

Union Calendar No. 583

106TH CONGRESS
2^D SESSION

H. R. 1552

[Report No. 106–987, Parts I and II]

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

IN THE HOUSE OF REPRESENTATIVES

APRIL 26, 1999

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

OCTOBER 18, 2000

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

OCTOBER 18, 2000

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

OCTOBER 20, 2000

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

OCTOBER 25, 2000

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

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

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,*

3 **SECTION 1. SHORT TITLE.**

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

7 **SEC. 2. DEFINITIONS.**

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

9 (1) *“Administrator” means the Administrator of*
10 *the National Oceanic and Atmospheric Administra-*
11 *tion;*

12 (2) *“Director” means the Director of the Na-*
13 *tional Science Foundation; and*

14 (3) *“Secretary” means the Secretary of Com-*
15 *merce.*

1 **SEC. 3. NATIONAL OCEAN SERVICE.**

2 (a) *OPERATIONS, RESEARCH, AND FACILITIES.*—*There*
3 *are authorized to be appropriated to the Secretary to enable*
4 *the National Oceanic and Atmospheric Administration to*
5 *carry out the Operations, Research, and Facilities marine*
6 *research and related environmental research and develop-*
7 *ment activities of the National Ocean Service \$200,343,000*
8 *for fiscal year 2000 and \$200,343,000 for fiscal year 2001,*
9 *to remain available until expended.*

10 (b) *NAVIGATION SERVICES.*—*Of the amounts author-*
11 *ized under subsection (a), \$82,967,000 for fiscal year 2000*
12 *and \$82,967,000 for fiscal year 2001 shall be for Navigation*
13 *Services, of which—*

14 (1) *\$33,335,000 for fiscal year 2000 and*
15 *\$33,335,000 for fiscal year 2001 shall be for Mapping*
16 *and Charting;*

17 (2) *\$14,900,000 for fiscal year 2000 and*
18 *\$14,900,000 for fiscal year 2001 shall be for Hydro-*
19 *graphic Survey Backlog;*

20 (3) *\$19,849,000 for fiscal year 2000 and*
21 *\$19,849,000 for fiscal year 2001 shall be for Geodesy;*
22 *and*

23 (4) *\$14,883,000 for fiscal year 2000 and*
24 *\$14,883,000 for fiscal year 2001 shall be for Tide and*
25 *Current Data.*

1 (c) *OCEAN RESOURCES AND CONSERVATION ASSESS-*
2 *MENT.*—*Of the amounts authorized under subsection (a),*
3 *\$99,650,000 for fiscal year 2000 and \$99,650,000 for fiscal*
4 *year 2001 shall be for Ocean Resources and Conservation*
5 *Assessment, of which—*

6 (1) *\$7,970,000 for fiscal year 2000 and*
7 *\$7,970,000 for fiscal year 2001 shall be for Oceanic*
8 *and Coastal Research;*

9 (2) *\$7,085,000 for fiscal year 2000 and*
10 *\$7,085,000 for fiscal year 2001 shall be for the Great*
11 *Lakes Environmental Research Laboratory;*

12 (3) *\$46,281,000 for fiscal year 2000 and*
13 *\$46,281,000 for fiscal year 2001 shall be for the*
14 *Ocean Assessment Program;*

15 (4) *\$18,884,000 for fiscal year 2000 and*
16 *\$18,884,000 for fiscal year 2001 shall be for Response*
17 *and Restoration; and*

18 (5) *\$19,430,000 for fiscal year 2000 and*
19 *\$19,430,000 for fiscal year 2001 shall be for the*
20 *Coastal Ocean Program.*

21 (d) *ACQUISITION OF DATA.*—*Of the amounts author-*
22 *ized under subsection (a), \$17,726,000 for fiscal year 2000*
23 *and \$17,726,000 for fiscal year 2001 shall be for Acquisi-*
24 *tion of Data.*

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

2 (a) *OPERATIONS, RESEARCH, AND FACILITIES.*—There
3 are authorized to be appropriated to the Secretary to enable
4 the National Oceanic and Atmospheric Administration to
5 carry out the Operations, Research, and Facilities marine
6 research and related environmental research and develop-
7 ment activities of the Office of Oceanic and Atmospheric
8 Research \$44,320,000 for fiscal year 2000 and \$44,320,000
9 for fiscal year 2001, to remain available until expended.

