

104TH CONGRESS
1ST SESSION

S. 1142

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

IN THE SENATE OF THE UNITED STATES

AUGUST 9 (legislative day, JULY 10), 1995

Mr. PRESSLER (for himself, Mr. HOLLINGS, Mr. STEVENS, Mr. BURNS, and Mr. BREAUX) 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, 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 Authorization Act of 1995”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Definitions.

TITLE I—NOAA ATMOSPHERIC AND SATELLITE PROGRAMS

- Sec. 101. National Weather Service operations and research.
- Sec. 102. Public warning and forecast systems.
- Sec. 103. Climate and air quality research.
- Sec. 104. Atmospheric research.
- Sec. 105. Satellite observing systems.
- Sec. 106. Environmental data management systems.
- Sec. 107. Duties of the National Weather Service.
- Sec. 108. Satellite procurement.
- Sec. 109. Landsat.

TITLE II—NOAA OCEAN AND COASTAL PROGRAMS

- Sec. 201. National Ocean Service.
- Sec. 202. Ocean and Great Lakes Research.
- Sec. 203. Reauthorization of the National Sea Grant College Program Act.
- Sec. 204. National undersea research program.
- Sec. 205. Reauthorization of the Coastal Zone Management Act.

TITLE III—NOAA MARINE FISHERY PROGRAMS

- Sec. 301. Authorization of appropriations.
- Sec. 302. Fisheries research facilities.
- Sec. 303. Fisheries loan guarantee reform.

TITLE IV—PROGRAM ADMINISTRATION AND SUPPORT

- Sec. 401. Program support.
- Sec. 402. Personnel reductions.

TITLE V—COST SAVINGS AND STREAMLINING

- Sec. 501. Transfer of aeronautical charting.
- Sec. 502. Regulatory streamlining.
- Sec. 503. Reduction in NOAA fleet.
- Sec. 504. Reduction in reporting requirements.
- Sec. 505. Laboratory consolidation study.
- Sec. 506. Conveyances.
- Sec. 507. Pribilof Islands.
- Sec. 508. Reimbursement of expenses.

1 **SEC. 3. DEFINITIONS.**

2 For the purposes of this Act, the term—

- 3 (1) “Act of 1890” means the Act entitled “An
 4 Act to increase the efficiency and reduce the ex-
 5 penses of the Signal Corps of the Army, and to
 6 transfer the Weather Bureau of the Department of
 7 Agriculture”, approved October 1, 1890 (26 Stat.
 8 653);

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

6 (3) “Administrator” means the Administrator
7 of the National Oceanic and Atmospheric Adminis-
8 tration, except as otherwise expressly provided.

9 TITLE I—NOAA ATMOSPHERIC AND SATELLITE
10 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, \$477,207,000 for fiscal year 1996,
18 \$491,523,000 for fiscal year 1997, and \$484,278,000 for
19 fiscal year 1998. Moneys appropriated pursuant to this
20 authorization shall be used to fund those activities relating
21 to National Weather Service operations and research spec-
22 ified by the Act of 1890, the Act of 1947, and any other
23 law involving such activities. Such activities include mete-
24 orological, hydrological, and oceanographic public

1 warnings and forecasts, as well as applied research in sup-
2 port of such warnings and forecasts.

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

4 (a) IN GENERAL.—There are authorized to be appro-
5 priated to the Secretary of Commerce, to enable the Na-
6 tional Oceanic and Atmospheric Administration to im-
7 prove its public warning and forecast systems under law,
8 \$131,335,000 for fiscal year 1996, \$222,500,000 for fis-
9 cal year 1997, and \$225,000,000 for fiscal year 1998.
10 Moneys appropriated pursuant to this authorization shall
11 be used to fund those activities relating to public warning
12 and forecast systems specified by the Act of 1890, the Act
13 of 1947, and any other law involving such activities. Such
14 activities include the development, acquisition, and imple-
15 mentation of major public warning and forecast systems.

16 (b) CONTRACTOR ACTIVITIES.—Activities of the con-
17 tractor, including the purchase, transportation, receiving,
18 and installation of property and materials, on behalf of
19 the National Oceanic and Atmospheric Administration
20 pursuant to the modernization of the National Weather
21 Service as set forth in Public Law 102–567, are hereby
22 expressly exempted from taxation in any manner or form
23 by any State, county, municipality, or any subdivision
24 thereof.

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

2 There are authorized to be appropriated to the Sec-
3 retary of Commerce, to enable the National Oceanic and
4 Atmospheric Administration to carry out its climate and
5 air quality research activities under law, \$113,252,000 for
6 fiscal year 1996, \$115,918,000 for fiscal year 1997, and
7 \$119,396,000 for fiscal year 1998. Moneys appropriated
8 pursuant to this authorization shall be used to fund those
9 activities relating to climate and air quality research speci-
10 fied by the Act of 1890, the Act of 1947, and any other
11 law involving such activities. Such activities include
12 interannual and seasonal climate research, long-term cli-
13 mate and air quality research, and high performance com-
14 puting.

15 **SEC. 104. ATMOSPHERIC RESEARCH.**

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 atmospheric
19 research activities under law, \$46,850,000 for each of fis-
20 cal years 1996, 1997, and 1998. Moneys appropriated
21 pursuant to this authorization shall be used to fund those
22 activities relating to atmospheric research specified by the
23 Act of 1890 and by any other law involving such activities.
24 Such activities include research for developing improved
25 observation and prediction capabilities for atmospheric

1 processes, as well as solar-terrestrial services and re-
2 search.

