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106TH CONGRESS, 2d Session | HOUSE OF REPRESENTATIVES | REPT. 106–987, Part 1

MARINE RESEARCH AND RELATED ENVIRONMENTAL RESEARCH AND DEVELOPMENT PROGRAMS AUTHORIZATION ACT OF 1999

OCTOBER 18, 2000.—Ordered to be printed

Mr. SENSENBRENNER, from the Committee on Science, submitted the following

R E P O R T

together with

SUPPLEMENTAL VIEWS

[To accompany H.R. 1552]

[Including cost estimate of the Congressional Budget Office]

The Committee on Science, to whom was referred the bill (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, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

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The amendment is as follows:

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Marine Research and Related Environmental Research and Development Programs Authorization Act of 1999".

SEC. 2. DEFINITIONS.

For purposes of this Act, the term—

(1) "Administrator" means the Administrator of the National Oceanic and Atmospheric Administration;

(2) "Director" means the Director of the National Science Foundation; and

(3) "Secretary" means the Secretary of Commerce.

SEC. 3. NATIONAL OCEAN SERVICE.

(a) OPERATIONS, RESEARCH, AND FACILITIES.—There are authorized to be appropriated to the Secretary to enable the National Oceanic and Atmospheric Administration to carry out the Operations, Research, and Facilities marine research and related environmental research and development activities of the National Ocean Service $200,343,000 for fiscal year 2000 and $200,343,000 for fiscal year 2001, to remain available until expended.

(b) NAVIGATION SERVICES.—Of the amounts authorized under subsection (a), $82,967,000 for fiscal year 2000 and $82,967,000 for fiscal year 2001 shall be for Navigation Services, of which—

(1) $33,335,000 for fiscal year 2000 and $33,335,000 for fiscal year 2001 shall be for Mapping and Charting;

(2) $14,900,000 for fiscal year 2000 and $14,900,000 for fiscal year 2001 shall be for Hydrographic Survey Backlog;

(3) $19,849,000 for fiscal year 2000 and $19,849,000 for fiscal year 2001 shall be for Geodesy; and

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

(c) OCEAN RESOURCES AND CONSERVATION ASSESSMENT.—Of the amounts authorized under subsection (a), $99,650,000 for fiscal year 2000 and $99,650,000 for fiscal year 2001 shall be for Ocean Resources and Conservation Assessment, of which—

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

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

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

(4) $18,884,000 for fiscal year 2000 and $18,884,000 for fiscal year 2001 shall be for Response and Restoration; and

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

(d) ACQUISITION OF DATA.—Of the amounts authorized under subsection (a), $17,726,000 for fiscal year 2000 and $17,726,000 for fiscal year 2001 shall be for Acquisition of Data.

SEC. 4. OCEANIC AND ATMOSPHERIC RESEARCH.

(a) OPERATIONS, RESEARCH, AND FACILITIES.—There are authorized to be appropriated to the Secretary to enable the National Oceanic and Atmospheric Administration to carry out the Operations, Research, and Facilities marine research and related environmental research and development activities of the Office of Oceanic and Atmospheric Research $44,320,000 for fiscal year 2000 and $44,320,000 for fiscal year 2001, to remain available until expended.

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

(c) NURP.—Of the amounts authorized under subsection (a), $9,000,000 for fiscal year 2000 and $9,000,000 for fiscal year 2001 shall be for the National Oceanic and Atmospheric Administration Undersea Research Program (NURP).

(d) ACQUISITION OF DATA.—Of the amounts authorized under subsection (a), $13,020,000 for fiscal year 2000 and $13,020,000 for fiscal year 2001 shall be for Acquisition of Data.

SEC. 5. PROGRAM SUPPORT.

(a) OPERATIONS, RESEARCH, AND FACILITIES.—There are authorized to be appropriated to the Secretary to enable the National Oceanic and Atmospheric Administration to carry out the Operations, Research, and Facilities marine research and related environmental research and development activities of Program Support $63,769,000 for fiscal year 2000 and $63,769,000 for fiscal year 2001, to remain available until expended.

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

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

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

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

(4) $1,000,000 for fiscal year 2000 and $1,000,000 for fiscal year 2001 shall be for Historically Black Colleges and Universities.

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

(d) INDEPENDENT AUDIT OF AIRCRAFT SERVICES.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary shall, using available funds, enter into appropriate arrangements with an independent external auditor capable of providing an audit to determine whether outsourcing of aircraft services is a more cost-effective alternative to in-house operation of aircraft in meeting the National Oceanic and Atmospheric Administration's aircraft requirements of the conduct of marine and atmospheric research and related environmental research and development activities, and for other data and mission needs.

(2) AUDITING PROCEDURES.—

(A) IN GENERAL.—The audit under paragraph (1) shall be conducted in accordance with generally accepted government auditing standards.

(B) ACCESS TO INFORMATION.—The Secretary shall provide the independent external auditor the information such auditor requires to conduct the audit under paragraph (1). The independent external auditor may inspect any records of and have access to personnel of the National Oceanic and Atmospheric Administration to obtain such information.

(3) REPORT OF THE RESULTS OF THE AUDIT.—Not later than 180 days after the initiation of the audit required by this subsection, the independent external auditor shall submit a report concerning the results of the audit to the Committee on Science of the House of Representatives and the Committee on Science, Commerce, and Transportation of the Senate.

SEC. 6. FACILITIES.

(a) OPERATIONS, RESEARCH, AND FACILITIES.—There are authorized to be appropriated to the Secretary to enable the National Oceanic and Atmospheric Administration to carry out the Operations, Research, and Facilities marine research and related environmental research and development activities required to carry out Facilities Maintenance and Repairs and Environmental Compliance $5,717,000 for fiscal year 2000 and $5,717,000 for fiscal year 2001, to remain available until expended.

(b) FACILITIES MAINTENANCE AND REPAIRS.—Of the amounts authorized under subsection (a), $1,818,000 for fiscal year 2000 and $1,818,000 for fiscal year 2001 shall be for Facilities Maintenance and Repairs.

(c) ENVIRONMENTAL COMPLIANCE.—Of the amounts authorized under subsection (a), $3,899,000 for fiscal year 2000 and $3,899,000 for fiscal year 2001 shall be for Facilities Environmental Compliance.

SEC. 7. FLEET MAINTENANCE, PLANNING AND REPLACEMENT.

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

(b) FLEET REPLACEMENT.—There are authorized to be appropriated to the National Science Foundation $50,000,000 for fiscal year 2000 and $50,000,000 for fiscal year 2001, to remain available until expended, to meet the marine research and related environmental research and development data requirements of the National Oceanic and Atmospheric Administration set forth in the "NOAA Fisheries Data Acquisition Plan", dated September 1998, and that could also help meet the Nation's marine research and related environmental research and development needs. The National Science Foundation, in consultation with the Department of the Navy, the University-National Oceanic Laboratory System, academia, the National Oceanic and Atmospheric Administration, the private sector, and any other parties it considers appropriate, shall develop a strategy for meeting such requirements and other Federal marine research and related environmental research and development requirements, using funds appropriated under this subsection and at the lowest possible cost. The National Science Foundation shall consider all options, including various methods of acquiring vessel services, remote sensing, and any other possible means.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Director of the National Science Foundation shall submit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report detailing the strategy developed pursuant to subsection (b) and a plan for implementing such strategy. The Director shall include in such report an analysis of the extent to which funds authorized by subsection (b) will be sufficient to implement such strategy.

(d) NOTIFICATION REQUIREMENT FOR REDUCTION IN AUTHORIZED NUMBER OF NOAA CORPS COMMISSIONED OFFICERS.—Section 2(a)(3) of the Coast and Geodetic Survey Commissioned Officers' Act of 1948 (33 U.S.C. 853a(a)(3)) is amended by inserting "and the Committee on Science" after "Committee on Resources".

SEC. 8. MARINE SERVICES.

(a) SERVICE CONTRACTS.—Notwithstanding any other provision of law and subject to the availability of appropriations, the Secretary shall enter into contracts, including multiyear contracts, subject to subsection (c), for the use of vessels to conduct marine research and related environmental research and development activities, monitoring, enforcement, and management, and to acquire other data necessary to carry out the missions of the National Oceanic and Atmospheric Administration. The Secretary shall enter into these contracts unless—

(1) the cost of the contract is more than the cost (including the cost of vessel operation, maintenance, and all personnel) to the National Oceanic and Atmospheric Administration of obtaining those services on vessels of the National Oceanic and Atmospheric Administration;

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

(3) the data are acquired through a vessel agreement pursuant to subsection (d).

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

(c) MULTIYEAR CONTRACTS.—

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

(2) REQUIRED FINDINGS.—The Secretary may not enter into a contract pursuant to this subsection unless the Secretary finds with respect to that contract that there is a reasonable expectation that throughout the contemplated contract period the Secretary will request from Congress funding for the contract at the level required to avoid contract termination.

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

(A) a provision under which the obligation of the United States to make payments under the contract for any fiscal year is subject to the availability of appropriations provided in advance for those payments;

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

(C) appropriate provisions under which, in case of any termination of the contract before the end of the term specified pursuant to subparagraph (B), the United States shall only be liable for the lesser of—

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

(ii) amounts that were appropriated before the date of the termination for the performance of the contract or for procurement of the type of acquisition covered by the contract and are unobligated on the date of the termination.

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

SEC. 9. REPEAL.

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

SEC. 10. INTERNET AVAILABILITY OF INFORMATION.

The Administrator shall make available through the Internet home page of the National Oceanic and Atmospheric Administration the abstracts relating to all research grants and awards made with funds authorized by this Act. Nothing in this section shall be construed to require or permit the release of any information prohibited by law or regulation from being released to the public.

SEC. 11. ELIGIBILITY FOR AWARDS.

(a) IN GENERAL.—The Administrator and the Director shall exclude from consideration for grant agreements made after fiscal year 1999 by the National Oceanic and Atmospheric Administration and the National Science Foundation, under the activities for which funds are authorized by this Act, any person who received funds, other than those described in subsection (b), appropriated for a fiscal year after fiscal year 1999, under a grant agreement from any Federal funding source for a project that was not subjected to a competitive, merit-based award process, except as specifically authorized by this Act. Any exclusion from consideration pursuant to this section shall be effective for a period of 5 years after the person receives such Federal funds.

(b) EXCEPTION.—Subsection (a) shall not apply to the receipt of Federal funds by a person due to the membership of that person in a class specified by law for which assistance is awarded to members of the class according to a formula provided by law.

(c) DEFINITION.—For purposes of this section, the term "grant agreement" means a legal instrument whose principal purpose is to transfer a thing of value to the recipient to carry out a public purpose of support or stimulation authorized by a law of the United States, and does not include the acquisition (by purchase, lease, or barter) of property or services for the direct benefit or use of the United States Government. Such term does not include a cooperative agreement (as such term is used in section 6305 of title 31, United States Code) or a cooperative research and development agreement (as such term is defined in section 12(d)(1) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)(1))).

II. PURPOSE OF THE BILL

The purpose of H.R. 1552 is to authorize appropriations for fiscal years (FYs) 2000 and 2001 for the marine research and related environmental research and development (R&D) program activities of the National Oceanic and Atmospheric Administration (NOAA) and the National Science Foundation (NSF).

III. BACKGROUND AND NEED FOR THE LEGISLATION

NOAA was created on October 3, 1970, by President Nixon's Reorganization Plan No. 4 of 1970 to consolidate many of the Nation's civil programs related to the oceans and atmosphere. NOAA's stated mission is "to describe and predict changes in the Earth's environment, and to conserve and manage the Nation's coastal and marine resources to ensure sustainable economic opportunities."

The NOAA programs for which the Committee on Science has sole jurisdiction include the National Weather Service, the National Environmental Satellite, Data and Information Service, and the NOAA Office of Oceanic and Atmospheric Research (OAR) Climate and Atmospheric programs. In addition, the Subcommittee has jurisdiction over the associated line accounts for the aforementioned programs under the Facilities and Construction accounts. The Committee on Science also shares jurisdiction (with the Committee on Resources) over the National Ocean Service (NOS) of-

fice's Navigation Services, Ocean Resources and Conservation Assessment, and Acquisition of Data programs; OAR's Ocean and Great Lakes, National Undersea Research, and Sea Grant Programs; Program Support; associated Facilities; and Fleet Maintenance, Planning, and Replacement.

Since its creation NOAA has obtained most of its program funding through direct appropriation without annual legislative authorization. In the 98th Congress, legislation authorizing NOAA activities for fiscal year (FY) 1984, S. 1097 has vetoed on October 19, 1984. In the 99th Congress, the Consolidated Omnibus Budget Reconciliation Act of 1986 (Public Law (P.L.) 99–272) authorized various NOAA activities, including nautical and aeronautical chart programs, marine research and monitoring, ocean pollution research, and weather modification research. During the 100th Congress, provisions authorizing FY 1989 appropriations for NOAA's satellite, atmospheric, and weather programs (previously approved by the House of Representatives and the Senate as S. 1667) were included in Title IV of S. 2209, the National Aeronautics and Space Administration Authorization Act for FY 1989, which was signed into law on November 17, 1988 (P.L. 100–685).

During the 102nd Congress, the first comprehensive NOAA authorization bill was approved and signed into law, the National Oceanic and Atmospheric Administration Authorization Act of 1992 (P.L. 102–567). With three exceptions, P.L. 102–567 only authorized funding for fiscal years (FYs) 1992 and 1993. These exceptions include portions of the Next Generation Weather Radar (NEXRAD) program and the Geostationary Operational Environmental Satellites I, J, K, L, and M (GOES I–M), which are authorized to completion. No comprehensive NOAA authorization bills have been signed into law since the 102nd Congress.

In the 104th Congress, a one-year NOAA authorization bill (H.R. 3322), which focused on NOAA's weather, satellite, and atmospheric programs, passed the House but was not acted on in the Senate. And in the 105th Congress, a two-year authorization bill (H.R. 1278) was reported by the Committee on Science and the Committee on Resources, but was not acted on by the House.

The National Science Foundation Act of 1950 authorizes and directs the NSF to initiate and support basic research and programs to strengthen research potential and education at all levels in the sciences and engineering. The Act reinforces that basic research and education have traditionally constituted the heart of the NSF's mission. P.L. 105–207 authorized appropriations for the NSF for FY 1998, FY 1999, and FY 2000.

IV. Summary of Hearings

The Subcommittee on Energy and Environment of the Committee on Science held hearings on February 24, 1999 and April 15, 1999, to hear testimony on the Administration's FY 2000 budget request for NOAA.

Appearing as witnesses before the Subcommittee hearing on February 24, 1999, titled "Fiscal year 2000 Budget Authorization Request: National Oceanic and Atmospheric Administration," were Dr. D. James Baker, Under Secretary for Oceans and Atmosphere, U.S. Department of Commerce, and Administrator, NOAA; Mr. Joel C. Willemssen, Director, Civil Agencies Information Systems, Ac-

counting and Information Management Division, U.S. General Accounting (GAO), accompanied by Mr. L. Nye Stevens, Director, Federal Management and Workforce Issues, General Government Division, GAO; and Dr. Richard A. Anthes, Chair, National Research Council National Weather Service Modernization Committee, and President, University Corporation for Atmospheric Research, Boulder, Colorado.

With respect to items authorized in this legislation, Dr. Baker testified that NOAA's FY 2000 request is for $2.6 billion in total budget authority, which includes $2.5 billion in discretionary budget authority. This request collectively represents a 12.9% increase over the total budget authority appropriated for FY 1999, and Dr. Baker highlighted the following items relevant to the programs authorized in this bill:

- Includes funding to address NOAA's data acquisition needs by providing for the first of four new Fisheries Research Vessels (FRVs) and to increase the number of days-at-sea for University-National Oceanographic Laboratory System (UNOLS) ship time for critical data collection needs;
- Recurring lease and/or operations costs at a number of NOAA facilities coming on-line in FY 1999 and FY 2000, including the David Skaggs Research Center in Boulder, Colorado. At the same time funds are requested to complete the planning and design of a new state-of-the-art NMFS research facility near Juneau, Alaska;
- FY 2000 pay raise for the Line Offices;
- Reflects the Administration's intent to restructure and maintain the NOAA Corps and includes payments of retirement benefits for Commissioned Officers as mandatory funding;
- Includes $1.0 million to establish educational training relationships through a joint partnership with a consortium of Historically Black Colleges and Universities (HBCU); and
- Provides funds to accelerate the implementation of the Commerce Administrative Management System (CAMS).