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

14 (c) *NURP.*—Of the amounts authorized under sub-
15 section (a), \$9,000,000 for fiscal year 2000 and \$9,000,000
16 for fiscal year 2001 shall be for the National Oceanic and
17 Atmospheric Administration Undersea Research Program
18 (NURP).

19 (d) *ACQUISITION OF DATA.*—Of the amounts author-
20 ized under subsection (a), \$13,020,000 for fiscal year 2000
21 and \$13,020,000 for fiscal year 2001 shall be for Acquisi-
22 tion of Data.

23 **SEC. 5. PROGRAM SUPPORT.**

24 (a) *OPERATIONS, RESEARCH, AND FACILITIES.*—There
25 are authorized to be appropriated to the Secretary to enable
26 the National Oceanic and Atmospheric Administration to

1 *carry out the Operations, Research, and Facilities marine*
2 *research and related environmental research and develop-*
3 *ment activities of Program Support \$63,769,000 for fiscal*
4 *year 2000 and \$63,769,000 for fiscal year 2001, to remain*
5 *available until expended.*

6 (b) *ADMINISTRATION AND SERVICES.—Of the amounts*
7 *authorized under subsection (a), \$52,750,000 for fiscal year*
8 *2000 and \$52,750,000 for fiscal year 2001 shall be for Ad-*
9 *ministration and Services, of which—*

10 (1) *\$19,200,000 for fiscal year 2000 and*
11 *\$19,200,000 for fiscal year 2001 shall be for Executive*
12 *Direction and Administration;*

13 (2) *\$700,000 for fiscal year 2000 and \$700,000*
14 *for fiscal year 2001 shall be for Systems Acquisition*
15 *Office;*

16 (3) *\$31,850,000 for fiscal year 2000 and*
17 *\$31,850,000 for fiscal year 2001 shall be for Central*
18 *Administrative Support; and*

19 (4) *\$1,000,000 for fiscal year 2000 and*
20 *\$1,000,000 for fiscal year 2001 shall be for Histori-*
21 *cally Black Colleges and Universities.*

22 (c) *AIRCRAFT SERVICES.—Of the amounts authorized*
23 *under subsection (a), \$11,019,000 for fiscal year 2000 and*
24 *\$11,019,000 for fiscal year 2001 shall be for Aircraft Serv-*
25 *ices.*

1 (d) *INDEPENDENT AUDIT OF AIRCRAFT SERVICES.*—

2 (1) *IN GENERAL.*—Not later than 60 days after
3 the date of enactment of this Act, the Secretary shall,
4 using available funds, enter into appropriate ar-
5 rangements with an independent external auditor ca-
6 pable of providing an audit to determine whether
7 outsourcing of aircraft services is a more cost-effective
8 alternative to in-house operation of aircraft in meet-
9 ing the National Oceanic and Atmospheric Adminis-
10 tration’s aircraft requirements of the conduct of ma-
11 rine and atmospheric research and related environ-
12 mental research and development activities, and for
13 other data and mission needs.

14 (2) *AUDITING PROCEDURES.*—

15 (A) *IN GENERAL.*—The audit under para-
16 graph (1) shall be conducted in accordance with
17 generally accepted government auditing stand-
18 ards.

19 (B) *ACCESS TO INFORMATION.*—The Sec-
20 retary shall provide the independent external
21 auditor the information such auditor requires to
22 conduct the audit under paragraph (1). The
23 independent external auditor may inspect any
24 records of and have access to personnel of the Na-

1 *tional Oceanic and Atmospheric Administration*
2 *to obtain such information.*

3 (3) *REPORT OF THE RESULTS OF THE AUDIT.—*
4 *Not later than 180 days after the initiation of the*
5 *audit required by this subsection, the independent ex-*
6 *ternal auditor shall submit a report concerning the*
7 *results of the audit to the Committee on Science of the*
8 *House of Representatives and the Committee on*
9 *Science, Commerce, and Transportation of the Senate.*