3 **SEC. 105. SATELLITE OBSERVING SYSTEMS.**

4 There are authorized to be appropriated to the Sec-
5 retary of Commerce, to enable the National Oceanic and
6 Atmospheric Administration to carry out its satellite ob-
7 serving systems activities under law, \$449,000,000 for fis-
8 cal year 1996 and \$535,000,000 for each of fiscal years
9 1997 and 1998. Such activities include spacecraft procure-
10 ment, launch, and associated ground station system
11 changes involving polar orbiting and geostationary envi-
12 ronmental satellites and land remote-sensing satellites, as
13 well as the operation of such satellites.

14 **SEC. 106. ENVIRONMENTAL DATA MANAGEMENT SYSTEMS.**

15 There are authorized to be appropriated to the Sec-
16 retary of Commerce, to enable the National Oceanic and
17 Atmospheric Administration to carry out its data and in-
18 formation services activities under law, \$40,000,000 for
19 each of fiscal years 1996, 1997, and 1998. Moneys appro-
20 priated pursuant to this authorization shall be used to
21 fund those activities relating to data and information serv-
22 ices specified by the Act of 1890 and by any other law
23 involving such activities. Such activities include climate
24 data services, ocean data services, geophysical data serv-

1 ices, and environmental services data and information
2 management.

3 **SEC. 107. DUTIES OF THE NATIONAL WEATHER SERVICE.**

4 To protect life and property and enhance the national
5 economy, the Secretary of Commerce, through the Na-
6 tional Weather Service, shall be responsible for—

7 (1) forecasts and shall serve as the sole official
8 source of weather warnings;

9 (2) the issue of storm warning;

10 (3) the collection, exchange, and distribution of
11 meteorological, hydrological, climatic, and oceano-
12 graphic data and information; and

13 (4) the preparation of hydrometeorological guid-
14 ance and core forecast information.

15 **SEC. 108. SATELLITE PROCUREMENT.**

16 To ensure and facilitate the acquisition of the addi-
17 tional GOES-NEXT satellites and instruments, the Ad-
18 ministrator is authorized to procure up to four additional
19 Geostationary Operational Environmental NEXT (GOES
20 I-M) Satellites and instruments together with the launch
21 of and supporting ground systems for such satellites, and
22 to enter, through the National Aeronautics and Space Ad-
23 ministration, into contracts and into amendments or modi-
24 fications of contracts with the developer of previous
25 GOES-NEXT satellites, without regard to the provisions

1 of law relating to the funding, making, performance,
2 amendment, or modification of contracts, if the Adminis-
3 trator determines that such action will not incur substan-
4 tial additional costs over a competitive procurement or
5 that such action is necessary to ensure continuity of sat-
6 ellite observations.

7 **SEC. 109. LANDSAT.**

8 (a) AMENDMENT TO LAND REMOTE SENSING ACT
9 OF 1992.—Section 101 of the Land Remote Sensing Act
10 of 1992 (15 U.S.C. 5601 et seq.) is amended—

11 (1) by redesignating subsections (d) and (e) as
12 (e) and (f), respectively; and

13 (2) by inserting after subsection (c) the follow-
14 ing:

15 “(d) AUTHORITY TO RETAIN FEES.—The Landsat
16 Program Management Member responsible for operation
17 of the Landsat 7 system is directed to retain the fees col-
18 lected from foreign ground stations and for Landsat 7
19 data sales to offset the costs of operating the Landsat 7
20 system.”.

21 (b) GROUND SYSTEM.—

22 (1) The Administrator shall develop a plan for
23 the operation of the Landsat 7 spacecraft and the
24 processing, archiving, and distribution of its data

1 from the currently designated distribution and
2 archiving element at the EROS Data Center.

3 (2) The plan shall—

4 (A) examine—

5 (i) a ground station capable of receiv-
6 ing data from multiple Earth observation
7 satellites, including both United States and
8 foreign-built satellites providing data which
9 might be of commercial interest;

10 (ii) a command and control facility ca-
11 pable of operating the Landsat 7 space-
12 craft as well as other satellites; and

13 (iii) collaboration in concept develop-
14 ment by commercial firms demonstrating
15 an interest in operating the Landsat 7
16 spacecraft, and the possible leasing and op-
17 eration of a common ground station; and

18 (B) include an assessment of the econom-
19 ics of such a concept, including a definition of
20 the conditions which should exist to make such
21 a facility economically viable without depend-
22 ence upon government funding.

23 (c) AUTHORIZATION.—Of the sums authorized under
24 section 105, there are authorized to be appropriated to
25 the Administrator \$10,000,000 for each of fiscal years

1 1996, 1997, and 1998, for procurement and operation of
2 the Landsat 7 ground segment, and for operation of the
3 Landsat 7 spacecraft.

4 TITLE II—NOAA OCEAN AND COASTAL
5 PROGRAMS

6 **SEC. 201. NATIONAL OCEAN SERVICE.**

7 (a) MAPPING, CHARTING, AND GEODESY.—

8 (1) There are authorized to be appropriated to
9 the Secretary of Commerce, to enable the National
10 Oceanic and Atmospheric Administration to carry
11 out mapping, charting, and geodesy activities (in-
12 cluding geodetic data collection and analysis) under
13 the Act of 1947 and any other law involving those
14 activities, \$44,917,000 for fiscal year 1996,
15 \$46,275,000 for fiscal year 1997 and \$47,652,000
16 for fiscal year 1998.