Mr. Willemssen's testimony, among other things, addressed the most cost-effective alternatives for acquiring NOAA's marine data. GAO findings included the following:

- In the NOAA fleet area, continuing congressional oversight of NOAA's budget requests for replacement or upgraded ships is needed to ensure that NOAA is pursuing the most cost-effective alternatives for acquiring marine data.

Appearing as witnesses before the Subcommittee hearing on April 15, 1999, titled "Fiscal year 2000 Budget Authorization Request: NOAA Fleet Maintenance and Planning, Aircraft Services, and NOAA Corps," were Mr. Bob J. Taylor, Acting Deputy Director, Office of NOAA Corps Operations; accompanied by Dr. Andrew A. Rosenberg, Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service (NMFS) and Dr. Michael P. Sissenwine, Science and Research Director, NOAA Fisheries Northeast Fisheries Science Center, Woods Hole, Massachusetts; Mr. George E. Ross, Assistant Inspector General for Auditing, U.S. Department of Commerce; Dr. Craig E. Dorman, Senior Scientist, Applied Research Laboratory, Pennsylvania State University, College Station, Pennsylvania, and Special Assistant to the Executive Director and

Technical Director, Office of Naval Research; and Dr. Robert A. Knox, Chair, University-National Laboratory Oceanographic System, and Research Oceanographer and Associate Director, Scripps Institution of Oceanography, University of California, San Diego.

Mr. Taylor's testimony addressed NOAA's FY 2000 budget request for Fleet Maintenance and Planning, Aircraft Services, NOAA Corps, and included the following:

• Many of NOAA's ships, while serviceable, are well over 30 years of age and must be replaced.

• In addition to the $51.6 million, NOAA hopes to spend a total of $184.6 million for four new replacement ships over the 5-year period ending in FY 2004—$51.6 million in 2000, $51.0 million in 2001, $39.8 million in 2002, $40.2 million in 2003, and $2.1 million in 2004.

• NOAA is requesting $350,000 for aircraft services to support a second flight crew on NOAA's Gulfstream–IV high altitude hurricane reconnaissance jet.

• NOAA Corps had been downsized from 400 officers in 1995 to about 240 officers presently and has made strides in increasing the amount of outsourcing.

• The Administration has changed its position on the need to downsize the NOAA Corps in response to P.L. 105–384.

• NOAA is currently beginning to work on a national plan for conducting marine fisheries research which includes academic and private sector input.

• Because any new ships built would simply be for replacement purposes, there will still be an increased need for chartering.

Mr. Ross discussed NOAA's need to expand private sector participation in order to more efficiently and cost-effectively utilize its resources. Mr. Ross also discussed the following findings and recommendations by the Inspector General's (IG) office:

• NOAA must identify and thoroughly assess alternative approaches to relying on its own vessels.

• NOAA could outsource many areas of fishery research to academia, the private sector, and other government ship operators. This would allow NOAA to change its focus from designing, owning, and operating ships to a more research-oriented direction.

• The aircraft services cost 42 percent more than similarly chartered aircraft from the private sector and therefore NOAA must privatize this operation. Factors contributing to this cost include: (1) NOAA's overhead structure; (2) low level of aircraft utilization; (3) rising operation costs due to the age of the aircraft; and (4) high training costs due to the periodic rotation of pilots.

• NOAA Corps needs to be downsized in order to achieve significant cost savings and management efficiencies. As such, the IG recommends no more than 70 officer positions should be allocated to ship- and aircraft-related activities.

Dr. Dorman presented reports he had submitted in 1998 to the NOAA Administrator, Dr. D. James Baker, and to the Office of Management and Budget that included many observations and recommendations concerning the fisheries research programs:

• A national plan must be devised in order to achieve maximum efficiency out of any new fisheries research vessel (FRV) that may be constructed.

• Two actions are required to justify the cost of any new vessel built, including: (1) the use of advanced acoustics technology and (2) an attitude change by NOAA to consider the FRVs as a national asset and not a replacement vehicle solely dedicated to the National Marine Fisheries Service.

• Any such plan, and subsequent FRV, must be done in conjunction with other federal agencies, private interests, and academic communities.

• There is a need to reintegrate fisheries oceanography mandates operated as part of the national research fleet, preferably at the university level. NOAA Corps is not needed for this task.

• In a very few years, virtually all hydrographic survey in U.S. waters can be done by industries, and as such, Dr. Dorman recommends that NOAA's fleet of the future should number half a dozen ships or less.

• A new FRV should be expected to operate for over 300 days a year.

Dr. Knox testified on the status of UNOLS operations and their ability to work with NOAA on a wide range of projects:

• The UNOLS fleet is a very modern and highly capable fleet capable of taking on many of the tasks required by NOAA's National Marine Fisheries Service (NMFS) in addition to its academic research support function.

• A closer cooperation between UNOLS and NMFS would benefit both the academic community and the taxpayers by ensuring efficient use of resources for research projects and decreasing risk of using federal funds for repairs and replacements that are not warranted.

• There is a need for a long-range ship renewal plan that treats UNOLS, NOAA, and other U.S. research vessel fleets comprehensively.

V. Committee Actions

As summarized above, the Subcommittee on Energy and Environment of the Committee on Science heard testimony relevant to the programs in authorized in H.R. 1552 at hearings held on February 24, 1999 and April 15, 1999.

On April 26, 1999, Mr. Ken Calvert, Chairman of the Subcommittee on Energy and Environment introduced H.R. 1552, the Marine Research and Related Environmental Research and Development Programs Authorization Act of 1999, to authorize appropriations for FYs 2000 and 2001 for the marine research and related environmental R&D of NOAA and NSF, and for other purposes.

The Committee on Science met to consider H.R. 1552 on Thursday, April 29, 1999, and entertained the following amendments and report language.

Amendment 1.—Mr. Calvert, Chairman of the Science Committee's Subcommittee on Energy and Environment, offered a manager's amendment making technical and conforming changes. The amendment was adopted by voice vote.

Amendment 2.—Mr. Ehlers offered an amendment on behalf of himself and Ms. Rivers that provides an additional $1,000,000 authorization—for a total of $7,085,000—in each of FYs 2000 and 2001 for the Great Lakes Environmental Research Laboratory, and

simultaneously reduces the authorization of the Response and Restoration line item by $1,000,000 for each of FYs 2000 and 2001—for a total of $18,884,000. The amendment was adopted by voice vote.

Amendment 3.—Mr. Udall offered an amendment that would authorize an additional $10,118,000 in each of FYs 2000 and 2001 for ORF Program Support, including: (1) an additional $373,000 in each of FYs 2000 and 2001 for Executive Direction and Administration; (2) $12,000 in each of FYs 2000 and 2001 for the Systems Acquisition Office; and (3) $9,733,000 in each of FYs 2000 and 2001 for Central Administrative Support. The amendment was rejected by a recorded vote of 16 ayes to 20 noes.

Amendment 4.—Mr. Green offered an amendment that requires the NSF Director to include in the report she is required to submit to the Committee an analysis of the sufficiency of the funds authorized in the bill. The amendment was adopted by voice vote.

Amendment 5.—Ms. Woolsey offered an amendment to strike subsection 8(b), which prohibits the Secretary from entering into any contract under this section for the construction, lease-purchase, upgrade, or service life extension of any vessel. The amendment was rejected by voice vote.

Amendment 6.—Mr. Kuykendall offered an amendment requiring the NOAA Administrator to make available through NOAA's Internet home page abstracts relating to all research grants and awards made with funds authorized by this Act, with the proviso that nothing in the amendment shall be construed to require or permit the release of any information prohibited by law or regulation from being released to the public. The amendment was adopted by voice vote.

Amendment 7.—Mr. Costello offered an amendment providing a 3-percent increase above the levels authorized for FY 2000 for all ORF accounts in the bill. The amendment was rejected by a vote of 17 ayes to 21 noes.

With a quorum present, Mr. Costello moved that the Committee favorably report the bill, H.R. 1552, as amended, to the House with the recommendation that the bill as amended do pass, that the staff be instructed to prepare the legislative report and make necessary technical and conforming changes, and that the Chairman take all necessary steps to bring the bill before the House for consideration. The motion was approved by voice vote.

Mr. Sensenbrenner asked and received unanimous consent that: (1) the bill be reported in the form of a single amendment in the nature of a substitute reflecting amendments adopted today; (2) that pursuant to clause 1 of rule XXII of the Rules of the House of Representatives, the Chairman may offer such motions as may be necessary in the House to go to conference with the Senate on H.R. 1552 or a similar Senate bill; and (3) Members have two subsequent calendar days in which to submit supplemental, minority or additional views on the measure.

VI. Summary of Major Provisions of the Bill

As shown in Table 1, H.R. 1552 authorizes a total of $373,392,000 for each of FYs 2000 and 2001 for the NOAA and NSF, including: (1) $323,392,000 for each of FYs 2000 and 2001 for NOAA's National Ocean Service (NOS), NOAA's Office of Oceanic

and Atmospheric Research (OAR), Program Support, Facilities, and Fleet Maintenance, Planning and Replacement; and (2) $50,000,000 for each of FYs 2000 and 2001 for NSF for Fleet Maintenance, Planning and Replacement. For FY 2000 and for FY 2001, this represents an increase of $50.425 million, or 15.6 percent, above the FY 1999 appropriated level. Specific NOAA authorizations include: (1) $200,343,000 for each of FYs 2000 and 2001 for NOS; (2) $44,320,000 for each of FYs 2000 and 2001 for OAR; (3) $63,769,000 for each of FYs 2000 and 2001 for Program Support; (4) $5,717,000 for each of FYs 2000 and 2001 for Facilities; and (5) $9,243,000 for each of FYs 2000 and 2001 for Fleet Maintenance, Planning and Replacement. A detailed breakdown of the authorizations contained in the bill is contained in Table 2.

Excluded from the bill is NOAA's Sea Grant College Program, which is authorized at $65,800,000 for FY 1999 and $66,800,000 for FY 2001 under separate authorization legislation (P.L. 105–160).

Other provisions of the bill include the following:

- Requires an independent audit to determine whether outsourcing of aircraft services is a more cost-effective alternative to in-house operation of aircraft in meeting NOAA's aircraft requirements;
- Requires the Secretary of Commerce to enter into contracts, including multiyear contracts to conduct marine research and related environmental R&D, and to use excess capacity of University-National Oceanographic Laboratory System (UNOLS) vessels where appropriate;
- Repeals the NOAA Fleet Modernization Act;
- Excludes from consideration for grant agreements, for a period of five years, any person who received funding for a project not subject to a competitive, merit-based award process; and
- Requires NOAA to make available through the Internet the abstracts relating to all research grants and awards made with funds authorized by the bill.

Table 1. H.R. 1552—Marine Research and Related Environmental Research and Development Programs Authorization Act of 1999: Summary (Dollars in Thousands)

Agency/Program/Activity	FY 1999 Appropriation	FY 2000 Request	FY 2000 Recommendation	FY 2000 Recommendation Compared With (+ or -) FY 1999 Appropriation	FY 2001 Recommendation	FY 2001 Recommendation Compared With (+ or -) FY 2000 Recommendation
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA)						
National Ocean Service	177,257	200,343	200,343	+23,086	200,343	0
Office of Oceanic and Atmospheric Research (OAR) Budget Authority	118,560	95,820	110,120	-8,440	111,120	+1,000
Less Sea Grant ORF Authorization (P.L. 105-160 and P.L. 105-277)	-57,500	-51,500	-65,800	-8,300	-66,800	-1,000
OAR Budget Authorization	61,060	44,320	44,320	-16,740	44,320	0
Program Support	69,250	73,887	63,769	-5,481	63,769	0
Facilities	3,800	5,717	5,717	+1,917	5,717	0
Fleet Maintenance, Planning and Replacement	11,600	60,810	9,243	-2,357	9,243	0
Total, NOAA Budget Authority	**380,467**	**436,577**	**389,192**	**+8,725**	**390,192**	**+1,000**
Total, NOAA Budget Authorization	**322,967**	**385,077**	**323,392**	**+425**	**323,392**	**0**
NATIONAL SCIENCE FOUNDATION (NSF)						
Fleet Maintenance, Planning and Replacement	0	0	50,000	+50,000	50,000	0
Total, NSF Budget Authorization	**0**	**0**	**50,000**	**+50,000**	**50,000**	**0**
Total, H.R. 1552 Budget Authority	**380,467**	**436,577**	**439,192**	**+58,725**	**440,192**	**+1,000**
Total, H.R. 1552 Budget Authorization	**322,967**	**385,077**	**373,392**	**+50,425**	**373,392**	**0**

Table 2. H.R. 1552—Marine Research and Related Environmental Research and Development Programs Authorization Act of 1999
(Dollars in Thousands)

Agency/Program/Activity/Appropriation Account	FY 1999 Appropriation	FY 2000 Request	FY 2000 Recommendation	FY 2000 Recommendation Compared With (+ or -) FY 1999 Appropriation	FY 2001 Recommendation	FY 2001 Recommendation Compared With (+ or -) FY 2000 Recommendation
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA)						
NATIONAL OCEAN SERVICE (NOS)						
Operations, Research and Facilities (ORF) Appropriation						
Navigation Services						
Mapping and Charting	34,260	33,335	33,335	-925	33,335	0
Hydrographic Survey Backlog	14,000	14,900	14,900	+900	14,900	0
Geodesy	19,659	19,849	19,849	+190	19,849	0
Tide and Current Data	12,000	14,883	14,883	+2,883	14,883	0
Total, Navigation Services	79,919	82,967	82,967	+3,048	82,967	0
Ocean Resources and Conservation Assessment						
Estuarine and Coastal Assessment						
Oceanic and Coastal Research	7,410	7,970	7,970	+560	7,970	0
Great Lakes Environmental Research Laboratory	0	6,085	7,085	+7,085	7,085	0
Ocean Assessment Program	42,611	46,281	46,281	+3,670	46,281	0
Response and Restoration	8,774	18,884	18,884	+10,110	18,884	0
Transfer from Damage Assessment Fund	5,597	0	0	-5,597	0	0
Total, Estuarine and Coastal Assessment	64,392	80,220	80,220	+15,828	80,220	0
Coastal Ocean Science						0
Coastal Ocean Program (COP)	18,400	19,430	19,430	+1,030	19,430	0
Subtotal	18,400	19,430	19,430	+1,030	19,430	0
						0
Total, Ocean Resources and Conservation Assessment	82,792	99,650	99,650	+16,858	99,650	0

Table 2. H.R. 1552—Marine Research and Related Environmental Research and Development Programs Authorization Act of 1999
(Dollars in Thousands)

Agency/Program/Activity/Appropriation Account	FY 1999 Appropriation	FY 2000 Request	FY 2000 Recommendation	FY 2000 Recommendation Compared With (+ or -) FY 1999 Appropriation	FY 2001 Recommendation	FY 2001 Recommendation Compared With (+ or -) FY 2000 Recommendation
Acquisition of Data	14,546	17,726	17,726	+3,180	17,726	0
Total, NOS ORF Budget Authority/Authorization	***177,257***	***200,343***	***200,343***	***+23,086***	***200,343***	***0***
OCEANIC AND ATMOSPHERIC RESEARCH (OAR)						
Operations, Research and Facilities (ORF) Appropriation						
Ocean and Great Lakes Programs						
Marine Environmental Research	26,801	22,300	22,300	-4,501	22,300	0
Great Lakes Environmental Research Laboratory	6,825	0	0	-6,825	0	0
Subtotal	33,626	22,300	22,300	-11,326	22,300	0
Sea Grant						
Sea Grant College Program (P.L. 105-160 and P.L. 105-277)	57,500	51,500	65,800	+8,300	66,800	+1,000
Subtotal	57,500	51,500	65,800	+8,300	66,800	+1,000
Undersea Research Program						
NOAA Undersea Research Program	14,550	9,000	9,000	-5,550	9,000	0
Subtotal	14,550	9,000	9,000	-5,550	9,000	0
Total, Ocean and Great Lakes Program Budget Authority	105,676	82,800	97,100	-8,576	98,100	+1,000
Less Sea Grant College Program Budget Authority/ Authorization (P.L. 105-160 and P.L. 105-277)	-57,500	-51,500	-65,800	-8,300	-66,800	-1,000
Total, Ocean and Great Lakes Program Budget Authorization	48,176	31,300	31,300	-16,876	31,300	0

