

103^D CONGRESS
2^D SESSION

S. 2432

To authorize appropriations for the National Oceanic and Atmospheric Administration for Fiscal Year 1995, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 13 (legislative day, SEPTEMBER 12), 1994

Mr. KERRY (for himself and Mr. STEVENS) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To authorize appropriations for the National Oceanic and Atmospheric Administration for Fiscal Year 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 ex-

1 penses of the Signal Corps of the Army, and to
2 transfer the Weather Bureau of the Department of
3 Agriculture”, approved October 1, 1890 (26 Stat.
4 653); and

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

9 **TITLE I—NOAA ATMOSPHERIC AND**
10 **SATELLITE PROGRAMS**

11 **SEC. 101. NATIONAL WEATHER SERVICE OPERATIONS AND**
12 **RESEARCH.**

13 There are authorized to be appropriated to the Sec-
14 retary of Commerce, to enable the National Oceanic and
15 Atmospheric Administration to carry out the operations
16 and research activities of the National Weather Service
17 under law, \$526,277,000 for fiscal year 1995. Moneys ap-
18 propriated pursuant to this authorization shall be used to
19 fund those activities relating to National Weather Service
20 operations and research specified by the Act of 1890, the
21 Act of 1947, and any other law involving such activities.
22 Such activities include meteorological, hydrological, and
23 oceanographic public warnings and forecasts, as well as
24 applied research in support of such warnings and fore-
25 casts.

1 **SEC. 102. PUBLIC WARNING AND FORECAST SYSTEMS.**

2 There are authorized to be appropriated to the Sec-
3 retary of Commerce, to enable the National Oceanic and
4 Atmospheric Administration to improve its public warning
5 and forecast systems under law, \$160,599,000 for fiscal
6 year 1995. Moneys appropriated pursuant to this author-
7 ization shall be used to fund those activities relating to
8 public warning and forecast systems specified by the Act
9 of 1890, the Act of 1947, and any other law involving such
10 activities. Such activities include the development, acquisi-
11 tion, and implementation of major public warning and
12 forecast systems.

13 **SEC. 103. CLIMATE AND AIR QUALITY RESEARCH.**

14 (a) IN GENERAL.—There are authorized to be appro-
15 priated to the Secretary of Commerce, to enable the Na-
16 tional Oceanic and Atmospheric Administration to carry
17 out its climate and air quality research activities under
18 law, \$139,023,000 for fiscal year 1995. Moneys appro-
19 priated pursuant to this authorization shall be used to
20 fund those activities relating to climate and air quality re-
21 search specified by the Act of 1890, the Act of 1947, and
22 any other law involving such activities. Such activities in-
23 clude interannual and seasonal climate research, long-term
24 climate and air quality research, high performance com-
25 puting, elementary education programs to augment global
26 observation systems, and the National Climate Program.

1 (b) CLIMATE AND GLOBAL CHANGE.—Of the sums
2 authorized under subsection (a), \$84,012,000 for fiscal
3 year 1995 are authorized to be appropriated for the pur-
4 poses of studying climate and global change. Such pro-
5 gram shall augment and integrate existing programs of
6 the National Oceanic and Atmospheric Administration
7 and shall include global observations, monitoring, and
8 data and information management relating to the study
9 of changes in the Earth's climatic system, fundamental
10 research on critical oceanic and atmospheric processes,
11 and climate prediction and diagnostics.

12 **SEC. 104. ATMOSPHERIC RESEARCH.**

13 There are authorized to be appropriated to the Sec-
14 retary of Commerce, to enable the National Oceanic and
15 Atmospheric Administration to carry out its atmospheric
16 research activities under law, \$47,020,000 for fiscal year
17 1995. Money appropriated pursuant to this authorization
18 shall be used to fund those activities relating to atmos-
19 pheric research specified by the Act of 1890 and by any
20 other law involving such activities. Such activities include
21 research for developing improved observation and pre-
22 diction capabilities for atmospheric processes, as well as
23 solar-terrestrial services and research.

