3(a) by—*

1 (A) striking “1992 and” and inserting
2 “1992,”; and

3 (B) inserting after “1993” the following: “,
4 \$14,198,000 for fiscal year 1995, and
5 \$14,709,000 for fiscal year 1996”; and

6 (3) in section 4(a) by—

7 (A) striking “1992 and” and inserting
8 “1992,”; and

9 (B) inserting after “1993” the following: “,
10 \$17,089,000 for fiscal year 1995, and
11 \$17,704,000 for fiscal year 1996”.

12 **SEC. 202. AMENDMENTS TO THE MERCHANT MARINE ACT,**

13 **1936.**

14 Section 1104A(b)(2) of the Merchant Marine Act, 1936
15 (46 App. U.S.C. 1274(b)(2)), is amended in the third pro-
16 viso by striking “, except that no debt may be placed under
17 this proviso through the Federal Financing Bank”.

18 **SEC. 203. SCALLOP RESTORATION PROGRAM.**

19 There are authorized to be appropriated to the Sec-
20 retary of Commerce \$200,000 for each of fiscal years 1995
21 and 1996, for the establishment and maintenance of a scal-
22 lop restoration program for Long Island Sound.

1 **SEC. 204. SALTONSTALL-KENNEDY PROGRAM AMEND-**
2 **MENTS.**

3 (a) *IN GENERAL.*—Section 2 of the Act of August 11,
4 1939 (15 U.S.C. 713c-3), popularly known as the
5 “Saltonstall-Kennedy Act”, is amended—

6 (1) *in subsection (b)(1) by—*

7 (A) *striking subparagraph (B);*

8 (B) *striking “only for—” and all that fol-*
9 *lows through “the Secretary—” and inserting*
10 *“only for use by the Secretary—”;*

11 (C) *redesignating clauses (i), (ii), and (iii)*
12 *in order as subparagraphs (A), (B), and (C);*
13 *and*

14 (D) *moving subparagraphs (A), (B), and*
15 *(C), as redesignated by subparagraph (C) of this*
16 *paragraph, 2 ems to the left so that the left mar-*
17 *gin of those subparagraphs is aligned with the*
18 *left margin of section 2(a)(5) of that Act (15*
19 *U.S.C. 713c-3(a)(5)); and*

20 (2) *by striking the heading for subsection (c) and*
21 *all that follows through paragraph (4) of that sub-*
22 *section, and inserting the following:*

23 “(c) *FISHERIES RESEARCH AND DEVELOPMENT*
24 *PROJECTS.*—

25 “(1) *IN GENERAL.*—*The Secretary shall make*
26 *grants from the fund established under subsection (b)*

1 *for the purpose of assisting persons in carrying out*
2 *research and development projects to promote the sus-*
3 *tainable use and development of United States fish-*
4 *eries, including harvesting, processing, aquaculture,*
5 *marketing, and associated infrastructures.*

6 “(2) *SECRETARY’S DUTIES.*—*The Secretary shall*
7 *each fiscal year—*

8 “(A) *receive at least once, during a 60-day*
9 *period specified by the Secretary, applications*
10 *for grants under this subsection pursuant to a*
11 *Request for Proposals published in the Federal*
12 *Register;*

13 “(B) *prescribe in that Request for Proposals*
14 *the form and manner in which applications for*
15 *grants under this subsection must be made, in-*
16 *cluding the specification of the information*
17 *which must accompany applications to ensure*
18 *that the proposed projects comply with Federal*
19 *law and can be properly evaluated under para-*
20 *graph (3);*

21 “(C) *include in that Request for Proposals*
22 *a list of priorities for grants under this sub-*
23 *section that is based on the priorities rec-*
24 *ommended for the fiscal year under paragraph*
25 *(3)(F); and*

1 “(D) approve or disapprove each such ap-
2 plication—

3 “(i) based primarily on the rec-
4 ommendations of the grants review panel es-
5 tablished under paragraph (3) for the fiscal
6 year; and

7 “(ii) before the end of the 90-day pe-
8 riod beginning on the day after the last day
9 of the application period specified in the
10 Request for Proposals under subparagraph
11 (A); and

12 “(E) to the extent amounts are available,
13 obligate funds for grants for approved applica-
14 tions before the end of the fiscal year for which
15 the funds are available, except that up to 10 per-
16 cent of funds available for a fiscal year may be
17 obligated in the next fiscal year.

18 “(3) EVALUATION AND APPROVAL OF PROPOS-
19 ALS.—

20 “(A) SUITABILITY FOR EVALUATION.—For
21 each application received under paragraph (2)
22 in a fiscal year, the Secretary shall—

23 “(i) make a determination whether the
24 project proposed in the application meets
25 the requirements of this subsection and is

1 *consistent with the priorities recommended*
2 *for the fiscal year under subparagraph (F);*
3 *and*

4 *“(ii) if so, forward the proposal to the*
5 *grants review panel established for the fiscal*
6 *year under subparagraph (B).*

7 *“(B) GRANTS REVIEW PANEL.—Each fiscal*
8 *year, the Secretary shall establish a grants re-*
9 *view panel that consists of individuals with ex-*
10 *pertise in fisheries research, development, or*
11 *management, that represents a balance among*
12 *those disciplines, that is balanced in the rep-*
13 *resentation of those disciplines, and that is bal-*
14 *anced in the representation of the geographic re-*
15 *gions of the United States. Each grants review*
16 *panel shall review each proposal forwarded by*
17 *the Secretary under subparagraph (A)(ii) and*
18 *make recommendations to the Secretary for*
19 *awarding grants under this subsection among*
20 *those proposals for the fiscal year, subject to the*
21 *criteria described in subparagraph (C) and con-*
22 *sistent with the funding available for the fiscal*
23 *year.*

1 “(C) *CRITERIA FOR EVALUATION OF PRO-*
2 *POSALS.—Each grants review panel shall evalu-*
3 *ate each proposal as to—*

4 “(i) *the value of the proposal in pro-*
5 *moting the purpose described in paragraph*
6 *(1) in general and in fulfilling the applica-*
7 *ble regional priorities recommended under*
8 *subparagraph (F);*

9 “(ii) *the soundness of its design (in-*
10 *cluding the likelihood of securing useful re-*
11 *sults, and the organization and manage-*
12 *ment of the proposal);*

13 “(iii) *the minimization of duplication*
14 *within fisheries research and development*
15 *activities; and*

16 “(iv) *based on the criteria in clauses*
17 *(i), (ii) and (iii), the overall quality and*
18 *rank of the proposal relative to the other*
19 *proposals under review.*

20 “(D) *INDUSTRIAL PARTNERS.—In evaluat-*
21 *ing and ranking proposals under this subsection*
22 *that are of equivalent overall quality and rank*
23 *based on the criteria set forth in subparagraph*
24 *(C), a grants review panel and the Secretary*
25 *shall give preference to proposals in which at*

1 *least 1 of the persons that would be a principal*
2 *grantee under the proposal receives a substantial*
3 *portion of income from seafood harvesting, proc-*
4 *essing, marketing, or propagation.*

5 “(E) NOTICE OF DECISION BY THE SEC-
6 RETARY.—*If the Secretary approves or dis-*
7 *approves an application for a proposal contrary*
8 *to the recommendations of a grants review panel,*
9 *the Secretary shall notify the panel, the Commit-*
10 *tee on Merchant Marine and Fisheries of the*
11 *House of Representatives and the Committee on*
12 *Commerce, Science, and Transportation of the*
13 *Senate in writing of that decision, including the*
14 *reasons for that decision.*

15 “(F) RECOMMENDATIONS FOR FUTURE
16 FUNDING PRIORITIES.—*Each grants review*
17 *panel shall, after evaluating proposals and mak-*
18 *ing grants recommendations, and after consult-*
19 *ing with interested parties, recommend to the*
20 *Secretary for the next fiscal year national and*
21 *regional priorities for grants under this sub-*
22 *section.*

23 “(4) TERMS AND CONDITIONS.—*Each grant*
24 *made under this subsection shall be subject to such*
25 *terms and conditions as the Secretary may require to*

1 *protect the interests of the United States, including*
2 *the following:*

3 “(A) *RECORDS.*—*The recipient of the*
4 *grant—*

5 “(i) *must keep such records as the Sec-*
6 *retary shall require as being necessary and*
7 *appropriate for disclosing the use made of*
8 *grant funds; and*

9 “(ii) *shall allow the Secretary and the*
10 *Comptroller General of the United States, or*
11 *any of their authorized representatives, ac-*
12 *cess to such records for purposes of audit*
13 *and examination.*

14 “(B) *AMOUNT OF GRANT.*—*The amount of a*
15 *grant may not be less than 50 percent of the esti-*
16 *mated cost of the project.*

17 “(C) *PERIOD OF GRANT.*—*A grant may not*
18 *provide funding for more than 2 years from the*
19 *date of the release of the funds to the grantee.*

20 “(D) *STATUS REPORT.*—*The recipient of a*
21 *grant shall submit annually to the Secretary a*
22 *project status report. The Secretary may not re-*
23 *lease funds to the recipient for any subsequent*
24 *period of funding for that grant or for any other*
25 *grant to that recipient made by the Secretary*

1 *under this subsection until the Secretary receives*
2 *that report.”.*

3 **(b) APPLICATION.—**

4 **(1) IN GENERAL.—***Except as provided in para-*
5 *graph (2), the amendments made by this section*
6 *apply to fiscal years beginning after the date of the*
7 *enactment of this Act.*

8 **(2) LIST OF REGIONAL PRIORITIES.—***Notwith-*
9 *standing section 2(c)(2)(C) of the Act of August 11,*
10 *1939, as amended by subsection (a)(2) of this section,*
11 *the list of priorities referred to in that section for the*
12 *first fiscal year beginning after the date of the enact-*
13 *ment of this Act is not required to be based on prior-*
14 *ities recommended under paragraph (3)(F) of that*
15 *section.*

16 **TITLE III—ADMINISTRATION**
17 **AND OTHER ACCOUNTS**

18 **SEC. 301. PROGRAM SUPPORT.**

19 **(a) EXECUTIVE DIRECTION AND ADMINISTRATIVE AC-**
20 **TIVITIES.—***There are authorized to be appropriated to the*
21 *Secretary of Commerce, to enable the National Oceanic and*
22 *Atmospheric Administration to carry out executive direc-*
23 *tion and administrative activities under the Act of 1970*
24 *and any other law involving those activities, \$25,000,000*
25 *for fiscal year 1995 and \$25,900,000 for fiscal year 1996.*

1 (b) *SYSTEMS ACQUISITION OFFICE.*—There are au-
2 thorized to be appropriated to the Secretary of Commerce,
3 to enable the National Oceanic and Atmospheric Adminis-
4 tration to operate and maintain the Systems Acquisition
5 Office under the Act of 1970, \$1,100,000 for fiscal year 1995
6 and \$1,140,000 for fiscal year 1996.

7 (c) *CENTRAL ADMINISTRATIVE SUPPORT.*—There are
8 authorized to be appropriated to the Secretary of Commerce,
9 to enable the National Oceanic and Atmospheric Adminis-
10 tration to carry out central administrative support activi-
11 ties under the Act of 1970 and any other law involving those
12 activities, \$38,000,000 for fiscal year 1995 and \$39,368,000
13 for fiscal year 1996.

14 (d) *RETIRED PAY.*—There are authorized to be appro-
15 priated to the Secretary of Commerce, for retired pay for
16 retired commissioned officers of the National Oceanic and
17 Atmospheric Administration under the Act of 1970,
18 \$7,706,000 for fiscal year 1995 and \$7,983,000 for fiscal
19 year 1996.

20 (e) *MARINE SERVICES.*—There are authorized to be ap-
21 propriated to the Secretary of Commerce, to enable the Na-
22 tional Oceanic and Atmospheric Administration to carry
23 out marine services activities (including ship operations,
24 maintenance, and support) under the Act of 1947 and any

1 *other law involving those activities, \$63,508,000 for fiscal*
2 *year 1995 and \$65,794,000 for fiscal year 1996.*

3 **TITLE IV—MISCELLANEOUS**
4 **NOAA PROGRAMS**

5 **SEC. 401. NAUTICAL PRODUCTS.**

6 (a) *DEPOSIT AND USE OF RECEIPTS FROM NAUTICAL*
7 *PRODUCTS.—Notwithstanding section 1307(b) of title 44,*
8 *United States Code, one-sixth of the fees collected each fiscal*
9 *year from the sale of nautical products by the National Oce-*
10 *anic and Atmospheric Administration and from any licens-*
11 *ing of those products by the National Oceanic and Atmos-*
12 *pheric Administration which is authorized by law—*

13 (1) *shall be deposited into the Operations, Re-*
14 *search, and Facilities account of the National Oceanic*
15 *and Atmospheric Administration; and*

16 (2) *shall be available to the Secretary of Com-*
17 *merce, in the manner provided for under section*
18 *312(d) of the National Marine Sanctuaries Act, only*
19 *for the acquisition and installation of Physical Ocean*
20 *Real-Time Systems, the acquisition and maintenance*
21 *of upgraded hydrographic survey equipment, and*
22 *other National Ocean Service activities directly relat-*
23 *ed to the modernization and improvement of mari-*
24 *time safety.*

1 (b) *BUDGETARY TREATMENT OF RECEIPTS FROM NAU-*
2 *TICAL PRODUCTS.*—Amounts deposited and available to the
3 *Secretary of Commerce under subsection (a)(1) and (2)—*

4 (1) *shall not be considered to be offsetting re-*
5 *ceipts of the National Oceanic and Atmospheric Ad-*
6 *ministration or the Department of Commerce; and*

7 (2) *shall not be available for administrative costs*
8 *of the National Oceanic and Atmospheric Administra-*
9 *tion or the Department of Commerce.*

10 (c) *DEPLOYMENT OF PHYSICAL OCEAN REAL TIME*
11 *SYSTEM.*—No later than 270 days after the date of enact-
12 *ment of this Act, the Secretary of Commerce shall deploy,*
13 *in Galveston Bay and the Houston Ship Channel a Phys-*
14 *ical Ocean Real Time System consisting, at a minimum,*
15 *of current, wind, tide, salinity, and water level measuring*
16 *devices and necessary computer links.*

17 **SEC. 402. USE OF OCEAN RESEARCH RESOURCES OF OTHER**
18 **FEDERAL AGENCIES.**

19 (a) *FINDINGS.*—The Congress finds the following:

20 (1) *Changes in the defense needs of the United*
21 *States have redefined the status of many defense-relat-*
22 *ed assets.*

23 (2) *Observing, monitoring, and predicting the*
24 *ocean environment has been a high priority for the*
25 *defense community to support ocean operations.*

1 (3) *Many advances in ocean research have been*
2 *made by the defense community which could be*
3 *shared with civilian researchers.*

4 (4) *The National Oceanic and Atmospheric Ad-*
5 *ministration's missions to describe and predict the*
6 *ocean environment, manage the Nation's ocean and*
7 *coastal resources, and promote stewardship of the*
8 *world's oceans would benefit from increased coopera-*
9 *tion with defense agencies.*

10 (b) *SENSE OF CONGRESS.—It is the sense of the Con-*
11 *gress that the National Oceanic and Atmospheric Adminis-*
12 *tration should expand its efforts to develop interagency*
13 *agreements to further the use of defense-related technologies,*
14 *data, and other resources to support its oceanic missions.*

15 (c) *REPORT.—*

16 (1) *IN GENERAL.—Not later than 120 days after*
17 *the date of the enactment of this Act, the Secretary of*
18 *Commerce shall submit to the Committee on Merchant*
19 *Marine and Fisheries of the House of Representatives*
20 *and the Committee on Commerce, Science, and Trans-*
21 *portation of the Senate a report on the feasibility of*
22 *expanding the use of defense-related technologies,*
23 *data, and other resources to support and enhance the*
24 *oceanic missions of the National Oceanic and Atmos-*
25 *pheric Administration.*

1 (2) *CONTENTS.*—*The report required under*
2 *paragraph (1) shall include—*

3 (A) *a detailed listing of defense-related re-*
4 *sources currently available to the National Oce-*
5 *anic and Atmospheric Administration and the*
6 *National Ocean and Atmospheric Administra-*
7 *tion missions which utilize those resources;*

8 (B) *detailed findings and recommendations,*
9 *including funding requirements, on the potential*
10 *for expanding the use of available defense-related*
11 *resources;*

12 (C) *a detailed listing and funding history of*
13 *the National Oceanic and Atmospheric Adminis-*
14 *tration resources, including data and technology,*
15 *which could be supplemented by defense-related*
16 *resources;*

17 (D) *a listing of currently unavailable de-*
18 *fense-related resources, including data and tech-*
19 *nology, which if made available would enhance*
20 *the National Oceanic and Atmospheric Adminis-*
21 *tration mission performance;*

22 (E) *recommendations on the regulatory and*
23 *legislative structures needed to maximize the use*
24 *of defense-related resources;*

1 (F) an assessment of the respective roles in
2 the use of defense-related resources of the Corps,
3 data centers, operational centers, and research
4 facilities of the National Oceanic and Atmos-
5 pheric Administration; and

6 (G) recommendations on how to provide ac-
7 cess to relevant defense-related data for non-Fed-
8 eral scientific users.