Table 2. H.R. 1552—Marine Research and Related Environmental Research and Development Programs Authorization Act of 1999
(Dollars in Thousands)

Agency/Program/Activity/Appropriation Account	FY 1999 Appropriation	FY 2000 Request	FY 2000 Recommendation	FY 2000 Recommendation Compared With (+ or -) FY 1999 Appropriation	FY 2001 Recommendation	FY 2001 Recommendation Compared With (+ or -) FY 2000 Recommendation
Acquisition of Data	12,884	13,020	13,020	+136	13,020	0
Total, OAR ORF Budget Authority	**118,560**	**95,820**	**110,120**	**-8,440**	**111,120**	**+1,000**
Total, OAR ORF Budget Authorization	**61,060**	**44,320**	**44,320**	**-16,740**	**44,320**	**0**
PROGRAM SUPPORT (PS)						
Operations, Research and Facilities (ORF) Appropriation						
Administration and Services						
Executive Direction and Administration	19,200	19,573	19,200	0	19,200	0
Systems Acquisition Office	700	712	700	0	700	0
Subtotal	19,900	20,285	19,900	0	19,900	0
Central Administrative Support	31,850	41,583	31,850	0	31,850	0
HBCU	0	1,000	1,000	+1,000	1,000	0
Subtotal	31,850	42,583	32,850	+1,000	32,850	0
Retired Pay Commissioned Officers (To Mandatory in FY 2000)	7,000	0	0	-7,000	0	0
Total, Administration and Services	58,750	62,868	52,750	-6,000	52,750	0
Aircraft Services	10,500	11,019	11,019	+519	11,019	0
Total, PS ORF Budget Authority/Authorization	***69,250***	***73,887***	***63,769***	***-5,481***	***63,769***	***0***

Table 2. H.R. 1552—Marine Research and Related Environmental Research and Development Programs Authorization Act of 1999
(Dollars in Thousands)

Agency/Program/Activity/Appropriation Account	FY 1999 Appropriation	FY 2000 Request	FY 2000 Recommendation	FY 2000 Recommendation Compared With (+ or -) FY 1999 Appropriation	FY 2001 Recommendation	FY 2001 Recommendation Compared With (+ or -) FY 2000 Recommendation
FACILITIES						
Operations, Research and Facilities (ORF) Appropriation						
NOAA Maintenance and Repairs	1,800	1,818	1,818	+18	1,818	0
Environmental Compliance	2,000	3,899	3,899	+1,899	3,899	0
Total, FACILITIES ORF Budget Authority/Authorization	***3,800***	***5,717***	***5,717***	***+1,917***	***5,717***	***0***
FLEET MAINTENANCE, PLANNING AND REPLACEMENT						
Fleet Maintenance and Planning (ORF Budget Authority)	11,600	9,243	9,243	-2,357	9,243	0
Fleet Replacement (PAC Budget Authority)	0	51,567	0	0	0	0
Total, FLEET MAINTENANCE, PLANNING AND REPLACEMENT Budget Authority/Authorization	**11,600**	**60,810**	**9,243**	**-2,357**	**9,243**	**0**
TOTAL, NOAA ORF Budget Authority	380,467	385,010	389,192	+8,725	390,192	+1,000
TOTAL, NOAA ORF Budget Authorization	322,967	333,510	323,392	+425	323,392	0
TOTAL, NOAA PAC Budget Authority/Authorization	0	51,567	0	0	0	0
TOTAL, NOAA Budget Authority	**380,467**	**436,577**	**389,192**	**+8,725**	**390,192**	**+1,000**
TOTAL, NOAA Budget Authorization	**322,967**	**385,077**	**323,392**	**+425**	**323,392**	**0**

Table 2. H.R. 1552—Marine Research and Related Environmental Research and Development Programs Authorization Act of 1999 (Dollars in Thousands)

Agency/Program/Activity/Appropriation Account	FY 1999 Appropriation	FY 2000 Request	FY 2000 Recommendation	FY 2000 Recommendation Compared With (+ or -) FY 1999 Appropriation	FY 2001 Recommendation	FY 2001 Recommendation Compared With (+ or -) FY 2000 Recommendation
NATIONAL SCIENCE FOUNDATION (NSF)						
Fleet Maintenance, Planning and Replacement	0	0	50,000	+50,000	50,000	0
Total, NSF Budget Authority/Authorization	**0**	**0**	**50,000**	**+50,000**	**50,000**	**0**
Total, H.R. 1552 Budget Authority	**380,467**	**436,577**	**439,192**	**+58,725**	**440,192**	**+1,000**
Total, H.R. 1552 Budget Authorization	**322,967**	**385,077**	**373,392**	**+50,425**	**373,392**	**0**

VII. Section-by-Section Analysis and Committee Views

Section 1. Short title

Section 1 cites the Act as the "Marine Research and Related Environmental Research and Development Programs Authorization Act of 1999."

Section 2. Definitions

Section 2 defines: (1) the "Administrator" as the Administrator of the NOAA; (2) the "Secretary" as the Secretary of Commerce; and (3) the "Director" as the Director of the NSF.

Section 3. National Ocean Service

Subsection 3(a) authorizes $200,343,000 for each of FYs 2000 and 2001, to remain available until expended, to carry out the Operations, Research, and Facilities (ORF) marine research and related environmental R&D activities of the National Ocean Service (NOS).

Subsection 3(b) provides that of the amounts authorized under subsection 3(a) for NOS ORF marine research and related environmental R&D activities, $82,967,000 for each of FYs 2000 and 2001 shall be for Navigation Services, including—(1) $33,335,000 for each of FYs 2000 and 2001 for Mapping and Charting; (2) $14,900,000 for each of FYs 2000 and 2001 for Hydrographic Survey Backlog; (3) $19,849,000 for each of FYs 2000 and 2001 for Geodesy; and (4) $14,883,000 for each of FYs 2000 and 2001 for Tide and Current Data.

Subsection 3(c) provides that of the amounts authorized under subsection 3(a) for NOS ORF marine research and related environmental R&D activities, $99,650,000 for each of FYs 2000 and 2001 shall be for Ocean Resources and Conservation Assessment, including—(1) $7,970,000 for each of FYs 2000 and 2001 for Oceanic and Coastal Research; (2) $7,085,000 for each of FYs 2000 and 2001 for the Great Lakes Environmental Research Laboratory; (3) $46,281,000 for each of FYs 2000 and 2001 for the Ocean Assessment Program; (4) $18,884,000 for each of FYs 2000 and 2001 for Response and Restoration; and (5) $19,430,000 for each of FYs 2000 and 2001 for the Coastal Ocean Program.

And Subsection 3(d) provides that of the amounts authorized under subsection 3(a) for NOS ORF marine research and related environmental R&D activities, $17,726,000 for each of FYs 2000 and 2001 shall be for Acquisition of Data.

Section 4. Oceanic and Atmospheric Research

Subsection 4(a) authorizes $44,320,000 for each of FYs 2000 and 2001, to remain available until expended, to carry out the ORF marine research and related environmental R&D activities of the Office of Oceanic and Atmospheric Research (OAR).

Subsection 4(b) provides that of the amounts authorized under subsection 4(a) for OAR ORF marine research and related environmental R&D activities, $22,300,000 for each of FYs 2000 and 2001 shall be for Marine Environmental Research.

Subsection 4(c) provides that of the amounts authorized under subsection 4(a) and OAR ORF marine research and related environmental R&D activities, $9,000,000 for each of FYs 2000 and 2001 shall be for the NOAA Undersea Research Program.

And Subsection 4(d) provides that of the amounts authorized under subsection 4(a) for OAR ORF marine research and related environmental research and development activities, $13,020,000 for each of FYs 2000 and 2001 shall be for Acquisition of Data.

Section 5. Program support

Section 5(a) authorizes $63,769,000 for each of FYs 2000 and 2001, to remain available until expended, to carry out the ORF marine research and related environmental R&D activities of Program Support.

Subsection 5(b) provides that of the amounts authorized under subsection 5(a) for Program Support ORF marine research and related environmental R&D activities, $52,750,000 for each of FYs 2000 and 2001 shall be for Administration and Services, including—(1) $19,200,000 for each of FYs 2000 and 2001 for Executive Direction and Administration; (2) $700,000 for each of FYs 2000 and 2001 for the Systems Acquisition Office; (3) $31,850,000 for each of FYs 2000 and 2001 for Central Administrative Support; and (4) $1,000,000 for each of FYs 2000 and 2001 for Historically Black Colleges and Universities.

Subsection 5(c) provides that of the amounts authorized under subsection 5(a) for Program Support ORF marine research and related environmental R&D activities, $11,019,000 for each of FYs 2000 and 2001 shall be for Aircraft Services.

Subsection 5(d)(1) requires the Secretary, not later than 60 days after the date of enactment of this Act, using available funds, to enter into appropriate arrangements with an independent external auditor capable of providing an audit to determine whether outsourcing of aircraft services is a more cost-effective alternative to in-house operation of aircraft in meeting NOAA's aircraft requirements for the conduct of marine and atmospheric research and related environmental R&D activities, and for other data and mission needs.

Subsection 5(d)(2)(A) requires the audit under subsection 5(d)(1) to be conducted in accordance with generally accepted government auditing standards.

Subsection 5(d)(2)(B) requires the Secretary to provide the independent external auditor the information such auditor requires to conduct the audit under subsection 5(d)(1). The independent external auditor may inspect any records of and have access to NOAA personnel to obtain such information.

And Subsection 5(d)(3) provides that not later than 180 days after the initiation of the audit required by this subsection, the independent external auditor shall submit a report concerning the results of the audit conducted under this subsection to the Committee on Science of the House and the Committee on Science, Commerce, and Transportation of the Senate.

Section 6. Facilities

Subsection 6(a) authorizes $5,717,000 for each of FYs 2000 and 2001, to remain available until expended, to enable NOAA to carry out the ORF marine research and related environmental R&D activities of Facilities Maintenance and Repairs and Environmental Compliance.

Subsection 6(b) provides that of the amounts authorized under subsection 6(a) for Facilities ORF marine research and related environmental R&D activities, $1,818,000 for each of FYs 2000 and 2001 shall be for Facilities Maintenance and Repairs.

Subsection 6(c) provides that of the amounts authorized under subsection 6(a) for Facilities ORF marine research and related environmental R&D activities, $3,899,000 for each of FYs 2000 and 2001 shall be for Environmental Compliance.

Section 7. Fleet maintenance, planning and replacement

Subsection 7(a) authorizes $9,243,000 for each of FYs 2000 and 2001, to remain available until expended, to enable NOAA to carry out the ORF marine research and related environmental R&D activities of Fleet Maintenance and Planning.

Subsection 7(b) authorizes $50,000,000 for each of FYs 2000 and 2001, to remain available until expended, to enable the NSF to meet the marine research and related environmental R&D data requirements of the NOAA set forth in the "NOAA Fisheries Data Acquisition Plan", dated September 1998, and that could also help meet the Nation's marine research and related environmental R&D needs. The NSF—in consultation with the Department of the Navy, the University-National Oceanic Laboratory System (UNOLS), academia, NOAA, the private sector, and any other parties it considers appropriate—shall develop a strategy for meeting such requirements and other Federal marine research and related environmental R&D requirements, using funds appropriated under this subsection and at the lowest possible cost. The NSF shall consider all options, including various methods of acquiring vessel services, remote sensing, and any other possible means.

Subsection 7(c) provides that no later than 180 days after the date of enactment of this Act, the NSF shall submit a report detailing the strategy developed pursuant to subsection 7(b) and a plan for implementing such strategy to the Committee on Science of House of Representatives and the Committee on Commerce, Science and Transportation of the Senate. The report shall also include an analysis of the extent to which the funds authorized under subsection 7(b) will be sufficient to implement the strategy.

Subsection 7(d) requires the NOAA Administrator to provide notice to the Committee on Science if the Administrator reduces the number of commissioned officers on the active list of the NOAA Corps below 264 in FYs 1999, 2000, 2001, 2002, or 2003.

Section 8. Marine services

Subsection 8(a) requires the Secretary to contract out for the use of vessels to conduct marine research and related environmental R&D activities, monitoring, enforcement, and management, and to acquire data necessary to carry out NOAA's missions unless: (1) the cost of the contract (including the cost of vessel operation, maintenance, and all personnel) is more than the cost for NOAA to perform the service using its own vessels; (2) the contract is for more than seven years; and (3) the data is acquired through a vessel agreement pursuant to subsection (d).

Subsection 8(b) prohibits the Secretary from entering into any contract under this section for the construction, lease-purchase, upgrade, or service life extension of any vessel.

Subsection 8(c)(1) allows the Secretary to acquire data, including marine research and related environmental R&D data, under multiyear contracts.

Subsection 8(c)(2) prohibits the Secretary from entering into a contract pursuant to this subsection unless the Secretary finds that there is a reasonable expectation that throughout the contemplated contract period the Secretary will request from Congress funding for the contract at the level required to avoid contract termination.

Subsection 8(c)(3) prohibits the Secretary from pursuing a multiyear contract unless such contract includes: (A) a provision obligating the U.S. to make payments for any fiscal year subject to appropriations provided in advance for those payments; (B) a provision that specifies the term of effectiveness of the contract; and (C) appropriate provisions in case of any termination of the contract that the U.S. shall be liable for the lesser of an amount specified in the contract for such a termination or amounts that were appropriated before the date of the termination for the performance of the contract or for procurement of the type of acquisition covered by the contract and are unobligated on the date of the termination.

Subsection 8(d) requires the Secretary to use excess capacity of the University-National Oceanographic Laboratory System (UNOLS) vessels where appropriate.

Committee views

Nothing in this section is intended to prohibit NOAA from entering into contracts for the maintenance of its existing ships or vessels as long as such contracts are not multiyear contracts.

Section 9. Repeal

Section 9 repeals the NOAA Fleet Modernization Act (33 U.S.C. 851 note), which authorized the Secretary of Commerce to implement a 15-year program to replace and modernize the NOAA fleet.

Section 10. Internet availability of information

Section 10 requires the NOAA Administrator to make available through the NOAA Internet home page the abstracts relating to all research grants and awards made with funds authorized by this Act. Nothing in this section shall be construed to require or permit the release of any information from being released to the public.

Committee views

The Committee believes that by giving public access to information about how tax dollars are spent, it is acting as a responsible steward of taxpayer resources. Such information can also stimulate additional public and private sector research by informing the research community.

Section 11. Eligibility for awards

Subsection 11(a) requires the NOAA Administrator and the NSF Director to exclude from consideration for grant agreements made after FY 1999 by the NOAA and the NSF, under the programs for which funds are authorized under this Act, any person who received funds, other than those described in subsection (b) appropriated for a fiscal year after FY 1999, under a grant agreement from any Federal funding source for a project that was not sub-

jected to a competitive, merit-based award process. Any exclusion from consideration pursuant to this section shall be effective for a period of 5 years after the person receives such Federal funds.

Subsection 11(b) provides that subsection 11(a) shall not apply to the receipt of Federal funds by a person due to the membership of that person in a class specified by law for which assistance is awarded to members of the class according to a formula provided by law.

Subsection 11(c) defines the term "grant agreement" to mean a legal instrument whose principal purpose is to transfer a thing of value to the recipient to carry out a public purpose of support or stimulation authorized by a law of the United States, and does not include the acquisition (by purchase, lease, or barter) of property or services for the direct benefit or use of the United States Government. Such term also does not include a cooperative agreement (as such term is used in section 6305 of title 31, United States Code) or a cooperative R&D agreement (as such term is defined in section 12(d)(1) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)(1))).

