

106TH CONGRESS
1ST SESSION

H. R. 1552

To authorize appropriations for fiscal year 2000 and fiscal year 2001 for the Marine Research and related environmental research and development program activities of the National Oceanic and Atmospheric Administration and the National Science Foundation, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 26, 1999

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

A BILL

To authorize appropriations for fiscal year 2000 and fiscal year 2001 for the Marine Research and related environmental research and development program activities of the National Oceanic and Atmospheric Administration and the National Science Foundation, and for other purposes.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Marine Research and
3 Related Environmental Research and Development Pro-
4 grams Authorization Act of 1999”.

5 **SEC. 2. DEFINITIONS.**

6 For purposes of this Act, the term—

7 (1) “Administrator” means the Administrator
8 of the National Oceanic and Atmospheric Adminis-
9 tration; and

10 (2) “Secretary” means the Secretary of Com-
11 merce.

12 **SEC. 3. NATIONAL OCEAN SERVICE.**

13 (a) OPERATIONS, RESEARCH, AND FACILITIES.—

14 There are authorized to be appropriated to the Secretary
15 to enable the National Oceanic and Atmospheric Adminis-
16 tration to carry out the Operations, Research, and Facili-
17 ties marine research and related environmental research
18 and development activities of the National Ocean Service
19 \$200,343,000 for fiscal year 2000 and \$200,343,000 for
20 fiscal year 2001, to remain available until expended.

21 (b) NAVIGATION SERVICES.—Of the amounts author-
22 ized under subsection (a), \$82,967,000 for fiscal year
23 2000 and \$82,967,000 for fiscal year 2001 shall be for
24 Navigation Services, of which—

1 (1) \$33,335,000 for fiscal year 2000 and
2 \$33,335,000 for fiscal year 2001 shall be for Map-
3 ping and Charting;

4 (2) \$14,900,000 for fiscal year 2000 and
5 \$14,900,000 for fiscal year 2001 shall be for Hydro-
6 graphic Survey Backlog;

7 (3) \$19,849,000 for fiscal year 2000 and
8 \$19,849,000 for fiscal year 2001 shall be for Geod-
9 esy; and

10 (4) \$14,883,000 for fiscal year 2000 and
11 \$14,883,000 for fiscal year 2001 shall be for Tide
12 and Current Data.

13 (c) OCEAN RESOURCES AND CONSERVATION ASSESS-
14 MENT.—Of the amounts authorized under subsection (a),
15 \$99,650,000 for fiscal year 2000 and \$99,650,000 for fis-
16 cal year 2001 shall be for Ocean Resources and Conserva-
17 tion Assessment, of which—

18 (1) \$7,970,000 for fiscal year 2000 and
19 \$7,970,000 for fiscal year 2001 shall be for Oceanic
20 and Coastal Research;

21 (2) \$6,085,000 for fiscal year 2000 and
22 \$6,085,000 for fiscal year 2001 shall be for the
23 Great Lakes Environmental Research Laboratory;

1 (3) \$46,281,000 for fiscal year 2000 and
2 \$46,281,000 for fiscal year 2001 shall be for the
3 Ocean Assessment Program;

4 (4) \$19,884,000 for fiscal year 2000 and
5 \$19,884,000 for fiscal year 2001 shall be for Re-
6 sponse and Restoration; and

7 (5) \$19,430,000 for fiscal year 2000 and
8 \$19,430,000 for fiscal year 2001 shall be for the
9 Coastal Ocean Program.

10 (d) ACQUISITION OF DATA.—Of the amounts author-
11 ized under subsection (a), \$17,726,000 for fiscal year
12 2000 and \$17,726,000 for fiscal year 2001 shall be for
13 Acquisition of Data.

14 **SEC. 4. OCEANIC AND ATMOSPHERIC RESEARCH.**

15 (a) OPERATIONS, RESEARCH, AND FACILITIES.—
16 There are authorized to be appropriated to the Secretary
17 to enable the National Oceanic and Atmospheric Adminis-
18 tration to carry out the Operations, Research, and Facili-
19 ties marine research and related environmental research
20 and development activities of the Office of Oceanic and
21 Atmospheric Research \$44,320,000 for fiscal year 2000
22 and \$44,320,000 for fiscal year 2001, to remain available
23 until expended.

