

CONVEYANCE OF NATIONAL MARINE FISHERIES SERVICE  
LABORATORY AT GLOUCESTER, MASSACHUSETTS

OCTOBER 20, 1995.—Committed to the Committee of the Whole House on the State  
of the Union and ordered to be printed

Mr. YOUNG of Alaska, from the Committee on Resources,  
submitted the following

R E P O R T

[To accompany H.R. 1358]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 1358) to require the Secretary of Commerce to convey to the Commonwealth of Massachusetts the National Marine Fisheries Service laboratory located on Emerson Avenue in Gloucester, Massachusetts, having considered the same report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

**SECTION 1. CONVEYANCE OF NATIONAL MARINE FISHERIES SERVICE LABORATORY AT  
GLOUCESTER, MASSACHUSETTS.**

(a) CONVEYANCE REQUIRED.—

(1) IN GENERAL.—The Secretary of Commerce shall convey to the Commonwealth of Massachusetts, all right, title, and interest of the United States in and to the property comprising the National Marine Fisheries Service laboratory located on Emerson Avenue in Gloucester, Massachusetts.

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

- (A) without payment of consideration; and
- (B) subject to the terms and conditions specified under subsections (b) and (c).

(b) CONDITIONS FOR TRANSFER.—

(1) IN GENERAL.—As a condition of any conveyance of property under this section, the Commonwealth of Massachusetts shall assume full responsibility for maintenance of the property for as long as the Commonwealth retains the rights and title to that property.

(2) CONTINUED USE OF PROPERTY BY NMFS.—The Secretary may enter into a memorandum of understanding with the Commonwealth of Massachusetts

under which the National Marine Fisheries Service is authorized to occupy existing laboratory space on the property conveyed under this section, if—

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

(B) the square footage of the space to be occupied by the National Marine Fisheries Service does not conflict with the needs of, and is agreeable to, the Commonwealth of Massachusetts.

(c) REVERSIONARY INTEREST.—All right, title, and interest in and to all property and interests conveyed under this section shall revert to the United States on the date on which the Commonwealth of Massachusetts uses any of the property for any purpose other than the Commonwealth of Massachusetts Division of Marine Fisheries resource management program.

(d) RESTRICTION.—Amounts provided by the South Essex Sewage District may not be used by the Commonwealth of Massachusetts to transfer existing activities to, or conduct activities at, property conveyed under this section.

#### PURPOSE OF THE BILL

The purpose of H.R. 1358 is to require the Secretary of Commerce to convey to the Commonwealth of Massachusetts the National Marine Fisheries Service [NMFS] Laboratory in Gloucester, Massachusetts.

#### BACKGROUND AND NEED FOR LEGISLATION

The Gloucester Laboratory was established in 1931 as the first Federal laboratory devoted to fishery technology. The Laboratory is located on a 2.5-acre tract of land on the east bank of the Annisquam River, and the land was acquired from the City of Gloucester for \$1. Lack of funds forced the Laboratory's closure in 1935. It was reestablished and formally dedicated in June of 1960. There are four permanent structures at the site which provide 19,920 square feet of office, laboratory, storage, and maintenance space.

NMFS has decided to once again close the Gloucester Laboratory because "its primary work conducted there is not critical to the Fisheries Service mission in the Northeast and the work could be absorbed by other agency laboratories."

After years of discussion, the Commonwealth of Massachusetts and NMFS were able to conclude a Memorandum of Understanding on April 4, 1994, that allowed the Massachusetts Division of Fisheries to occupy and utilize the Laboratory facilities. This authority was renewed on March 6, 1995.

In the future, the Commonwealth of Massachusetts would like to use this facility for its contaminant monitoring program, shellfish and water quality testing, sport fisheries, striped bass management, northern shrimp management, sea sampling, and field biological studies. It will also provide office space for the State's Division of Marine Fisheries.

NMFS has indicated it has no intention of reoccupying this laboratory in the future, and the facilities need substantial repairs. Therefore, it is both good policy and necessary for Congress to legally transfer title to this facility to the State. Without this legislation, the Commonwealth of Massachusetts will be unable to fully utilize the Laboratory and to spend up to \$4 million to rehabilitate its facilities. In addition, if the Commonwealth does not use the facility for State fisheries resource management purposes, it will automatically revert back to the United States.

## COMMITTEE ACTION

H.R. 1358 was introduced on March 29, 1995, by Congressman Peter Torkildsen. The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on Fisheries, Wildlife and Oceans.

On September 21, 1995, the Subcommittee held a hearing on H.R. 1358 and other issues. Congressman Torkildsen; Mr. Allen Peterson, Director, Northeast Fisheries Science Center, NMFS; and Mr. John C. Phillips, Commissioner, Department of Fisheries, Wildlife and Environmental Law Enforcement, Commonwealth of Massachusetts all testified in strong support of the bill.

On September 27, 1995, the Full Resources Committee met to consider H.R. 1358. The Subcommittee on Fisheries, Wildlife and Oceans was discharged from further consideration of the bill. Mr. Torkildsen offered an amendment to strike a provision which directed the Secretary of Commerce to report to Congress on the need for an intergovernmental personnel agreement with the Commonwealth of Massachusetts. This amendment, requested by the Administration, was adopted by voice vote. The bill, as amended, was then ordered favorably reported to the House of Representatives by voice vote.