10 **SEC. 6. FACILITIES.**

11 (a) *OPERATIONS, RESEARCH, AND FACILITIES.—There*
12 *are authorized to be appropriated to the Secretary to enable*
13 *the National Oceanic and Atmospheric Administration to*
14 *carry out the Operations, Research, and Facilities marine*
15 *research and related environmental research and develop-*
16 *ment activities required to carry out Facilities Maintenance*
17 *and Repairs and Environmental Compliance \$5,717,000*
18 *for fiscal year 2000 and \$5,717,000 for fiscal year 2001,*
19 *to remain available until expended.*

20 (b) *FACILITIES MAINTENANCE AND REPAIRS.—Of the*
21 *amounts authorized under subsection (a), \$1,818,000 for fis-*
22 *cal year 2000 and \$1,818,000 for fiscal year 2001 shall be*
23 *for Facilities Maintenance and Repairs.*

24 (c) *ENVIRONMENTAL COMPLIANCE.—Of the amounts*
25 *authorized under subsection (a), \$3,899,000 for fiscal year*

1 2000 and \$3,899,000 for fiscal year 2001 shall be for *Facili-*
2 *ties Environmental Compliance.*

3 **SEC. 7. FLEET MAINTENANCE, PLANNING AND REPLACE-**
4 **MENT.**

5 (a) *FLEET MAINTENANCE AND PLANNING.*—*There are*
6 *authorized to be appropriated to the Secretary to enable the*
7 *National Oceanic and Atmospheric Administration to carry*
8 *out the Operations, Research, and Facilities marine re-*
9 *search and related environmental research and development*
10 *activities of Fleet Maintenance and Planning \$9,243,000*
11 *for fiscal year 2000 and \$9,243,000 for fiscal year 2001,*
12 *to remain available until expended.*

13 (b) *FLEET REPLACEMENT.*—*There are authorized to be*
14 *appropriated to the National Science Foundation*
15 *\$50,000,000 for fiscal year 2000 and \$50,000,000 for fiscal*
16 *year 2001, to remain available until expended, to meet the*
17 *marine research and related environmental research and*
18 *development data requirements of the National Oceanic and*
19 *Atmospheric Administration set forth in the “NOAA Fish-*
20 *eries Data Acquisition Plan”, dated September 1998, and*
21 *that could also help meet the Nation’s marine research and*
22 *related environmental research and development needs. The*
23 *National Science Foundation, in consultation with the De-*
24 *partment of the Navy, the University-National Oceanic*
25 *Laboratory System, academia, the National Oceanic and*

1 *Atmospheric Administration, the private sector, and any*
2 *other parties it considers appropriate, shall develop a strat-*
3 *egy for meeting such requirements and other Federal ma-*
4 *rine research and related environmental research and devel-*
5 *opment requirements, using funds appropriated under this*
6 *subsection and at the lowest possible cost. The National*
7 *Science Foundation shall consider all options, including*
8 *various methods of acquiring vessel services, remote sensing,*
9 *and any other possible means.*

10 *(c) REPORT.—Not later than 180 days after the date*
11 *of enactment of this Act, the Director of the National*
12 *Science Foundation shall submit to the Committee on*
13 *Science of the House of Representatives and the Committee*
14 *on Commerce, Science, and Transportation of the Senate*
15 *a report detailing the strategy developed pursuant to sub-*
16 *section (b) and a plan for implementing such strategy. The*
17 *Director shall include in such report an analysis of the ex-*
18 *tent to which funds authorized by subsection (b) will be suf-*
19 *ficient to implement such strategy.*

20 *(d) NOTIFICATION REQUIREMENT FOR REDUCTION IN*
21 *AUTHORIZED NUMBER OF NOAA CORPS COMMISSIONED*
22 *OFFICERS.—Section 2(a)(3) of the Coast and Geodetic Sur-*
23 *vey Commissioned Officers’ Act of 1948 (33 U.S.C.*
24 *853a(a)(3)) is amended by inserting “and the Committee*
25 *on Science” after “Committee on Resources”.*