24 (b) MARINE ENVIRONMENTAL RESEARCH.—Of the
25 amounts authorized under subsection (a), \$22,300,000 for

1 fiscal year 2000 and \$22,300,000 for fiscal year 2001
2 shall be for Marine Environmental Research.

3 (c) NURP.—Of the amounts authorized under sub-
4 section (a), \$9,000,000 for fiscal year 2000 and
5 \$9,000,000 for fiscal year 2001 shall be for the National
6 Oceanic and Atmospheric Administration Undersea Re-
7 search Program (NURP).

8 (d) ACQUISITION OF DATA.—Of the amounts author-
9 ized under subsection (a), \$13,020,000 for fiscal year
10 2000 and \$13,020,000 for fiscal year 2001 shall be for
11 Acquisition of Data.

12 **SEC. 5. PROGRAM SUPPORT.**

13 (a) OPERATIONS, RESEARCH, AND FACILITIES.—
14 There are authorized to be appropriated to the Secretary
15 to enable the National Oceanic and Atmospheric Adminis-
16 tration to carry out the Operations, Research, and Facili-
17 ties marine research and related environmental research
18 and development activities of Program Support
19 \$63,769,000 for fiscal year 2000 and \$63,769,000 for fis-
20 cal year 2001, to remain available until expended.

21 (b) ADMINISTRATION AND SERVICES.—Of the
22 amounts authorized under subsection (a), \$52,750,000 for
23 fiscal year 2000 and \$52,750,000 for fiscal year 2001
24 shall be for Administration and Services, of which—

1 (1) \$19,200,000 for fiscal year 2000 and
2 \$19,200,000 for fiscal year 2001 shall be for Execu-
3 tive Direction and Administration;

4 (2) \$700,000 for fiscal year 2000 and \$700,000
5 for fiscal year 2001 shall be for Systems Acquisition
6 Office;

7 (3) \$31,850,000 for fiscal year 2000 and
8 \$31,850,000 for fiscal year 2001 shall be for Central
9 Administrative Support; and

10 (4) \$1,000,000 for fiscal year 2000 and
11 \$1,000,000 for fiscal year 2001 shall be for Histori-
12 cally Black Colleges and Universities.

13 (c) AIRCRAFT SERVICES.—Of the amounts author-
14 ized under subsection (a), \$11,019,000 for fiscal year
15 2000 and \$11,019,000 for fiscal year 2001 shall be for
16 Aircraft Services.

17 (d) INDEPENDENT AUDIT OF AIRCRAFT SERVICES.—

18 (1) IN GENERAL.—Not later than 60 days after
19 the date of enactment of this Act, the Secretary
20 shall, using available funds, enter into appropriate
21 arrangements with an independent external auditor
22 capable of providing an audit to determine whether
23 outsourcing of aircraft services is a more cost-effec-
24 tive alternative to in-house operation of aircraft in
25 meeting the National Oceanic and Atmospheric Ad-

1 ministration's aircraft requirements of the conduct
2 of marine and atmospheric research and related en-
3 vironmental research and development activities, and
4 for other data and mission needs.

5 (2) AUDITING PROCEDURES.—

6 (A) IN GENERAL.—The audit under para-
7 graph (1) shall be conducted in accordance with
8 generally accepted government auditing stand-
9 ards.

10 (B) ACCESS TO INFORMATION.—The Sec-
11 retary shall provide the independent external
12 auditor the information such auditor requires to
13 conduct the audit under paragraph (1). The
14 independent external auditor may inspect any
15 records of and have access to personnel of the
16 National Oceanic and Atmospheric Administra-
17 tion to obtain such information.