17 (2) The Secretary shall award contracts for hy-
18 drographic, geodetic, and photogrammetric surveying
19 and mapping services in accordance with title IX of
20 the Federal Property and Administrative Services
21 Act of 1949 (40 U.S.C. 541 et seq.).

22 (b) OBSERVATION AND ASSESSMENT.—

23 (1) OBSERVATION AND ASSESSMENT ACTIVI-
24 TIES.—There are authorized to be appropriated to
25 the Secretary of Commerce, to enable the National

1 Oceanic and Atmospheric Administration to carry
2 out observation and assessment activities
3 \$66,591,000 for fiscal 1996, \$68,589,000 for fiscal
4 year 1997, and \$70,646,000 for fiscal year 1998.

5 (2) COASTAL OCEAN PROGRAM.—Of the sums
6 authorized under paragraph (1) of section (b),
7 \$10,943,000 for fiscal year 1996, \$11,271,000 for
8 fiscal year 1997, and \$11,609,000 for fiscal year
9 1998, are authorized to be appropriated for the pur-
10 poses of conducting a Coastal Ocean Program. Such
11 program shall augment and integrate existing pro-
12 grams of the National Oceanic and Atmospheric Ad-
13 ministration and shall include efforts to improve pre-
14 dictions of fish stocks to better conserve and manage
15 living marine resources, to improve predictions of
16 coastal ocean pollution to help correct and prevent
17 degradation, and to improve predictions of coastal
18 hazards to protect human life and personal property.

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

20 There are authorized to be appropriated to the Sec-
21 retary of Commerce, to enable the National Oceanic and
22 Atmospheric Administration to carry out ocean and Great
23 Lakes research activities under the Act of 1947, the Act
24 of 1890, and any other law involving those activities,

1 \$9,506,000 for fiscal year 1996, \$9,791,000 for fiscal year
2 1997, and \$10,085,000 for fiscal year 1998.

3 **SEC. 203. REAUTHORIZATION OF THE NATIONAL SEA**
4 **GRANT COLLEGE PROGRAM ACT.**

5 (a) IN GENERAL.—Section 212(a) of Public Law 89–
6 454 (33 U.S.C. 1131(a)) is amended to read as follows:

7 “(a) IN GENERAL.—There are authorized to be ap-
8 propriated to carry out sections 205 and 208 of this title
9 not more than—

10 “(1) \$53,300,000 for fiscal year 1996;

11 “(2) \$54,899,000 for fiscal year 1997; and

12 “(3) \$56,546,000 for fiscal year 1998.”.

13 (b) ADMINISTRATION.—Paragraph (1) of section
14 212(b) of such law (33 U.S.C. 1131(b)) is amended by
15 striking “amount—” and all that follows and inserting
16 “amount for each of the fiscal years 1996 through 1998
17 equal to not more than 5 percent of the amount appro-
18 priated for that fiscal year under subsection (a).”.

19 **SEC. 204. NATIONAL UNDERSEA RESEARCH PROGRAM.**

20 (a) SHORT TITLE.—This section may be cited as the
21 “National Undersea Research Program Act of 1995”.

22 (b) ESTABLISHMENT.—The Administrator of the Na-
23 tional Oceanic and Atmospheric Administration shall es-
24 tablish and maintain a National Undersea Research Pro-
25 gram and shall designate a Director of such program.

1 (c) PURPOSE.—The purpose of the National Under-
2 sea Research Program is to increase scientific knowledge
3 essential for the wise use and preservation of oceanic,
4 coastal, and large lake resources by conducting advanced
5 undersea research, including exploration, sampling, obser-
6 vation and experimentation.

7 (d) REGIONAL CENTERS.—

8 (1) The undersea research activities of the Na-
9 tional Undersea Research Program shall be con-
10 ducted by regional National Undersea Research Cen-
11 ters, each of which shall receive at least 13 percent
12 of the annual appropriations made pursuant to sub-
13 section (f).

14 (2) Each regional National Undersea Research
15 Center shall annually solicit proposals from the sci-
16 entific community for undersea research in its region
17 and shall, following peer review, submit a prioritized
18 list of such research proposals to the Director of the
19 National Undersea Research Program.

20 (e) ADMINISTRATION.—The cost of reviewing and ap-
21 proving the undersea research proposals submitted under
22 subsection (d)(2) and otherwise administering the Na-
23 tional Undersea Research Program shall not exceed
24 \$500,000 annually. The Director of the National Under-
25 sea Research Program may in addition use up to 5 percent

1 of the appropriations authorized under subsection (f) to
2 fund undersea research activities identified by the Direc-
3 tor.

4 (f) AUTHORIZATION OF APPROPRIATIONS.—There
5 are authorized to be appropriated to carry out this section
6 not more than—

7 (1) \$12,000,000 for fiscal year 1996;

8 (2) \$12,360,000 for fiscal year 1997; and

9 (3) \$12,731,000 for fiscal year 1998.

10 **SEC. 205. REAUTHORIZATION OF THE COASTAL ZONE MAN-**
11 **AGEMENT ACT.**

12 (a) MANAGEMENT PROGRAM DEVELOPMENT
13 GRANTS.—

14 (1) Section 305 of the Coastal Zone Manage-
15 ment Act of 1972 (16 U.S.C. 1454) is amended
16 by—

17 (A) striking “1991, 1992, and 1993” in
18 subsection (a) and inserting “1996, 1997, and
19 1998”; and

20 (B) striking the last two sentences of sub-
21 section (a) and inserting the following: “A
22 coastal State is eligible to receive a total of four
23 grants, beginning in fiscal year 1991, pursuant
24 to this subsection: *Provided*, That the Secretary

1 finds the State is making substantial progress
2 in developing its management program.”.