9 **SEC. 403. NAUTICAL CHARTING MODERNIZATION AND IM-**
10 **PROVEMENT.**

11 (a) *STUDY.*—Not later than 270 days after the date
12 of the enactment of this Act, the Secretary of Commerce
13 shall submit to the Committee on Merchant Marine and
14 Fisheries of the House of Representatives and the Committee
15 on Commerce, Science, and Transportation of the Senate
16 a report on the status of National Oceanic and Atmospheric
17 Administration programs related to marine navigation
18 safety.

19 (b) *CONTENTS.*—The study under subsection (a) shall
20 include the funding history of navigation-related programs
21 of the National Oceanic and Atmospheric Administration,
22 adjusted for inflation, over at least the last 10 fiscal years,
23 and detailed findings and recommendations on the follow-
24 ing:

1 (1) *The missions and objectives of the National*
2 *Oceanic and Atmospheric Administration's naviga-*
3 *tion-related programs, including the statutory or*
4 *other authorities that enable or require the National*
5 *Oceanic and Atmospheric Administration to conduct*
6 *those programs.*

7 (2) *The technological, financial, or other factors*
8 *that limit the National Oceanic and Atmospheric Ad-*
9 *ministration's ability to modernize its navigation-re-*
10 *lated programs.*

11 (3) *Near-term actions, without regard to finan-*
12 *cial constraints, that are required to enable the Na-*
13 *tional Oceanic and Atmospheric Administration to*
14 *address critical deficiencies in its navigation-related*
15 *programs.*

16 (4) *Actions that need to be taken to allow the*
17 *National Oceanic and Atmospheric Administration to*
18 *fulfill its navigation-related responsibilities into the*
19 *21st century.*

20 (5) *A comparison of the resources and activities*
21 *of the National Oceanic and Atmospheric Administra-*
22 *tion's navigation-related programs with those of other*
23 *Federal agencies supporting the United States mari-*
24 *time infrastructure.*

1 (6) *Past organizational changes within the Na-*
2 *tional Oceanic and Atmospheric Administration and*
3 *foreseeable future organizational changes that have af-*
4 *ected, or would affect, the ability of the National Oce-*
5 *anic and Atmospheric Administration to provide*
6 *navigation-related services.*

7 **SEC. 404. WEST COAST GROUND FISH LABORATORY.**

8 *In selecting a site for placement of a replacement for*
9 *the National Marine Fisheries Service Lab at Tiburon,*
10 *California, the Secretary of Commerce shall take into ac-*
11 *count the following factors:*

12 (1) *The proximity of sites considered to—*

13 (A) *groundfish fisheries, salmon fisheries,*
14 *and other unique marine study areas;*

15 (B) *academic and private research institu-*
16 *tions which conduct relevant marine habitat and*
17 *environmental research;*

18 (C) *other National Oceanic and Atmos-*
19 *pheric Administration research and management*
20 *elements; and*

21 (D) *other Federal, State, and private ma-*
22 *rine related research facilities.*

23 (2) *The ability of the National Oceanic and At-*
24 *mospheric Administration to retain current staff.*

1 (3) *The relative construction and operation costs,*
2 *including the potential for colocation with other Fed-*
3 *eral facilities.*

4 **SEC. 405. MARINE SANCTUARIES FACILITIES.**

5 *Not later than 120 days after the date of the enactment*
6 *of this Act, the Secretary of Commerce shall report to the*
7 *Committee on Merchant Marine and Fisheries of the House*
8 *of Representatives and the Committee on Commerce,*
9 *Science, and Transportation of the Senate on needs of the*
10 *Department of Commerce for facilities (including real prop-*
11 *erty for facilities) for the National Marine Sanctuary Pro-*
12 *gram established under the National Marine Sanctuaries*
13 *Act (16 U.S.C. 1431 et seq.).*

14 **SEC. 406. SAN FRANCISCO BAY PORT SYSTEM.**

15 (a) *IN GENERAL.*—*The Secretary of Commerce (here-*
16 *inafter in this section referred to as the “Secretary”) shall*
17 *establish for San Francisco Bay in accordance with this*
18 *section the safe navigation system known as the Physical*
19 *Ocean Real Time System (known, and hereinafter in this*
20 *section referred to, as the “PORT System”), after comple-*
21 *tion of implementation of section 401(c).*

22 (b) *STUDY.*—*After completion of implementation of*
23 *section 401(c), and not later than 1 year after the date of*
24 *that completion, the Secretary shall conduct a*
25 *hydrodynamics modeling study of San Francisco Bay to*

1 *determine the appropriate technology and equipment and*
2 *the effective placement of instruments for the establishment*
3 *of the PORT System for San Francisco Bay.*

4 (c) *IMPLEMENTATION.—*

5 (1) *IN GENERAL.—Not later than 1 year after*
6 *the completion of the study under subsection (b), the*
7 *Secretary, in consultation with the State of Califor-*
8 *nia Office of Oil Spill Prevention and Response and*
9 *subject to paragraph (2), shall acquire, install, and*
10 *activate appropriate equipment to establish an oper-*
11 *ational PORT System for San Francisco Bay.*

12 (2) *CONDITION.—The Secretary may not take*
13 *any action under paragraph (1) unless the State of*
14 *California Office has provided to the Secretary ade-*
15 *quate assurances that the State will fund the oper-*
16 *ation and maintenance of the PORT System for San*
17 *Francisco Bay after its installation.*

18 (d) *AUTHORIZATION OF APPROPRIATIONS.—There are*
19 *authorized to be appropriated to the Secretary to carry out*
20 *this section a total of \$4,200,000 for fiscal years 1995 and*
21 *1996.*

22 **SEC. 407. CONVEYANCE OF NATIONAL MARINE FISHERIES**
23 **SERVICE LABORATORY AT GLOUCESTER, MAS-**
24 **SACHUSETTS.**

25 (a) *CONVEYANCE REQUIRED.—*

1 (1) *IN GENERAL.*—*The Secretary of Commerce*
2 *shall convey to the Commonwealth of Massachusetts,*
3 *all right, title, and interest of the United States in*
4 *and to the property comprising the National Marine*
5 *Fisheries Service laboratory located on Emerson Ave-*
6 *nue in Gloucester, Massachusetts.*

7 (2) *TERMS.*—*A conveyance of property under*
8 *paragraph (1) shall be made—*

9 (A) *without payment of consideration; and*

10 (B) *subject to the terms and conditions*
11 *specified under subsections (b) and (c).*

12 (b) *CONDITIONS FOR TRANSFER.*—

13 (1) *IN GENERAL.*—*As a condition of any convey-*
14 *ance of property under this section, the Common-*
15 *wealth of Massachusetts shall assume full responsibil-*
16 *ity for maintenance of the property for as long as the*
17 *Commonwealth retains the right and title to that*
18 *property.*

19 (2) *CONTINUED USE OF PROPERTY BY NMFS.*—
20 *The Secretary may enter into a memorandum of un-*
21 *derstanding with the Commonwealth of Massachusetts*
22 *under which the National Marine Fisheries Service is*
23 *authorized to occupy existing laboratory space on the*
24 *property conveyed under this section, if—*

1 (A) *the term of the memorandum of under-*
2 *standing is for a period of not longer than 5*
3 *years beginning on the date of enactment of this*
4 *Act; and*

5 (B) *the square footage of the space to be oc-*
6 *cupied by the National Marine Fisheries Service*
7 *does not conflict with the needs of, and is agree-*
8 *able to, the Commonwealth of Massachusetts.*

9 (c) *REVERSIONARY INTEREST.—All right, title, and*
10 *interest in and to all property conveyed under this section*
11 *shall revert to the United States on the date on which the*
12 *Commonwealth of Massachusetts uses any of the property*
13 *for any purpose other than the Commonwealth of Massachu-*
14 *setts Division of Marine Fisheries resource management*
15 *program.*

16 **SEC. 408. REIMBURSEMENT OF EXPENSES.**

17 (a) *IN GENERAL.—Notwithstanding section 3302 (b)*
18 *and (c) of title 31, United States Code, and subject to sub-*
19 *section (b) of this section, all amounts received by the Unit-*
20 *ed States in settlement of, or judgment for, damage claims*
21 *arising from the October 9, 1992, allision of the vessel*
22 *ZACHERY into the National Oceanic and Atmospheric Ad-*
23 *ministration research vessel DISCOVERER—*

24 (1) *shall be retained as an offsetting collection in*
25 *the Fleet Modernization, Shipbuilding, and Conver-*

1 *sion account of the National Oceanic and Atmos-*
2 *spheric Administration;*

3 (2) *shall be deposited in that account upon re-*
4 *ceipt by the United States Government; and*

5 (3) *shall be available only for obligation for Na-*
6 *tional Oceanic and Atmospheric Administration ves-*
7 *sel repairs.*

8 (b) *LIMITATION.*—*Not more than \$518,757.09 of the*
9 *amounts referred to in subsection (a) may be deposited into*
10 *the Fleet Modernization, Shipbuilding, and Conversion ac-*
11 *count pursuant to subsection (a).*

12 **SEC. 409. NOAA FLEET MODERNIZATION.**

13 (a) *AUTHORITY TO CONTRACT.*—

14 (1) *IN GENERAL.*—*The Secretary may enter into*
15 *only the following contracts in fiscal years 1995 and*
16 *1996 to implement the Plan:*

17 (A) *Repairs to extend the service life of the*
18 *R/V DISCOVERER.*

19 (B) *Construction of a medium endurance*
20 *oceanographic research vessel.*

21 (C) *A service life extension of the R/V*
22 *DELAWARE II.*

23 (D) *Conversion of a T-AGOS vessel for*
24 *oceanographic research.*

1 (E) Construction of a coastal/low endurance
2 vessel for living marine research.

3 (F) Leasing to fulfill any NOAA mission re-
4 quirements.

5 (G) Necessary repairs to and maintenance
6 of any vessel in the NOAA fleet, subject to sub-
7 section (b).

8 (H) Necessary requirements, designs, and
9 specifications for future vessel repair, conversion,
10 construction, or lease.

11 (2) *CONTRACT DEFINED.*—Section 602 of the
12 NOAA Fleet Modernization Act (33 U.S.C. 891) is
13 amended by adding at the end the following:

14 “(6) ‘contract’ means any contract or other
15 agreement for the construction, conversion, lease,
16 chartering, service life extension, or repair or mainte-
17 nance of any vessel of the NOAA fleet, and provision
18 of related equipment, including the development of
19 any necessary requirement, design, or specification.
20 The term includes contracts entered into on behalf of
21 the Secretary by another Federal department, agency,
22 or instrumentality, if the vessel which is the subject
23 of the contract will be operated by or for the benefit
24 of the Department of Commerce.”.

1 (b) *LIMITATION ON EXPENDITURES FOR REPAIRS AND*
2 *MAINTENANCE.*—*Notwithstanding any other law, of the*
3 *total amount appropriated for fiscal years 1991 through*
4 *1996 to the Fleet Modernization, Shipbuilding, and Conver-*
5 *sion account of the National Oceanic and Atmospheric Ad-*
6 *ministration, not more than 20 percent may be expended*
7 *by the Secretary for repairs and maintenance of vessels in*
8 *the NOAA fleet.*

9 (c) *LEASING AND CONTRACTS.*—

10 (1) *IN GENERAL.*—*The Secretary shall for each*
11 *of fiscal years 1995 and 1996, enter into contracts,*
12 *including service contracts, under the NOAA Fleet*
13 *Modernization Act (33 U.S.C. 891 et seq.) to use Uni-*
14 *versity-National Oceanographic Laboratory System*
15 *or non-Federal vessels.*

16 (2) *AMOUNT SUBJECT TO OBLIGATION.*—
17 *Amounts subject to obligation under paragraph (1)*
18 *shall be, for each fiscal year, the greater of \$6,000,000*
19 *or 10 percent of the amounts appropriated to the*
20 *Fleet Modernization, Shipbuilding, and Conversion*
21 *account for fiscal years 1995 and 1996.*

22 (d) *DEFINITIONS.*—*In this section each of the terms*
23 *“contract”, “NOAA”, “NOAA fleet”, “Plan”, and “Sec-*
24 *retary” has the meaning given to that term in section 602*

1 *of the NOAA Fleet Modernization Act (33 U.S.C. 891), as*
2 *amended by this section.*

3 **SEC. 410. STUDY OF NOAA CORPS.**

4 *(a) STUDY.—The Secretary of Commerce shall, subject*
5 *to the availability of appropriations, contract with the Ma-*
6 *rine Board of the National Research Council to examine*
7 *and report to the Secretary on the appropriate role of the*
8 *National Oceanic and Atmospheric Administration Corps*
9 *in supporting NOAA missions. In particular, the Marine*
10 *Board shall—*

11 *(1) examine whether there is a continued need*
12 *for a uniformed service to operate the NOAA fleet, fly*
13 *weather observations, conduct hydrographic surveys,*
14 *manage national marine sanctuaries, conduct NOAA*
15 *research, and participate in other NOAA activities;*

16 *(2) examine the role of the NOAA Corps in mod-*
17 *ernizing the NOAA fleet and the involvement of the*
18 *NOAA Corps in obtaining efficient, effective, low-cost*
19 *ship support of NOAA missions;*

20 *(3) compare the full costs of utilizing the services*
21 *of the NOAA Corps compared to civilian employees in*
22 *similar positions; and*

23 *(4) determine whether adequately trained civil-*
24 *ian employees are available to fill NOAA Corps posi-*
25 *tions.*

1 (b) *DEADLINE.*—No later than 1 year after the date
2 of enactment of this Act, the Secretary of Commerce shall
3 submit the report of the Marine Board under subsection (a)
4 to the Committee on Merchant Marine and Fisheries of the
5 House of Representatives and the Committee on Commerce,
6 Science, and Transportation of the Senate.

7 (c) *DEFINITIONS.*—In this section, the definitions in
8 section 409(d) apply.

9 (d) *AUTHORIZATION OF APPROPRIATIONS.*—There are
10 authorized to be appropriated to the Secretary of Commerce
11 to carry out this section a total of \$100,000 for fiscal years
12 1995 and 1996, to remain available until expended.

13 **SEC. 411. UNDERSEA RESEARCH PROGRAM.**

14 (a) *ESTABLISHMENT.*—There is established in the Na-
15 tional Oceanic and Atmospheric Administration a program
16 to be known as the National Undersea Research Program.

17 (b) *PROGRAM PURPOSE.*—The National Undersea Re-
18 search Program shall develop, maintain, and conduct un-
19 dersea research programs to enhance the understanding of
20 processes in the oceans, coastal areas, and large lakes of the
21 world through the use and development of undersea tech-
22 nologies.