1 **SEC. 8. MARINE SERVICES.**

2 (a) *SERVICE CONTRACTS.*—Notwithstanding any other
3 provision of law and subject to the availability of appro-
4 priations, the Secretary shall enter into contracts, including
5 multiyear contracts, subject to subsection (c), for the use of
6 vessels to conduct marine research and related environ-
7 mental research and development activities, monitoring, en-
8 forcement, and management, and to acquire other data nec-
9 essary to carry out the missions of the National Oceanic
10 and Atmospheric Administration. The Secretary shall enter
11 into these contracts unless—

12 (1) *the cost of the contract is more than the cost*
13 *(including the cost of vessel operation, maintenance,*
14 *and all personnel) to the National Oceanic and At-*
15 *mospheric Administration of obtaining those services*
16 *on vessels of the National Oceanic and Atmospheric*
17 *Administration;*

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

19 (3) *the data are acquired through a vessel agree-*
20 *ment pursuant to subsection (d).*

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

24 (c) *MULTIYEAR CONTRACTS.*—

25 (1) *IN GENERAL.*—Subject to paragraphs (2) and
26 (3), and notwithstanding section 1341 of title 31,

1 *United States Code, and section 11 of title 41, United*
2 *States Code, the Secretary may acquire data, includ-*
3 *ing marine research and related environmental re-*
4 *search and development data, under multiyear con-*
5 *tracts.*

6 (2) *REQUIRED FINDINGS.—The Secretary may*
7 *not enter into a contract pursuant to this subsection*
8 *unless the Secretary finds with respect to that con-*
9 *tract that there is a reasonable expectation that*
10 *throughout the contemplated contract period the Sec-*
11 *retary will request from Congress funding for the con-*
12 *tract at the level required to avoid contract termi-*
13 *nation.*

14 (3) *REQUIRED PROVISIONS.—The Secretary may*
15 *not enter into a contract pursuant to this subsection*
16 *unless the contract includes—*

17 (A) *a provision under which the obligation*
18 *of the United States to make payments under the*
19 *contract for any fiscal year is subject to the*
20 *availability of appropriations provided in ad-*
21 *vance for those payments;*

22 (B) *a provision that specifies the term of ef-*
23 *fectiveness of the contract; and*

24 (C) *appropriate provisions under which, in*
25 *case of any termination of the contract before the*

1 *end of the term specified pursuant to subpara-*
2 *graph (B), the United States shall only be liable*
3 *for the lesser of—*

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

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

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

17 **SEC. 9. REPEAL.**

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

20 **SEC. 10. INTERNET AVAILABILITY OF INFORMATION.**

21 *The Administrator shall make available through the*
22 *Internet home page of the National Oceanic and Atmos-*
23 *pheric Administration the abstracts relating to all research*
24 *grants and awards made with funds authorized by this Act.*
25 *Nothing in this section shall be construed to require or per-*

1 *mit the release of any information prohibited by law or reg-*
2 *ulation from being released to the public.*

3 **SEC. 11. ELIGIBILITY FOR AWARDS.**

4 (a) *IN GENERAL.*—*The Administrator and the Direc-*
5 *tor shall exclude from consideration for grant agreements*
6 *made after fiscal year 1999 by the National Oceanic and*
7 *Atmospheric Administration and the National Science*
8 *Foundation, under the activities for which funds are au-*
9 *thorized by this Act, any person who received funds, other*
10 *than those described in subsection (b), appropriated for a*
11 *fiscal year after fiscal year 1999, under a grant agreement*
12 *from any Federal funding source for a project that was not*
13 *subjected to a competitive, merit-based award process, ex-*
14 *cept as specifically authorized by this Act. Any exclusion*
15 *from consideration pursuant to this section shall be effective*
16 *for a period of 5 years after the person receives such Federal*
17 *funds.*

18 (b) *EXCEPTION.*—*Subsection (a) shall not apply to the*
19 *receipt of Federal funds by a person due to the membership*
20 *of that person in a class specified by law for which assist-*
21 *ance is awarded to members of the class according to a for-*
22 *mula provided by law.*

23 (c) *DEFINITION.*—*For purposes of this section, the*
24 *term “grant agreement” means a legal instrument whose*
25 *principal purpose is to transfer a thing of value to the re-*