3 (2) Section 306(d)(16) of that Act (16 U.S.C.
4 1455(d)(16)) is amended by striking “1990.” and
5 inserting the following: “ 1990, in accordance with
6 the deadlines established by section 6206(b) of that
7 Act.”.

8 (3) Section 6206(b) of the Coastal Zone Act
9 Reauthorization Amendments of 1990 (42 U.S.C.
10 1455 note) is amended to read as follows:

11 “(b) ADDITIONAL PROGRAM REQUIREMENTS.—

12 “(1) Each State which submitted on or before
13 November 5, 1990, a management program for ap-
14 proval under section 306 of the Coastal Zone Man-
15 agement Act of 1972 shall demonstrate to the Sec-
16 retary that the program complies with section
17 306(d)(16) of that Act not later than 30 months
18 after the date of publication of final guidance under
19 section 6217(g) of this Act.

20 “(2) Each State which submits after November
21 5, 1990, a management program for approval under
22 section 306 of the Coastal Zone Management Act of
23 1972 shall demonstrate to the Secretary that the
24 program complies with section 306(d)(16) of that

1 Act by not later than 30 months after the date of
2 approval of the management program.”.

3 (4) Section 308(b)(2)(A) of the Coastal Zone
4 Management Act of 1972 (16 U.S.C.
5 1456a(b)(2)(A)) is amended to read as follows:

6 “(A) Expenses incident to the administra-
7 tion of this title.”.

8 (b) ENHANCEMENT GRANTS.—Section 309(b) of that
9 Act (16 U.S.C. 1456b(b)) is amended by striking “devel-
10 opment and submission for Federal approval of program
11 changes” and inserting “development, submission for Fed-
12 eral approval, and implementation for up to 2 years of
13 program changes and program refinements”.

14 (c) PROTECTING COASTAL WATERS.—Section 6217
15 of the Coastal Zone Act Reauthorization Amendments of
16 1990 (16 U.S.C. 1455b) is amended—

17 (1) by inserting “and implementing” after “de-
18 veloping” in paragraphs (1) and (2) of subsection
19 (f);

20 (2) by striking “1992, 1993, and 1994” in sub-
21 section (h)(1) and inserting “1996, 1997, and
22 1998”;

23 (3) striking clauses (i) through (iii) of sub-
24 section (h)(2)(B);

1 (4) redesignating clause (iv) of that subsection
2 as clause (i);

3 (5) striking the period at the end of clause (i)
4 of that subsection, as redesignated, and inserting a
5 semicolon and “and”; and

6 (6) adding at the end of that subsection the fol-
7 lowing:

8 “(ii) \$5,000,000 for each of fiscal
9 years 1996, 1997, and 1998.”.

10 (d) AUTHORIZATION OF APPROPRIATIONS.—

11 Section 318 of the Coastal Zone Management
12 Act of 1972 (16 U.S.C. 1464) is amended by strik-
13 ing subsection (a) and inserting the following:

14 “(a) SUMS APPROPRIATED TO THE SECRETARY.—

15 There are authorized to be appropriated to the Sec-
16 retary—

17 “(1) such sums, not to exceed \$750,000 for
18 each of the fiscal years occurring during the period
19 beginning October 1, 1996, and ending September
20 30, 1998, as may be necessary for grants under sec-
21 tion 305, to remain available until expended;

22 “(2) not to exceed \$45,500,000 for the fiscal
23 year ending September 30, 1996, \$46,865,000 for
24 the fiscal year ending September 30, 1997, and
25 \$48,271,000 for the fiscal year ending September

1 30, 1998, as may be necessary for grants under sec-
2 tions 306, 306A, and 309 to remain available until
3 expended;

4 “(3) not to exceed \$3,350,000 for the fiscal
5 year ending September 30, 1996, \$3,451,000 for the
6 fiscal year ending September 30, 1997, and
7 \$3,554,000 for the fiscal year ending September 30,
8 1998, for grants under section 315 to remain avail-
9 able until expended;

10 “(4) such sums, not to exceed \$10,000,000 for
11 each of the fiscal years occurring during the period
12 beginning October 1, 1996, and ending September
13 30, 1998, as may be necessary for grants under sec-
14 tion 310, to remain available until expended, but no
15 sums authorized under this paragraph may be used
16 to augment grants made under any other section of
17 this Act; and

18 “(5) such sums not to exceed the lesser of—

19 “(A) \$5,000,000; or

20 “(B) 8 percent of the total amount appro-
21 priated under this Act for each of the fiscal
22 years occurring during the period beginning Oc-
23 tober 1, 1996, and ending September 30, 1998,

1 for administrative expenses incident to the adminis-
2 tration of this title, to remain available until ex-
3 pended.”.

4 TITLE III—NOAA MARINE FISHERY PROGRAMS

5 **SEC. 301. AUTHORIZATION OF APPROPRIATIONS.**

6 (a) FISHERIES INFORMATION COLLECTION AND
7 ANALYSIS.—There are authorized to be appropriated to
8 the Secretary of Commerce, to enable the National Oce-
9 anic and Atmospheric Administration to carry out fish-
10 eries information and analysis activities under the Fish
11 and Wildlife Act of 1956 (16 U.S.C. 742a et seq.) and
12 any other law involving those activities, \$49,340,000 for
13 fiscal year 1996, \$50,820,000 for fiscal year 1997, and
14 \$52,345,000 for fiscal year 1998. Such activities may in-
15 clude, but are not limited to, the collection, analysis, and
16 dissemination of scientific data necessary for the manage-
17 ment of living marine resources and associated marine
18 habitat.