18 (3) REPORT OF THE RESULTS OF THE
19 AUDIT.—Not later than 180 days after the initiation
20 of the audit required by this subsection, the inde-
21 pendent external auditor shall submit a report con-
22 cerning the results of the audit to the Committee on
23 Science of the House of Representatives and the
24 Committee on Science, Commerce, and Transpor-
25 tation of the Senate.

1 **SEC. 6. FACILITIES.**

2 (a) OPERATIONS, RESEARCH, AND FACILITIES.—

3 There are authorized to be appropriated to the Secretary
4 to enable the National Oceanic and Atmospheric Adminis-
5 tration to carry out the Operations, Research, and Facili-
6 ties marine research and related environmental research
7 and development activities required to carry out Facilities
8 Maintenance and Repairs and Environmental Compliance
9 \$5,717,000 for fiscal year 2000 and \$5,717,000 for fiscal
10 year 2001, to remain available until expended.

11 (b) FACILITIES MAINTENANCE AND REPAIRS.—Of

12 the amounts authorized under subsection (a), \$1,818,000
13 for fiscal year 2000 and \$1,818,000 for fiscal year 2001
14 shall be for Facilities Maintenance and Repairs.

15 (c) ENVIRONMENTAL COMPLIANCE.—Of the amounts

16 authorized under subsection (a), \$3,899,000 for fiscal
17 year 2000 and \$3,899,000 for fiscal year 2001 shall be
18 for Facilities Environmental Compliance.

19 **SEC. 7. FLEET MAINTENANCE, PLANNING AND REPLACE-**

20 **MENT.**

21 (a) FLEET MAINTENANCE AND PLANNING.—There

22 are authorized to be appropriated to the Secretary to en-
23 able the National Oceanic and Atmospheric Administra-
24 tion to carry out the Operations, Research, and Facilities
25 marine research and related environmental research and
26 development activities of Fleet Maintenance and Planning

1 \$9,243,000 for fiscal year 2000 and \$9,243,000 for fiscal
2 year 2001, to remain available until expended.

3 (b) FLEET REPLACEMENT.—There are authorized to
4 be appropriated to the National Science Foundation
5 \$50,000,000 for fiscal year 2000 and \$50,000,000 for fis-
6 cal year 2001, to remain available to expended, to meet
7 the marine research and related environmental research
8 and development data requirements of the National Oce-
9 anic and Atmospheric Administration set forth in the
10 “NOAA Fisheries Data Acquisition Plan”, dated Sep-
11 tember 1998, and that could also help meet the Nation’s
12 marine research and related environmental research and
13 development needs. The National Science Foundation, in
14 consultation with the Department of the Navy, the Univer-
15 sity-National Oceanic Laboratory System, academia, the
16 National Oceanic and Atmospheric Administration, the
17 private sector, and any other parties it considers appro-
18 priate, shall develop a strategy for meeting such require-
19 ments and other Federal marine research and related envi-
20 ronmental research and development requirements, using
21 funds appropriated under this subsection and at the lowest
22 possible cost. The National Science Foundation shall con-
23 sider all options, including various methods of acquiring
24 vessel services, remote sensing, and any other possible
25 means.

1 (c) REPORT.—Not later than 180 days after the date
2 of enactment of this Act, the Director of the National
3 Science Foundation shall submit to the Committee on
4 Science of the House of Representatives and the Com-
5 mittee on Commerce, Science, and Transportation of the
6 Senate a report detailing the strategy developed pursuant
7 to subsection (b) and a plan for implementing such strat-
8 egy.

9 (d) NOTIFICATION REQUIREMENT FOR REDUCTION
10 IN AUTHORIZED NUMBER OF NOAA CORPS COMMIS-
11 SIONED OFFICERS.—Section 2(a)(3) of the Coast and
12 Geodetic Survey Commissioned Officers' Act of 1948 (33
13 U.S.C. 853a(a)(3)) is amended by inserting “and the
14 Committee on Science” after “Committee on Resources”.