VIII. Cost Estimate

Rule XIII, clause 3(d)(2) of Rules of the House of Representatives requires that each report of a committee on a public bill or public joint resolution contain: (A) an estimate by the committee of the costs that would be incurred in carrying out the bill or joint resolution in the fiscal year in which it is reported, and in each of the five fiscal years following that fiscal year (or for the authorized duration of any program authorized by such bill or joint resolution, if less than five years); (B) a comparison of the estimate of costs described in subdivision (A) made by the committee with any estimate of such costs made by a Government agency and submitted to such committee; and (C) when practicable, a comparison of the total estimated funding level for the relevant programs with the appropriate levels under current law. However, House Rule XIII clause 3(d)(3)(B) provides that this requirement does not apply when a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 has been included in the report pursuant to House Rule XIII, clause 3(c)(3). A cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 has been timely submitted to the Committee on Science prior to the filing of this report and is included in Section IX of this report pursuant to House Rule XIII, clause 3(c)(3).

Rule XIII, clause 3(c)(2) of the Rules of the House of Representatives requires that the report of a committee on a measure that has been approved by the committee providing new budget authority (other than continuing appropriations), new spending authority, or new credit authority, or changes in revenues or tax expenditures include the statement required by section 308(a) of the Congressional Budget Act of 1974, except that an estimate of new budget authority shall include, when practicable, a comparison of the total estimated funding level for the relevant programs to the appropriate levels under current law. H.R. 1552 does not contain any new budget authority, new spending authority, or new credit au-

thority, or changes in revenues or tax expenditures. Assuming that the sums authorized under the bill are appropriated, H.R. 1552 does authorize additional discretionary spending, as described in the Congressional Budget Office report on the bill, which is contained in Section IX of this report.

IX. Congressional Budget Office Cost Estimate

Rule XIII, clause 3(c)(3) of the Rules of the House of Representatives requires that the report of a committee on a measure that has been approved by the committee include an estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 if timely submitted to the committee before the filing of the report. The Committee on Science has received the following cost estimate for H.R. 1552 from the Director of the Congressional Budget Office:

U.S. Congress,
Congressional Budget Office,
Washington, DC, May 7, 1999.

Hon. F. James Sensenbrenner, Jr.,
Chairman, Committee on Science,
House of Representatives, Washington, DC.

Dear Mr. Chairman: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1552, the Marine Research and Related Environmental Research and Development Programs Authorization Act of 1999.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Gary Brown and Kathleen Gramp.

Sincerely,

Barry B. Anderson
(For Dan L. Crippen, Director).

Enclosure.

H.R. 1552—Marine Research and Related Environmental Research and Development Programs Authorization Act of 1999

Summary: H.R. 1552 would authorize the appropriation of $373 million in each of fiscal years 2000 and 2001 for marine and environment programs of the National Oceanic and Atmospheric Administration (NOAA) and the National Science Foundation (NSF). All but $50 million for each year would be for NOAA.

CBO estimates that implementing H.R. 1552 would result in additional outlays of $747 million over the 2000–2004 period, assuming the appropriation of the authorized amounts. Enacting the bill would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. H.R. 1552 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 1552 is shown in the following table. The costs of this legislation fall within budget functions 250 (general science, space, and technology) and 300 (natural resources and environment).

For the purpose of this estimate, CBO assumes that H.R. 1552 will be enacted by the end of fiscal year 1999 and that all amounts authorized by the bill will be appropriated for each fiscal year. Estimated outlays are based on historical spending rates for these programs.

	By fiscal year, in millions of dollars—					
	1999	2000	2001	2002	2003	2004
SPENDING SUBJECT TO APPROPRIATION						
Spending Under Current Law:						
Budget Authority [1]	381	0	0	0	0	0
Estimated Outlays	377	136	45	23	0	0
Proposed Changes:						
Authorization Level	0	373	373	0	0	0
Estimated Outlays	0	239	329	112	45	22
Spending Under H.R. 1552:						
Authorization Level [1]	381	373	373	0	0	0
Estimated Outlays	377	375	374	135	45	22

[1] The 1999 level is the amount appropriated for that year for the marine and environmental programs conducted by NOAA and NSF that would be authorized by H.R. 1552.

Pay-as-you-go considerations: None.

Intergovernmental and Private-sector impact: This bill contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments. Some of the funds authorized in this bill would be used to provide grants for research at public universities.

Estimate prepared by: NOAA Costs: Gary Brown. NSF Costs: Kathleen Gramp.

Estimate approved by: Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

X. Compliance With Public Law 104–4

H.R. 1552 contains no unfunded mandates.

XI. Committee Oversight Findings and Recommendations

Rule XIII, clause 3(c)(1) of the Rules of the House of Representatives requires that the report of a committee on a measure that has been approved by the committee include oversight findings and recommendations under clause 2(b)(1) of rule X. The Committee of Science's oversight findings and recommendations are reflected in the body of this report.

XII. Oversight Findings and Recommendations by the Committee on Government Reform

Rule XIII, clause 3(c)(4) of the Rules of the House of Representatives requires that the report of a committee on a measure that has been approved by the committee include a summary of oversight findings and recommendations made by the Committee on Government Reform under clause 4(c)(2) of rule X if such findings and recommendations have been submitted to the reporting committee in time to allow it to consider such findings and recommendations during its deliberations on the measure. The Committee on Science has received no such findings or recommendations from the Committee on Government Reform.

XIII. Constitutional Authority Statement

Rule XIII, clause 3(d)(1) of the Rules of the House of Representative requires that each report of a committee on a public bill or public joint resolution contain a statement citing the specific powers granted to the Congress in the Constitution to enact the law proposed by the bill or joint resolution. Article I, section 8 of the Constitution of the United States grants Congress the authority to enact H.R. 1552.

XIV. Federal Advisory Committee Statement

H.R. 1552 does not establish or authorize the establishment of any advisory committee.

XV. Congressional Accountability Act

The Committee finds that H.R. 1552 does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional accountability Act (Public Law 104–1).

XVI. Changes in Existing Law Made by the Bill, as Reported

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

SECTION 2 OF THE COAST AND GEODETIC SURVEY COMMISSIONED OFFICERS' ACT OF 1948

AUTHORIZED NUMBERS IN GRADES

SEC. 2. (a)(1) * * *

* * * * * * *

(3) At least 90 days before beginning any reduction as described in paragraph (2), the Administrator shall provide notice of such reduction to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources *and the Committee on Science* of the House of Representatives.

* * * * * * *

NOAA FLEET MODERNIZATION ACT

[TITLE VI—NOAA FLEET MODERNIZATION

[SEC. 601. SHORT TITLE.

[This title may be cited as the "NOAA Fleet Modernization Act".

[SEC. 602. DEFINITIONS.

[In this title, the term—

[(1) "NOAA" means the National Oceanic and Atmospheric Administration within the Department of Commerce.

[(2) "NOAA fleet" means the fleet of research vessels owned or operated by NOAA.

[(3) "Plan" means the NOAA Fleet Replacement and Modernization Plan described in section 604.

[(4) "Secretary" means the Secretary of Commerce.

[(5) "UNOLS" means University-National Oceanographic Laboratory System.

[SEC. 603. FLEET REPLACEMENT AND MODERNIZATION PROGRAM.

[The Secretary is authorized to implement, subject to the requirements of this Act, a 15-year program to replace and modernize the NOAA fleet.

[SEC. 604. FLEET REPLACEMENT AND MODERNIZATION PLAN.

[(a) IN GENERAL.—To carry out the program authorized in section 603, the Secretary shall develop and submit to Congress a replacement and modernization Plan for the NOAA fleet covering the years authorized under section 610.

[(b) TIMING.—The Plan required in subsection (a) shall be submitted to Congress within 30 days of the date of enactment of this Act, and updated on an annual basis.

[(c) PLAN ELEMENTS.—The Plan required in subsection (a) shall include the following—

[(1) the number of vessels proposed to be modernized or replaced, the schedule for their modernization or replacement, and anticipated funding requirements;

[(2) the number of vessels proposed to be constructed, leased, or chartered;

[(3) the number of vessels, or days at sea, that can be obtained by using the vessels of the UNOLS;

[(4) the number of vessels that will be made available to NOAA by the Secretary of the Navy, or any other federal official, and the terms and conditions for their availability;

[(5) the proposed acquisition of modern scientific instrumentation for the NOAA fleet, including acoustic systems, data transmission positioning and communication systems, physical, chemical, and meteorological oceanographic systems, and data acquisition and processing systems; and

[(6) the appropriate role of the NOAA Corps in operating and maintaining the NOAA fleet.

[(d) CONTRACTING LIMITATION.—The Secretary may not enter into any contract for the construction, lease, or service life extension of a vessel of the NOAA fleet before the date of the submission to Congress of the Plan required in subsection (a).

[SEC. 605. DESIGN OF NOAA VESSELS.

[(a) DESIGN REQUIREMENT.—Except for the vessel designs identified under subsection (b), the Secretary, working through the Office of the NOAA Corps Operations and the Systems Procurement Office, shall—

[(1) prepare requirements for each class of vessel to be constructed or converted under the Plan; and

[(2) contract competitively from nongovernmental entities with expertise in shipbuilding for vessel design and construction based on the requirements for each class of vessel to be acquired.

[(b) EXCEPTION.—The Secretary shall—

[(1) report to Congress identifying any existing vessel design or design proposal that meets the requirements of the Plan

within 30 days after the date of enactment of this Act and shall promptly advise the Congress of any modification of these designs; and

[(2) submit to Congress as part of the annual update of the Plan required in section 604, any subsequent existing vessel design or design proposals that meet the requirements of the Plan.

[SEC. 606. CONTRACT AUTHORITY.

[(a) MULTIYEAR CONTRACTS.—

[(1) IN GENERAL.—Subject to paragraphs (2) and (3), and notwithstanding section 1341 of title 31, United States Code and section 3732 of the Revised Statutes of the United States (41 U.S.C. 11), the Secretary may acquire vessels for the NOAA fleet by purchase, lease, lease-purchase, or otherwise, under one or more multiyear contracts.

[(2) REQUIRED FINDINGS.—The Secretary may not enter into a contract pursuant to this subsection unless the Secretary finds with respect to that contract that—

[(A) there is a reasonable expectation that throughout the contemplated contract period the Secretary will request from Congress funding for the contract at the level required to avoid contract termination; and

[(B) the use of the contract will promote the best interests of the United States by encouraging competition and promoting economic efficiency in the operation of the NOAA fleet.

[(3) REQUIRED CONTRACT PROVISIONS.—The Secretary may not enter into a contract pursuant to this subsection unless the contract includes—

[(A) a provision under which the obligation of the United States to make payments under the contract for any fiscal year is subject to the availability of appropriations provided in advance for those payments;

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

[(C) appropriate provisions under which, in case of any termination of the contract before the end of the term specified pursuant to subparagraph (B), the United States shall only be liable for the lesser of—

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

[(ii) amounts that—

[(I) were appropriated before the date of the termination for the performance of the contract or for procurement of the type of acquisition covered by the contract; and

[(II) are unobligated on the date of the termination.

[(b) SERVICE CONTRACTS.—Notwithstanding any other provision of law, the Secretary may enter into multiyear contracts for oceanographic research, fisheries research, and mapping and charting services to assist the Secretary in fulfilling NOAA missions. The Secretary may only enter into these contracts if—

[(1) the Secretary finds that it is in the public interest to do so;

[(2) the contract is for not more than 7 years; and

[(3)(A) the cost of the contract is less than the cost (including the cost of operation, maintenance, and personnel) to the NOAA of obtaining those services on NOAA vessels; or

[(B) NOAA vessels are not available or cannot provide those services.

[(c) BONDING AUTHORITY.—Notwithstanding any other law, the Secretary may not require a contractor for the construction, alteration, repair or maintenance of a NOAA vessel to provide a bid bond, payment bond, performance bond, completion bond, or other surety instrument in an amount greater than 20 percent of the value of the base contract quantity (excluding options) unless the Secretary determines that requiring an instrument in that amount will not prevent a responsible bidder or offeror from competing for the award of the contract.

[SEC. 607. RESTRICTION WITH RESPECT TO CERTAIN SHIPYARD SUBSIDIES.

[(a) IN GENERAL.—The Secretary of Commerce may not award a contract for the construction, repair (except emergency repairs), or alteration of any vessel of the National Oceanic and Atmospheric Administration in a shipyard, if that vessel benefits or would benefit from significant subsidies for the construction, repair, or alteration of vessels in that shipyard.

[(b) DEFINITION.—In this section, the term "significant subsidy" includes, but is not limited to, any of the following:

[(1) Officially supported export credits.

[(2) Direct official operating support to the commercial shipbuilding and repair industry, or to a related entity that favors the operation of shipbuilding and repair, including but not limited to—

[(A) grants;

[(B) loans and loan guarantees other than those available on the commercial market;

[(C) forgiveness of debt;

[(D) equity infusions on terms inconsistent with commercially reasonable investment practices; and

[(E) preferential provision of goods and services.

[(3) Direct official support for investment in the commercial shipbuilding and repair industry, or to a related entity that favors the operation of shipbuilding and repair, including but not limited to the kinds of support listed in paragraph (2)(A) through (E), and any restructuring support, except public support for social purposes directly and effectively linked to shipyard closures.

[(4) Assistance in the form of grants, preferential loans, preferential tax treatment, or otherwise, that benefits or is directly related to shipbuilding and repair for purposes of research and development that is not equally open to domestic and foreign enterprises.

[(5) Tax policies and practices that favor the shipbuilding and repair industry, directly or indirectly, such as tax credits, deductions, exemptions, and preferences, including accelerated depreciation, if such benefits are not generally available to persons or firms not engaged in shipbuilding or repair.

[(6) Any official regulation or practice that authorizes or encourages persons or firms engaged in shipbuilding or repair to enter into anticompetitive arrangements.

[(7) Any indirect support directly related, in law or in fact, to shipbuilding and repair at national yards, including any public assistance favoring shipowners with an indirect effect on shipbuilding or repair activities, and any assistance provided to suppliers of significant inputs to shipbuilding, which results in benefits to domestic shipbuilders.

[(8) Any export subsidy identified in the Illustrative List of Export Subsidies in the Annex to the Agreement on Interpretation and Application of Articles VI, XVI, and XXIII of the General Agreement on Tariffs and Trade or any other export subsidy that may be prohibited as a result of the Uruguay Round of trade negotiations.

[SEC. 608. USE OF VESSELS.

[(a) VESSEL AGREEMENTS.—In implementing the NOAA fleet replacement and modernization program, the Secretary shall use excess capacity of UNOLS vessels where appropriate and may enter into memoranda of agreement with the operators of these vessels to carry out this requirement.

[(b) REPORT TO CONGRESS.—Within one year after the date of enactment of this Act, the Comptroller General of the United States shall provide a report to Congress, in consultation with the Secretary, comparing the cost-efficiency, accounting, and operating practices of the vessels of NOAA, UNOLS, other Federal agencies, and the United States private sector in meeting the missions of NOAA.

[SEC. 609. INTEROPERABILITY.

[The Secretary shall consult with the Oceanographer of the Navy regarding appropriate measures that should be taken, on a reimbursable basis, to ensure that NOAA vessels are interoperable with vessels of the Department of the Navy, including with respect to operation, maintenance, and repair of those vessels.

[SEC. 610. AUTHORIZATION OF APPROPRIATIONS.

[(a) IN GENERAL.—There are authorized to be appropriated to the Secretary for carrying out this title—

[(1) $50,000,000 for fiscal year 1993;

[(2) $100,000,000 for fiscal year 1994; and

[(3) such sums as are necessary for each of the fiscal years 1995, 1996, and 1997.

[(b) LIMITATION ON FLEET MODERNIZATION ACTIVITIES.—All National Oceanic and Atmospheric Administration fleet modernization shipbuilding, and conversion shall be conducted in accordance with this title.]