19 (b) FISHERIES CONSERVATION AND MANAGEMENT
20 OPERATIONS.—There are authorized to be appropriated
21 to the Secretary of Commerce, to enable the National Oce-
22 anic and Atmospheric Administration to carry out activi-
23 ties relating to fisheries conservation and management op-
24 erations under the Fish and Wildlife Act of 1956 (16
25 U.S.C. 742a et seq.) and any other law involving those

1 activities, \$28,183,000 for fiscal year 1996, \$29,028,000
2 for fiscal year 1997, and \$29,899,000 for fiscal year 1998.
3 Such activities may include, but are not limited to, devel-
4 opment, implementation, and enforcement of conservation
5 and management measures to achieve continued optimum
6 use of living marine resources, hatchery operations, habi-
7 tat conservation, and protected species management.

8 (c) FISHERIES STATE AND INDUSTRY COOPERATIVE
9 PROGRAMS.—There are authorized to be appropriated to
10 the Secretary of Commerce, to enable the National Oce-
11 anic and Atmospheric Administration to carry out State
12 and industry cooperative programs under the Fish and
13 Wildlife Act of 1956 (16 U.S.C. 742a et seq.) and any
14 other law involving those activities, \$22,405,000 for fiscal
15 year 1996, \$23,077,000 for fiscal year 1997, and
16 \$23,769,000 for fiscal year 1998. These activities include,
17 but are not limited to ensuring the quality and safety of
18 seafood products and providing grants to States for im-
19 proving the management of interstate fisheries.

20 (d) RELATION TO OTHER LAWS.—Authorizations
21 under this section shall be in addition to monies author-
22 ized under the Magnuson Fishery Conservation and Man-
23 agement Act of 1976 (16 U.S.C. 1801 et seq.), the Marine
24 Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.),
25 the Endangered Species Act of 1973 (16 U.S.C. 3301 et

1 seq.), the Anadromous Fish Conservation Act (16 U.S.C.
2 757 et seq.), and the Interjurisdictional Fisheries Act (16
3 U.S.C. 4107 et seq.).

4 **SEC. 302. FISHERIES RESEARCH FACILITIES.**

5 (a) FORT JOHNSON.—The Secretary of Commerce,
6 through the Under Secretary of Commerce for Oceans and
7 Atmosphere, is authorized to construct on land to be
8 leased from the State of South Carolina, a facility at Fort
9 Johnson, South Carolina: *Provided*, That the annual cost
10 of leasing the required lands does not exceed one dollar.

11 (b) AUKE CAPE.—The Secretary of Commerce,
12 through the Under Secretary of Commerce for Oceans and
13 Atmosphere, is authorized to construct a facility on Auke
14 Cape near Juneau, Alaska, to provide consolidated office
15 and laboratory space for National Oceanic and Atmos-
16 pheric Administration personnel in Juneau: *Provided*,
17 That the property for such facility is transferred to the
18 National Oceanic and Atmospheric Administration from
19 the United States Coast Guard or the City of Juneau.

20 (c) COMPLETION DATE FOR FUNDED WORK.—The
21 Secretary of Commerce shall complete the architectural
22 and engineering work for the facilities described in sub-
23 sections (a) and (b) by not later than May 1, 1996, using
24 funds that have been previously appropriated for that
25 work.

1 (d) AVAILABILITY OF APPROPRIATIONS.—The au-
2 thorizations contained in subsections (a) and (b) are sub-
3 ject to the availability of appropriations provided for the
4 purpose stated in this section.

5 **SEC. 303. FISHERIES LOAN GUARANTEE REFORM.**

6 (a) FINDINGS.—The Congress finds—

7 (1) in recent years, Congress has appropriated
8 funds to allow the Fishing Vessel Obligation Guar-
9 antee Program to guarantee between \$25,000,000
10 and \$45,900,000 in loans annually for fishing ves-
11 sels and fishery facilities;

12 (2) many fisheries in the United States exclu-
13 sive economic zone are being overfished; and

14 (3) United States fishing vessels presently have
15 an excess harvesting capacity.

16 (b) PURPOSES.—The purposes of this section are—

17 (1) to limit loan guarantees under the Fishing
18 Vessel Obligation Guarantee program to no more
19 than \$25,000,000 annually;

20 (2) to enable the administrative costs of the
21 Fishing Vessel Obligation Guarantee program to be
22 paid for by loan guarantee recipients; and

23 (3) to prohibit Federal loan guarantees from
24 being made for a period of 5 years for the construc-
25 tion of new fishing vessels which will result in an in-

1 creased harvesting capacity within the United States
2 exclusive economic zone.

3 (c) AMENDMENT OF MERCHANT MARINE ACT,
4 1936.—Section 1104A(b)(2) of the Merchant Marine Act,
5 1936 (46 U.S.C. App. 1274(b)(2)), is amended—

6 (1) by striking “equal to” in the third proviso
7 and inserting “not to exceed”; and

8 (2) by striking “except that no debt may be
9 placed under this proviso through the Federal Fi-
10 nancing Bank:” in the third proviso and inserting
11 “and obligations related to fishing vessels and fish-
12 ery facilities under this title shall be placed through
13 the Federal Financing Bank unless placement
14 through the Federal Financing Bank is not reason-
15 ably available or placement elsewhere is available at
16 a lower annual yield than placement through the
17 Federal Financing Bank:”.