23 (c) *CENTER FOR GULF OF MEXICO REGION.*—

24 (1) *ESTABLISHMENT.*—Not later than 180 days
25 after the date of the enactment of this Act, the Sec-

1 *retary of Commerce shall establish and maintain, at*
2 *a qualified public institution, a National Undersea*
3 *Research Program center for the Gulf of Mexico to*
4 *carry out the National Undersea Research Program*
5 *for the Gulf of Mexico region.*

6 (2) *DEFINITION.—For purposes of this sub-*
7 *section, “qualified public institution” means a public*
8 *institution or consortium of public institutions of*
9 *higher education—*

10 (A) *located directly on the coastline of, or*
11 *having direct access to, the Gulf of Mexico, and*
12 *proximate to the Flower Garden Banks National*
13 *Marine Sanctuary;*

14 (B) *with strong undergraduate and grad-*
15 *uate programs in engineering, science, and tech-*
16 *nology as they may apply to undersea research;*

17 (C) *with nationally-recognized programs in*
18 *marine science and maritime studies, including*
19 *the presence of a degree-granting maritime acad-*
20 *emy;*

21 (D) *with facilities for maintaining and op-*
22 *erating research and other vessels appropriate for*
23 *deployment of equipment necessary to conduct*
24 *undersea research;*

1 (E) with faculty and other personnel with
2 expertise in undersea research;

3 (F) which maintains cooperative institu-
4 tional relationships with Federal agencies re-
5 sponsible for research work in the Gulf of Mexico
6 and along the Gulf of Mexico coast;

7 (G) which participates in cooperative un-
8 dersea research programs with Mexico; and

9 (H) has received funding for undersea re-
10 search from the Secretary in the past.

11 (3) *LIMITATION.*—In carrying out this sub-
12 section, the Secretary of Commerce shall not reduce
13 amounts available for carrying out the Memorandum
14 of Agreement Concerning Support of a National Aca-
15 demic Deep Submergence Facility of Scientific Use.

16 **SEC. 412. REPORT ON RESEARCH AND EFFECTS OF CLI-**
17 **MATE AND GLOBAL CHANGE ON FRESHWATER**
18 **SYSTEMS.**

19 Within 60 days after the date of submission of the
20 President's budget request for each of fiscal years 1996 and
21 1997, the Secretary of Commerce shall submit a report to
22 the Committee on Merchant Marine and Fisheries of the
23 House of Representatives and the Committee on Commerce,
24 Science, and Transportation of the Senate, on—

1 *shall consider the potential impacts on the behavior or gen-*
2 *eral health of wild populations of dolphins resulting from*
3 *this feeding.*

4 (b) *USE OF THE STUDY.—The Secretary of Commerce*
5 *shall use the results of the study required under subsection*
6 *(a) in determining whether and under what conditions feed-*
7 *ing noncaptive dolphins may be authorized.*

8 (c) *REPORT.—Within 1 year after the date of enact-*
9 *ment of this Act, the Secretary shall submit to the Commit-*
10 *tee on Merchant Marine and Fisheries of the House of Rep-*
11 *resentatives and the Committee on Commerce, Science, and*
12 *Transportation of the Senate a report on the results of the*
13 *study.*

14 **SEC. 415. FLOWER GARDEN BANKS BOUNDARY MODIFICA-**
15 **TION.**

16 (a) *MODIFICATION.—Notwithstanding section 304 of*
17 *the National Marine Sanctuaries Act (16 U.S.C. 1434), the*
18 *boundaries of the Flower Garden Banks National Marine*
19 *Sanctuary, as designated by Public Law 102–251, are*
20 *amended to include the area described in subsection (d),*
21 *popularly known as Stetson Bank. This area shall be part*
22 *of the Flower Garden Banks National Marine Sanctuary*
23 *and shall be managed and regulated as though it had been*
24 *designated by the Secretary of Commerce under the Na-*
25 *tional Marine Sanctuaries Act.*

1 (b) *DEPICTION OF SANCTUARY BOUNDARIES.*—The
2 Secretary of Commerce shall—

3 (1) *prepare a chart depicting the boundaries of*
4 *the Flower Garden Banks National Marine Sanc-*
5 *tuary, as modified by this section; and*

6 (2) *submit copies of this chart to the Committee*
7 *on Merchant Marine and Fisheries of the House of*
8 *Representatives and the Committee on Commerce,*
9 *Science, and Transportation of the Senate.*

10 (c) *APPLICATION OF REGULATIONS.*—*Regulations is-*
11 *sued by the Secretary of Commerce to implement the des-*
12 *ignation of the Flower Garden Banks National Marine*
13 *Sanctuary shall apply to the area described in subsection*
14 *(d), unless modified by the Secretary. This subsection shall*
15 *take effect 45 days after the date of enactment of this Act.*

16 (d) *AREA DESCRIBED.*—

17 (1) *IN GENERAL.*—*Except as provided in para-*
18 *graph (2), the area referred to in subsections (a), (b),*
19 *and (c) is the area that is—*

20 (A) *generally depicted on the Department of*
21 *the Interior, Minerals Management Service map*
22 *titled “Western Gulf of Mexico, Lease Sale 143,*
23 *September 1993, Biologically Sensitive Areas,*
24 *Map 3 of 3, Final”;*

1 (B) labeled “Stetson” on the High Island
2 Area South Addition diagram on that map; and

3 (C) within the 52 meter isobath.

4 (2) *MINOR BOUNDARY ADJUSTMENTS.*—The Sec-
5 retary of Commerce may make minor adjustments to
6 the boundaries of the area described in paragraph (1)
7 as necessary to protect the living coral resources of
8 Stetson Bank or to simplify administration of the
9 Flower Garden Banks National Marine Sanctuary.

10 (e) *PUBLICATION OF NOTICE.*—

11 (1) *IN GENERAL.*—The Secretary of Commerce
12 shall, as soon as practicable after the date of the en-
13 actment of this Act, publish in the Federal Register
14 a notice describing—

15 (A) the boundaries of the Flower Garden
16 Banks National Marine Sanctuary, as modified
17 by this section, and

18 (B) any modification of regulations appli-
19 cable to that Sanctuary that are necessary to im-
20 plement that modification of the boundaries of
21 the Sanctuary.

22 (2) *TREATMENT AS NOTICE REQUIRED UNDER*
23 *NATIONAL MARINE SANCTUARIES ACT.*—A notice pub-
24 lished under paragraph (1) shall be considered to be
25 the notice required to be published under section

1 *304(b)(1) of the National Marine Sanctuaries Act (16*
2 *U.S.C. 1434).*

3 **SEC. 416. AMENDMENTS RELATING TO NATIONAL COASTAL**
4 **RESOURCES RESEARCH AND DEVELOPMENT**
5 **INSTITUTE.**

6 (a) *ADMINISTRATION OF INSTITUTE.*—Section 201(a)
7 *of the Act entitled “An Act to authorize appropriations to*
8 *carry out the Marine Mammal Protection Act of 1972 for*
9 *fiscal years 1985 through 1988, and for other purposes” (16*
10 *U.S.C. 1463b(a)) is amended by striking “by the Oregon*
11 *State Marine Science Center” and inserting “by the Oregon*
12 *State System of Higher Education”.*

13 (b) *FUNCTIONS OF INSTITUTE.*—Section 201(b) of such
14 *Act (16 U.S.C. 1463b(b)) is amended to read as follows:*

15 “(b) *The Institute shall promote the economic growth*
16 *and prosperity of the United States by transferring research*
17 *and technology into applications to improve the economic,*
18 *environmental, and social well-being of the Nation’s coastal*
19 *communities and the competitiveness of coastal businesses.”.*

20 (c) *MEMBERSHIP OF BOARD OF GOVERNORS.*—Section
21 *201(c)(1) of such Act (16 U.S.C. 1463b(c)(1)) is amended*
22 *to read as follows:*

23 “(c)(1) *The policies of the Institute shall be determined*
24 *by a Board of Governors composed of—*

1 “(A) 1 representative appointed by the Chan-
2 cellor of the Oregon State System of Higher Edu-
3 cation; and

4 “(B) 1 representative of each of the following re-
5 gions, appointed jointly by Governors of the States
6 comprising that region:

7 “(i) The Alaska region, consisting of Alaska.

8 “(ii) The Northwest Pacific Coast region,
9 consisting of Oregon and Washington.

10 “(iii) The Southwest Pacific Coast region,
11 consisting of California.

12 “(iv) The Pacific Islands region, consisting
13 of Hawaii, American Samoa, and Guam.

14 “(v) The Great Lakes region, consisting of
15 Pennsylvania, Ohio, Michigan, Indiana, Illinois,
16 Wisconsin, and Minnesota.

17 “(vi) The Gulf Coast region, consisting of
18 Texas, Louisiana, Mississippi, and Alabama.

19 “(vii) The South Atlantic and Caribbean
20 region, consisting of South Carolina, Georgia,
21 Florida, Puerto Rico, and the U.S. Virgin Is-
22 lands.

23 “(viii) The Mid-Atlantic region, consisting
24 of Delaware, Maryland, Virginia, and North
25 Carolina.

1 “(ix) *The North Atlantic region, consisting*
2 *of New Jersey, New York, Connecticut, Rhode Is-*
3 *land, Massachusetts, New Hampshire, and*
4 *Maine.*”.

5 (d) *ADVISORY COUNCIL.*—Section 201(d)(1) of such
6 *Act (16 U.S.C. 1463b(d)(1)) is amended by inserting “and*
7 *leaders in coastal communities and businesses” after “com-*
8 *munity”.*

9 (e) *CONFORMING AMENDMENT.*—Section 201(e) of such
10 *Act (16 U.S.C. 1463b(e)) is amended by striking “Oregon*
11 *Board of Higher Education” and inserting “Oregon State*
12 *System of Higher Education”.*

13 (f) *REPORTS.*—Section 201(g) of such Act (16 U.S.C.
14 *1463b(g)) is amended to read as follows:*

15 “(g) *The Institute shall report to the Congress on its*
16 *activities annually, and shall report to the Secretary of*
17 *Commerce in a like manner biennially.*”.

18 **SEC. 417. SENSE OF CONGRESS REGARDING PROMOTION OF**
19 **MINORITIES AND WOMEN IN COASTAL AND**
20 **OCEAN PROGRAMS.**

21 *It is the sense of the Congress that the National Oce-*
22 *anic and Atmospheric Administration should develop and*
23 *promote programs that reach out to and recruit minorities*
24 *and women for education in the sciences and take actions*
25 *to increase the direct involvement of underrepresented mi-*

1 *norities in coastal and ocean resource stewardship pro-*
2 *grams carried out directly by the National Oceanic and At-*
3 *mospheric Administration and in partnership with State*
4 *and local governments, universities, and other entities. To*
5 *this end, the National Oceanic and Atmospheric Adminis-*
6 *tration should create minority internship programs to de-*
7 *velop a pool of professionals in coastal and ocean science*
8 *and management, and to make these programs an eligible*
9 *use of grant and program funds distributed by the National*
10 *Oceanic and Atmospheric Administration to States, univer-*
11 *sities, and other entities.*

12 **SEC. 418. CHESAPEAKE BAY.**

13 (a) *REPEAL.*—*If by December 1, 1994, the Secretary*
14 *of Commerce fails to obligate all funds appropriated to the*
15 *Secretary of Commerce by Public Law 103–121 for oyster*
16 *disease research, section 307 of the National Oceanic and*
17 *Atmospheric Administration Act of 1992 (15 U.S.C.*
18 *1511d), requiring the establishment of a National Oceanic*
19 *and Atmospheric Administration Chesapeake Bay Estua-*
20 *rine Resources Office, is repealed.*

21 (b) *ASSIGNMENT OF FUNCTIONS.*—*If section 307 of the*
22 *National Oceanic and Atmospheric Administration Act of*
23 *1992 (15 U.S.C. 1511d) is repealed by subsection (a), the*
24 *Secretary of Commerce shall immediately—*

1 (1) enter into a cooperative agreement with the
2 directors of the Maryland and Virginia Sea Grant
3 colleges to administer all funds appropriated to the
4 Secretary of Commerce under any law for oyster dis-
5 ease research and Chesapeake Bay studies; and

6 (2) transfer the functions of the former National
7 Oceanic and Atmospheric Administration Chesapeake
8 Bay Estuarine Resources Office to the Director of the
9 Coastal Ocean Program.

10 The Director may delegate any of the functions transferred
11 under paragraph (2) to the directors of the Maryland and
12 Virginia Sea Grant colleges under the cooperative agree-
13 ment required under paragraph (1).

14 (c) *REPEAL AND AUTHORIZATION OF APPROPRIA-*
15 *TIONS.—*

16 (1) *REPEAL.—*Section 2(e) of the National Oce-
17 anic and Atmospheric Administration Marine Fish-
18 eries Program Authorization Act (Public Law 98-
19 210, 97 Stat. 1409) is repealed.

20 (2) *AUTHORIZATION.—*There is authorized to be
21 appropriated to the Secretary of Commerce to imple-
22 ment section 307 of the National Oceanic and Atmos-
23 pheric Administration Act of 1992 (15 U.S.C. 1511d)
24 and this section, \$2,500,000 for each of fiscal years
25 1995 and 1996, to remain available until expended.

1 **SEC. 419. WEATHER REPORTING STATIONS FOR PRINCE**
2 **WILLIAM SOUND.**

3 (a) *INSTALLATION.*—To provide more comprehensive
4 weather information to ensure the safety of fishermen and
5 tank vessels and to protect the resources of Prince William
6 Sound from potential oil spills, the Secretary of Commerce
7 may expend \$340,000 to acquire, construct, and install
8 weather reporting stations in Prince William Sound, Alas-
9 ka, as follows:

10 (1) *In the vicinity of Seal Rocks, to acquire and*
11 *install a weather buoy capable of measuring and re-*
12 *porting wind speed and direction, barometric pres-*
13 *sure, wave height and period, and air temperature.*

14 (2) *On the existing tower at Bligh Reef, to ac-*
15 *quire and install a weather instrument capable of*
16 *measuring and reporting wind speed and direction.*

17 (3) *At Potato Point, to relocate the existing ane-*
18 *nometer to a more exposed location in order to pro-*
19 *vide more accurate information.*

20 (4) *At the Hinchinbrook Lighthouse site, to ac-*
21 *quire and install an anemometer.*

22 (b) *MAINTENANCE.*—The Secretary of Commerce may
23 expend \$160,000 in each of fiscal years 1995 and 1996 to
24 maintain the equipment identified in subsection (a).