XVII. COMMITTEE RECOMMENDATIONS

On April 29, 1999, a quorum being present, the Committee favorably reported H.R. 1552, the Marine Research and Related Environmental Research and Development Programs Act of 1999, amended, by a voice vote, and recommended its enactment.

XVIII. SUPPLEMENTAL VIEWS

The minority continues to be concerned about the level of funding provided in the bill for Program Support. Holding funding at FY 1999 enacted levels for the accounts designated for salaries, administrative costs, and rent amounts to a cut in funding which will be taken at the program level. Much of the funding increases in this area are mandated by law: annual cost-of-living increases and negotiated rent and lease payment escalators. These funds must be paid. If they are not paid through increases in the administrative cost account, the funds will come from the research and program accounts throughout the agency. This problem is compounded in FY 2001, when once again, no increases are provided for either research and program accounts or for mandatory administrative cost increases.

The minority continues to have concerns about Section 8(b) of the Chairman's bill which bars the Secretary from entering into any contract under Section 8 of the bill. Until such time as the Congress and the Administration agree to eliminate the NOAA fleet, NOAA must be able to pursue any least-cost option available to obtain statutorily mandated data and to maintain the fleet. These ships represent a considerable investment of taxpayer dollars and they should be maintained in working order. Although the majority indicated that the intention of Section (b) was to bar the use of multi-year contracts only and has included report language to that effect, the language of the bill appears to indicate a broader intention. Also, to the extent that a multi-year contract might prove less expensive than multiple, single-year contracts a least-cost option remains unavailable to the Secretary for ship maintenance and repair.

The Chairman's bill shows flat funding in program accounts from FY 2000 to FY 2001. The minority are concerned that these outyear funding numbers are insufficient to provide for the real needs of the Nation. This flat funding authorization will produce a decline in the real work being done by NOAA as inflation has to be absorbed from those numbers. Reduced funding may inhibit marine research and reduce efforts to track and protect fishing stocks. While the nominal dollars from FY 2000 to FY 2001 appear to be the same, the level of services supported will decline in real terms.

Consequently, Mr. Costello offered an amendment to raise the authorization levels for FY 2001 by 3%. A 3% increase would increase program authorizations by approximately $9.7 million. This level of increase is consistent with the Committee's past three Views and Estimates produced by the majority. The majority endorsed a 3% increase in FY 1998 and FY 2000 and a 4% increase in FY 1999. We would add that in February, the majority released an analysis of the President's outyear request numbers for science and technology accounts. That analysis criticized the President for

weak outyear numbers for the programs under the Science Committee's jurisdiction. Specifically, the Chairman's press release noted that "in the out years, the Administration's civilian R&D budget fails to keep pace with inflation." Ironically, the numbers used for FY 2000 in H.R. 1552 came from the President's request for FY 2000.

We would add that the Costello amendment was consistent with the findings in Representative Ehlers' report on Federal Science policy. That report called for stable and substantial funding for science programs. It is hard to see how funding can be stable and substantial if we routinely let inflation eat away at our programs.

The goal of this amendment was to send a signal to the Administration, as it develops its FY 2001 budget request for NOAA, that the Committee values these programs. Further, we wanted to offer some flexibility to the appropriators in FY 2001 in case the budget situation continues to improve and there is fiscal room to enhance our funding for NOAA's work. In any event, these arguments produced a straight party line vote in which the amendment was defeated and NOAA's authorization will fail to keep pace with inflation in FY 2001.

GEORGE E. BROWN, Jr.
MIKE DOYLE.
JOHN B. LARSON.
BART GORDON.
EDDIE BERNICE JOHNSON.
NICK LAMPSON.
JIM BARCIA.
LYNN WOOLSEY.
JERRY F. COSTELLO.
SHEILA JACKSON-LEE.
MARK UDALL.
ZOE LOFGREN.
MICHAEL E. CAPUANO.
DAVID WU.
LYNN N. RIVERS.
ANTHONY D. WEINER.

SUPPLEMENTAL VIEWS BY REPRESENTATIVE MARK UDALL

While I supported H.R. 1552 at the Science Committee's April 29 mark-up, I regret that the amendment I proposed to restore NOAA salaries and administrative costs was not adopted.

The President's request for FY2000 included $41.6 million for Central Administrative Support, which includes salaries, administrative costs, rent, and the like. H.R. 1552 reduces the authorization for this account by about $10 million. My amendment would have authorized the requested amount for FY2000 and the same amount again in FY2001.

I understand that in response to a request from the Appropriations Committee, NOAA grouped together salaries, rent, and administrative costs that had been contained in various NOAA program accounts, and added these costs to its Central Administrative Support line item. It is important to note that this line item has increased in FY2000 because it contains costs that were previously spread out among several accounts, not because costs themselves have increased.

Much of what is contained in the Central Administrative Support line item is mandated by law, such as annual cost-of-living-adjustments (COLAs) and General Services Administration negotiated rent and lease payment escalators. Cutting this amount saves no money—in fact, it costs money. Cutting this account does not cut personnel at NOAA. In order to comply with the law and meet NOAA's audited financial requirements, NOAA will be required to assess its line "programs and offices" to pay for these fixed and unavoidable costs. In order to fund necessary management and computer upgrades to comply with federal financial and management laws, like the Federal Financial Management Improvement Act of 1996, NOAA will have to offset these cuts against its operational program.

In other words, what we don't put in this line item will come out of NOAA research and operations. Instead of eliminating bureaucracy and overhead, we will be putting the budget cutting tools into the hands of NOAA, which will then be responsible for deciding which programs will bear the brunt of the $10 million in cuts.

If other programs are taxed to pay for the flat-lining of this funding, major NOAA operations will be cut. With a major NOAA facility in Boulder, Colorado, I want to avoid these cuts to federal operations in my district. But these cuts will affect other Members' districts as well. Major cuts will be expected in Silver Spring, Maryland, to pay for the flat-lining of this account. Cuts will occur in Seattle, Washington; Norman, Oklahoma; Charleston, South Carolina; Miami, Florida—and the list goes on.

I regret that the Committee did not adopt my amendment. As it stands, the bill does not enable NOAA to do its job. I hope that as the legislative process moves forward, the bill will be improved.

While government efficiency is a worthy goal, it should not be pursued in an indirect and irresponsible manner.

MARK UDALL.

XIX. PROCEEDINGS OF COMMITTEE ON SCIENCE MARKUP

Chairman SENSENBRENNER. The next bill up is H.R. 1552, the Marine Research and Related Environmental Research and Development Authorization Act of 1999, which authorizes a total of $373.4 million for each of the Fiscal Years 2000 and 2001 for NOAA, of which $50 million each year is authorized for the National Science foundation to meet the marine research and related environmental R&D data requirements of NOAA as well as the Nation's other marine research and related environmental R&D needs.

All of the programs in this bill are authorized at the Fiscal Year 2000 level requested by NOAA and are consistent with the Fiscal Year 2001 estimates contained in the NOAA Fiscal Year 2000 budget request, except that this bill does not authorize any additional funds for NOAA's Sea Grant Program, which is authorized under separate authorization legislation, Public Law 105–160.

It also does not include a requested increase of more than $9.7 million, or a 30.6 percent over the Fiscal Year 1999 appropriated level for Central Administrative Support. NOAA has not provided justification for this increase, and the bill retains the Fiscal Year 1999 appropriated levels for Fiscal Year 2000 and 2001.

Finally, NOAA requested $51.6 million for Fiscal Year 2000 and $51.0 million in Fiscal Year 2001 to replace two of the nine current fisheries research vessels.

As I noted above, rather than authorizing funds to NOAA, the bill authorizes $50 million each year to the NSF to meet the marine research and related environmental R&D requirements of NOAA as well as the Nation's other marine research and related environmental R&D needs.

At this point, the Chair recognizes the Subcommittee Chair, the gentleman from California, Mr. Calvert, for 5 minutes.

Mr. CALVERT. Thank the Chairman. Today we mark up H.R. 1552, the Marine Research and Related Environmental Research and Development Programs Authorization Act of 1999 and H.R. 1553, the National Weather Service Related Activities Authorization Act of 1999, which is a total of $1.765 billion in Fiscal Year 2000 and $1.832 billion in Fiscal Year 2001 for NOAA programs.

These amounts represent $111.5 million, or a 6.7 percent increase above Fiscal Year 1999 appropriated levels. For Fiscal Year 2001, it authorizes $178.6 million, or 10.8 percent increase from Fiscal Year 1999 appropriated levels.

For programs under the sole jurisdiction of the Science Committee, NOAA requests $1.4 billion, or an increase of 5.3 percent from last year's funding. Over the last three months, my Subcommittee has held several oversight hearings on NOAA's operation.

Two major areas of concern emerged. First was finding the most cost-effective way to fill NOAA's marine research requirements. The second was the National Weather Service's modernization program.

I believe that these concerns are properly addressed in the two bills before the committee today. Regarding NOAA's research fleet, we have heard the GAO and others urge more cost-effective approaches to marine research and data collection. In the past few years, NOAA has increasingly contracted with the private sector, universities, and other entities to fulfill their mission. However, they continue to rely all too heavily on their archaic in-house fleet.

Additionally, for Fiscal Year 2000, NOAA requests $51.6 million, the first installment of a proposed $184.6 million multi-year shipbuilding program to build four new research vessels. This is all that remains of a much more ambitious shipbuilding program proposed just a few short years ago.

I remain unconvinced that authorizing NOAA to purchase and operate these vessels is the most practical way to enhance our nation's marine research. Therefore, H.R. 1552 calls on the National Science Foundation to examine alternatives that meet NOAA's research needs while leveraging scarce budget resources.

I feel this provision strikes the proper balance between fiscal responsibility and scientific integrity.

As my colleagues may know, implementation of the National Weather Service's modernization program has been plagued by management problems and cost overruns.

As the modernization program nears completion, concerns linger about its capabilities. While there is little doubt that improved weather forecasts and data will benefit the American people, we need to ensure that the system lives up to its potential and is properly implemented. I believe that the funding authorized in H.R. 1553 goes a long way toward responsibly completing this goal.

Mr. Chairman, I urge the members of the Committee to support these important authorization bills, and I thank you for your time.

Chairman SENSENBRENNER. The gentleman yields back the balance of his time. The gentleman from Illinois, Mr. Costello, is recognized for 5 minutes for an opening statement.

Mr. COSTELLO. Mr. Chairman, thank you. Mr. Chairman, I will submit my opening for the record. I do want to commend you and Chairman Calvert for bringing this bill before the Committee today.

I am generally satisfied with the overall authorization for Fiscal Year 2000. However, I do have some concerns with the numbers authorized for Fiscal Year 2001.

NOAA is just now developing its budget request for Fiscal Year 2001, but the Chairman's mark shows all the program accounts at flat funding. I hope we can work together to build a little flexibility into this authorized amount, and I will be offering an amendment to that effect later in the bill.

In general, this seems to be a good bill. I think it can be improved with a couple of amendments, and I hope the Chairman and Members of the Committee will support those amendments.

Chairman SENSENBRENNER. Without objection, the gentleman's opening statement will appear at this point in the record.

[The information follows:]

STATEMENT OF THE HONORABLE JERRY COSTELLO

Mr. Chairman, I want to congratulate you on this bill. The numbers contained in this authorization generally track the President's request for these accounts. Consequently, I am satisfied with the overall authorization for FY2000.

I have some concern about the numbers authorized for FY2001. NOAA is just now embarking on developing its budget request for FY2001, but the Chairman's mark shows all the program accounts at flat funding. I hope we can work together to build a little flexibility into those authorized amounts and I will be offering an amendment to that effect later in the bill.

In general, this seems a good bill. I think it can be improved with just a couple of amendments. I hope, Mr. Chairman, that you can support those amendments and that we can all support this bill. Thank you.

Chairman SENSENBRENNER. And also without objection, all Members opening statements will appear following Mr. Costello's.

Without objection, the bill is read a first time and open for amendment at any point.

[The information follows:]

H.R. 1552

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Marine Research and Related Environmental Research and Development Programs Authorization Act of 1999".

SEC. 2. DEFINITIONS.

For purposes of this Act, the term—

(1) "Administrator" means the Administrator of the National Oceanic and Atmospheric Administration; and

(2) "Secretary" means the Secretary of Commerce.

SEC. 3. NATIONAL OCEAN SERVICE.

(a) OPERATIONS, RESEARCH, AND FACILITIES.—There are authorized to be appropriated to the Secretary to enable the National Oceanic and Atmospheric Administration to carry out the Operations, Research, and Facilities marine research and related environmental research and development activities of the National Ocean Service $200,343,000 for fiscal year 2000 and $200,343,000 for fiscal year 2001, to remain available until expended.

(b) NAVIGATION SERVICES.—Of the amounts authorized under subsection (a), $82,967,000 for fiscal year 2000 and $82,967,000 for fiscal year 2001 shall be for Navigation Services, of which—

(1) $33,335,000 for fiscal year 2000 and $33,335,000 for fiscal year 2001 shall be for Mapping and Charting;

(2) $14,900,000 for fiscal year 2000 and $14,900,000 for fiscal year 2001 shall be for Hydrographic Survey Backlog;

(3) $19,849,000 for fiscal year 2000 and $19,849,000 for fiscal year 2001 shall be for Geodesy; and

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

(c) OCEAN RESOURCES AND CONSERVATION ASSESSMENT.—Of the amounts authorized under subsection (a), $99,650,000 for fiscal year 2000 and $99,650,000 for fiscal year 2001 shall be for Ocean Resources and Conservation Assessment, of which—

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

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

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

(4) $19,884,000 for fiscal year 2000 and $19,884,000 for fiscal year 2001 shall be for Response and Restoration; and

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

(d) ACQUISITION OF DATA.—Of the amounts authorized under subsection (a), $17,726,000 for fiscal year 2000 and $17,726,000 for fiscal year 2001 shall be for Acquisition of Data.

SEC. 4. OCEANIC AND ATMOSPHERIC RESEARCH.

(a) OPERATIONS, RESEARCH, AND FACILITIES.—There are authorized to be appropriated to the Secretary to enable the National Oceanic and Atmospheric Administration to carry out the Operations, Research, and Facilities marine research and related environmental research and development activities of the Office of Oceanic and Atmospheric Research $44,320,000 for fiscal year 2000 and $44,320,000 for fiscal year 2001, to remain available until expended.

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

(c) NURP.—Of the amounts authorized under subsection (a), $9,000,000 for fiscal year 2000 and $9,000,000 for fiscal year 2001 shall be for the National Oceanic and Atmospheric Administration Undersea Research Program (NURP).

(d) ACQUISITION OF DATA.—Of the amounts authorized under subsection (a), $13,020,000 for fiscal year 2000 and $13,020,000 for fiscal year 2001 shall be for Acquisition of Data.

SEC. 5. PROGRAM SUPPORT.

(a) OPERATIONS, RESEARCH, AND FACILITIES.—There are authorized to be appropriated to the Secretary to enable the National Oceanic and Atmospheric Administration to carry out the Operations, Research, and Facilities marine research and related environmental research and development activities of Program Support $63,769,000 for fiscal year 2000 and $63,769,000 for fiscal year 2001, to remain available until expended.

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

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

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

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

(4) $1,000,000 for fiscal year 2000 and $1,000,000 for fiscal year 2001 shall be for Historically Black Colleges and Universities.

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

(d) INDEPENDENT AUDIT OF AIRCRAFT SERVICES.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary shall, using available funds, enter into appropriate arrangements with an independent external auditor capable of providing an audit to determine whether outsourcing of aircraft services is a more cost-effective alternative to in-house operation of aircraft in meeting the National Oceanic and Atmospheric Administration's aircraft requirements of the conduct of marine and atmospheric research and related environmental research and development activities, and for other data and mission needs.

(2) AUDITING PROCEDURES.—

(A) IN GENERAL.—The audit under paragraph (1) shall be conducted in accordance with generally accepted government auditing standards.

(B) ACCESS TO INFORMATION.—The Secretary shall provide the independent external auditor the information such auditor requires to conduct the audit under paragraph (1). The independent external auditor may inspect any records of and have access to personnel of the National Oceanic and Atmospheric Administration to obtain such information.