18 (d) LIMIT ON GUARANTEES.—Fishing Vessel Obliga-
19 tion loan guarantees may not exceed \$25,000,000 for the
20 purposes of section 504(b) of the Federal Credit Reform
21 Act of 1990 (2 U.S.C. 661c(b)).

22 (e) ADJUSTMENT OF FEES.—The Secretary of Com-
23 merce may take such actions as necessary to adjust fees
24 imposed on new loan guarantee applicants to capture any
25 savings from placement of loan guarantee obligations

1 through the Federal Financing Bank if the total fees
2 charged to applicants do not exceed the percentage
3 amounts paid before the date of enactment of this Act.

4 (f) ADMINISTRATIVE COSTS.—Fees generated from
5 the adjustment in subsection (e) shall be deposited in the
6 appropriate account of the Federal Ship Financing Fund.
7 The Secretary of Commerce may transfer annually up to
8 \$1,000,000 from such account to pay for the administra-
9 tive costs associated with the Fishing Vessel Obligation
10 Guarantee Program if that program has resulted in no
11 cost, as defined in section 502(5) of the Federal Credit
12 Reform Act (2 U.S.C. 661a(5)).

13 (g) PROHIBITION.—Until October 1, 2001, no new
14 loans may be guaranteed by the Federal government for
15 the construction of new fishing vessels if the construction
16 will result in an increased harvesting capacity within the
17 United States exclusive economic zone.

18 TITLE IV—PROGRAM ADMINISTRATION AND
19 SUPPORT

20 **SEC. 401. PROGRAM SUPPORT.**

21 (a) EXECUTIVE DIRECTION AND ADMINISTRATIVE
22 ACTIVITIES.—There are authorized to be appropriated to
23 the Secretary of Commerce, to enable the National Oce-
24 anic and Atmospheric Administration to carry out execu-
25 tive direction and administrative activities (including man-

1 agement, administrative support, provision of retired pay
2 of National Oceanic and Atmospheric Administration com-
3 missioned officers, and policy development) under the Act
4 entitled “An Act to clarify the status and benefits of com-
5 missioned officers of the National Oceanic and Atmos-
6 pheric Administration, and for other purposes”, approved
7 December 31, 1970 (33 U.S.C. 857–1 et seq.), and any
8 other law involving those activities, \$72,847,000 for fiscal
9 year 1996, \$75,032,000 for fiscal year 1997, and
10 \$77,283,000 for fiscal year 1998.

11 (b) ACQUISITION, CONSTRUCTION, MAINTENANCE,
12 AND OPERATION OF FACILITIES.—There are authorized
13 to be appropriated to the Secretary of Commerce, for ac-
14 quisition, construction, maintenance, and operation of fa-
15 cilities of the National Oceanic and Atmospheric Adminis-
16 tration under any law involving those activities,
17 \$54,163,000 for each of fiscal years 1996, 1997, and
18 1998.

19 (c) MARINE SERVICES.—There are authorized to be
20 appropriated to the Secretary of Commerce, to enable the
21 National Oceanic and Atmospheric Administration to
22 carry out marine services activities (including ship oper-
23 ations, maintenance, and support) under the Act of 1947
24 and any other law involving those activities, \$60,000,000
25 for each of fiscal years 1996, 1997, and 1998.

1 (d) AIRCRAFT SERVICES.—There are authorized to
2 be appropriated to the Secretary of Commerce, to enable
3 the National Oceanic and Atmospheric Administration to
4 carry out aircraft services activities (including aircraft op-
5 erations, maintenance, and support) under the Act of
6 1890 and any other law involving those activities,
7 \$9,500,000 for each of fiscal years 1996, 1997, and 1998.

8 **SEC. 402. PERSONNEL REDUCTIONS.**

9 (a) FULL TIME EQUIVALENTS.—The Administrator
10 shall reduce the number of full time equivalent positions
11 of the National Oceanic and Atmospheric Administration
12 by at least 2,318 from its fiscal year 1993 base by the
13 end of fiscal year 1999.

14 (b) AUTHORIZED NUMBER OF COMMISSIONED OFFI-
15 CERS.—

16 (1) IN GENERAL.—The National Oceanic and
17 Atmospheric Administration is authorized an end-of-
18 year personnel strength for commissioned officers on
19 the active list of—

20 (A) 383 as of September 30, 1996;

21 (B) 345 as of September 30, 1997;

22 (C) 311 as of September 30, 1998; and

23 (D) 285 as of September 30, 1999.

24 (2) CONFORMING CHANGES.—

1 (A) The item in title II of the Act of Au-
2 gust 26, 1994 (108 Stat. 1741; 33 U.S.C. 851)
3 relating to operations, research, and facilities
4 (including transfer of funds) under the heading
5 “National Oceanic and Atmospheric Adminis-
6 tration” is amended by striking out “not to ex-
7 ceed 439 commissioned officers on the active
8 list;” and inserting: “not to exceed the number
9 of commissioned officers on the active list pro-
10 vided for by section 402(b)(1) of the National
11 Oceanic and Atmospheric Administration Act of
12 1995;”.

13 (B) Section 8(b) of the Coast and Geodetic
14 Survey Commissioned Officers’ Act of 1948 (33
15 U.S.C. 853g(b)) is amended by striking “four
16 percent” and inserting “ten percent”.