1 **TITLE V—GREAT LAKES**
2 **IMPROVEMENTS**

3 **SEC. 501. SHORT TITLE.**

4 *This title may be cited as the “National Oceanic and*
5 *Atmospheric Administration Great Lakes Improvements*
6 *Act”.*

7 **SEC. 502. GREAT LAKES OFFICE.**

8 *(a) ESTABLISHMENT.—The Under Secretary may es-*
9 *tablish and maintain within the Administration a Great*
10 *Lakes Office in the Washington, District of Columbia area.*

11 *(b) PURPOSE.—The purpose of the Great Lakes Office*
12 *shall be to promote and coordinate Administration research,*
13 *monitoring, and assessment work in the Great Lakes region*
14 *consistent with the goals of the Great Lakes Water Quality*
15 *Agreement.*

16 *(c) DIRECTOR.—The Director of the Great Lakes Office*
17 *shall be an individual with extensive knowledge and exper-*
18 *tise in the Great Lakes ecosystem, and with appropriate*
19 *administrative experience.*

20 **SEC. 503. GREAT LAKES REPORT.**

21 *(a) CONTENTS.—Subject to the availability of appro-*
22 *priations under section 505, the Under Secretary, in con-*
23 *sultation with the Director of the Great Lakes Office if es-*
24 *tablished, shall prepare and submit to Congress an annual*
25 *Great Lakes Report in accordance with this section. The*

1 *Report shall provide information relating to Great Lakes*
2 *ecosystem research, monitoring, and assessment, includ-*
3 *ing—*

4 (1) *the individual activities, projects, or propos-*
5 *als conducted by the Administration in the previous*
6 *fiscal year, including a summary of funds expended*
7 *in support of these activities, projects, or proposals;*

8 (2) *the amount of funds received from the Ad-*
9 *ministration by each State or local government unit*
10 *bordering the Great Lakes;*

11 (3) *the amount of funds received by individuals*
12 *or institutions residing or located within a State bor-*
13 *dering the Great Lakes;*

14 (4) *an inventory of Administration facilities and*
15 *personnel located in a State bordering the Great*
16 *Lakes or in the Great Lakes used to conduct or sup-*
17 *port Administration-funded activities, projects, or*
18 *proposals in the Great Lakes, including vessels;*

19 (5) *the proposed Administration activities,*
20 *projects, and proposals to benefit the Great Lakes eco-*
21 *system for the current fiscal year, including requested*
22 *funds; and*

23 (6) *a proposal for increasing the presence of the*
24 *Administration in the Great Lakes, and improving*
25 *the coordination of research within the Administra-*

1 *tion and with other entities, including the Govern-*
2 *ment of Canada.*

3 *(b) DEADLINE.—Subject to the availability of appro-*
4 *priations under section 505, the Under Secretary shall sub-*
5 *mit the Great Lakes Report to the Congress by October 1*
6 *of 1995, 1996, 1997, and 1998.*

7 **SEC. 504. DEFINITIONS.**

8 *In this title—*

9 *(1) the term “Administration” means the Na-*
10 *tional Oceanic and Atmospheric Administration;*

11 *(2) the term “Great Lakes” means—*

12 *(A) Lake Erie, Lake Huron, Lake Michi-*
13 *gan, Lake Ontario, and Lake Superior;*

14 *(B) their connecting waters, including the*
15 *St. Marys River, the St. Clair River, Lake St.*
16 *Clair, the Detroit River, and the Niagara River;*
17 *and*

18 *(C) the St. Lawrence River;*

19 *(3) the term “Great Lakes Water Quality Agree-*
20 *ment” means the bilateral agreement between the*
21 *United States and Canada which was signed in 1978*
22 *and amended by the Protocol of 1987; and*

23 *(4) the term “Under Secretary” means the*
24 *Under Secretary of Commerce for Oceans and Atmos-*
25 *phere.*

1 **SEC. 505. AUTHORIZATION OF APPROPRIATIONS.**

2 *There are authorized to be appropriated to the Under*
3 *Secretary to carry out this title \$100,000 for each of fiscal*
4 *years 1995, 1996, 1997, and 1998.*

5 **SECTION 1. SHORT TITLE.**

6 **This Act may be cited as the “National**
7 **Oceanic and Atmospheric Administration Au-**
8 **thorization Act of 1994”.**

9 **SEC. 2. DEFINITIONS.**

10 **For the purposes of this Act, the term—**

11 **(1) “Act of 1890” means the Act enti-**
12 **tled “An Act to increase the efficiency**
13 **and reduce the expenses of the Signal**
14 **Corps of the Army, and to transfer the**
15 **Weather Bureau to the Department of Ag-**
16 **riculture”, approved October 1, 1890 (26**
17 **Stat. 653);**

18 **(2) “Act of 1947” means the Act enti-**
19 **tled “An Act to define the functions and**
20 **duties of the Coast and Geodetic Survey,**
21 **and for other purposes”, approved Au-**
22 **gust 6, 1947 (33 U.S.C. 883a et seq.); and**

23 **(3) “Act of 1970” means the Act enti-**
24 **tled “An Act to clarify the status and ben-**
25 **efits of commissioned officers of the Na-**
26 **tional Oceanic and Atmospheric Adminis-**

1 **tration, and for other purposes”, ap-**
2 **proved December 31, 1970 (33 U.S.C. 857-**
3 **1 et seq.).**

4 **TITLE I—NOAA OCEAN AND**
5 **COASTAL PROGRAMS**

6 **SEC. 101. NATIONAL OCEAN SERVICE.**

7 **(a) MAPPING AND CHARTING.—**

8 **(1) IN GENERAL.—There are authorized**
9 **to be appropriated to the Secretary of**
10 **Commerce, to enable the National Oce-**
11 **anic and Atmospheric Administration to**
12 **carry out mapping and charting activities**
13 **under the Act of 1947 and any other law**
14 **involving those activities, \$29,005,000 for**
15 **fiscal year 1995 and \$30,049,000 for fiscal**
16 **year 1996.**

17 **(2) AUTOMATED NAUTICAL CHARTING.—**

18 **In addition to amounts authorized under**
19 **paragraph (1), there are authorized to be**
20 **appropriated to the Secretary of Com-**
21 **merce, to enable the National Oceanic**
22 **and Atmospheric Administration to de-**
23 **velop and implement an automated nau-**
24 **tical charting system, \$1,300,000 for fiscal**

1 year 1995 and \$1,347,000 for fiscal year
2 1996.

3 **(b) GEODESY.—**There are authorized to be
4 appropriated to the Secretary of Commerce,
5 to enable the National Oceanic and Atmos-
6 pheric Administration to carry out geodesy
7 activities under the Act of 1947 and any other
8 law involving those activities, \$19,332,000 for
9 fiscal year 1995 and \$20,028,000 for fiscal year
10 1996.

11 **(c) OBSERVATION AND PREDICTION.—**

12 **(1) IN GENERAL.—**There are authorized
13 to be appropriated to the Secretary of
14 Commerce, to enable the National Oce-
15 anic and Atmospheric Administration to
16 carry out observation and prediction ac-
17 tivities under the Act of 1947 and any
18 other law involving those activities,
19 \$12,429,000 for fiscal year 1995 and
20 \$12,876,000 for fiscal year 1996.

21 **(2) CIRCULATORY SURVEY PROGRAM.—**In
22 addition to amounts authorized under
23 paragraph (1), there are authorized to be
24 appropriated to the Secretary of Com-
25 merce, to enable the National Oceanic

1 **and Atmospheric Administration to carry**
2 **out the Circulatory Survey Program,**
3 **\$700,000 for fiscal year 1995 and \$725,000**
4 **for fiscal year 1996.**

5 **(3) OCEAN AND EARTH SCIENCES.—In ad-**
6 **dition to amounts authorized under para-**
7 **graph (1), there are authorized to be ap-**
8 **propriated to the Secretary of Commerce,**
9 **to enable the National Oceanic and At-**
10 **mospheric Administration to carry out**
11 **ocean and earth science activities,**
12 **\$4,442,000 for fiscal year 1995 and**
13 **\$4,602,000 for fiscal year 1996.**

14 **(4) CENTER FOR OCEAN ANALYSIS AND**
15 **PREDICTION.—In addition to amounts au-**
16 **thorized under paragraph (1), there are**
17 **authorized to be appropriated to the Sec-**
18 **retary of Commerce, to enable the Na-**
19 **tional Oceanic and Atmospheric Adminis-**
20 **tration to continue the activities of the**
21 **Center for Ocean Analysis and Pre-**
22 **dition, \$400,000 for fiscal year 1995 and**
23 **\$414,000 for fiscal year 1996.**

24 **(5) OBSERVATION BUOYS.—In addition**
25 **to amounts authorized under paragraph**

1 **(1), there are authorized to be appro-**
2 **riated to the Secretary of Commerce, to**
3 **enable the National Oceanic and Atmos-**
4 **pheric Administration to operate and**
5 **maintain observation buoys in the Chesa-**
6 **peake Bay, \$400,000 for fiscal year 1995**
7 **and \$414,000 for fiscal year 1996.**

8 **(d) ESTUARINE AND COASTAL ASSESSMENT.—**

9 **(1) IN GENERAL.—There are authorized**
10 **to be appropriated to the Secretary of**
11 **Commerce, to enable the National Oce-**
12 **anic and Atmospheric Administration to**
13 **support estuarine and coastal assessment**
14 **activities under the Act of 1947 and any**
15 **other law involving those activities,**
16 **\$2,420,000 for fiscal year 1995 and**
17 **\$2,507,000 for fiscal year 1996.**

18 **(2) OCEAN ASSESSMENT.—In addition to**
19 **amounts authorized under paragraph (1),**
20 **there are authorized to be appropriated**
21 **to the Secretary of Commerce, to enable**
22 **the National Oceanic and Atmospheric**
23 **Administration to carry out the National**
24 **Status and Trends Program, the Strategic**
25 **Environmental Assessment Program, and**

1 **the Hazardous Materials Response Pro-**
2 **gram, \$18,945,000 for fiscal year 1995 and**
3 **\$19,627,000 for fiscal year 1996.**

4 **(3) DAMAGE ASSESSMENT PROGRAM.—In**
5 **addition to amounts authorized under**
6 **paragraph (1), there are authorized to be**
7 **appropriated to the Secretary of Com-**
8 **merce, to enable the National Oceanic**
9 **and Atmospheric Administration to carry**
10 **out the Damage Assessment Program,**
11 **\$1,500,000 for fiscal year 1995 and**
12 **\$1,554,000 for fiscal year 1996.**

13 **(4) COASTAL OCEAN PROGRAM.—In addi-**
14 **tion to amounts authorized under para-**
15 **graph (1), there are authorized to be ap-**
16 **propriated to the Secretary of Commerce,**
17 **to enable the National Oceanic and At-**
18 **mospheric Administration to carry out**
19 **the Coastal Ocean Program, \$11,433,000**
20 **for fiscal year 1995 and \$11,845,000 for**
21 **fiscal year 1996. Of the amounts author-**
22 **ized under this paragraph for fiscal years**
23 **1995 and 1996, a total of \$120,000 is avail-**
24 **able until expended to study the use of**
25 **oceanographic data obtained from sat-**

1 **ellite imagery and other sources to deter-**
2 **mine and predict the presence of endan-**
3 **gered sea turtles in the Gulf of Mexico.**

4 **(e) OCEAN MANAGEMENT.—There are au-**
5 **thorized to be appropriated to the Secretary**
6 **of Commerce, to enable the National Oceanic**
7 **and Atmospheric Administration to carry out**
8 **deep ocean mineral and ocean energy activi-**
9 **ties, \$500,000 for each of fiscal years 1995 and**
10 **1996.**

11 **SEC. 102. OCEAN AND GREAT LAKES RESEARCH.**

12 **(a) MARINE PREDICTION RESEARCH.—**

13 **(1) IN GENERAL.—There are authorized**
14 **to be appropriated to the Secretary of**
15 **Commerce, to enable the National Oce-**
16 **anic and Atmospheric Administration to**
17 **carry out marine prediction research ac-**
18 **tivities under the Act of 1947, the Act of**
19 **1890, and any other law involving those**
20 **activities, \$10,000,000 for fiscal year 1995**
21 **and \$10,360,000 for fiscal year 1996.**

22 **(2) GREAT LAKES ENVIRONMENTAL RE-**
23 **SEARCH LABORATORY.—**

24 **(A) IN GENERAL.—There are au-**
25 **thorized to be appropriated to the**

1 **Secretary of Commerce, for the oper-**
2 **ation and maintenance of the Great**
3 **Lakes Environmental Research Lab-**
4 **oratory, \$4,558,000 for fiscal year 1995**
5 **and \$4,722,000 for fiscal year 1996.**

6 **(B) GREAT LAKES NEARSHORE RE-**
7 **SEARCH.—There are authorized to be**
8 **appropriated to the Secretary of**
9 **Commerce, to enable the National**
10 **Oceanic and Atmospheric Administra-**
11 **tion to carry out nearshore research**
12 **activities of the Great Lakes Environ-**
13 **mental Research Laboratory, \$500,000**
14 **for each of fiscal years 1995 and 1996.**

15 **(C) ZEBRA MUSSEL RESEARCH.—In**
16 **addition to amounts authorized**
17 **under subparagraph (A), there are**
18 **authorized to be appropriated to the**
19 **Secretary of Commerce, to enable the**
20 **National Oceanic and Atmospheric**
21 **Administration to carry out zebra**
22 **mussel research activities of the**
23 **Great Lakes Environmental Research**
24 **Laboratory under the Nonindigenous**
25 **Aquatic Nuisance Prevention and**

1 **Control Act of 1990 (16 U.S.C. 4701 et**
2 **seq.), \$911,000 for fiscal year 1995 and**
3 **\$1,125,000 for fiscal year 1996.**

4 **(3) SOUTHEAST FLORIDA AND CARIBBEAN**
5 **RECRUITMENT PROGRAM.—In addition to**
6 **amounts authorized under paragraph (1),**
7 **there are authorized to be appropriated**
8 **to the Secretary of Commerce a total of**
9 **\$2,000,000 for fiscal years 1995 and 1996**
10 **to enable the National Oceanic and At-**
11 **mospheric Administration to carry out,**
12 **through the Cooperative Institute for Ma-**
13 **rine and Atmospheric Studies, collabo-**
14 **rative investigations to examine the**
15 **physical and biological processes which—**

16 **(A) occur in tropical marine envi-**
17 **ronments in coastal waters of the**
18 **United States, Florida, and the Carib-**
19 **bean; and**

20 **(B) impact variability and devel-**
21 **opment of fisheries resources.**

22 **(b) NATIONAL UNDERSEA RESEARCH PRO-**
23 **GRAM.—There are authorized to be appro-**
24 **priated to the Secretary of Commerce, to en-**
25 **able the National Oceanic and Atmospheric**

1 **Administration to carry out undersea re-**
2 **search activities under the National Undersea**
3 **Research Program established by section 411,**
4 **\$22,100,000 for fiscal year 1995 and \$24,200,000**
5 **for fiscal year 1996, of which \$1,250,000 shall**
6 **be available each fiscal year for implementing**
7 **section 411(c).**

8 **(c) CLIMATE AND GLOBAL CHANGE RE-**
9 **SEARCH.—**

10 **(1) IN GENERAL.—**There are authorized
11 **to be appropriated to the Secretary of**
12 **Commerce, to enable the National Oce-**
13 **anic and Atmospheric Administration to**
14 **carry out climate and global change re-**
15 **search activities, \$66,000,000 for fiscal**
16 **year 1995 and \$84,012,000 for fiscal year**
17 **1996. Of sums appropriated under this**
18 **subsection, sufficient funds should be**
19 **made available by the Secretary of Com-**
20 **merce to initiate and support research on**
21 **the effects of climate and global change**
22 **on the Nation's major freshwater systems,**
23 **including the Great Lakes and the Mis-**
24 **sissippi River.**

1 **(2) ENVIRONMENTAL OBSERVATIONS.—In**
2 **addition to the amounts authorized to be**
3 **appropriated under paragraph (1), there**
4 **is authorized to be appropriated to the**
5 **Secretary of Commerce \$7,000,000 for**
6 **each of fiscal years 1995 and 1996 for a**
7 **program to increase scientific under-**
8 **standing of the earth by using a network**
9 **of schools to collect environmental obser-**
10 **vations. Beginning in fiscal year 1996,**
11 **amounts appropriated for such program**
12 **may be obligated only to the extent that**
13 **an equal or greater amount of non-Fed-**
14 **eral funding is provided for such pro-**
15 **gram.**

16 **(3) IMPLEMENTATION OF LANDSAT**
17 **AGREEMENT.—Section 103 of the Land Re-**
18 **mote Sensing Policy Act of 1992 is amend-**
19 **ed by adding at the end the following**
20 **new subsection:**

21 **“(c) IMPLEMENTATION OF AGREEMENT.—If**
22 **negotiations under subsection (a) result in an**
23 **agreement that the Landsat Program Manage-**
24 **ment determines generally achieves the goals**
25 **stated in subsection (a)(1) through (8), the**