1 **SEC. 105. SATELLITE OBSERVING SYSTEMS.**

2 (a) IN GENERAL.—There are authorized to be appro-
3 priated to the Secretary of Commerce, to enable the Na-
4 tional Oceanic and Atmospheric Administration to carry
5 out its satellite observing systems activities under law,
6 \$366,201,000 for fiscal year 1995. Moneys appropriated
7 pursuant to this authorization shall be used to fund those
8 activities relating to data and information services speci-
9 fied by the Act of 1890 and by any other law involving
10 such activities. Such activities include spacecraft procure-
11 ment, launch, and associated ground station system
12 changes involving polar orbiting and geostationary envi-
13 ronmental satellites and land remote-sensing satellites, as
14 well as the operation of such satellites.

15 **SEC. 106. DATA AND INFORMATION SYSTEMS.**

16 There are authorized to be appropriated to the Sec-
17 retary of Commerce, to enable the National Oceanic and
18 Atmospheric Administration to carry out its data and in-
19 formation services activities under law, \$35,087,000 for
20 fiscal year 1995. Moneys appropriated pursuant to this
21 authorization shall be used to fund those activities relating
22 to data and information services specified by the Act of
23 1890 and by any other law involving such activities. Such
24 activities include climate data services, ocean data serv-
25 ices, geophysical data services, environmental data serv-
26 ices, and information services.

1 gram shall augment and integrate existing programs of
2 the National Oceanic and Atmospheric Administration
3 and shall include efforts to improve predictions of fish
4 stocks to better conserve and manage living marine re-
5 sources, to improve predictions of coastal ocean pollution
6 to help correct and prevent degradation, and to improve
7 predictions of coastal hazards to protect human life and
8 personal property.

9 **SEC. 202. OCEAN AND GREAT LAKES RESEARCH.**

10 There are authorized to be appropriated to the Sec-
11 retary of Commerce, to enable the National Oceanic and
12 Atmospheric Administration to carry out ocean and Great
13 Lakes research activities under the Act of 1947, the Act
14 of 1890, and any other law involving those activities,
15 \$18,527,000 for fiscal year 1995.

16 **SEC. 203. UNDERSEA RESEARCH.**

17 There are authorized to be appropriated to the Sec-
18 retary of Commerce, to enable the National Oceanic and
19 Atmospheric Administration to carry out its undersea re-
20 search activities under law, \$18,000,000 for fiscal year
21 1995. Moneys appropriated pursuant to this authorization
22 shall only be used to fund the ongoing operations of exist-
23 ing undersea research centers.

1 **TITLE III—NOAA MARINE FISHERY**
2 **PROGRAMS**

3 **SEC. 301. AUTHORIZATION OF APPROPRIATIONS.**

4 The National Oceanic and Atmospheric Administra-
5 tion Marine Fisheries Program Authorization Act (Public
6 Law 98–210; 97 Stat. 1409) is amended—

7 (1) in section 2(a)—

8 (A) by striking “and” immediately after
9 “1992” and inserting a comma; and

10 (B) by inserting immediately before the pe-
11 riod at the end “, \$51,092,000 for fiscal year
12 1995”;

13 (2) in section 3(a)—

14 (A) by striking “and” immediately after
15 “1992” and inserting a comma; and

16 (B) by inserting immediately before the pe-
17 riod at the end “, \$14,198,000 for fiscal year
18 1995”; and

19 (3) in section 4(a)—

20 (A) by striking “and” immediately after
21 “1992” and inserting a comma; and

22 (B) by inserting immediately before the pe-
23 riod at the end “, \$17,089,000 for fiscal year
24 1995”.