1 *ipient to carry out a public purpose of support or stimula-*
2 *tion authorized by a law of the United States, and does*
3 *not include the acquisition (by purchase, lease, or barter)*
4 *of property or services for the direct benefit or use of the*
5 *United States Government. Such term does not include a*
6 *cooperative agreement (as such term is used in section 6305*
7 *of title 31, United States Code) or a cooperative research*
8 *and development agreement (as such term is defined in sec-*
9 *tion 12(d)(1) of the Stevenson-Wydler Technology Innova-*
10 *tion Act of 1980 (15 U.S.C. 3710a(d)(1))).*

11 **SECTION 1. SHORT TITLE.**

12 **This Act may be cited as the “Partial**
13 **NOAA Programs Authorization Act of 1999”.**

14 **SEC. 2. DEFINITIONS.**

15 **(a) IN GENERAL.—For purposes of this Act,**
16 **the term—**

17 **(1) “Administrator” means the Admin-**
18 **istrator of the National Oceanic and At-**
19 **mospheric Administration; and**

20 **(2) “Secretary” means the Secretary**
21 **of Commerce.**

22 **(b) MARINE RESEARCH.—For the purposes**
23 **of this Act, the term “marine research” does**
24 **not include—**

- 1 **(1) fisheries research, assessment,**
2 **and management;**
3 **(2) acquisition of hydrographic sur-**
4 **vey data; or**
5 **(3) navigation services.**

6 **SEC. 3. NATIONAL OCEAN SERVICE.**

7 **(a) OPERATIONS, RESEARCH, AND FACILI-**
8 **TIES.—There are authorized to be appro-**
9 **riated to the Secretary to enable the Na-**
10 **tional Oceanic and Atmospheric Administra-**
11 **tion to carry out the oceanographic and ma-**
12 **rine research activities of the National Ocean**
13 **Service \$38,806,000 for fiscal year 2000 and**
14 **\$38,806,000 for fiscal year 2001, to remain**
15 **available until expended.**

16 **(b) OCEAN RESOURCES, CONSERVATION, AND**
17 **ASSESSMENT.—Of the amounts authorized**
18 **under subsection (a), \$14,055,000 for fiscal**
19 **year 2000 and \$14,055,000 for fiscal year 2001**
20 **shall be for Ocean Resources and Conserva-**
21 **tion Assessment, of which—**

- 22 **(1) \$7,970,000 for fiscal year 2000 and**
23 **\$7,970,000 for fiscal year 2001 shall be for**
24 **the Oceanic and Coastal Research; and**

1 **(2) \$6,085,000 for fiscal year 2000 and**
2 **\$6,085,000 for fiscal year 2001 shall be for**
3 **the Great Lakes Environmental Research**
4 **Laboratory.**

5 **(c) ACQUISITION OF DATA.—Of the amounts**
6 **authorized under subsection (a), \$5,321,000**
7 **for fiscal year 2000 and \$5,321,000 for fiscal**
8 **year 2001 shall be for Acquisition of Data.**

9 **(d) COASTAL OCEAN PROGRAM.—Of the**
10 **amounts authorized under subsection (a),**
11 **\$19,430,000 for fiscal year 2000 and \$19,430,000**
12 **for fiscal year 2001 shall be for the Coastal**
13 **Ocean Program.**

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

15 **(a) OPERATIONS, RESEARCH, AND FACILI-**
16 **TIES.—There are authorized to be appro-**
17 **priated to the Secretary to enable the Na-**
18 **tional Oceanic and Atmospheric Administra-**
19 **tion to carry out the oceanographic and ma-**
20 **rine research activities of the Office of Oce-**
21 **anic and Atmospheric Research \$68,100,000**
22 **for fiscal year 2000 and \$68,100,000 for fiscal**
23 **year 2001, to remain available until expended.**

24 **(b) MARINE ENVIRONMENTAL RESEARCH.—Of**
25 **the amounts authorized under subsection (a),**

1 **\$24,000,000 for fiscal year 2000 and \$24,000,000**
2 **for fiscal year 2001 shall be for Marine Envi-**
3 **ronmental Research. Of such amounts,**
4 **\$2,000,000 for fiscal year 2000 and \$2,000,000**
5 **for fiscal year 2001 shall be for arctic re-**
6 **search.**