(3) REPORT OF THE RESULTS OF THE AUDIT.—Not later than 180 days after the initiation of the audit required by this subsection, the independent external auditor shall submit a report concerning the results of the audit to the Committee on Science of the House of Representatives and the Committee on Science, Commerce, and Transportation of the Senate.

SEC. 6. FACILITIES.

(a) OPERATIONS, RESEARCH, AND FACILITIES.—There are authorized to be appropriated to the Secretary to enable the National Oceanic and Atmospheric Administration to carry out the Operations, Research, and Facilities marine research and related environmental research and development activities required to carry out Facilities Maintenance and Repairs and Environmental Compliance $5,717,000 for fiscal year 2000 and $5,717,000 for fiscal year 2001, to remain available until expended.

(b) FACILITIES MAINTENANCE AND REPAIRS.—Of the amounts authorized under subsection (a), $1,818,000 for fiscal year 2000 and $1,818,000 for fiscal year 2001 shall be for Facilities Maintenance and Repairs.

(c) ENVIRONMENTAL COMPLIANCE.—Of the amounts authorized under subsection (a), $3,899,000 for fiscal year 2000 and $3,899,000 for fiscal year 2001 shall be for Facilities Environmental Compliance.

SEC. 7. FLEET MAINTENANCE, PLANNING AND REPLACEMENT.

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

(b) FLEET REPLACEMENT.—There are authorized to be appropriated to the National Science Foundation $50,000,000 for fiscal year 2000 and $50,000,000 for fiscal year 2001, to remain available to expended, to meet the marine research and related environmental research and development data requirements of the National Oceanic and Atmospheric Administration set forth in the "NOAA Fisheries Data Acquisition Plan", dated September 1998, and that could also help meet the Nation's marine research and related environmental research and development needs. The National Science Foundation, in consultation with the Department of the Navy, the University-National Oceanic Laboratory System, academia, the National Oceanic and Atmospheric Administration, the private sector, and any other parties it considers appropriate, shall develop a strategy for meeting such requirements and other Federal marine research and related environmental research and development requirements, using funds appropriated under this subsection and at the lowest possible cost. The National Science Foundation shall consider all options, including various methods of acquiring vessel services, remote sensing, and any other possible means.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Director of the National Science Foundation shall submit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report detailing the strategy developed pursuant to subsection (b) and a plan for implementing such strategy.

(d) NOTIFICATION REQUIREMENT FOR REDUCTION IN AUTHORIZED NUMBER OF NOAA CORPS COMMISSIONED OFFICERS.—Section 2(a)(3) of the Coast and Geodetic Survey Commissioned Officers' Act of 1948 (33 U.S.C. 853a(a)(3)) is amended by inserting "and the Committee on Science" after "Committee on Resources".

SEC. 8. MARINE SERVICES.

(a) SERVICE CONTRACTS.—Notwithstanding any other provision of law and subject to the availability of appropriations, the Secretary shall enter into contracts, including multiyear contracts, subject to subsection (c), for the use of vessels to conduct marine research and related environmental research and development activities, monitoring, enforcement, and management, and to acquire other data necessary to carry out the missions of the National Oceanic and Atmospheric Administration. The Secretary shall enter into these contracts unless—

(1) the cost of the contract is more than the cost (including the cost of vessel operation, maintenance, and all personnel) to the National Oceanic and Atmospheric Administration of obtaining those services on vessels of the National Oceanic and Atmospheric Administration;

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

(3) the data is acquired through a vessel agreement pursuant to subsection (d).

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

(c) MULTIYEAR CONTRACTS.—

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

(2) REQUIRED FINDINGS.—The Secretary may not enter into a contract pursuant to this subsection unless the Secretary finds with respect to that contract that there is a reasonable expectation that throughout the contemplated contract period the Secretary will request from Congress funding for the contract at the level required to avoid contract termination.

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

(A) a provision under which the obligation of the United States to make payments under the contract for any fiscal year is subject to the availability of appropriations provided in advance for those payments;

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

(C) appropriate provisions under which, in case of any termination of the contract before the end of the term specified pursuant to subparagraph (B), the United States shall only be liable for the lesser of—

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

(ii) amounts that were appropriated before the date of the termination for the performance of the contract or for procurement of the type of acquisition covered by the contract and are unobligated on the date of the termination.

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

SEC. 9. REPEAL.

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

SEC. 10. ELIGIBILITY FOR AWARDS.

(a) IN GENERAL.—The Administrator shall exclude from consideration for grant agreements for marine research and related environmental research and development activities made by the National Oceanic and Atmospheric Administration after fiscal year 1999 any person who received funds, other than those described in subsection (b), appropriated for a fiscal year after fiscal year 1999, under a grant agreement from any Federal funding source for a project that was not subjected to a competitive, merit-based award process. Any exclusion from consideration pursuant to this section shall be effective for a period of 5 years after the person receives such Federal funds.

(b) EXCEPTION.—Subsection (a) shall not apply to the receipt of Federal funds by a person due to the membership of that person in a class specified by law for which assistance is awarded to members of the class according to a formula provided by law.

(c) DEFINITION.—For purposes of this section, the term "grant agreement" means a legal instrument whose principal purpose is to transfer a thing of value to the recipient to carry out a public purpose of support or stimulation authorized by a law of the United States, and does not include the acquisition (by purchase, lease, or barter) of property or services for the direct benefit or use of the United States Government. Such term does not include a cooperative agreement (as such term is used in section 6305 of title 31, United States Code) or a cooperative research and development agreement (as such term is defined in section 12(d)(1) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)(1))).

Chairman SENSENBRENNER. And the first amendment on the roster is one by the gentleman from California, Mr. Calvert. For what purpose does he seek recognition?

Mr. CALVERT. Mr. Chairman, I have an amendment at the desk.

Chairman SENSENBRENNER. The clerk will report the amendment.

The CLERK. En bloc amendment to H.R. 1552——

Chairman SENSENBRENNER. Without objection, the amendments will be considered en bloc, will be considered as read, and the gentleman from California is recognized for 5 minutes.

[The information follows:]

EN BLOC AMENDMENTS TO H.R. 1552 OFFERED BY MR. CALVERT

Page 2, line 9, strike "and".

Page 2, after line 9, insert the following new paragraph:

(2) "Director" means the Director of the National Science Foundation; and

Page 2, line 10, strike "(2)" and insert "(3)".

Page 9, line 6, strike "available to expended" and insert "available until expended".

Page 13, lines 12 through 16, strike "shall exclude" and all that follows through "fiscal year 1999" and insert "and the Director shall exclude from consideration for grant agreements made after fiscal year 1999 by the National Oceanic and Atmos-

pheric Administration and the National Science Foundation, under the activities for which funds are authorized by this Act,".

Page 13, line 21, insert ", except as specifically authorized by this Act" after "award process".

Mr. CALVERT. Mr. Chairman, this amendment merely makes technical and conforming changes to the bill and I would urge its passage.

Chairman SENSENBRENNER. The gentleman yields back the balance of his time. Is there further discussion on the en bloc amendments?

Hearing none, all those in favor will signify by saying aye.

Opposed, no.

The ayes appear to have it. The ayes have it. And the amendments are agreed to.

The next amendments on the roster are by the gentleman from Michigan, Mr. Ehlers, on behalf of himself and the gentlewoman from Michigan, Ms. Rivers.

For what purpose does the gentleman from Michigan seek recognition?

Mr. EHLERS. I have an amendment at the desk.

Chairman SENSENBRENNER. The clerk will report the amendment.

The CLERK. Amendment to H.R. 1552 offered by Mr. Ehlers and Ms. Rivers——

Chairman SENSENBRENNER. Without objection, the amendment is considered as read, and the gentleman from Michigan is recognized for 5 minutes.

[The information follows:]

AMENDMENT TO H.R. 1552 OFFERED BY MR. EHLERS AND MS. RIVERS

Page 3, line 21, strike "$6,085,000" and insert "$7,085,000".
Page 3, line 22, strike "$6,085,000" and insert "$7,085,000".
Page 4, line 4, strike "$19,884,000" and insert "$18,884,000".
Page 4, line 5, strike "$19,884,000" and insert "$18,884,000".

Mr. EHLERS. Thank you, Mr. Chairman. The essence of the amendment is to increase funding for the Great Lakes Environmental Research Laboratory by approximately $1 million from the bill that was presented by the Subcommittee. The amount they presented was reflected in the request from the administration, which represents a cut from the previous year.

In order to finance this restoration and modest increase, I am asking that we take $1 million out of funds that are designated under the act for restoration and response, which is restoration of a coral reef, and that is receiving in the President's budget an $11.1 million increase, which represents a 127 percent increase.

I am quite certain they don't need quite that much increase, and, therefore, I believe we can continue the funding for the Great Lakes Environmental Research Laboratory and not do damage to any other program.

I would like to mention that—and commend the Great Lakes Environmental Research Laboratory. It has provided 25 years of service to all of our coastal marine areas with an emphasis on the Great Lakes. And it is unfortunate that the Administration did not recognize the important of the Great Lakes. And often this Congress also doesn't recognize it.

This emphasis on the Great Lakes in this bill is critical, for although its shores are not commonly considered in the same category as our East or West Coast, the total of miles of coastline in Michigan is greater than that of any other state except Alaska. And the total Great Lakes coastline rivals that found on our Nation's East and West Coast.

Furthermore, the Great Lakes contain 95 percent of our Nation's surface fresh water. These bodies of water are extremely important to the future of our Nation, important for the fisheries of this Nation, and it is essential that we continue the research effort that the Great Lakes Environmental Research Laboratory has done.

Their mission is to conduct integrated, interdisciplinary environmental research in support of resource management and environmental services in both coastal and estuarine waters. It is the only research laboratory in the Great Lakes region with both personnel and instrumentation to document and understand the interplay of the physical lake phenomena such as temperature and water level with the biological and chemical ecosystem processes.

The Great Lakes laboratory has demonstrated history of problem-oriented research activities that have produced data and research management tools that benefit our Nation's coastal and marine areas.

Research projects within the laboratory seek to improve short-term warning and season climate forecasts in order to enhance public safety as well as prevent economic losses due to climate cycles and our understanding of the tools for intelligent and prudent environmental stewardship are enhanced through the research investigating sustainable fishery development and identification of environmental indicators to promote both ecosystem health and economic prosperity in our coastal zones.

This laboratory is also active in educational outreach opportunities for both high school and undergraduate students.

This amendment seeks to sustain the research endeavors and capabilities of this valuable facility. The requested increase will restore and maintain the Great Lakes Environmental Research Laboratory's research potential and allow its scientists to continue their significant and valuable work.

I certainly want to voice my support for the transfer of the Great Lakes Regional Environmental Laboratory from the Office of Oceanic and Atmospheric Research to the National Ocean Service. This transfer allows the laboratory to better focus on the scientific issues of coastal stewardship in the expansive Great Lakes region.

This bill will move toward that end, and we hope that the Appropriations Committee will agree with us on this issue this year.

In sum, the Great Lakes are an immense natural resource to the United States, not always appreciated by those who have not lived there. I encourage your adoption of this amendment. It will allow this important research effort to continue.

I yield back the balance of my time.

Ms. RIVERS. Mr. Speaker.

Chairman SENSENBRENNER. The gentlewoman from Michigan, Ms. Rivers.

Ms. RIVERS. Thank you, Mr. Chair.

I join——

Chairman SENSENBRENNER. The gentlewoman is recognized for 5 minutes.

Ms. RIVERS. Thank you. I join Mr. Ehlers in support for this particular amendment. You may recall, those of you who had served for any time on this Committee, that we have been here many times on behalf of the Great Lakes Environmental Research Laboratory, talking to you about issues like non-indigenous species, which at one time were simply a Great Lakes issue, but now have spread across to many other bodies of water throughout the country.

The Great Lakes Environmental Research Laboratory is considered by many to be the premiere coastal science laboratory in NOAA and that they have a lab that houses a broad spectrum of sciences, including chemists, biologists, hydrologists, physical oceanographers, and ecologists, all under one roof working together.

And they do not limit their inquiry only to issues relative to the Great Lakes. As a matter of fact, they have been involved in environmental research having to do with the Mississippi River and, particularly in Louisiana and the runoff and the problems that it is causing there.

This is an organization that has created a tremendous body of work that has been useful not only to the Great Lakes region, where the Great Lakes are, of course, a huge economic engine for all of the States that surround it, but across the country as many States and localities struggle with non-indigenous species, like zebra mussels and other kinds of invasive species that cost each and every year more and more and more resources that can't be devoted to other kinds of things.

This is a national organization, and I hope that everyone will support the amendment.

Thank you.

Chairman SENSENBRENNER. The gentlewoman yields back.

Ms. STABENOW. Mr. Chairman.

Chairman SENSENBRENNER. The other gentlewoman from Michigan.

Ms. STABENOW. Thank you, Mr. Chairman. I move to strike the last word.

Chairman SENSENBRENNER. The gentlewoman is recognized for 5 minutes.

Ms. STABENOW. Thank you, Mr. Chairman.

I would rise today to support my colleagues in this amendment. This is an excellent amendment. It is needed. They have been very eloquent in describing the importance of the Great Lakes. This is the 25th year of Great Lakes Environmental Research Laboratory. They have been involved in incredibly important, effective research and service efforts as well as educational opportunities.

It is, indeed, a major national resource for all of us, and it is very important that we have these additional resources.

Thank you.

Chairman SENSENBRENNER. The gentlewoman yields back the balance of her time.

Mr. SMITH. Mr. Chairman, I——

Chairman SENSENBRENNER. The gentleman from Michigan.

Mr. SMITH. I move to strike the last word and like to associate myself——

Chairman SENSENBRENNER. The gentleman is recognized for 5 minutes.

Mr. SMITH. I would like to associate myself with the comments of the previous three speakers.

Thank you, Mr. Chairman.

Chairman SENSENBRENNER. Do you yield back the balance of your time, sir?

Mr. SMITH. And I yield back all of the balance of my time.

Mr. COSTELLO. Mr. Chairman, I move to strike the last word.

Chairman SENSENBRENNER. The gentleman from Illinois.

Mr. COSTELLO. To associate myself with the previous speakers in support of the amendment.

Chairman SENSENBRENNER. Is there further discussion on the Ehlers-Rivers amendment?

Hearing none. All those in favor of agreeing to the amendment will signify by saying aye.

Opposed, no.

The ayes appear to have it. The ayes have it, and the amendment is agreed to.

The next amendment on the roster is by the gentleman from Colorado, Mr. Udall. For what purpose do you seek recognition?

Mr. UDALL. Thank you, Mr. Chairman. I have an amendment at the desk.

Chairman SENSENBRENNER. The clerk will report the amendment.

The CLERK. Amendment to H.R. 1552——

Mr. UDALL. Mr. Chairman, I ask unanimous consent that the amendment be considered as read.

Chairman SENSENBRENNER. Without objection, so ordered, and the gentleman is recognized for 5 minutes.

[The information follows:]

AMENDMENT TO H.R. 1552 OFFERED BY MR. UDALL

Page 5, line 19, strike "$63,769,000" both places it appears and insert "$73,887,000" in both places.

Page 5, line 22, strike "$52,750,000" and insert "$62,868,000".

Page 5, line 23, strike "$52,750,000" and insert "$62,868,000".

Page 6, line 1, strike "$19,200,000" and insert "$19,573,000".

Page 6, line 2, strike "$19,200,000" and insert "$19,573,000".

Page 6, line 4, strike "$700,000" both places it appears and insert "$712,000" in both places.

Page 6, line 7, strike "$31,850,000" and insert "$41,583,000".

Page 6, line 8, strike "$31,850,000" and insert "$41,583,000".

Mr. UDALL. Thank you, Mr. Chairman.

The President's request included $41.6 million for NOAA's Central Administration Support line item. H.R. 1522 would reduce that amount by about $10 million. This amendment restores those funds.