1 **TITLE IV—MISCELLANEOUS PROVISIONS**

2 **SEC. 401. PROGRAM SUPPORT.**

3 (a) EXECUTIVE DIRECTION AND ADMINISTRATIVE
4 ACTIVITIES.—

5 (1) There are authorized to be appropriated to
6 the Secretary of Commerce, to enable the National
7 Oceanic and Atmospheric Administration to carry
8 out executive direction and administrative activities
9 (including management, administrative support, pro-
10 vision of retired pay of National Oceanic and Atmos-
11 pheric Administration commissioned officers, and
12 policy development) under the Act entitled “An Act
13 to clarify the status and benefits of commissioned of-
14 ficers of the National Oceanic and Atmospheric Ad-
15 ministration, and for other purposes”, approved De-
16 cember 31, 1970 (33 U.S.C. 857–1 et seq.), and any
17 other law involving those activities, \$81,944,000 for
18 fiscal year 1995.

19 (2) Of the sums authorized under this sub-
20 section \$1,000,000 is authorized to be appropriated
21 for the purpose of conducting the study under sec-
22 tion 404.

23 (b) ACQUISITION, CONSTRUCTION, MAINTENANCE,
24 AND OPERATION OF FACILITIES.—There are authorized
25 to be appropriated to the Secretary of Commerce, for ac-

1 quision, construction, maintenance, and operation of fa-
2 cilities of the National Oceanic and Atmospheric Adminis-
3 tration under any law involving those activities,
4 \$100,000,000 for fiscal year 1995.

5 (c) MARINE SERVICES.—There are authorized to be
6 appropriated to the Secretary of Commerce, to enable the
7 National Oceanic and Atmospheric Administration to
8 carry out marine services activities (including ship oper-
9 ations, maintenance, and support) under the Act of 1947
10 and any other law involving those activities, \$62,599,000
11 for fiscal year 1995.

12 (d) AIRCRAFT SERVICES.—There are authorized to
13 be appropriated to the Secretary of Commerce, to enable
14 the National Oceanic and Atmospheric Administration to
15 carry out aircraft services activities (including aircraft op-
16 erations, maintenance, and support) under the Act of
17 1890 and any other law involving those activities,
18 \$14,680,000 for fiscal year 1995.

19 **SEC. 402. CONVEYANCE OF NATIONAL MARINE FISHERIES**
20 **SERVICE LABORATORY AT GLOUCESTER,**
21 **MASSACHUSETTS.**

22 (a) CONVEYANCE REQUIRED.—

23 (1) IN GENERAL.—The Secretary of Commerce
24 shall convey to the Commonwealth of Massachusetts,
25 all right, title, and interest of the United States in

1 and to the property comprising the National Marine
2 Fisheries Service laboratory located on Emerson Av-
3 enue in Gloucester, Massachusetts.

4 (2) TERMS.—A conveyance of property under
5 paragraph (1) shall be made—

6 (A) without payment of consideration; and

7 (B) subject to the terms and conditions
8 specified under subsections (b) and (c).

9 (b) CONDITIONS FOR TRANSFER.—

10 (1) IN GENERAL.—As a condition of any con-
11 veyance of property under this section, the Common-
12 wealth of Massachusetts shall assume full respon-
13 sibility for maintenance of the property for as long
14 as the Commonwealth retains the right and title to
15 that property.

16 (2) CONTINUED USE OF PROPERTY BY NMFS.—

17 The Secretary may enter into a memorandum of un-
18 derstanding with the Commonwealth of Massachu-
19 setts under which the National Marine Fisheries
20 Service is authorized to occupy existing laboratory
21 space on the property conveyed under this section,
22 if—

23 (A) the term of the memorandum of un-
24 derstanding is for a period of not longer than

1 5 years beginning on the date of enactment of
2 this Act; and

3 (B) the square footage of the space to be
4 occupied by the National Marine Fisheries
5 Service does not conflict with the needs of, and
6 is agreeable to, the Commonwealth of Massa-
7 chusetts.

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

15 **SEC. 403. REIMBURSEMENT OF EXPENSES.**

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

23 (1) shall be retained as an offsetting collection
24 in the Fleet Modernization, Shipbuilding, and Con-

1 version account of the National Oceanic and Atmos-
2 pheric 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
10 into the Fleet Modernization, Shipbuilding, and Conver-
11 sion account pursuant to this section.