7 (c) **NURP.—Of the amounts authorized**
8 **under subsection (a), \$15,000,000 for fiscal**
9 **year 2000 and \$15,000,000 for fiscal year 2001**
10 **shall be for the National Oceanic and Atmos-**
11 **pheric Administration Undersea Research**
12 **Program (NURP).**

13 (d) **OCEAN OBSERVATIONS.—Of the amounts**
14 **authorized under subsection (a), \$14,100,000**
15 **for fiscal year 2000 and \$14,100,000 for fiscal**
16 **year 2001 shall be for ocean observations.**

17 (e) **ACQUISITION OF DATA.—Of the amounts**
18 **authorized under subsection (a), \$15,000,000**
19 **for fiscal year 2000 and \$15,000,000 for fiscal**
20 **year 2001 shall be for Acquisition of Data.**

21 **SEC. 5. PROGRAM SUPPORT.**

22 (a) **OPERATIONS, RESEARCH, AND FACILI-**
23 **TIES.—There are authorized to be appro-**
24 **priated to the Secretary to enable the Na-**
25 **tional Oceanic and Atmospheric Administra-**

1 tion to carry out the oceanographic and ma-
2 rine research activities of Program Support
3 \$73,887,000 for fiscal year 2000 and \$73,887,000
4 for fiscal year 2001, to remain available until
5 expended.

6 (b) ADMINISTRATION AND SERVICES.—Of the
7 amounts authorized under subsection (a),
8 \$62,868,000 for fiscal year 2000 and \$62,868,000
9 for fiscal year 2001 shall be for Administra-
10 tion and Services, of which—

11 (1) \$19,573,000 for fiscal year 2000 and
12 \$19,573,000 for fiscal year 2001 shall be
13 for Executive Direction and Administra-
14 tion;

15 (2) \$712,000 for fiscal year 2000 and
16 \$712,000 for fiscal year 2001 shall be for
17 Systems Acquisition Office;

18 (3) \$41,583,000 for fiscal year 2000 and
19 \$41,583,000 for fiscal year 2001 shall be
20 for Central Administrative Support; and

21 (4) \$1,000,000 for fiscal year 2000 and
22 \$1,000,000 for fiscal year 2001 shall be for
23 Historically Black Colleges and Univer-
24 sities.

1 **(c) AIRCRAFT SERVICES.—Of the amounts**
2 **authorized under subsection (a), \$11,019,000**
3 **for fiscal year 2000 and \$11,019,000 for fiscal**
4 **year 2001 shall be for Aircraft Services.**

5 **(d) INDEPENDENT AUDIT OF AIRCRAFT SERV-**
6 **ICES.—**

7 **(1) IN GENERAL.—Not later than 60**
8 **days after the date of enactment of this**
9 **Act, the Secretary shall, using available**
10 **funds, enter into appropriate arrange-**
11 **ments with an independent external**
12 **auditor capable of providing an audit to**
13 **determine whether outsourcing of air-**
14 **craft services is a more cost-effective al-**
15 **ternative to in-house operation of aircraft**
16 **in meeting the National Oceanic and At-**
17 **mospheric Administration’s aircraft re-**
18 **quirements of the conduct of marine and**
19 **atmospheric research and related envi-**
20 **ronmental research and development ac-**
21 **tivities, and for other data and mission**
22 **needs.**

23 **(2) AUDITING PROCEDURES.—**

24 **(A) IN GENERAL.—The audit under**
25 **paragraph (1) shall be conducted in**

1 **accordance with generally accepted**
2 **government auditing standards.**

3 **(B) ACCESS TO INFORMATION.—The**
4 **Secretary shall provide the inde-**
5 **pendent external auditor the infor-**
6 **mation such auditor requires to con-**
7 **duct the audit under paragraph (1).**
8 **The independent external auditor**
9 **may inspect any records of and have**
10 **access to personnel of the National**
11 **Oceanic and Atmospheric Administra-**
12 **tion to obtain such information.**

13 **(3) REPORT OF THE RESULTS OF THE**
14 **AUDIT.—Not later than 180 days after the**
15 **initiation of the audit required by this**
16 **subsection, the independent external**
17 **auditor shall submit a report concerning**
18 **the results of the audit to the Committee**
19 **on Science of the House of Representa-**
20 **tives and the Committee on Science,**
21 **Commerce, and Transportation of the**
22 **Senate.**