1 **Landsat Program Management shall award an**
2 **extension, until the practical demise of**
3 **Landsat 4 or Landsat 5, whichever occurs**
4 **later, of the existing contract with the**
5 **Landsat 6 contractor incorporating the terms**
6 **of such agreement.”.**

7 **TITLE II—NOAA MARINE**
8 **FISHERY PROGRAMS**

9 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

10 **The National Oceanic and Atmospheric**
11 **Administration Marine Fisheries Program Au-**
12 **thorization Act (Public Law 98-210; 97 Stat.**
13 **1409) is amended—**

14 **(1) in section 2(a) by—**

15 **(A) striking “1992 and” and insert-**
16 **ing “1992,”; and**

17 **(B) inserting after “1993” the fol-**
18 **lowing: “, \$51,092,000 for fiscal year**
19 **1995, and \$52,931,000 for fiscal year**
20 **1996”;**

21 **(2) in section 3(a) by—**

22 **(A) striking “1992 and” and insert-**
23 **ing “1992,”; and**

24 **(B) inserting after “1993” the fol-**
25 **lowing: “, \$14,198,000 for fiscal year**

1 **1995, and \$14,709,000 for fiscal year**
2 **1996”;** and

3 **(3) in section 4(a) by—**

4 **(A) striking “1992 and” and insert-**
5 **ing “1992,”; and**

6 **(B) inserting after “1993” the fol-**
7 **lowing: “, \$17,089,000 for fiscal year**
8 **1995, and \$17,704,000 for fiscal year**
9 **1996”.**

10 **SEC. 202. AMENDMENTS TO THE MERCHANT MARINE ACT,**
11 **1936.**

12 **Section 1104A(b)(2) of the Merchant Ma-**
13 **rine Act, 1936 (46 App. U.S.C. 1274(b)(2)), is**
14 **amended in the third proviso by striking “, ex-**
15 **cept that no debt may be placed under this**
16 **proviso through the Federal Financing Bank”.**

17 **SEC. 203. SCALLOP RESTORATION PROGRAM.**

18 **There are authorized to be appropriated**
19 **to the Secretary of Commerce \$200,000 for**
20 **each of fiscal years 1995 and 1996, for the es-**
21 **tablishment and maintenance of a scallop res-**
22 **toration program for Long Island Sound.**

1 **SEC. 204. SALTONSTALL-KENNEDY PROGRAM AMEND-**
2 **MENTS.**

3 **(a) IN GENERAL.—Section 2 of the Act of**
4 **August 11, 1939 (15 U.S.C. 713c-3), popularly**
5 **known as the “Saltonstall-Kennedy Act”, is**
6 **amended—**

7 **(1) by striking “SEC. 2.” the second**
8 **place it appears;**

9 **(2) in subsection (b)(1) by—**

10 **(A) striking subparagraph (B);**

11 **(B) striking “only for—” and all**
12 **that follows through “the Secretary—**
13 **” and inserting “only for use by the**
14 **Secretary—”;**

15 **(C) redesignating clauses (i), (ii),**
16 **and (iii) in order as subparagraphs**
17 **(A), (B), and (C); and**

18 **(D) moving subparagraphs (A),**
19 **(B), and (C), as redesignated by sub-**
20 **paragraph (C) of this paragraph, 2**
21 **ems to the left so that the left margin**
22 **of those subparagraphs is aligned**
23 **with the left margin of section 2(a)(5)**
24 **of that Act (15 U.S.C. 713c-3(a)(5));**
25 **and**

1 **(3) by striking the designation and**
2 **heading for subsection (c) and all that**
3 **follows through paragraph (4) of that**
4 **subsection, and inserting the following:**

5 **“(c) FISHERIES RESEARCH AND DEVELOP-**
6 **MENT PROJECTS.—**

7 **“(1) IN GENERAL.—The Secretary shall**
8 **make grants from the fund established**
9 **under subsection (b) for the purpose of**
10 **assisting persons in carrying out re-**
11 **search and development projects to pro-**
12 **mote the sustainable use and develop-**
13 **ment of United States fisheries, including**
14 **harvesting, processing, aquaculture, mar-**
15 **keting, and associated infrastructures.**

16 **“(2) SECRETARY’S DUTIES.—The Sec-**
17 **retary shall each fiscal year—**

18 **“(A) receive at least once, during**
19 **a 60-day period specified by the Sec-**
20 **retary, applications for grants under**
21 **this subsection pursuant to a Request**
22 **for Proposals published in the Fed-**
23 **eral Register;**

24 **“(B) prescribe in that Request for**
25 **Proposals the form and manner in**

1 **which applications for grants under**
2 **this subsection must be made, includ-**
3 **ing the specification of the informa-**
4 **tion which must accompany applica-**
5 **tions to ensure that the proposed**
6 **projects comply with Federal law and**
7 **can be properly evaluated under**
8 **paragraph (3);**

9 **“(C) include in that Request for**
10 **Proposals a list of priorities for**
11 **grants under this subsection that is**
12 **based on the priorities recommended**
13 **for the fiscal year under paragraph**
14 **(3)(F); and**

15 **“(D) approve or disapprove each**
16 **such application—**

17 **“(i) based primarily on the**
18 **recommendations of the grants**
19 **review panel established under**
20 **paragraph (3) for the fiscal year;**
21 **and**

22 **“(ii) before the end of the 90-**
23 **day period beginning on the day**
24 **after the last day of the applica-**
25 **tion period specified in the Re-**

1 **quest for Proposals under sub-**
2 **paragraph (A); and**

3 **“(E) to the extent amounts are**
4 **available, obligate funds for grants**
5 **for approved applications before the**
6 **end of the fiscal year for which the**
7 **funds are available, except that up to**
8 **10 percent of funds available for a fis-**
9 **cal year may be obligated in the next**
10 **fiscal year.**

11 **“(3) EVALUATION AND APPROVAL OF PRO-**
12 **POSALS.—**

13 **“(A) SUITABILITY FOR EVALUA-**
14 **TION.—For each application received**
15 **under paragraph (2) in a fiscal year,**
16 **the Secretary shall—**

17 **“(i) make a determination**
18 **whether the project proposed in**
19 **the application meets the require-**
20 **ments of this subsection and is**
21 **consistent with the priorities rec-**
22 **ommended for the fiscal year**
23 **under subparagraph (F); and**

24 **“(ii) if so, forward the pro-**
25 **posal to the grants review panel**

1 **established for the fiscal year**
2 **under subparagraph (B).**

3 **“(B) GRANTS REVIEW PANEL.—Each**
4 **fiscal year, the Secretary shall estab-**
5 **lish a grants review panel that con-**
6 **sists of individuals with expertise in**
7 **fisheries research, development, or**
8 **management, that represents a bal-**
9 **ance among those disciplines, that is**
10 **balanced in the representation of**
11 **those disciplines, and that is bal-**
12 **anced in the representation of the ge-**
13 **ographic regions of the United States.**
14 **Each grants review panel shall re-**
15 **view each proposal forwarded by the**
16 **Secretary under subparagraph (A)(ii)**
17 **and make recommendations to the**
18 **Secretary for awarding grants under**
19 **this subsection among those propos-**
20 **als for the fiscal year, subject to the**
21 **criteria described in subparagraph**
22 **(C) and consistent with the funding**
23 **available for the fiscal year.**

24 **“(C) CRITERIA FOR EVALUATION OF**
25 **PROPOSALS.—Each grants review**

1 panel shall evaluate each proposal as
2 to—

3 “(i) the value of the proposal
4 in promoting the purpose de-
5 scribed in paragraph (1) in gen-
6 eral and in fulfilling the applica-
7 ble regional priorities rec-
8 ommended under subparagraph
9 (F);

10 “(ii) the soundness of its de-
11 sign (including the likelihood of
12 securing useful results, and the
13 organization and management of
14 the proposal);

15 “(iii) the minimization of du-
16 plication within fisheries re-
17 search and development activi-
18 ties; and

19 “(iv) based on the criteria in
20 clauses (i), (ii) and (iii), the over-
21 all quality and rank of the pro-
22 posal relative to the other propos-
23 als under review.

24 “(D) INDUSTRIAL PARTNERS.—In
25 evaluating and ranking proposals

1 under this subsection that are of
2 equivalent overall quality and rank
3 based on the criteria set forth in sub-
4 paragraph (C), a grants review panel
5 and the Secretary shall give pref-
6 erence to proposals in which at least
7 1 of the persons that would be a prin-
8 cipal grantee under the proposal re-
9 ceives a substantial portion of income
10 from seafood harvesting, processing,
11 marketing, or propagation.

12 “(E) NOTICE OF DECISION BY THE
13 SECRETARY.—If the Secretary ap-
14 proves or disapproves an application
15 for a proposal contrary to the rec-
16 ommendations of a grants review
17 panel, the Secretary shall notify the
18 panel, the Committee on Merchant
19 Marine and Fisheries of the House of
20 Representatives and the Committee
21 on Commerce, Science, and Transpor-
22 tation of the Senate in writing of that
23 decision, including the reasons for
24 that decision.

1 **“(F) RECOMMENDATIONS FOR FU-**
2 **TURE FUNDING PRIORITIES.—Each**
3 **grants review panel shall, after evalu-**
4 **ating proposals and making grants**
5 **recommendations, and after consult-**
6 **ing with interested parties, rec-**
7 **ommend to the Secretary for the next**
8 **fiscal year national and regional pri-**
9 **orities for grants under this sub-**
10 **section.**

11 **“(4) TERMS AND CONDITIONS.—Each**
12 **grant made under this subsection shall**
13 **be subject to such terms and conditions**
14 **as the Secretary may require to protect**
15 **the interests of the United States, includ-**
16 **ing the following:**

17 **“(A) RECORDS.—The recipient of**
18 **the grant—**

19 **“(i) must keep such records as**
20 **the Secretary shall require as**
21 **being necessary and appropriate**
22 **for disclosing the use made of**
23 **grant funds; and**

24 **“(ii) shall allow the Secretary**
25 **and the Comptroller General of**

1 **the United States, or any of their**
2 **authorized representatives, ac-**
3 **cess to such records for purposes**
4 **of audit and examination.**

5 **“(B) AMOUNT OF GRANT.—The**
6 **amount of a grant may not be less**
7 **than 50 percent of the estimated cost**
8 **of the project.**

9 **“(C) PERIOD OF GRANT.—A grant**
10 **may not provide funding for more**
11 **than 2 years from the date of the re-**
12 **lease of the funds to the grantee.**

13 **“(D) STATUS REPORT.—The recipi-**
14 **ent of a grant shall submit annually**
15 **to the Secretary a project status re-**
16 **port. The Secretary may not release**
17 **funds to the recipient for any subse-**
18 **quent period of funding for that**
19 **grant or for any other grant to that**
20 **recipient made by the Secretary**
21 **under this subsection until the Sec-**
22 **retary receives that report.”.**

23 **(b) APPLICATION.—**

24 **(1) IN GENERAL.—Except as provided**
25 **in paragraph (2), the amendments made**

1 **by this section apply to fiscal years be-**
2 **ginning after the date of the enactment of**
3 **this Act.**

4 **(2) LIST OF REGIONAL PRIORITIES.—Not-**
5 **withstanding section 2(c)(2)(C) of the Act**
6 **of August 11, 1939, as amended by sub-**
7 **section (a)(2) of this section, the list of**
8 **priorities referred to in that section for**
9 **the first fiscal year beginning after the**
10 **date of the enactment of this Act is not**
11 **required to be based on priorities rec-**
12 **ommended under paragraph (3)(F) of that**
13 **section.**

14 **TITLE III—ADMINISTRATION**
15 **AND OTHER ACCOUNTS**

16 **SEC. 301. PROGRAM SUPPORT.**

17 **(a) EXECUTIVE DIRECTION AND ADMINISTRA-**
18 **TIVE ACTIVITIES.—There are authorized to be**
19 **appropriated to the Secretary of Commerce,**
20 **to enable the National Oceanic and Atmos-**
21 **pheric Administration to carry out executive**
22 **direction and administrative activities under**
23 **the Act of 1970 and any other law involving**
24 **those activities, \$25,000,000 for fiscal year**
25 **1995 and \$25,900,000 for fiscal year 1996.**

1 **(b) SYSTEMS ACQUISITION OFFICE.—**There
2 are authorized to be appropriated to the Sec-
3 retary of Commerce, to enable the National
4 Oceanic and Atmospheric Administration to
5 operate and maintain the Systems Acquisition
6 Office under the Act of 1970, \$1,100,000 for fis-
7 cal year 1995 and \$1,140,000 for fiscal year
8 1996.

9 **(c) CENTRAL ADMINISTRATIVE SUPPORT.—**
10 There are authorized to be appropriated to
11 the Secretary of Commerce, to enable the Na-
12 tional Oceanic and Atmospheric Administra-
13 tion to carry out central administrative sup-
14 port activities under the Act of 1970 and any
15 other law involving those activities,
16 \$38,000,000 for fiscal year 1995 and \$39,368,000
17 for fiscal year 1996.

18 **(d) RETIRED PAY.—**There are authorized to
19 be appropriated to the Secretary of Com-
20 merce, for retired pay for retired commis-
21 sioned officers of the National Oceanic and
22 Atmospheric Administration under the Act of
23 1970, \$7,706,000 for fiscal year 1995 and
24 \$7,983,000 for fiscal year 1996.

1 **(e) MARINE SERVICES.—There are author-**
2 **ized to be appropriated to the Secretary of**
3 **Commerce, to enable the National Oceanic**
4 **and Atmospheric Administration to carry out**
5 **marine services activities (including ship op-**
6 **erations, maintenance, and support) under**
7 **the Act of 1947 and any other law involving**
8 **those activities, \$63,508,000 for fiscal year**
9 **1995 and \$65,794,000 for fiscal year 1996.**

10 **TITLE IV—MISCELLANEOUS**
11 **NOAA PROGRAMS**

12 **SEC. 401. NAUTICAL PRODUCTS.**

13 **(a) DEPOSIT AND USE OF RECEIPTS FROM**
14 **NAUTICAL PRODUCTS.—Notwithstanding sec-**
15 **tion 1307(b) of title 44, United States Code,**
16 **one-sixth of the fees collected each fiscal year**
17 **from the sale of nautical products by the Na-**
18 **tional Oceanic and Atmospheric Administra-**
19 **tion and from any licensing of those products**
20 **by the National Oceanic and Atmospheric Ad-**
21 **ministration which is authorized by law—**

22 **(1) shall be deposited into the Oper-**
23 **ations, Research, and Facilities account**
24 **of the National Oceanic and Atmospheric**
25 **Administration; and**

1 **(2) shall be available to the Secretary**
2 **of Commerce, in the manner provided for**
3 **under section 312(d) of the National Ma-**
4 **rine Sanctuaries Act, only for the acquisi-**
5 **tion and installation of Physical Ocean**
6 **Real-Time Systems, the acquisition and**
7 **maintenance of upgraded hydrographic**
8 **survey equipment, and other National**
9 **Ocean Service activities directly related**
10 **to the modernization and improvement of**
11 **maritime safety.**

12 **(b) BUDGETARY TREATMENT OF RECEIPTS**
13 **FROM NAUTICAL PRODUCTS.—Amounts depos-**
14 **ited and available to the Secretary of Com-**
15 **merce under subsection (a)(1) and (2)—**

16 **(1) shall not be considered to be off-**
17 **setting receipts of the National Oceanic**
18 **and Atmospheric Administration or the**
19 **Department of Commerce; and**

20 **(2) shall not be available for adminis-**
21 **trative costs of the National Oceanic and**
22 **Atmospheric Administration or the De-**
23 **partment of Commerce.**

24 **(c) DEPLOYMENT OF PHYSICAL OCEAN REAL**
25 **TIME SYSTEM.—No later than 270 days after**

1 **the date of enactment of this Act, the Sec-**
2 **retary of Commerce shall deploy, in Galveston**
3 **Bay and the Houston Ship Channel a Physical**
4 **Ocean Real Time System consisting, at a mini-**
5 **imum, of current, wind, tide, salinity, and**
6 **water level measuring devices and necessary**
7 **computer links.**