17 (3) VOLUNTARY SEPARATIONS AND RETIRE-
18 MENTS.—To ease the transition into the civilian
19 work force of members of the National Oceanic and
20 Atmospheric Administration Commissioned Officer
21 Corps (hereinafter referred to as the “Corps”), and
22 to facilitate the reduction of active duty officers —

23 (A) section 1174a of title 10, United
24 States Code, shall apply to the members of the
25 National Oceanic and Atmospheric Administra-

1 tion Corps in the same manner and to the same
2 extent as that provision applies to members of
3 the armed forces; and

4 (B) section 4403, other than subsection
5 (f), of the Defense Authorization Act for Fiscal
6 Year 1993 (10 U.S.C. 1293 note) shall apply to
7 members of the National Oceanic and Atmos-
8 pheric Administration Corps in the same man-
9 ner and to the same extent as that provision
10 applies to members of the armed forces.

11 The Secretary of Commerce shall implement the ap-
12 plication of those sections with respect to members
13 of the Corps together with other applicable provi-
14 sions of law relating to separation or retirement of
15 Corps personnel.

16 **TITLE V—COST SAVINGS AND STREAMLINING**

17 **SEC. 501. TRANSFER OF AERONAUTICAL CHARTING.**

18 (a) **IN GENERAL.**—The following functions are trans-
19 ferred from the National Oceanic and Atmospheric Ad-
20 ministration to the Federal Aviation Administration:

21 (1) The functions vested in the Secretary of
22 Commerce by sections 1 and 2 of the Act of August
23 6, 1947 (33 U.S.C. 883a and 883b) relating to aero-
24 nautical surveys and the compilation, printing, and
25 distribution of aeronautical charts.

1 (2) The functions vested in the Secretary of
2 Commerce by section 1307 of title 44, United States
3 Code, relating to establishment of prices at which
4 aeronautical charts and related products may be
5 sold.

6 (3) So much of the functions of the Secretary
7 of Commerce and the Department of Commerce as
8 is incidental to or necessary for the performance by,
9 or under, the Administrator of the Federal Aviation
10 Administration of the functions transferred by this
11 section or that relate primarily to those functions.

12 (b) INCIDENTAL TRANSFERS.—

13 (1) So much of the personnel, property, records,
14 and unexpended balances of appropriations, alloca-
15 tions, and other funds employed, used, held, avail-
16 able, or to be made available in connection with the
17 functions transferred to the Administrator of the
18 Federal Aviation Administration by this section as
19 the Director of the Office of Management and budg-
20 et shall determine shall be transferred to the Federal
21 Aviation Administration at such time as the Director
22 shall direct.

23 (2) Such other measures as the Director of the
24 Office of Management and Budget determines to be
25 necessary in order to effectuate the transfers de-

1 scribed in subsection (a) of this section shall be car-
2 ried out in such manner as the Director shall direct.

3 (c) EFFECTIVE DATE.—The transfers made by this
4 section shall be effective on October 1, 1995.

5 **SEC. 502. REGULATORY STREAMLINING.**

6 The Administrator is directed to review all regula-
7 tions that were issued by the Administrator before Janu-
8 ary 1, 1995—

9 (1) to determine whether those regulations con-
10 tinue to be necessary to discharge the functions as-
11 signed to, or delegated to, the National Oceanic and
12 Atmospheric Administration;

13 (2) to identify and eliminate redundant and ob-
14 solete regulations; and

15 (3) to achieve a 45 percent reduction in the Na-
16 tional Oceanic and Atmospheric Administration's
17 volume of regulations by December 31, 1997, to the
18 extent that such reduction is not inconsistent with
19 its statutory obligations.

20 **SEC. 503. REDUCTION IN NOAA FLEET.**

21 Not later than March 1, 1996, the Secretary of Com-
22 merce shall submit to the Committee on Commerce,
23 Science, and Transportation of the Senate, and the Com-
24 mittee on Resources of the House of Representatives, a
25 revised fleet modernization plan reflecting the budget con-

1 straits facing the National Oceanic and Atmospheric Ad-
2 ministration as a whole. The plan shall provide for—

3 (1) reducing the current fleet size by at least 50
4 percent over the next 10 years, including a decom-
5 missioning of 3 existing vessels in fiscal year 1997
6 and 3 existing vessels in fiscal year 1998;

7 (2) reducing the cost of construction contained
8 in the original plan submitted in 1993 by 50 per-
9 cent;

10 (3) chartering and contracting out where fea-
11 sible with vessels of the United States, including
12 fishing vessels, for activities now conducted by the
13 Administration; and

14 (4) selling vessels that are decommissioned
15 where feasible.

16 **SEC. 504. REDUCTION OF REPORTING REQUIREMENTS.**

17 The Administrator is directed to review all relevant
18 congressionally-mandated reporting requirements to deter-
19 mine whether such reporting requirements continue to be
20 necessary to inform the Congress of problems or progress
21 in discharging the functions assigned to, or delegated to,
22 the National Oceanic and Atmospheric Administration.
23 Not later than March 31, 1996, the Administrator shall
24 recommend legislation to eliminate not less than 50 per-

1 cent of the Congressionally-mandated reporting require-
2 ments in effect on January 1, 1995.