## SECTION-BY-SECTION ANALYSIS

*Section 1. Conveyance of National Marine Fisheries Service Laboratory at Gloucester, Massachusetts*

Under subsection (a), the Secretary of Commerce shall convey to the Commonwealth of Massachusetts all right, title, and interest to the property comprising the NMFS Laboratory in Gloucester, Massachusetts.

Subsection (b) provides that the Commonwealth of Massachusetts shall assume full responsibility for the maintenance of the property and the Secretary may enter into a Memorandum of Understanding with the Commonwealth to authorize the future use of the existing laboratory space by the NMFS for up to five years after the date of enactment and without conflicting with the needs of the Commonwealth of Massachusetts.

Subsection (c) provides that all right, title, and interest to all property and interests conveyed shall revert to the United States, if the property is used for any purpose other than the Commonwealth of Massachusetts Division of Marine Fisheries Resource Management Program.

Subsection (d) clarifies that amounts provided by the South Essex Sewage District may not be used to transfer existing activity to or conduct activities at the Gloucester Laboratory.

## COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

With respect to the requirements of clause 2(l)(3) of rule XI of the Rules of the House of Representatives, and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

## INFLATIONARY IMPACT STATEMENT

Pursuant to clause 2(l)(4) of rule XI of the Rules of the House of Representatives, the Committee estimates that the enactment of H.R. 1358 will have no significant inflationary impact on prices and costs in the operation of the national economy.

## COST OF THE LEGISLATION

Clause 7(a) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out H.R. 1358. However, clause 7(d) of the Rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974.

## COMPLIANCE WITH HOUSE RULE XI

1. With respect to the requirement of clause 2(l)(3)(B) of rule XI of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, H.R. 1358 does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

2. With respect to the requirement of clause 2(l)(3)(D) of rule XI of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform and Oversight on the subject of H.R. 1358.

3. With respect to the requirement of clause 2(l)(3)(C) of rule XI of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 1358 from the Director of the Congressional Budget Office.

## CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, October 19, 1995.*

Hon. DON YOUNG,  
*Chairman, Committee on Resources, U.S. House of Representatives,  
Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 1358, a bill to require the Secretary of Commerce to convey to the Commonwealth of Massachusetts the National Marine Fisheries Service laboratory located on Emerson Avenue in Gloucester, Massachusetts. H.R. 1358 was ordered reported by the House Committee on Resources on September 27, 1995. The bill would not affect direct spending or receipts. Therefore, pay-as-you-go procedures would not apply.

H.R. 1358 would direct the Secretary of Commerce to convey, without reimbursement, the Gloucester laboratory to Massachusetts, provided that it be used for fisheries management programs. Because the Secretary of Commerce currently plans to close this fa-

cility, we estimate that implementing H.R. 1358 would have no impact on the federal budget.

Transfer of this facility would result in savings for the Commonwealth of Massachusetts. While the state would incur some costs to maintain the Gloucester laboratory, the use of this facility would allow it to avoid the cost of building a new facility for employees of the Massachusetts Division of Fisheries.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Deborah Reis, who can be reached at 226-2860, and Marjorie Miller, who can be reached at 225-3220.

Sincerely,

JUNE E. O'NEILL, *Director.*

CHANGES IN EXISTING LAW

If enacted, H.R. 1358 would make no changes in existing law.

DEPARTMENTAL REPORTS

The Committee received a report on H.R. 1358 from the Department of Commerce on March 30, 1995. No other reports have been received on H.R. 1358.

U.S. DEPARTMENT OF COMMERCE,  
ASSISTANT SECRETARY FOR ADMINISTRATION,  
*Washington, DC, March 30, 1995.*

Hon. DON YOUNG,  
*Chairman, Committee on Resources, House of Representatives,  
Washington, DC.*

DEAR MR. CHAIRMAN: I wish to notify you of the Department of Commerce's proposal to transfer the National Oceanic and Atmospheric Administration (NOAA) National Marine Fisheries Service (NMFS) laboratory at Gloucester, Massachusetts to the State of Massachusetts Division of Marine Fisheries. The Gloucester Laboratory will remain open under State direction once the transfer occurs.

One of the initial steps in the transfer of the facility is to reassign Gloucester Laboratory employees (except those on temporary appointments) to positions elsewhere in the Northeast Region. We anticipate that 13 employees will be transferred with the remaining accepting buy-outs. Most of the Gloucester staff will be relocated to a new NMFS facility, the James J. Howard Laboratory at Sandy Hook, New Jersey, which was dedicated in late 1993. This facility is extremely well equipped and is available to address critical issues in the Northeast Region. The NMFS Northeast Regional Office in Gloucester will not be affected by this change.

The transfer of the Gloucester facility has been under consideration for a number of years and was included in NOAA's Authorization bill last year. NOAA will continue to work with the Committees to achieve the transfer of the laboratory to the state of Massachusetts later this year.

6

I am available to answer any questions you may have regarding this proposal. Thank you for your continued interest in and support of the program of NOAA and the Department of Commerce.  
Sincerely,

THOMAS R. BLOOM.

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