8 **SEC. 402. USE OF OCEAN RESEARCH RESOURCES OF OTHER**
9 **FEDERAL AGENCIES.**

10 **(a) FINDINGS.—The Congress finds the fol-**
11 **lowing:**

12 **(1) Changes in the defense needs of**
13 **the United States have redefined the sta-**
14 **tus of many defense-related assets.**

15 **(2) Observing, monitoring, and pre-**
16 **dicting the ocean environment has been a**
17 **high priority for the defense community**
18 **to support ocean operations.**

19 **(3) Many advances in ocean research**
20 **have been made by the defense commu-**
21 **nity which could be shared with civilian**
22 **researchers.**

23 **(4) The National Oceanic and Atmos-**
24 **pheric Administration’s missions to de-**
25 **scribe and predict the ocean environ-**

1 **ment, manage the Nation’s ocean and**
2 **coastal resources, and promote steward-**
3 **ship of the world’s oceans would benefit**
4 **from increased cooperation with defense**
5 **agencies.**

6 **(b) SENSE OF CONGRESS.—It is the sense of**
7 **the Congress that the National Oceanic and**
8 **Atmospheric Administration should expand**
9 **its efforts to develop interagency agreements**
10 **to further the use of defense-related tech-**
11 **nologies, data, and other resources to support**
12 **its oceanic missions.**

13 **(c) REPORT.—**

14 **(1) IN GENERAL.—Not later than 120**
15 **days after the date of the enactment of**
16 **this Act, the Secretary of Commerce shall**
17 **submit to the Committee on Merchant**
18 **Marine and Fisheries of the House of**
19 **Representatives and the Committee on**
20 **Commerce, Science, and Transportation**
21 **of the Senate a report on the feasibility of**
22 **expanding the use of defense-related**
23 **technologies, data, and other resources to**
24 **support and enhance the oceanic mis-**

1 **sions of the National Oceanic and Atmos-**
2 **pheric Administration.**

3 **(2) CONTENTS.—The report required**
4 **under paragraph (1) shall include—**

5 **(A) a detailed listing of defense-**
6 **related resources currently available**
7 **to the National Oceanic and Atmos-**
8 **pheric Administration and the Na-**
9 **tional Oceanic and Atmospheric Ad-**
10 **ministration missions which utilize**
11 **those resources;**

12 **(B) detailed findings and rec-**
13 **ommendations, including funding re-**
14 **quirements, on the potential for ex-**
15 **panding the use of available defense-**
16 **related resources;**

17 **(C) a detailed listing and funding**
18 **history of the National Oceanic and**
19 **Atmospheric Administration re-**
20 **sources, including data and tech-**
21 **nology, which could be supplemented**
22 **by defense-related resources;**

23 **(D) a listing of currently unavail-**
24 **able defense-related resources, in-**
25 **cluding data and technology, which if**

1 **made available would enhance the**
2 **National Oceanic and Atmospheric**
3 **Administration mission performance;**

4 **(E) recommendations on the regu-**
5 **latory and legislative structures need-**
6 **ed to maximize the use of defense-re-**
7 **lated resources;**

8 **(F) an assessment of the respec-**
9 **tive roles in the use of defense-relat-**
10 **ed resources of the Corps, data cen-**
11 **ters, operational centers, and re-**
12 **search facilities of the National Oce-**
13 **anic and Atmospheric Administra-**
14 **tion; and**

15 **(G) recommendations on how to**
16 **provide access to relevant defense-re-**
17 **lated data for non-Federal scientific**
18 **users.**

19 **SEC. 403. NAUTICAL CHARTING MODERNIZATION AND IM-**
20 **PROVEMENT.**

21 **(a) STUDY.—Not later than 270 days after**
22 **the date of the enactment of this Act, the Sec-**
23 **retary of Commerce shall submit to the Com-**
24 **mittee on Merchant Marine and Fisheries of**
25 **the House of Representatives and the Com-**

1 **mittee on Commerce, Science, and Transpor-**
2 **tation of the Senate a report on the status of**
3 **National Oceanic and Atmospheric Adminis-**
4 **tration programs related to marine naviga-**
5 **tion safety.**

6 **(b) CONTENTS.—The study under sub-**
7 **section (a) shall include the funding history of**
8 **navigation-related programs of the National**
9 **Oceanic and Atmospheric Administration, ad-**
10 **justed for inflation, over at least the last 10**
11 **fiscal years, and detailed findings and rec-**
12 **ommendations on the following:**

13 **(1) The missions and objectives of Na-**
14 **tional Oceanic and Atmospheric Adminis-**
15 **tration’s navigation-related programs, in-**
16 **cluding regarding the statutory or other**
17 **authorities that enable or require the Na-**
18 **tional Oceanic and Atmospheric Adminis-**
19 **tration to conduct those programs.**

20 **(2) The technological, financial, or**
21 **other factors that limit the National Oce-**
22 **anic and Atmospheric Administration’s**
23 **ability to modernize its navigation-relat-**
24 **ed programs.**

1 **(3) Near-term actions, without regard**
2 **to financial constraints, that are required**
3 **to enable National Oceanic and Atmos-**
4 **pheric Administration to address critical**
5 **deficiencies in its navigation-related pro-**
6 **grams.**

7 **(4) Actions that need to be taken to**
8 **allow the National Oceanic and Atmos-**
9 **pheric Administration to fulfill its navi-**
10 **gation-related responsibilities into the**
11 **21st century.**

12 **(5) A comparison of the resources and**
13 **activities of National Oceanic and Atmos-**
14 **pheric Administration's navigation-relat-**
15 **ed programs with those of other Federal**
16 **agencies supporting the United States**
17 **maritime infrastructure.**

18 **(6) Past organizational changes with-**
19 **in the National Oceanic and Atmospheric**
20 **Administration and foreseeable future or-**
21 **ganizational changes that have affected,**
22 **or would affect, the ability of the Na-**
23 **tional Oceanic and Atmospheric Adminis-**
24 **tration to provide navigation-related**
25 **services.**

1 **SEC. 404. WEST COAST GROUND FISH LABORATORY.**

2 **In selecting a site for placement of a re-**
3 **placement for the National Marine Fisheries**
4 **Service Lab at Tiburon, California, the Sec-**
5 **retary of Commerce shall take into account**
6 **the following factors:**

7 **(1) The proximity of sites considered**
8 **to—**

9 **(A) groundfish fisheries, salmon**
10 **fisheries, and other unique marine**
11 **study areas;**

12 **(B) academic and private re-**
13 **search institutions which conduct rel-**
14 **evant marine habitat and environ-**
15 **mental research;**

16 **(C) other National Oceanic and**
17 **Atmospheric Administration research**
18 **and management elements; and**

19 **(D) other Federal, State, and pri-**
20 **vate marine related research facili-**
21 **ties.**

22 **(2) The ability of the National Oce-**
23 **anic and Atmospheric Administration to**
24 **retain current staff.**

1 **(3) The relative construction and op-**
2 **eration costs, including the potential for**
3 **collocation with other Federal facilities.**

4 **SEC. 405. MARINE SANCTUARIES FACILITIES.**

5 **Not later than 120 days after the date of**
6 **the enactment of this Act, the Secretary of**
7 **Commerce shall report to the Committee on**
8 **Merchant Marine and Fisheries of the House**
9 **of Representatives and the Committee on**
10 **Commerce, Science, and Transportation of**
11 **the Senate on needs of the Department of**
12 **Commerce for facilities (including real prop-**
13 **erty for facilities) for the National Marine**
14 **Sanctuary Program established under the Na-**
15 **tional Marine Sanctuaries Act (16 U.S.C. 1431**
16 **et seq.).**

17 **SEC. 406. SAN FRANCISCO BAY PORT SYSTEM.**

18 **(a) IN GENERAL.—The Secretary of Com-**
19 **merce (hereinafter in this section referred to**
20 **as the “Secretary”) shall establish for San**
21 **Francisco Bay in accordance with this section**
22 **the safe navigation system known as the**
23 **Physical Ocean Real Time System (known,**
24 **and hereinafter in this section referred to, as**

1 the “PORT System”), after completion of im-
2 plementation of section 401(c).

3 **(b) STUDY.**—After completion of implemen-
4 tation of section 401(c), and not later than 1
5 year after the date of that completion, the
6 Secretary shall conduct a hydrodynamics
7 modeling study of San Francisco Bay to deter-
8 mine the appropriate technology and equip-
9 ment and the effective placement of instru-
10 ments for the establishment of the PORT Sys-
11 tem for San Francisco Bay.

12 **(c) IMPLEMENTATION.**—

13 **(1) IN GENERAL.**—Not later than 1 year
14 after the completion of the study under
15 subsection (b), the Secretary, in consulta-
16 tion with the State of California Office of
17 Oil Spill Prevention and Response and
18 subject to paragraph (2), shall acquire,
19 install, and activate appropriate equip-
20 ment to establish an operational PORT
21 System for the San Francisco Bay.

22 **(2) CONDITION.**—The Secretary may
23 not take any action under paragraph (1)
24 unless the State of California Office has
25 provided to the Secretary adequate as-

1 **surances that the State will fund the op-**
2 **eration and maintenance of the PORT**
3 **System for San Francisco Bay after its in-**
4 **stallation.**

5 **(d) AUTHORIZATION OF APPROPRIATIONS.—**

6 **There are authorized to be appropriated to**
7 **the Secretary to carry out this section**
8 **\$4,200,000 for fiscal years 1995 and 1996.**

9 **SEC. 407. CONVEYANCE OF NATIONAL MARINE FISHERIES**

10 **SERVICE LABORATORY AT GLOUCESTER,**
11 **MASSACHUSETTS.**

12 **(a) CONVEYANCE REQUIRED.—**

13 **(1) IN GENERAL.—The Secretary of**
14 **Commerce shall convey to the Common-**
15 **wealth of Massachusetts, all right, title,**
16 **and interest of the United States in and**
17 **to the property comprising the National**
18 **Marine Fisheries Service laboratory lo-**
19 **cated on Emerson Avenue in Gloucester,**
20 **Massachusetts.**

21 **(2) TERMS.—A conveyance of property**
22 **under paragraph (1) shall be made—**

23 **(A) without payment of consider-**
24 **ation; and**

1 **(B) subject to the terms and con-**
2 **ditions specified under subsections**
3 **(b) and (c).**

4 **(b) CONDITIONS FOR TRANSFER.—**

5 **(1) IN GENERAL.—As a condition of any**
6 **conveyance of property under this sec-**
7 **tion, the Commonwealth of Massachu-**
8 **setts shall assume full responsibility for**
9 **maintenance of the property for as long**
10 **as the Commonwealth retains the right**
11 **and title to that property.**

12 **(2) CONTINUED USE OF PROPERTY BY**
13 **NMFS.—The Secretary may enter into a**
14 **memorandum of understanding with the**
15 **Commonwealth of Massachusetts under**
16 **which the National Marine Fisheries**
17 **Service is authorized to occupy existing**
18 **laboratory space on the property con-**
19 **veyed under this section, if—**

20 **(A) the term of the memorandum**
21 **of understanding is for a period of**
22 **not longer than 5 years beginning on**
23 **the date of enactment of this Act; and**

24 **(B) the square footage of the**
25 **space to be occupied by the National**

1 **Marine Fisheries Service does not**
2 **conflict with the needs of, and is**
3 **agreeable to, the Commonwealth of**
4 **Massachusetts.**

5 **(c) REVERSIONARY INTEREST.—All right,**
6 **title, and interest in and to all property con-**
7 **veyed under this section shall revert to the**
8 **United States on the date on which the Com-**
9 **monwealth of Massachusetts uses any of the**
10 **property for any purpose other than the Com-**
11 **monwealth of Massachusetts Division of Ma-**
12 **rine Fisheries resource management pro-**
13 **gram.**

14 **SEC. 408. REIMBURSEMENT OF EXPENSES.**

15 **(a) IN GENERAL.—Notwithstanding section**
16 **3302 (b) and (c) of title 31, United States Code,**
17 **and subject to subsection (b) of this section,**
18 **all amounts received by the United States in**
19 **settlement of, or judgment for, damage claims**
20 **arising from the October 9, 1992, allision of**
21 **the vessel ZACHERY into the National Oce-**
22 **anic and Atmospheric Administration re-**
23 **search vessel DISCOVERER—**

24 **(1) shall be retained as an offsetting**
25 **collection in the Fleet Modernization,**

1 **Shipbuilding, and Conversion account of**
2 **the National Oceanic and Atmospheric**
3 **Administration;**

4 **(2) shall be deposited in that account**
5 **upon receipt by the United States Gov-**
6 **ernment; and**

7 **(3) shall be available only for obliga-**
8 **tion for National Oceanic and Atmos-**
9 **pheric Administration vessel repairs.**

10 **(b) LIMITATION.—Not more than**
11 **\$518,757.09 of the amounts referred to in sub-**
12 **section (a) may be deposited into the Fleet**
13 **Modernization, Shipbuilding, and Conversion**
14 **account pursuant to subsection (a).**

15 **SEC. 409. NOAA FLEET MODERNIZATION.**

16 **(a) AUTHORITY TO CONTRACT.—**

17 **(1) IN GENERAL.—The Secretary may**
18 **enter into only the following contracts in**
19 **fiscal years 1995 and 1996 to implement**
20 **the Plan:**

21 **(A) Repairs to extend the service**
22 **life of the R/V DISCOVERER.**

23 **(B) Construction of a medium en-**
24 **durance oceanographic research ves-**
25 **sel.**

1 **(C) A service life extension of the**
2 **R/V DELAWARE II.**

3 **(D) Conversion of a T-AGOS ves-**
4 **sel for oceanographic research.**

5 **(E) Construction of a coastal/low**
6 **endurance vessel for living marine re-**
7 **search.**

8 **(F) Leasing to fulfill any NOAA**
9 **mission requirements.**

10 **(G) Necessary repairs to and**
11 **maintenance of any vessel in the**
12 **NOAA fleet, subject to subsection (b).**

13 **(H) Necessary requirements, de-**
14 **signs, and specifications for future**
15 **vessel repair, conversion, construc-**
16 **tion, or lease.**

17 **(2) CONTRACT DEFINED.—Section 602 of**
18 **the NOAA Fleet Modernization Act (33**
19 **U.S.C. 891) is amended by adding at the**
20 **end the following:**

21 **“(6) ‘contract’ means any contract or**
22 **other agreement for the construction,**
23 **conversion, lease, chartering, service life**
24 **extension, or repair or maintenance of**
25 **any vessel of the NOAA fleet, and provi-**

1 **sion of related equipment, including the**
2 **development of any necessary require-**
3 **ment, design, or specification. The term**
4 **includes contracts entered into on behalf**
5 **of the Secretary by another Federal de-**
6 **partment, agency, or instrumentality, if**
7 **the vessel which is the subject of the con-**
8 **tract will be operated by or for the bene-**
9 **fit of the Department of Commerce.”.**

10 **(b) LIMITATION ON EXPENDITURES FOR RE-**
11 **PAIRS AND MAINTENANCE.—Notwithstanding**
12 **any other law, of the total amount appro-**
13 **priated for fiscal years 1991 through 1996 to**
14 **the Fleet Modernization, Shipbuilding, and**
15 **Conversion account of the National Oceanic**
16 **and Atmospheric Administration, not more**
17 **than 20 percent may be expended by the Sec-**
18 **retary for repairs and maintenance of vessels**
19 **in the NOAA fleet.**

20 **(c) LEASING AND CONTRACTS.—**

21 **(1) IN GENERAL.—The Secretary shall**
22 **for each of fiscal years 1995 and 1996,**
23 **enter into contracts or service contracts**
24 **under the NOAA Fleet Modernization Act**
25 **(33 U.S.C. 891 et seq.) to use University-**