3 **SEC. 505. LABORATORY CONSOLIDATION STUDY.**

4 By March 1, 1996, the Secretary of Commerce shall
5 develop a laboratory consolidation plan for the current lab-
6 oratories, including a proposed implementation schedule
7 for consolidation, and transmit a copy of the plan to the
8 appropriate committees of the Congress on or before that
9 date. The plan shall consider—

10 (1) the age and physical condition of the facil-
11 ity, and the costs associated with keeping the facility
12 functioning;

13 (2) the relationship of research performed at
14 the facility to core National Oceanic and Atmos-
15 pheric Administration missions and legislative man-
16 dates; and

17 (3) the geographic proximity of other Federal,
18 State, or private sector facilities that carry out simi-
19 lar research functions.

20 **SEC. 506. CONVEYANCES.**

21 (a) NATIONAL MARINE FISHERIES SERVICE LAB-
22 ORATORY AT GLOUCESTER, MASSACHUSETTS.—

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 paragraphs (3) and (4).

9 (3) CONDITIONS FOR TRANSFER.—

10 (A) IN GENERAL.—As a condition of any
11 conveyance of property under this subsection,
12 the Commonwealth of Massachusetts shall as-
13 sume full responsibility for maintenance of the
14 property for as long as the Commonwealth re-
15 tains the right and title to that property.

16 (B) CONTINUED USE OF PROPERTY BY
17 NMFS.—The Secretary may enter into a memo-
18 randum of understanding with the Common-
19 wealth of Massachusetts under which the Na-
20 tional Marine Fisheries Service is authorized to
21 occupy existing laboratory space on the prop-
22 erty conveyed under this subsection, if—

23 (i) the term of the memorandum of
24 understanding is for a period of not longer

1 than 5 years beginning on the date of en-
2 actment of this Act; and

3 (ii) the square footage of the space to
4 be occupied by the National Marine Fish-
5 eries Service does not conflict with the
6 needs of, and is agreeable to, the Common-
7 wealth of Massachusetts.

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

15 (b) PIER IN CHARLESTON, SOUTH CAROLINA.—Sec-
16 tion 22(a) of the Marine Mammal Protection Act Amend-
17 ments of 1994 (Pub. Law 103–238; 108 Stat. 561) is
18 amended—

19 (1) by inserting “(1)” before “Not”; and

20 (2) by adding at the end thereof the following:

21 “(2) Not later than March 30, 1996, the Sec-
22 retary of the Navy shall convey, without payment or
23 other consideration, to the Secretary of Commerce,
24 all right, title, and interest to the property compris-
25 ing that portion of the Naval Base, Charleston,

1 South Carolina, bounded by Hobson Avenue, the
2 Cooper River, the landward extension of the prop-
3 erty line located 70 feet northwest of and parallel to
4 the centerline of Pier Q, and the northwest property
5 line of the parking area associated with Pier R. The
6 property shall include Pier Q, all towers and out-
7 buildings on that property, and walkways and park-
8 ing areas associated with those buildings and Pier
9 Q.”.

10 **SEC. 507. PRIBILOF ISLANDS.**

11 (a) IN GENERAL.—The Secretary of Commerce is au-
12 thorized, in the course of fulfilling other obligations under
13 Federal and State law, to clean up landfills, wastes,
14 dumps, debris, storage tanks, property, hazardous or un-
15 safe conditions, and contaminants, including petroleum
16 products and their derivatives, on lands which the Na-
17 tional Oceanic and Atmospheric Administration and its
18 predecessor agencies abandoned, quitclaimed, or otherwise
19 transferred, or are obligated to transfer, to local entities
20 or landowners on the Pribilof Islands, Alaska pursuant to
21 the Fur Seal Act of 1966 (16 U.S.C. 1161).

22 (b) OBLIGATIONS OF SECRETARY.—In carrying out
23 cleanup activities under subsection (a), the Secretary
24 shall—

1 (1) to the maximum extent practicable, execute
2 agreements with the State of Alaska and affected
3 local governments and entities eligible to receive con-
4 veyance of lands under the Fur Seal Act of 1966
5 (16 U.S.C. 1161 et seq.);

6 (2) manage such activities with the minimum
7 possible overhead, delay, and duplication of State
8 and local planning and design work;

9 (3) receive approval from the State of Alaska
10 for agreements described in paragraph (1) where
11 such activities are required by State law;

12 (4) receive approval from affected local entities
13 or landowners before conducting such activities on
14 their property.

15 (c) USE OF LOCAL ENTITIES.—Notwithstanding any
16 other law to the contrary, the Secretary shall, to the maxi-
17 mum extent practicable, carry out activities under this sec-
18 tion and fulfill other obligations under Federal and State
19 law relating to the Pribilof Islands through contracts or
20 other agreements with local entities and residents of the
21 Pribilof Islands.

22 **SEC. 508. REIMBURSEMENT OF EXPENSES.**

23 (a) IN GENERAL.—Notwithstanding subsections
24 3302 (b) and (c) of title 31, United States Code, and sub-
25 ject to subsection (b) all amounts received by the United

1 States in settlement of, or judgment for, damage claims
2 arising from the October 9, 1992, collision of the vessel
3 ZACHARY into the National Oceanic and Atmospheric
4 Administration research vessel DISCOVERER—

5 (1) shall be retained as an offsetting collection
6 in the Operations, Research and Facilities account
7 of the National Oceanic and Atmospheric Adminis-
8 tration;

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

11 (3) shall be available only for obligation for Na-
12 tional Oceanic and Atmospheric Administration ma-
13 rine services.

14 (b) LIMITATION.—Not more than \$518,757.09 of the
15 amounts referred to in subsection (a) may be deposited
16 into the Operations, Research and Facilities account pur-
17 suant to this section.

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