12 **SEC. 404. STUDY OF NOAA CORPS.**

13 Within 90 days of the date of enactment of this Act,
14 the Secretary of Commerce shall contract with the Na-
15 tional Research Council to examine and report to the Sec-
16 retary and the Congress on the responsibilities and activi-
17 ties of the National Oceanic and Atmospheric Administra-
18 tion Corps (hereinafter referred to as the “Corps”) in sup-
19 porting the missions of the National Oceanic and Atmos-
20 pheric Administration. In particular, the study shall—

21 (1) examine future requirements for a uni-
22 formed service in operating the fleet and aircraft of
23 the National Oceanic and Atmospheric Administra-
24 tion, conducting hydrographic surveys, managing na-
25 tional marine sanctuaries, conducting oceanic and

1 atmospheric research, and carrying out other respon-
2 sibilities and activities of the National Oceanic and
3 Atmospheric Administration.

4 (2) examine the role of the Corps in the fleet
5 replacement and modernization program;

6 (3) evaluate and compare the costs of services
7 provided by the Corps and civilian employees in
8 similar positions; and

9 (4) assess the availability of trained civilian em-
10 ployees to carry out identified activities in a cost ef-
11 fective manner that are currently the responsibility
12 of the Corps.

13 **SEC. 405. WEATHER REPORTING STATIONS FOR PRINCE**
14 **WILLIAM SOUND.**

15 (a) INSTALLATION.—To provide more comprehensive
16 weather information to ensure the safety of fishermen and
17 tank vessels and to protect the resources of Prince William
18 Sound from potential oil spills, the Secretary of Commerce
19 may expend \$340,000 to acquire, construct, and install
20 weather reporting stations in Prince William Sound, Alas-
21 ka, as follows:

22 (1) In the vicinity of Seal Rocks, to acquire and
23 install a weather buoy capable of measuring and re-
24 porting wind speed and direction, barometric pres-
25 sure, wave height and period, and air temperature.

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

4 (3) At Potato Point, to relocate the existing an-
5 emometer to a more exposed location in order to
6 provide more accurate information.

7 (4) At the Hinchinbrook Lighthouse site, to ac-
8 quire and install an anemometer.

9 (b) MAINTENANCE.—The Secretary of Commerce
10 may expend \$160,000 in each of fiscal years 1995 and
11 1996 to maintain the equipment identified in subsection
12 (a).

13 **SEC. 406. CONTRACTOR ACTIVITIES.**

14 Activities of the contractor, including the purchase,
15 transportation, receiving, and installation of property and
16 materials, on behalf of the National Oceanic and Atmos-
17 pheric Administration pursuant to the modernization of
18 the National Weather Service as set forth in Public Law
19 102-567, are hereby expressly exempted from taxation in
20 any manner of form by any State, county, municipality,
21 or any subdivision thereof.

22 **SEC. 407. CLEANUP OF NOAA FACILITIES.**

23 (a) Section 201 of the Act of November 2, 1966
24 (Public Law 89-702; 80 Stat. 1091), formerly known as
25 the Fur Seal Act of 1966, (16 U.S.C. 1161), is amended

1 by adding at the end the following sentence: “To the maxi-
2 mum extent feasible, the Secretary shall carry out his du-
3 ties under this Act through contracts, compacts, or memo-
4 randa of agreement with the entities on the Pribilof Is-
5 lands entitled to receive conveyance of lands by this Act.”.

6 (b) Section 205 of that Act is amended by adding
7 at the end the following new subsection:

8 “(h) The Secretary is authorized to clean up the
9 dumps, debris, storage tanks, property, hazardous condi-
10 tions, and contaminants which the Federal Government
11 abandoned or conveyed to entities of the Pribilof Islands.
12 The Secretary is authorized to execute contracts or agree-
13 ments, including agreements on a reimbursable basis with
14 the State of Alaska or local governments, and to provide
15 financial and technical assistance and training requested
16 by said entities, in order to obtain their services in carry-
17 ing out any of the Secretary’s responsibilities under this
18 Act.”.

○

S 2432 IS—2