1 **National Oceanographic Laboratory Sys-**
2 **tem or non-Federal vessels.**

3 **(2) AMOUNT SUBJECT TO OBLIGATION.—**
4 **Amounts subject to obligation under**
5 **paragraph (1) shall be, for each fiscal**
6 **year, the greater of \$6,000,000 or 10 per-**
7 **cent of the amounts appropriated to the**
8 **Fleet Modernization, Shipbuilding, and**
9 **Conversion account for fiscal years 1995**
10 **and 1996.**

11 **(d) DEFINITIONS.—In this section each of**
12 **the terms “contract”, “NOAA”, “NOAA fleet”,**
13 **“Plan”, and “Secretary” has the meaning**
14 **given to that term in section 602 of the NOAA**
15 **Fleet Modernization Act (33 U.S.C. 891), as**
16 **amended by this section.**

17 **SEC. 410. STUDY OF NOAA CORPS.**

18 **(a) STUDY.—The Secretary of Commerce**
19 **shall, subject to the availability of appropria-**
20 **tions, contract with the Marine Board of the**
21 **National Research Council to examine and re-**
22 **port to the Secretary on the appropriate role**
23 **of the National Oceanic and Atmospheric Ad-**
24 **ministration Corps in supporting NOAA mis-**
25 **sions. In particular, the Marine Board shall—**

1 **(1) examine whether there is a contin-**
2 **ued need for a uniformed service to oper-**
3 **ate the NOAA fleet, fly weather observa-**
4 **tions, conduct hydrographic surveys,**
5 **manage national marine sanctuaries, con-**
6 **duct NOAA research, and participate in**
7 **other NOAA activities;**

8 **(2) examine the role of the NOAA**
9 **Corps in modernizing the NOAA fleet and**
10 **the involvement of the NOAA Corps in**
11 **obtaining efficient, effective, low-cost**
12 **ship support of NOAA missions;**

13 **(3) compare the full costs of utilizing**
14 **the services of the NOAA Corps compared**
15 **to civilian employees in similar positions;**
16 **and**

17 **(4) determine whether adequately**
18 **trained civilian employees are available**
19 **to fill NOAA Corps positions.**

20 **(b) DEADLINE.—No later than 1 year after**
21 **the date of enactment of this Act, the Sec-**
22 **retary of Commerce shall submit the report of**
23 **the Marine Board under subsection (a) to the**
24 **Committee on Merchant Marine and Fisheries**
25 **of the House of Representatives and the Com-**

1 **mittee on Commerce, Science, and Transpor-**
2 **tation of the Senate.**

3 **(c) DEFINITIONS.—In this section, the defi-**
4 **initions in section 409(d) apply.**

5 **(d) AUTHORIZATION OF APPROPRIATIONS.—**
6 **There is authorized to be appropriated to the**
7 **Secretary of Commerce to carry out this sec-**
8 **tion a total of \$100,000 for fiscal years 1995**
9 **and 1996, to remain available until expended.**

10 **SEC. 411. UNDERSEA RESEARCH PROGRAM.**

11 **(a) ESTABLISHMENT.—There is established**
12 **in the National Oceanic and Atmospheric Ad-**
13 **ministration a program to be known as the**
14 **National Undersea Research Program. The**
15 **head of the Program shall be the National Un-**
16 **dersea Research Program Director. The Pro-**
17 **gram shall be conducted at centers which**
18 **shall each be known as a National Undersea**
19 **Research Program Center. Each Center shall**
20 **be administered by a Center Director.**

21 **(b) PROGRAM PURPOSE.—The National Un-**
22 **dersea Research Program shall develop,**
23 **maintain, and conduct undersea research pro-**
24 **grams to enhance the understanding of proc-**
25 **esses in the oceans, coastal areas, and large**

1 **lakes of the world through the use and devel-**
2 **opment of undersea technologies.**

3 **(c) CENTER FOR GULF OF MEXICO REGION.—**

4 **(1) ESTABLISHMENT.—Not later than 60**
5 **days after the date of the enactment of**
6 **this Act, the Secretary of Commerce shall**
7 **establish and maintain, at a qualified**
8 **public institution, a National Undersea**
9 **Research Program center for the Gulf of**
10 **Mexico to carry out the National Under-**
11 **sea Research Program for the Gulf of**
12 **Mexico region.**

13 **(2) DEFINITION.—For purposes of this**
14 **subsection, “qualified public institution”**
15 **means a public institution or consortium**
16 **of public institutions of higher education**
17 **located directly on the coastline of, or**
18 **having direct access to, the Gulf of Mex-**
19 **ico.**

20 **(3) LIMITATION.—In carrying out this**
21 **subsection, the Secretary of Commerce**
22 **shall not reduce amounts available for**
23 **carrying out the Memorandum of Agree-**
24 **ment Concerning Support of a National**

1 **Academic Deep Submergence Facility of**
2 **Scientific Use.**

3 **(d) SOLICITATION OF PROPOSALS FOR NEW**
4 **CENTERS.—**

5 **(1) IN GENERAL.—The Under Secretary**
6 **may solicit proposals for the establish-**
7 **ment of a new Center from institutions of**
8 **higher education or oceanographic re-**
9 **search.**

10 **(2) PROPOSAL REQUIREMENTS.—A pro-**
11 **posal submitted under this subsection**
12 **shall consist of—**

- 13 **(A) a proposed science program;**
14 **(B) a program management plan;**
15 **(C) a description of the facilities**
16 **of the institution at which the Center**
17 **is proposed to be established;**
18 **(D) a description of relevant capa-**
19 **bilities of that institution;**
20 **(E) an operational safety plan;**
21 **(F) mechanisms for information**
22 **transfer;**
23 **(G) a budget for the proposed**
24 **Center; and**

1 **(H) any other information the**
2 **Under Secretary considers necessary.**

3 **(e) REVIEW OF PROPOSALS.—The Under**
4 **Secretary shall review each proposal submit-**
5 **ted by an institution under subsection (d) on**
6 **the basis of—**

7 **(1) relevance of the proposal to prior-**
8 **ity research areas; and**

9 **(2) the capability of the institution at**
10 **which the new Center is proposed to be**
11 **established to administer and direct re-**
12 **search in those areas.**

13 **(f) CENTER DIRECTOR.—Each institution at**
14 **which a new Center is established under this**
15 **section may select, in consultation with the**
16 **Under Secretary, an individual who shall be**
17 **the Center Director of that Center.**

18 **(g) 6-YEAR REVIEW OF CENTERS AND RE-**
19 **GIONS.—**

20 **(1) IN GENERAL.—Every 6 years the**
21 **Under Secretary shall jointly review—**

22 **(A) the operation of each Center,**
23 **except that in the case of a Center in**
24 **existence on the day before the date**
25 **of the enactment of this Act, the first**

1 review of the Center shall be com-
2 pleted by not later than the date
3 which is 5 years after that date of en-
4 actment; and

5 (B) the configuration of the un-
6 dersea regions for which those Cen-
7 ters are responsible, to determine
8 whether those regions meet scientific
9 needs for research in priority re-
10 search areas.

11 (2) **CONTENT OF REVIEW.**—A review of a
12 Center under this subsection shall con-
13 sist of—

14 (A) an evaluation of the quality of
15 the research conducted at the Center
16 under the Program and the applica-
17 bility of the research to the priority
18 research areas;

19 (B) recommendations for changes
20 in the scientific research program
21 and the operation of the Center, that
22 are considered beneficial by the
23 Under Secretary;

24 (C) a determination of whether
25 the continued operation of the Center

1 **will increase knowledge in the prior-**
2 **ity research areas; and**

3 **(D) recommendations for the**
4 **modification of the undersea regions**
5 **of the Center.**

6 **(3) ESTABLISHMENT OF NEW CENTER AT**
7 **DIFFERENT INSTITUTION.—If the Under Sec-**
8 **retary determines as a result of a review**
9 **under this subsection that continued op-**
10 **eration of a Center for an undersea re-**
11 **gion is not warranted, the Under Sec-**
12 **retary—**

13 **(A) shall provide notification of**
14 **that determination to the Center, in-**
15 **cluding a description of any changes**
16 **in the operations of the Center the**
17 **Under Secretary considers necessary**
18 **for continued operation of the Cen-**
19 **ter;**

20 **(B) shall after 18 months after**
21 **providing that notice, and not later**
22 **than 2 years after providing that no-**
23 **tice, review the implementation of**
24 **those changes by the Center; and**

1 **(C) may establish, at a different**
2 **institution of higher education or**
3 **oceanographic research, a new Cen-**
4 **ter for the same undersea region in**
5 **accordance with this section, if the**
6 **Under Secretary determines as a re-**
7 **sult of the review under subpara-**
8 **graph (B) that those changes are not**
9 **implemented.**

10 **(h) INDIVIDUAL RESEARCH PROPOSALS.—**

11 **Each Center Director shall annually solicit in-**
12 **dividual proposals from the scientific commu-**
13 **nity for research to advance the priority re-**
14 **search areas of the Program. Research under**
15 **each proposal shall be primarily conducted**
16 **within the undersea region of the Center of**
17 **the Center Director, but may be conducted in**
18 **another undersea region in cooperation with**
19 **the Center for that other region, or other geo-**
20 **graphic areas with the approval of the Pro-**
21 **gram Director. Proposals under this sub-**
22 **section may be for multiyear research. Each**
23 **proposal under this subsection shall be sub-**
24 **ject to peer review.**

25 **(i) DEFINITIONS.—In this section:**

1 **(1) CENTER.—The term “Center”**
2 **means a National Undersea Research**
3 **Program Center.**

4 **(2) PROGRAM.—The term “Program”**
5 **means the National Undersea Research**
6 **Program established by subsection (a).**

7 **(3) PROGRAM DIRECTOR.—The term**
8 **“Program Director” means the National**
9 **Undersea Research Program Director.**

10 **(4) UNDER SECRETARY.—The term**
11 **“Under Secretary” means the Under Sec-**
12 **retary of Commerce for Oceans and At-**
13 **mosphere.**

14 **SEC. 412. REPORT ON RESEARCH AND EFFECTS OF CLI-**
15 **MATE AND GLOBAL CHANGE ON FRESH-**
16 **WATER SYSTEMS.**

17 **Within 60 days after the date of submis-**
18 **sion of the President’s budget request for**
19 **each of fiscal years 1996 and 1997, the Sec-**
20 **retary of Commerce shall submit a report to**
21 **the Committee on Merchant Marine and Fish-**
22 **eries of the House of Representatives and the**
23 **Committee on Commerce, Science, and Trans-**
24 **portation of the Senate, on—**

1 **(1) the amount of funds allocated and**
2 **the activities supported for research on**
3 **the effects of climate and global change**
4 **on the Nation's major freshwater systems,**
5 **including international commitments;**

6 **(2) the criteria used in determining**
7 **those allocations and in selecting those**
8 **activities; and**

9 **(3) specific proposed agency plans for**
10 **implementing research programs and ac-**
11 **tivities to evaluate the effects of climate**
12 **and global change on the Nation's major**
13 **freshwater systems.**

14 **SEC. 413. PROMOTION AND COORDINATION OF NATIONAL**
15 **ESTUARINE RESEARCH RESERVES.**

16 **The Secretary of Commerce shall take**
17 **such action as is necessary and reasonable to**
18 **promote and coordinate the use of National**
19 **Estuarine Research Reserves for research,**
20 **monitoring, and education purposes. Such ac-**
21 **tion may include consulting with Federal**
22 **agencies, States, local governments, regional**
23 **agencies, interstate agencies, or other persons**
24 **to promote use of one or more such reserves**
25 **for research, monitoring, and education, in-**

1 **cluding coordination with the National Ma-**
2 **rine Sanctuaries Program.**

3 **SEC. 414. STUDY ON EFFECTS OF DOLPHIN FEEDING.**

4 **(a) STUDY.—The Secretary of Commerce**
5 **shall conduct a study on the effects of feeding**
6 **noncaptive dolphins in the Gulf of Mexico and**
7 **Southern Atlantic Ocean. The study shall con-**
8 **sider the potential impacts on the behavior or**
9 **general health of wild populations of dolphins**
10 **resulting from this feeding.**

11 **(b) USE OF THE STUDY.—The Secretary of**
12 **Commerce shall use the results of the study**
13 **required under subsection (a) in determining**
14 **whether and under what conditions feeding**
15 **noncaptive dolphins may be authorized.**

16 **(c) REPORT.—Within 1 year after the date**
17 **of enactment of this Act, the Secretary shall**
18 **submit to the Committee on Merchant Marine**
19 **and Fisheries of the House of Representatives**
20 **and the Committee on Commerce, Science,**
21 **and Transportation of the Senate a report on**
22 **the results of the study.**

1 SEC. 415. FLOWER GARDEN BANKS BOUNDARY MODIFICA-
2 TION.

3 (a) MODIFICATION.—Notwithstanding sec-
4 tion 304 of the National Marine Sanctuaries
5 Act (16 U.S.C. 1434), the boundaries of the
6 Flower Garden Banks National Marine Sanc-
7 tuary, as designated by Public Law 102–251,
8 are amended to include the area described in
9 subsection (d), popularly known as Stetson
10 Bank. This area shall be part of the Flower
11 Garden Banks National Marine Sanctuary
12 and shall be managed and regulated as
13 though it had been designated by the Sec-
14 retary of Commerce under the National Ma-
15 rine Sanctuaries Act.

16 (b) DEPICTION OF SANCTUARY BOUND-
17 ARIES.—The Secretary of Commerce shall—

18 (1) prepare a chart depicting the
19 boundaries of the Flower Garden Banks
20 National Marine Sanctuary, as modified
21 by this section; and

22 (2) submit copies of this chart to the
23 Committee on Merchant Marine and Fish-
24 eries of the House of Representatives and
25 the Committee on Commerce, Science,
26 and Transportation of the Senate.