In response to the Appropriations Committee, NOAA created this comprehensive line item to group together salaries, administrative costs, rent, and the like that used to be buried within various NOAA programs. Much of what is contained in the Central Administration Support line item is mandated by law, such as annual

cost-of-living adjustments and the rent that NOAA has to pay the GSA, the General Services Administration.

Cutting this account saves no money. In fact, it costs money. Cutting this account does not cut personnel at NOAA. In order to comply with the law and meet NOAA's audited financial requirements, NOAA will be required to assess its line programs and offices to pay for these fixed and unavoidable costs.

In order to fund necessary management and computer upgrades to comply with Federal financial and management laws, like the Federal Financial Management Improvement Act of 1966, NOAA will have to offset these cuts against its operational program.

In other words, what we don't put in this line item will come out of NOAA research and operations. If other programs are taxed to pay for the flat-lining of this funding, shortchanging NOAA by about $10 million, major NOAA operations will be cut. With a major NOAA facility in Boulder, Colorado, in my district, I want, of course, to avoid those cuts to Federal operations in my district.

But these cuts will affect other members districts as well. Major cuts can be expected in Silver Spring, Maryland, to pay for the flat-lining of this account. Cuts will also occur in Seattle, Washington; Norman, Oklahoma; Charleston, South Carolina; Miami, Florida, and the list goes on. If you have a NOAA facility in your district, I ask your support for this amendment.

And, Mr. Chairman, even members who don't have a NOAA facility should support this amendment if we are going to enable NOAA to continue to do its job.

I thank you, and I yield back the remainder of my time.

Mr. CALVERT. Mr. Chairman.

Chairman SENSENBRENNER. The gentleman from California, Mr. Calvert.

Mr. CALVERT. Mr. Chairman, I oppose——

Chairman SENSENBRENNER is recognized for 5 minutes.

Mr. CALVERT. Thank you. Mr. Chairman, I oppose this amendment. It the—NOAA has not provided this Committee with a shed of—with a shred of justification in its budget documentation to agree to this. And I believe that the primary purpose of this Committee is to provide money for research, not for additional administrative services.

And I see no reason why NOAA should cut research to provide for its administrative needs. And I would oppose this amendment.

I think it is consistent with this Congress, and certainly in trying to make Government more efficient that we would certainly strike this amendment down.

And I thank the Chairman.

Mr. DOYLE. Mr. Chairman.

Chairman SENSENBRENNER. The gentleman from Pennsylvania, Mr. Doyle.

Mr. DOYLE. I move to strike the last word.

Chairman SENSENBRENNER. The gentleman is recognized for 5 minutes.

Mr. DOYLE. Thank you, Mr. Chairman.

I rise to support this amendment. My concern is that cutting this account isn't going to save any money. There is not going to be any jobs lost here at NOAA, that once again we are to see this money

come out of research projects. And, you know, these are tough times, and monies are very limited.

I don't think we have the luxury to see even $10 million come out of the research R&D accounts at NOAA, and I am afraid if this amendment does not pass, that is exactly where the money is going to come from. And we are not going to see any reductions in personnel.

So I would hope that my colleagues would consider that and support the Udall amendment.

I yield back my time.

Mr. ROHRABACHER. Mr. Chairman.

Chairman SENSENBRENNER. The gentleman yields back the balance of his time. The gentleman from California, Mr. Rohrabacher.

Mr. ROHRABACHER. I rise in opposition to this——

Chairman SENSENBRENNER. The gentleman is recognized for 5 minutes.

Mr. ROHRABACHER. You know, what we are talking about here is not research. This is not money that is going into research. It is going into salaries. And Mr. Calvert has done a very good job in trying to keep control of a budget over at NOAA. And I know that when I was the Chairman of that Subcommittee, we first started to try to say that there are ways that we can reduce the spending at NOAA and actually make NOAA a more efficient organization.

That is what Mr. Calvert is trying to do. We might note that one of the issues before us today has to do with the NOAA fleet—the NOAA fleet. Now how many of us know that NOAA has uniformed officers just like—they wear their little uniform like they do in the Navy. They have all the privileges of military officers but yet they are with NOAA.

Not to say that this is not an honorable profession. It is certainly is. But they have—but these people have salaries and benefits far beyond what is justified for people who are not in the military service of the United States.

Retirement benefits are equal to that, of those in the military.

Furthermore, it has been proven that you can be more cost-effective, for example, and not—and going to the private sector or working with universities rather than having NOAA have their own fleet.

So there are ways that we can spend less money and actually be more efficient in the Federal Government. Supposedly that is what this administration talked about when they talked about reinventing government. But here we have an attempt after Mr. Calvert is trying to be, and the other members of the Committee are trying—Subcommittee—are trying to be responsible, we have nothing but an attempt to increase salaries of Government employees saying that is going to make things more—more efficient.

And I think that we should be, even though we do have a surplus, we wouldn't have gotten to that surplus if we would have gone by a different philosophy. And we should maintain our philosophy of being effective and frugal with the taxpayers' dollars.

So I oppose this amendment.

Thank you.

Chairman SENSENBRENNER. The gentleman yields back the balance of is time. Further discussion on the Udall amendment?

Mr. LAMPSON. Mr. Chairman, I move to strike the last word.

Chairman SENSENBRENNER. The gentleman from Texas is recognized.

Mr. LAMPSON. I too want to associate myself with Mr. Udall and his amendment, and ask that you support it. And I know that Mr. Calvert and his Committee has done a good job at trying to put together as we possibly can put together, but while we have been seeking greater efficiency and accountability from these agencies, we are indeed imposing greater administrative and management reforms. And those are going to have an effect.

If we don't give some kind of direction toward where other cuts are going to come from to pay for this, it is going to have a continued effect like it has already had in Galveston, Texas, in my district, on the upper Texas Gulf coast, that is affecting fisheries, and is affecting the uses of facilities, buoys that are supporting a lot of different activities.

I would ask that we pass this amendment.

And I yield back my time, Mr. Chairman.

Chairman SENSENBRENNER. The gentleman yields back the balance of his time.

Further discussion on the Udall amendment?

Hearing none, the question is on agreeing to the amendment.

Mr. WEINER. Mr. Chairman, I would like to move to strike the last word.

Chairman SENSENBRENNER. The gentleman from New York, Mr. Weiner, is recognized for 5 minutes.

Mr. WEINER. I would like to yield to Mr. Udall.

Mr. UDALL. Thank you, Mr. Weiner.

Just to conclude, I want to point out that I respect the intent of the Congressman from California, Mr. Calvert, but I think in the end we are going to be counterproductive if we don't put this amendment on the bill.

Salaries are—salary increases are mandated by Federal law. Those are going to have to be put into place if this amendment is not passed. And eventually we are going to cut the programming and the research that we believe is so important on behalf of NOAA.

So I think this, although motivated by the right reasons, and I believe in fiscal responsibility as much as my colleagues from the other side of the aisle, I think this would be counterproductive and shortsighted, and I strongly urge a yes vote on the amendment.

Mr. WELDON of Pennsylvania. Would the gentleman yield?

Mr. UDALL. I will yield.

Mr. WELDON of Pennsylvania. Did the Administration come to you with this request and ask you to offer this amendment?

Mr. UDALL. I am in close contact with the NOAA laboratory in my district. It is an important part of——

Mr. WELDON of Pennsylvania. No. But did they come to you?

Mr. UDALL. I have talked with my friends at NOAA. Yes.

Mr. ROHRABACHER. Would the gentleman yield for a question?

Mr. UDALL. Yes.

Mr. ROHRABACHER. Would the gentleman yield for a question?

Chairman SENSENBRENNER. The time is controlled by the gentleman from New York, Mr. Weiner.

Mr. WEINER. I yield to the gentleman from California.

Mr. ROHRABACHER. Mr. Udall, would—did you go to the Chairman of the Subcommittee and talk to him about this and make a serious effort to go through the normal procedures, and go through the process on this?

Mr. UDALL. Thank you for your question, Mr. Rohrabacher. As you know, there was no Subcommittee hearing on the bill, and so a lot of the time has been compressed. The amendment—I would add, too, to the other gentleman who asked me the question—the amendment was my idea, and I felt it was important to bring this issue to the Committee's attention.

Thank you.

Mr. ROHRABACHER. You did not go through your Subcommittee Chairman. You didn't go and discuss this with him and try to see, you know, how the budget could be worked out and maybe accommodated?

Mr. UDALL. As I mentioned, the time of this was very compressed. It came to my attention in the last few days, and I take your suggestion to heart. But I think this is important enough that I wanted to bring it to the Committee's attention.

Mr. ROHRABACHER. Just another question, and I believe that—and I am a Subcommittee Chairman as well. My door has always been open, and we have always found ways of accommodating this without having to come to a confrontation at markup. Or most of the time. Sometimes you have philosophical differences.

Has Mr. Calvert given you some idea that his door isn't open to you to discuss these and try to reach accommodations without having to blind-side somebody at a markup?

Mr. WEINER. If I can briefly reclaim my time. I was under the impression that a markup is where we identify imperfections in the legislation. Try to address them through something called amendments. We offer them, try to justify them, and then we have votes on them. This is what the markup process is supposed to do, especially given the fact this wasn't marked up in Subcommittee.

Chairman SENSENBRENNER. The time is controlled by the gentleman from New York, Mr. Weiner.

Mr. DOYLE. Will the gentleman yield?

Mr. WEINER. I would certainly yield. I don't know to whom, but——

Mr. DOYLE. I would just say to my good friend, Dana Rohrabacher, that maybe it has been a long time since you have been a freshman member of Congress, but perhaps Mr. Udall wasn't acquainted with all the, you know, finer points of coming to a Subcommittee Chair. And I don't think his intent was to blind-side anyone. He is a pretty decent guy. [Laughter.]

So maybe just cut him a break.

Chairman SENSENBRENNER. The Chair will stipulate to that fact. [Laughter.]

Mr. DOYLE. I yield back.

Chairman SENSENBRENNER. Okay. The gentleman from New York still has a minute left.

Mr. WEINER. I yield back the balance of my time.

Chairman SENSENBRENNER. Okay. For what purpose does the gentleman from Pennsylvania rise?

Mr. WELDON of Pennsylvania. Mr. Chairman, I move to strike the last word.

Chairman SENSENBRENNER. The gentleman is recognized for 5 minutes.

Mr. WELDON of Pennsylvania. I don't necessarily fault the distinguished gentleman for offering the amendment. What bothers me is, as a strong supporter of NOAA and a good personal friend of Jim Baker, I resent the fact that this is an issue within NOAA, I would have liked to have heard about this from NOAA.

I mean it is not like we have some distant relationship. I meet with NOAA on a regular basis. I have never heard this issue. It seems to me like something I would want to know more about. And I just talked to the distinguished Chairman who I am going to yield to in a moment, and I will ask him, have you heard from NOAA on this issue, Mr. Chairman?

Mr. CALVERT. Not only I have not heard from NOAA, but they have—did not give any justification to this Committee for the 30-percent increase in administrative services that they requested.

Mr. WELDON of Pennsylvania. Mr. Chairman, that is what bothers me. Again, I am not an enemy of NOAA. I have supported NOAA on the floor. I feel that Jim Baker does a good job in that agency. What I resent is if NOAA is playing, and I am not saying they are, but if they are playing politics and only communicating with one side of the aisle, that is the surest way to have a vote come on the floor, or on the Committee that becomes totally partisan.

I mean, there are Republicans that are strong supporters of NOAA as any Democrat, and this should be a bipartisan effort. And what offends me most is that the Chairman of the Subcommittee, and I just asked him, has not even been informed on the merits of this, which is why I, as a supporter of NOAA, am going to oppose the amendment but ask the Chairman if he can get the facts for us for when the bill hits the floor.

And with that I would yield to the chairman.

Mr. CALVERT. I would be more than happy to work with Mr. Baker on any occasion, to understand why he is asking for this 30-percent increase, $9.7 million over last year's base amount.

Certainly he has a lot of justification to do before I would go along with that, but I would be more than happy to talk to the gentleman.

Mr. WELDON of Pennsylvania. And reclaiming the balance of my time, Mr. Chairman. The gentleman is correct that the markup process is available so that any member can offer any amendment. But the problem is, I think, if you really want to achieve success, the agencies understand that you build bipartisan consensus and support for that issue.

Otherwise, when it comes to this Committee for a markup, you tend to only get those partisans who want to support the member, and the other side who feels left out, opposes it, perhaps on the—for the wrong reasons.

And I, unfortunately, think that is where we are today. And that is unfortunate for NOAA in this regard.

Chairman SENSENBRENNER. The gentleman from——

Mr. WELDON of Pennsylvania. I would be happy to yield to the distinguished gentlelady.

Mrs. MORELLA. Thank you. Thank you for yielding.

I just simply want to add my support for NOAA also, in the hopes that the Chairman of the Committee, working with other Members of the Subcommittee, will look into this and report back to us when the bill comes on the floor.

Chairman SENSENBRENNER. The gentleman from Pennsylvania yields back the balance of his time. Further discussion? The gentleman from Tennessee, Mr. Gordon.

Mr. GORDON. Mr. Chairman, I would like to strike the last word.

Chairman SENSENBRENNER. The gentleman is recognized for 5 minutes.

Mr. GORDON. Mr. Chairman, I am absolutely amazed that there is an outrage that someone would have an amendment to a bill that came up. And I an even more flabbergasted that when you don't have a Subcommittee markup, that a freshman or any Member of Congress should be chastised for not giving adequate notice when you have to have notice of the bill first. I am even more amazed that just because the source of the amendment might be from the Administration, that would mean that some people would automatically have to oppose it. I mean if——

Chairman SENSENBRENNER. Will the gentleman yield?

Mr. GORDON. Yes.

Chairman SENSENBRENNER. I think everybody has had plenty of notice on both the bill and the amendment. It is on the amendment roster. It is something that is a legitimate matter of debate. I would hope that we would direct the debate toward whether or not there should be the increase proposed by the gentleman from Colorado, Mr. Udall. I think that is what we are here for.

Mr. GORDON. And I reclaim my time. I would hope that is the case too. Unfortunately, what we found is he has put forth an amendment and it is being opposed not on the merits. It wasn't arguments about the merits of his amendment. But rather who might have submitted it, where he got the idea, and that he didn't come before his Chairman and let him know in advance when he has got to have notice in the first place. I mean it is just an example of why the regular order in the legislative process is beneficial. And I think that this is something of an anomaly, and I want to at the appropriate time speak to that, but, again, I am somewhat concerned——

Chairman SENSENBRENNER. Well, will the gentleman from Tennessee yield to me again?

Mr. GORDON. Certainly.

Chairman SENSENBRENNER. I think that in his opening comments in opposition to the amendment, the gentleman from California did say that there was not any justification that was submitted by NOAA in support of the increase that is being proposed by the gentleman from Colorado. That was said before we got off the track of having this amendment before us. Well, the Chair does not like to point fingers. [Laughter.]

The time belongs to the gentleman from Tennessee. The gentleman yields back the balance of his time. Further discussion on the Udall amendment? Hearing none——

Ms. WOOLSEY. Mr. Chairman, I would like to strike the last word.

Chairman SENSENBRENNER. The gentlewoman from California is recognized for 5 minutes.

Ms. WOOLSEY. Thank you. I will yield my time to Mr. Udall.

Mr. UDALL. I thank the gentlewoman from California. I appreciate the tone of the discussion. I want to make it clear to the Subcommittee Chairman, the gentleman from California, I was not attempting to put him in a tough situation. I do want to emphasize though that a lot of this activity happened very quickly. I felt it was important at least to bring this amendment to the attention of the full Committee. One of the reasons I wanted to be on this Committee is the reputation it has for being bipartisan. I want to extend my hand and ask people on the other side to consider the importance of what we are trying to do here.

I would also mention to you that this was a part of the Administration's budget. The amendment is aimed at making sure that NOAA continues to be able to deliver the services and the research that we all depend on and that many of the costs that NOAA has are fixed and that if we turn this over to this—if we don't pass this amendment, we are turning over to NOAA the responsibility, which I think is our responsibility, to determine where those cuts or where those increases, whatever the case may be, would occur.

So I would ask that as we move ahead on this, that we continue our discussion and perhaps there is a way by the time this legislation comes to the Floor that we can find some common ground.