23 **SEC. 6. FACILITIES.**

24 **(a) OPERATIONS, RESEARCH, AND FACILI-**
25 **TIES.—There are authorized to be appro-**

1 **priated to the Secretary to enable the Na-**
2 **tional Oceanic and Atmospheric Administra-**
3 **tion to carry out the Operations, Research,**
4 **and Facilities oceanographic and marine re-**
5 **search activities required to carry out Facili-**
6 **ties Maintenance and Repairs and Environ-**
7 **mental Compliance \$5,717,000 for fiscal year**
8 **2000 and \$5,717,000 for fiscal year 2001, to re-**
9 **main available until expended.**

10 **(b) FACILITIES MAINTENANCE AND RE-**
11 **PAIRS.—Of the amounts authorized under sub-**
12 **section (a), \$1,818,000 for fiscal year 2000 and**
13 **\$1,818,000 for fiscal year 2001 shall be for Fa-**
14 **cilities Maintenance and Repairs.**

15 **(c) ENVIRONMENTAL COMPLIANCE.—Of the**
16 **amounts authorized under subsection (a),**
17 **\$3,899,000 for fiscal year 2000 and \$3,899,000**
18 **for fiscal year 2001 shall be for Facilities Envi-**
19 **ronmental Compliance.**

20 **SEC. 7. INTERNET AVAILABILITY OF INFORMATION.**

21 **The Administrator shall make available**
22 **through the Internet home page of the Na-**
23 **tional Oceanic and Atmospheric Administra-**
24 **tion the abstracts relating to all research**
25 **grants and awards made with funds author-**

1 ized by this Act. Nothing in this section shall
2 be construed to require or permit the release
3 of any information prohibited by law or regu-
4 lation from being released to the public.

5 SEC. 8. REIMBURSEMENT OF EXPENSES.

6 Notwithstanding section 3302 (b) and (c)
7 of title 31, United States Code, of the amounts
8 received by the United States in settlement of,
9 or judgment for, damage claims arising from
10 the October 9, 1992, collision of the vessel
11 ZACHARY into the National Oceanic and At-
12 mospheric Administration research vessel
13 DISCOVERER, \$349,000—

14 (1) shall be retained as an offsetting
15 collection in the Operations, Research
16 and Facilities account of the National
17 Oceanic and Atmospheric Administra-
18 tion;

19 (2) shall be deposited into that ac-
20 count upon receipt by the United States
21 Government; and

22 (3) shall be available only for obliga-
23 tion for National Oceanic and Atmos-
24 pheric Administration services.

1 **SEC. 9. ABOLISHMENT OF CHIEF SCIENTIST POSITION.**

2 **(a) ABOLISHMENT OF POSITION.—The posi-**
3 **tion of Chief Scientist of the National Oceanic**
4 **and Atmospheric Administration is abolished.**

5 **(b) TERMINATION OF REORGANIZATION PLAN**
6 **PROVISION.—Subsection (d) of section 2 of Re-**
7 **organization Plan No. 4 of 1970 (5 U.S.C. App.)**
8 **shall have no force or effect.**

9 **(c) REFERENCES.—Any reference in any**
10 **other Federal law, Executive order, rule, reg-**
11 **ulation, delegation of authority, or document**
12 **to Chief Scientist of the National Oceanic and**
13 **Atmospheric Administration is deemed to**
14 **refer to the Administrator of the National**
15 **Oceanic and Atmospheric Administration.**

16 **(d) CLERICAL AMENDMENT.—Section 5316 of**
17 **title 5, United States Code, is amended by**
18 **striking “Chief Scientist, National Oceanic**
19 **and Atmospheric Administration.”.**

Amend the title so as to read: “A bill to authorize appropriations for fiscal year 2000 and fiscal year 2001 for the oceanographic and marine research activities of the National Oceanic and Atmospheric Administration, and for other purposes.”.

Union Calendar No. 583

106TH CONGRESS
2D SESSION

H. R. 1552

[Report No. 106-987, Parts I and II]

A BILL

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

OCTOBER 25, 2000

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