1 **(c) APPLICATION OF REGULATIONS.—Regula-**
2 **tions issued by the Secretary of Commerce to**
3 **implement the designation of the Flower Gar-**
4 **den Banks National Marine Sanctuary shall**
5 **apply to the area described in subsection (d),**
6 **unless modified by the Secretary. This sub-**
7 **section shall take effect 45 days after the date**
8 **of enactment of this Act.**

9 **(d) AREA DESCRIBED.—**

10 **(1) IN GENERAL.—Except as provided**
11 **in paragraph (2), the area referred to in**
12 **subsections (a), (b), and (c) is the area**
13 **that is—**

14 **(A) generally depicted on the De-**
15 **partment of the Interior, Minerals**
16 **Management Service map titled**
17 **“Western Gulf of Mexico, Lease Sale**
18 **143, September 1993, Biologically Sen-**
19 **sitive Areas, Map 3 of 3, Final”;**

20 **(B) labeled “Stetson” on the High**
21 **Island Area South Addition diagram**
22 **on that map; and**

23 **(C) within the 52 meter isobath.**

24 **(2) MINOR BOUNDARY ADJUSTMENTS.—**
25 **The Secretary of Commerce may make**

1 **minor adjustments to the boundaries of**
2 **the area described in paragraph (1) as**
3 **necessary to protect the living coral re-**
4 **sources of Stetson Bank or to simplify ad-**
5 **ministration of the Flower Garden Banks**
6 **National Marine Sanctuary.**

7 **(e) PUBLICATION OF NOTICE.—**

8 **(1) IN GENERAL.—The Secretary of**
9 **Commerce shall, as soon as practicable**
10 **after the date of the enactment of this**
11 **Act, publish in the Federal Register a no-**
12 **tice describing—**

13 **(A) the boundaries of the Flower**
14 **Garden Banks National Marine Sanc-**
15 **tuary, as modified by this section,**
16 **and**

17 **(B) any modification of regula-**
18 **tions applicable to that Sanctuary**
19 **that are necessary to implement that**
20 **modification of the boundaries of the**
21 **Sanctuary.**

22 **(2) TREATMENT AS NOTICE REQUIRED**
23 **UNDER NATIONAL MARINE SANCTUARIES**
24 **ACT.—A notice published under para-**
25 **graph (1) shall be considered to be the**

1 **notice required to be published under**
2 **section 304(b)(1) of the National Marine**
3 **Sanctuaries Act (16 U.S.C. 1434).**

4 **SEC. 416. AMENDMENTS RELATING TO NATIONAL COASTAL**
5 **RESOURCES RESEARCH AND DEVELOPMENT**
6 **INSTITUTE.**

7 **(a) ADMINISTRATION OF INSTITUTE.—Section**
8 **201(a) of the Act entitled “An Act to authorize**
9 **appropriations to carry out the Marine Mam-**
10 **mal Protection Act of 1972, for fiscal years**
11 **1985 through 1988, and for other purposes”**
12 **(16 U.S.C. 1463b(a)) is amended by striking**
13 **“by the Oregon State Marine Science Center”**
14 **and inserting “by the Oregon State System of**
15 **Higher Education”.**

16 **(b) FUNCTIONS OF INSTITUTE.—Section**
17 **201(b) of such Act (16 U.S.C. 1463b(b)) is**
18 **amended to read as follows:**

19 **“(b) The Institute shall promote the eco-**
20 **nomic growth and prosperity of the United**
21 **States by transferring research and tech-**
22 **nology into applications to improve the eco-**
23 **nomic, environmental, and social well-being**
24 **of the Nation’s coastal communities and the**
25 **competitiveness of coastal businesses.”.**

1 **(c) MEMBERSHIP OF BOARD OF GOV-**
2 **ERNORS.—Section 201(c)(1) of such Act (16**
3 **U.S.C. 1463b(c)(1)) is amended to read as fol-**
4 **lows:**

5 **“(c)(1) The policies of the Institute shall**
6 **be determined by a Board of Governors com-**
7 **posed of—**

8 **“(A) 1 representative appointed by**
9 **the Chancellor of the Oregon State Sys-**
10 **tem of Higher Education; and**

11 **“(B) 1 representative of each of the**
12 **following regions, appointed jointly by**
13 **Governors of the States comprising that**
14 **region:**

15 **“(i) The Alaska region, consisting**
16 **of Alaska.**

17 **“(ii) The Northwest Pacific Coast**
18 **region, consisting of Oregon and**
19 **Washington.**

20 **“(iii) The Southwest Pacific Coast**
21 **region, consisting of California.**

22 **“(iv) The Pacific Islands region,**
23 **consisting of Hawaii, American**
24 **Samoa, and Guam.**

1 **“(v) The Great Lakes region, con-**
2 **sisting of Pennsylvania, Ohio, Michi-**
3 **gan, Indiana, Illinois, Wisconsin, and**
4 **Minnesota.**

5 **“(vi) The Gulf Coast region, con-**
6 **sisting of Texas, Louisiana, Mis-**
7 **sissippi, and Alabama.**

8 **“(vii) The South Atlantic and Car-**
9 **ibbean region, consisting of South**
10 **Carolina, Georgia, Florida, Puerto**
11 **Rico, and the U.S. Virgin Islands.**

12 **“(viii) The Mid-Atlantic region,**
13 **consisting of Delaware, Maryland,**
14 **Virginia, and North Carolina.**

15 **“(ix) The North Atlantic region,**
16 **consisting of New Jersey, New York,**
17 **Connecticut, Rhode Island, Massachu-**
18 **setts, New Hampshire, and Maine.”.**

19 **(d) ADVISORY COUNCIL.—Section 201(d)(1)**
20 **of such Act (16 U.S.C. 1463b(d)(1)) is amended**
21 **by inserting “and leaders in coastal commu-**
22 **nities and businesses” after “community”.**

23 **(e) CONFORMING AMENDMENT.—Section**
24 **201(e) of such Act (16 U.S.C. 1463b(e)) is**
25 **amended by striking “Oregon Board of Higher**

1 **Education” and inserting “Oregon State Sys-**
2 **tem of Higher Education”.**

3 **(f) REPORTS.—Section 201(g) of such Act**
4 **(16 U.S.C. 1463b(g)) is amended to read as fol-**
5 **lows:**

6 **“(g) The Institute shall report to the Con-**
7 **gress on its activities annually, and shall re-**
8 **port to the Secretary of Commerce in a like**
9 **manner biennially.”.**

10 **SEC. 417. SENSE OF CONGRESS REGARDING PROMOTION**
11 **OF MINORITIES AND WOMEN IN COASTAL**
12 **AND OCEAN PROGRAMS.**

13 **It is the sense of the Congress that the Na-**
14 **tional Oceanic and Atmospheric Administra-**
15 **tion should develop and promote programs**
16 **that reach out to and recruit minorities and**
17 **women for education in the sciences and take**
18 **actions to increase the direct involvement of**
19 **underrepresented minorities in coastal and**
20 **ocean resource stewardship programs carried**
21 **out directly by the National Oceanic and At-**
22 **mospheric Administration and in partnership**
23 **with State and local governments, univer-**
24 **sities, and other entities. To this end, the Na-**
25 **tional Oceanic and Atmospheric Administra-**

1 **tion should create minority internship pro-**
2 **grams to develop a pool of professionals in**
3 **coastal and ocean science and management,**
4 **and to make these programs an eligible use of**
5 **grant and program funds distributed by the**
6 **National Oceanic and Atmospheric Adminis-**
7 **tration to States, universities, and other enti-**
8 **ties.**

9 **SEC. 418. CHESAPEAKE BAY.**

10 **(a) REPEAL.—If by December 1, 1994, the**
11 **Secretary of Commerce fails to obligate all**
12 **funds appropriated to the Secretary of Com-**
13 **merce by Public Law 103–121 for oyster dis-**
14 **ease research, section 307 of the National Oce-**
15 **anic and Atmospheric Administration Act of**
16 **1992 (15 U.S.C. 1511d), requiring the establish-**
17 **ment of a National Oceanic and Atmospheric**
18 **Administration Chesapeake Bay Estuarine**
19 **Resources Office, is repealed.**

20 **(b) ASSIGNMENT OF FUNCTIONS.—If section**
21 **307 of the National Oceanic and Atmospheric**
22 **Administration Act of 1992 (15 U.S.C. 1511d) is**
23 **repealed by subsection (a), the Secretary of**
24 **Commerce shall immediately—**

1 **(1) enter into a cooperative agree-**
2 **ment with the directors of the Maryland**
3 **and Virginia Sea Grant colleges to admin-**
4 **ister all funds appropriated to the Sec-**
5 **retary of Commerce under any law for**
6 **oyster disease research and Chesapeake**
7 **Bay studies; and**

8 **(2) transfer the functions of the**
9 **former National Oceanic and Atmos-**
10 **pheric Administration Chesapeake Bay**
11 **Estuarine Resources Office to the Direc-**
12 **tor of the Coastal Ocean Program.**

13 **The Director may delegate any of the func-**
14 **tions transferred under paragraph (2) to the**
15 **directors of the Maryland and Virginia Sea**
16 **Grant colleges under the cooperative agree-**
17 **ment required under paragraph (1).**

18 **(c) REPEAL AND AUTHORIZATION OF APPRO-**
19 **PRIATIONS.—**

20 **(1) REPEAL.—Section 2(e) of the Na-**
21 **tional Oceanic and Atmospheric Adminis-**
22 **tration Marine Fisheries Program Au-**
23 **thorization Act (Public Law 98-210, 97**
24 **Stat. 1409) is repealed.**

1 **(2) AUTHORIZATION.—There is author-**
2 **ized to be appropriated to the Secretary**
3 **of Commerce to implement section 307 of**
4 **the National Oceanic and Atmospheric**
5 **Administration Act of 1992 (15 U.S.C.**
6 **1511d) and this section, \$2,500,000 for**
7 **each of fiscal years 1995 and 1996, to re-**
8 **main available until expended.**

9 **SEC. 419. WEATHER REPORTING STATIONS FOR PRINCE**
10 **WILLIAM SOUND.**

11 **(a) INSTALLATION.—To provide more com-**
12 **prehensive weather information to ensure the**
13 **safety of fishermen and tank vessels and to**
14 **protect the resources of Prince William Sound**
15 **from potential oil spills, the Secretary of Com-**
16 **merce may expend \$340,000 to acquire, con-**
17 **struct, and install weather reporting stations**
18 **in Prince William Sound, Alaska, as follows:**

19 **(1) In the vicinity of Seal Rocks, to ac-**
20 **quire and install a weather buoy capable**
21 **of measuring and reporting wind speed**
22 **and direction, barometric pressure, wave**
23 **height and period, and air temperature.**

24 **(2) On the existing tower at Bligh**
25 **Reef, to acquire and install a weather in-**

1 **strument capable of measuring and re-**
2 **porting wind speed and direction.**

3 **(3) At Potato Point, to relocate the ex-**
4 **isting anemometer to a more exposed lo-**
5 **cation in order to provide more accurate**
6 **information.**

7 **(4) At the Hinchinbrook Lighthouse**
8 **site, to acquire and install an anemom-**
9 **eter.**

10 **(b) MAINTENANCE.—The Secretary of Com-**
11 **merce may expend \$160,000 in each of fiscal**
12 **years 1995 and 1996 to maintain the equip-**
13 **ment identified in subsection (a).**

14 **SEC. 420. LIMITATION ON APPROPRIATIONS.**

15 **Notwithstanding any other provision of**
16 **this Act, no funds are authorized to be appro-**
17 **priated for carrying out the programs for**
18 **which funds are authorized by this Act for**
19 **any fiscal year after fiscal year 1996.**

20 **SEC. 421. PURCHASE OF REMOTELY SENSED SCIENCE**
21 **DATA.**

22 **(a) IN GENERAL.—To the maximum extent**
23 **possible, the Secretary of Commerce shall**
24 **purchase from the private sector remotely**
25 **sensed science data. Examples of such data in-**

1 **clude scientific data concerning the impact of**
2 **oceans worldwide on global climate change**
3 **and concerning the condition of the oceans.**

4 **(b) COMPETITIVE BIDDING.—(1) Contracts**
5 **for the purchase of remotely sensed data**
6 **under this section shall be awarded in a proc-**
7 **ess of full, fair, and open competitive bidding.**

8 **(2) Submission of cost data, either for the**
9 **purposes of supporting the bid or fulfillment**
10 **of the contract, shall not be required of bid-**
11 **ders.**

12 **(3) Conformance with military specifica-**
13 **tions (Milspec) or Department of Commerce**
14 **specifications systems with respect to the de-**
15 **sign, construction, or operation of equipment**
16 **used in obtaining remotely sensed data under**
17 **contracts entered into under this section shall**
18 **not be a requirement for a commercial pro-**
19 **vider bidding to provide such services.**

20 **(4) Contracts under this section shall not**
21 **provide for the Federal Government to obtain**
22 **ownership of data not specifically sought by**
23 **the Federal Government.**

1 **SEC. 422. PURCHASE OF AMERICAN-MADE EQUIPMENT AND**
2 **PRODUCTS.**

3 **(a) SENSE OF CONGRESS.—It is the sense of**
4 **Congress that, to the greatest extent prac-**
5 **ticable, all equipment and products pur-**
6 **chased with funds made available in this Act**
7 **should be American-made.**

8 **(b) NOTICE REQUIREMENT.—In providing fi-**
9 **nancial assistance to, or entering into any**
10 **contract with, any entity using funds made**
11 **available in this Act, the head of each Federal**
12 **agency, to the greatest extent practicable,**
13 **shall provide to such entity a notice describ-**
14 **ing the statement made in subsection (a) by**
15 **the Congress.**

16 **TITLE V—GREAT LAKES**
17 **IMPROVEMENTS**

18 **SEC. 501. SHORT TITLE.**

19 **This title may be cited as the “National**
20 **Oceanic and Atmospheric Administration**
21 **Great Lakes Improvements Act”.**

22 **SEC. 502. GREAT LAKES OFFICE.**

23 **(a) ESTABLISHMENT.—The Under Secretary**
24 **may establish and maintain within the Ad-**
25 **ministration a Great Lakes Office in the**
26 **Washington, District of Columbia area.**

1 **(b) PURPOSE.**—The purpose of the Great
2 **Lakes Office shall be to promote and coordi-**
3 **nate Administration research, monitoring,**
4 **and assessment work in the Great Lakes re-**
5 **gion consistent with the goals of the Great**
6 **Lakes Water Quality Agreement.**

7 **(c) DIRECTOR.**—The Director of the Great
8 **Lakes Office shall be an individual with ex-**
9 **tensive knowledge and expertise in the Great**
10 **Lakes ecosystem, and with appropriate ad-**
11 **ministrative experience.**

12 **SEC. 503. GREAT LAKES REPORT.**

13 **(a) CONTENTS.**—Subject to the availability
14 **of appropriations under section 505, the**
15 **Under Secretary, in consultation with the Di-**
16 **rector of the Great Lakes Office if established,**
17 **shall prepare and submit to Congress an an-**
18 **nual Great Lakes Report in accordance with**
19 **this section. The Report shall provide infor-**
20 **mation relating to Great Lakes ecosystem re-**
21 **search, monitoring, and assessment, includ-**
22 **ing—**

23 **(1) the individual activities, projects,**
24 **or proposals conducted by the Adminis-**
25 **tration in the previous fiscal year, includ-**

1 **ing a summary of funds expended in sup-**
2 **port of these activities, projects, or pro-**
3 **posals;**

4 **(2) the amount of funds received from**
5 **the Administration by each State or local**
6 **government unit bordering the Great**
7 **Lakes;**

8 **(3) the amount of funds received by**
9 **individuals or institutions residing or lo-**
10 **cated within a State bordering the Great**
11 **Lakes;**

12 **(4) an inventory of Administration fa-**
13 **cilities and personnel located in a State**
14 **bordering the Great Lakes or in the**
15 **Great Lakes used to conduct or support**
16 **Administration-funded activities, proj-**
17 **ects, or proposals in the Great Lakes, in-**
18 **cluding vessels;**

19 **(5) the proposed Administration ac-**
20 **tivities, projects, and proposals to benefit**
21 **the Great Lakes ecosystem for the cur-**
22 **rent fiscal year, including requested**
23 **funds; and**

24 **(6) a proposal for increasing the pres-**
25 **ence of the Administration in the Great**

1 **Lakes, and improving the coordination of**
2 **research within the Administration and**
3 **with other entities, including the Govern-**
4 **ment of Canada.**

5 **(b) DEADLINE.—Subject to the availability**
6 **of appropriations under section 505, the**
7 **Under Secretary shall submit the Great Lakes**
8 **Report to the Congress by October 1 of 1995,**
9 **1996, 1997, and 1998.**

10 **SEC. 504. DEFINITIONS.**

11 **In this title—**

12 **(1) the term “Administration” means**
13 **the National Oceanic and Atmospheric**
14 **Administration;**

15 **(2) the term “Great Lakes” means—**

16 **(A) Lake Erie, Lake Huron, Lake**
17 **Michigan, Lake Ontario, and Lake Su-**
18 **perior;**

19 **(B) their connecting waters, in-**
20 **cluding the St. Marys River, the St.**
21 **Clair River, Lake St. Clair, the De-**
22 **troit River, and the Niagara River;**
23 **and**

24 **(C) the St. Lawrence River;**

1 **(3) the term “Great Lakes Water Qual-**
2 **ity Agreement” means the bilateral agree-**
3 **ment between the United States and Can-**
4 **ada which was signed in 1978 and amend-**
5 **ed by the Protocol of 1987; and**

6 **(4) the term “Under Secretary” means**
7 **the Under Secretary of Commerce for**
8 **Oceans and Atmosphere.**

9 **SEC. 505. AUTHORIZATION OF APPROPRIATIONS.**

10 **There is authorized to be appropriated to**
11 **the Under Secretary to carry out this title**
12 **\$100,000 for each of fiscal years 1995, 1996,**
13 **1997, and 1998.**

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