15 **SEC. 8. MARINE SERVICES.**

16 (a) SERVICE CONTRACTS.—Notwithstanding any
17 other provision of law and subject to the availability of
18 appropriations, the Secretary shall enter into contracts,
19 including multiyear contracts, subject to subsection (c),
20 for the use of vessels to conduct marine research and re-
21 lated environmental research and development activities,
22 monitoring, enforcement, and management, and to acquire
23 other data necessary to carry out the missions of the Na-
24 tional Oceanic and Atmospheric Administration. The Sec-
25 retary shall enter into these contracts unless—

1 (1) the cost of the contract is more than the
2 cost (including the cost of vessel operation, mainte-
3 nance, and all personnel) to the National Oceanic
4 and Atmospheric Administration of obtaining those
5 services on vessels of the National Oceanic and At-
6 mospheric Administration;

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

8 (3) the data is acquired through a vessel agree-
9 ment pursuant to subsection (d).

10 (b) VESSELS.—The Secretary may not enter into any
11 contract under this section for the construction, lease-pur-
12 chase, upgrade, or service life extension of any vessel.

13 (c) MULTIYEAR CONTRACTS.—

14 (1) IN GENERAL.—Subject to paragraphs (2)
15 and (3), and notwithstanding section 1341 of title
16 31, United States Code, and section 11 of title 41,
17 United States Code, the Secretary may acquire data,
18 including marine research and related environmental
19 research and development data, under multiyear
20 contracts.

21 (2) REQUIRED FINDINGS.—The Secretary may
22 not enter into a contract pursuant to this subsection
23 unless the Secretary finds with respect to that con-
24 tract that there is a reasonable expectation that
25 throughout the contemplated contract period the

1 Secretary will request from Congress funding for the
2 contract at the level required to avoid contract ter-
3 mination.

4 (3) REQUIRED PROVISIONS.—The Secretary
5 may not enter into a contract pursuant to this sub-
6 section unless the contract includes—

7 (A) a provision under which the obligation
8 of the United States to make payments under
9 the contract for any fiscal year is subject to the
10 availability of appropriations provided in ad-
11 vance for those payments;

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

14 (C) appropriate provisions under which, in
15 case of any termination of the contract before
16 the end of the term specified pursuant to sub-
17 paragraph (B), the United States shall only be
18 liable for the lesser of—

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

21 (ii) amounts that were appropriated
22 before the date of the termination for the
23 performance of the contract or for procure-
24 ment of the type of acquisition covered by

1 the contract and are unobligated on the
2 date of the termination.

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

8 **SEC. 9. REPEAL.**

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

11 **SEC. 10. ELIGIBILITY FOR AWARDS.**

12 (a) IN GENERAL.—The Administrator shall exclude
13 from consideration for grant agreements for marine re-
14 search and related environmental research and develop-
15 ment activities made by the National Oceanic and Atmos-
16 pheric Administration after fiscal year 1999 any person
17 who received funds, other than those described in sub-
18 section (b), appropriated for a fiscal year after fiscal year
19 1999, under a grant agreement from any Federal funding
20 source for a project that was not subjected to a competi-
21 tive, merit-based award process. Any exclusion from con-
22 sideration pursuant to this section shall be effective for
23 a period of 5 years after the person receives such Federal
24 funds.

1 (b) EXCEPTION.—Subsection (a) shall not apply to
2 the receipt of Federal funds by a person due to the mem-
3 bership of that person in a class specified by law for which
4 assistance is awarded to members of the class according
5 to a formula provided by law.

6 (c) DEFINITION.—For purposes of this section, the
7 term “grant agreement” means a legal instrument whose
8 principal purpose is to transfer a thing of value to the
9 recipient to carry out a public purpose of support or stim-
10 ulation authorized by a law of the United States, and does
11 not include the acquisition (by purchase, lease, or barter)
12 of property or services for the direct benefit or use of the
13 United States Government. Such term does not include
14 a cooperative agreement (as such term is used in section
15 6305 of title 31, United States Code) or a cooperative re-
16 search and development agreement (as such term is de-
17 fined in section 12(d)(1) of the Stevenson-Wydler Tech-
18 nology Innovation Act of 1980 (15 U.S.C. 3710a(d)(1))).

○