I yield back the remainder of my time.

Chairman SENSENBRENNER. Does the gentlewoman from California yield back the balance of her time?

Ms. WOOLSEY. I do, Mr. Chairman.

Chairman SENSENBRENNER. The question is on agreeing to the amendment of the gentleman from Colorado, Mr. Udall.

Those in favor will signify by saying aye.

Opposed, no.

The noes appear to have it. The noes have it.

Mr. UDALL. Could we have a roll call, Mr. Chairman?

Chairman SENSENBRENNER. Roll call is requested. Those in favor will vote aye. Those opposed will vote no. And the clerk will call the roll.

The CLERK. Mr. Sensenbrenner.

Chairman SENSENBRENNER. No.

The CLERK. Mr. Sensenbrenner votes no. Mr. Boehlert.

[No response.]

The CLERK. Mr. Smith of Texas.

Mr. SMITH of Texas. No.

The CLERK. Mr. Smith votes no. Mrs. Morella.

Mrs. MORELLA. No.

The CLERK. Mrs. Morella votes no. Mr. Weldon of Pennsylvania.

Mr. WELDON of Pennsylvania. No.

The CLERK. Mr. Weldon votes no. Mr. Rohrabacher.

Mr. ROHRABACHER. No.

The CLERK. Mr. Rohrabacher votes no. Mr. Barton.

[No response.]

The CLERK. Mr. Calvert.

Mr. CALVERT. No.
The CLERK. Mr. Calvert votes no. Mr. Smith of Michigan.
Mr. SMITH of Michigan. No.
The CLERK. Mr. Smith votes no. Mr. Bartlett.
Mr. BARTLETT. No.
The CLERK. Mr. Bartlett votes no. Mr. Ehlers.
Mr. EHLERS. No.
The CLERK. Mr. Ehlers votes no. Mr. Weldon of Florida.
Mr. WELDON of Florida. No.
The CLERK. Mr. Weldon votes no. Mr. Gutknecht.
[No response.]
The CLERK. Mr. Ewing.
Mr. EWING. No.
The CLERK. Mr. Ewing votes no. Mr. Cannon.
Mr. CANNON. No.
The CLERK. Mr. Cannon votes no. Mr. Brady.
Mr. BRADY. No.
The CLERK. Mr. Brady votes no. Mr. Cook.
Mr. COOK. No.
The CLERK. Mr. Cook votes no. Mr. Nethercutt.
Mr. NETHERCUTT. No.
The CLERK. Mr. Nethercutt votes no. Mr. Lucas.
[No response.]
The CLERK. Mr. Green.
Mr. GREEN. No.
The CLERK. Mr. Green votes no. Mr. Kuykendall.
Mr. KUYKENDALL. No.
The CLERK. Mr. Kuykendall votes no. Mr. Miller.
Mr. MILLER. No.
The CLERK. Mr. Miller votes no. Mrs. Biggert.
Mrs. BIGGERT. No.
The CLERK. Mrs. Biggert votes no. Mr. Sanford.
Mr. SANFORD. No.
The CLERK. Mr. Sanford votes no. Mr. Metcalf.
[No response.]
The CLERK. Mr. Brown.
[No response.]
The CLERK. Mr. Hall.
Mr. HALL. Yes.
The CLERK. Mr. Hall votes yes. Mr. Gordon.
Mr. GORDON. Yes.
The CLERK. Mr. Gordon votes yes. Mr. Costello.
Mr. COSTELLO. Yes.
The CLERK. Mr. Costello votes yes. Mr. Barcia.
Mr. BARCIA. Yes.
The CLERK. Mr. Barcia votes yes. Ms. Johnson.
Ms. EDDIE BERNICE JOHNSON of Texas. Yes.
The CLERK. Ms. Johnson votes yes. Ms. Woolsey.
Ms. WOOLSEY. Yes.
The CLERK. Ms. Woolsey votes yes. Mr. Hastings.
[No response.]
The CLERK. Ms. Rivers.
Ms. RIVERS. Yes.
The CLERK. Ms. Rivers votes yes. Ms. Lofgren.

[No response.]
The CLERK. Mr. Doyle.
Mr. DOYLE. Yes.
The CLERK. Mr. Doyle votes yes. Ms. Jackson Lee.
[No response.]
The CLERK. Ms. Stabenow.
Ms. STABENOW. Yes.
The CLERK. Ms. Stabenow votes yes. Mr. Etheridge.
Mr. ETHERIDGE. Yes.
The CLERK. Mr. Etheridge votes yes. Mr. Lampson.
Mr. LAMPSON. Yes.
The CLERK. Mr. Lampson votes yes. Mr. Larson.
Mr. LARSON. Yes.
The CLERK. Mr. Larson votes yes. Mr. Udall.
Mr. UDALL. Yes.
The CLERK. Mr. Udall votes yes. Mr. Wu.
Mr. WU. Yes.
The CLERK. Mr. Wu votes yes. Mr. Weiner.
Mr. WEINER. Yes.
The CLERK. Mr. Weiner votes yes. Mr. Capuano.
Mr. CAPUANO. Yes.
The CLERK. Mr. Capuano votes yes.
Chairman SENSENBRENNER. Are there additional Members who desire to cast their votes? Are there any Members who desire to change their votes? If not, the clerk will report.
The CLERK. Mr. Chairman, yes 16; no. 20.
Chairman SENSENBRENNER. And the amendment is not agreed to.
[The information follows:]

COMMITTEE ON SCIENCE - ROLL CALL - 106th CONGRESS
DATE: 4-29-99 SUBJECT: HR 1552 - Amendment by Mr. Udall

Rm.	Phone	Member	Yes	No	Not Voting	Present	Absent
2332	55101	Mr. Sensenbrenner, R-WI		1			
2246	53665	Mr. Boehlert, R-NY	✓				✓
2231	54236	Mr. Lamar Smith, R-TX		2			
2228	55341	Mrs. Morella, R-MD		3			
2452	52011	Mr. Curt Weldon, R-PA		4			
2338	52415	Mr. Rohrabacher, R-CA		5			
2264	52002	Mr. Barton, R-TX	✓				✓
2201	51986	Mr. Calvert, R-CA		6			
306	56276	Mr. Nick Smith, R-MI		7			
2412	52721	Mr. Bartlett, R-MD		8			
1714	53831	Mr. Ehlers, R-MI		9			
332	53671	Mr. Dave Weldon, R-FL		10			
425	52472	Mr. Gutknecht, R-MN	✓				✓
2417	52371	Mr. Ewing, R-IL		11			
118	57751	Mr. Cannon, R-UT		12			
1531	54901	Mr. Brady, R-TX		13			
1431	53011	Mr. Cook, R-UT		14			
1527	52006	Mr. Nethercutt, R-WA		15			
438	55565	Mr. Lucas, R-OK	✓				✓
1218	55665	Mr. Green, R-WI		16			
512	58220	Mr. Kuykendall, R-CA		17			
1037	53201	Mr. Miller, R-CA		18			
508	53515	Mrs. Biggert, R-IL		19			
1233	53176	Mr. Sanford, R-SC		20			
1510	52605	Mr. Metcalf, R-WA	✓				✓
2300	***56161***	***Mr. Brown, D-CA***	✓				✓
2221	***56673***	***Mr. Hall, D-TX***	1				
2368	***54231***	***Mr. Gordon, D-TN***	2				
2454	***55661***	***Mr. Costello, D-IL***	3				
2419	***58171***	***Mr. Barcia, D-MI***	4				
1511	***58885***	***Ms. Johnson, D-TX***	5				
439	***55161***	***Ms. Woolsey, D-CA***	6				
2235	***51313***	***Mr. Hastings, D-FL***	✓				✓
1724	***56261***	***Ms. Rivers, D-MI***	7				
318	***53072***	***Ms. Lofgren, D-CA***	✓				✓
133	***52135***	***Mr. Doyle, D-PA***	8				
410	***53816***	***Ms. Jackson-Lee, D-TX***	✓				✓
1039	***54872***	***Ms. Stabenow, D-MI***	9				
1641	***54531***	***Mr. Etheridge, D-NC***	10				
417	***56565***	***Mr. Lampson, D-TX***	11				
1419	***52265***	***Mr. Larson, D-CT***	12				
128	***52161***	***Mr. Udall, D-CO***	13				
510	***50855***	***Mr. Wu, D-OR***	14				
501	***56616***	***Mr. Weiner, D-NY***	15				
1232	***55111***	***Mr. Capuano, D-MA***	16				
		TOTAL	16	20			

Attest: Patricia S. Schwartz (Clerk) 4-29-99

Chairman SENSENBRENNER. The next amendment on the roster is one by the gentleman from Wisconsin, Mr. Green. For what purpose does the gentleman from Wisconsin seek recognition?

Mr. GREEN Mr. Chairman, I have an amendment at the desk.

Chairman SENSENBRENNER. The clerk will report the amendment.

The CLERK. Amendment to H.R. 1552, offered by Mr. Green of Wisconsin.

Chairman SENSENBRENNER. Without objection, the amendment is considered as read and the gentleman from Wisconsin is recognized for 5 minutes.

[The information follows:]

AMENDMENT TO H.R. 1552 OFFERED BY MR. GREEN OF WISCONSIN

Page 10, line 7, insert "The Director shall include in such report an analysis of the extent to which funds authorized by subsection (b) will be sufficient to implement such strategy." after "implementing such strategy.".

Mr. GREEN. Thank you, Mr. Chairman. H.R. 1552 requires the National Science Foundation to consult with appropriate parties and to develop a strategy for meeting marine and environmental research requirements that have been laid out in NOAA's Fisheries Data Acquisition Plan. It also directs NSF to formulate a plan to implement that strategy. And, finally, it requires NSF to submit to Congress a report detailing this strategy and the plan for implementing it.

What this simple amendment does is to merely add another provision to the reporting requirements. It requires NSF to include an analysis of whether the authorized funding levels will actually be sufficient to successfully implement the plan. Now one of the options that NSF will probably consider is the construction and procurement of new fisheries research vessels. NOAA has included this program in the President's Fiscal Year 2000 budget request. However, this Committee, as I have learned, has a healthy skepticism over the accuracy of NOAA's funding requests for this program. Consequently, this Committee has decided to allow NSF to determine the best and most cost-effective way to meet our marine research needs. Whatever determinations, whatever conclusions NSF makes, I think it makes sense to ask NSF to analyze the authorized spending levels and let Congress know if it is going to be enough to enable us to reach our stated goals. The goal of my amendment is to ensure that Congress has the information it needs to make accurate and responsible funding decisions.

I thank the Chair for the opportunity to offer this amendment. I urge its adoption, and I yield back the balance of my time.

Chairman SENSENBRENNER. Further discussion on the Green amendment?

Hearing none, all those in favor will signify by saying aye.

Opposed, no.

The ayes appear to have it. The ayes have it and the amendment is agreed to.

Next amendment on the roster is by the gentlewoman from California, Ms. Woolsey. For what purpose does the gentlewoman seek recognition?

Ms. WOOLSEY. Mr. Chairman, I have an amendment at the desk.

Chairman SENSENBRENNER. The clerk will report the amendment.

The CLERK. Amendment to H.R. 1552, offered by Ms. Woolsey.

Chairman SENSENBRENNER. Without objection, the amendment is considered as read and the gentlewoman from California is recognized for 5 minutes.

[The information follows:]

AMENDMENT TO H.R. 1552 OFFERED BY MS. WOOLSEY

Page 10, line 18, strike "subsection (c)" and insert "subsection (b)".
Page 11, line 9, strike "subsection (d)" and insert "subsection (c)".
Page 11, lines 10 through 12, strike subsection (b).
Page 11, line 13, and page 13, line 3, redesignate subsections (c) and (d) as subsections (b) and (c), respectively.

Ms. WOOLSEY. Thank you, Mr. Chairman. I have been thinking things have been going well, so I am looking forward to a vigorous discussion on this and some good support I believe.

Section 8(b) of H.R. 1552 would restrict NOAA from carrying out maintenance and repairs of existing Government assets, the NOAA fleet. Banning NOAA from upgrading or repairing existing ships closes out the option and the choice of the least cost solution that we have been trying to obtain with NOAA and with NIST. And I would suggest that we consider changing the language so that they can go for the least cost considerations.

As you know, Mr. Chairman, the Federal Government has recently invested $50 million in the Ronald H. Brown and the Kaimimoana ships. And these ships that are being used to obtain data that is necessary for predicting large-scale weather events, such as El Nino, have been very important in the NOAA fleet. Blocking repair and maintenance contracts for marine services would actually squander this investment by preventing NOAA from making repairs to their ships. Even if required data could be acquired through contracts, the cost of a repair to an existing vessel could be far less expensive than contracting out the work. The least-cost solution of data acquisition would be cut off. And in the meantime, Government assets worth a lot to this Nation would not be maintained and we would be I think acting very irresponsibly when it comes to maintaining our in-house fleet.

Now there are a lot of Members of this Committee who have an interest in the NOAA port facilities. In Seattle, Mr. Metcalf either represents or represents a district nearby, the Pacific Marine Center and Mr. Sanford has the Coastal Services Center in Charleston, South Carolina. And Miller and Mr. Kuykendall both have interests I'm sure in the Southwest Marine Support Facility in San Diego. So I am looking forward and hoping for the support they can bring to these arguments because in a previous section of the National Science Foundation, we are asking that NOAA meet data requirements. And by discontinuing this support for them, I and suggesting that we are doing ourselves a great disfavor in this Nation and doing a disfavor to NOAA wasting our valuable assets that we have in our in-house fleet.

And I will yield back my time.

Chairman SENSENBRENNER. Thank you very much. The Chair strikes the last word to speak in opposition to the amendment. The amendment goes back on decisions that have been made earlier to

try to get the most bang for the buck at NOAA. And the National Performance Review that was headed by Vice President Gore recommended in 1995 that there is no need for a NOAA fleet. In 1996, the Inspector General of the Commerce Department, who is an appointee of President Clinton's came out against the continuation of the NOAA fleet. And it said that the fleet is more expensive than available alternatives. Their billion dollar proposed modernization plan should be terminated. NOAA's actions have impeded attempts to form external partnerships——

Ms. WOOLSEY. Will the gentleman yield?

Chairman SENSENBRENNER. No, I will finish my statement, please. And that NOAA should cease all investments in its active ships and immediately begin de-commissioning the in-house vessels.

That Inspector General's recommendation was reaffirmed on April 15th by the Assistant Inspector General for Auditing in his testimony before the Subcommittee that is headed by the gentleman from California, Mr. Calvert. And I will just quote a part of that testimony. It says: "We continue to question the propriety of NOAA focusing its efforts on designing, owning, maintaining, and operating ships. Instead, the agency should clearly articulate its program need for ship services to the private sector, academia, and other Government ship operators with the goal of identifying modern, more cost-effective platforms for its data collection needs."

The specific provision in the bill that the gentlewoman from California proposes to strike is one that prohibits multi-year contracting by NOAA. There is nothing that would prohibit, according to the information I have, single-year contracting for maintenance.

In light of all of this, I believe that the amendment should be rejected, and I will yield to the gentlewoman from California.

Ms. WOOLSEY. Thank you. Thank you, Mr. Chairman, one of my most adamant points is until we determine that we are going to decommission these ships and if we do, in the meantime, we must maintain them. And if it is determined that the best way to go is to decommission them, wouldn't it be a shame to decommission ships that are worthless, and we won't be able to sell back at any value.

Ms. CALVERT. Mr. Chairman, will you yield, please?

Ms. WOOLSEY. So that would be one of my major concerns until it is decided.

Chairman SENSENBRENNER. Well, yes, reclaiming my time. Here we have had three recommendations that we do what is in the bill and which is undone by the gentlewoman's amendment. One is from the Vice President's National Performance Review. The second was from the Inspector General of the Commerce Department in 1996 and that was just reiterated last month when the IG came before the Subcommittee and testified that what is in the bill is something that the Administration supports, and it certainly I think is a more cost-effective manner of using the money that is available to the Commerce Department and to NOAA specifically.

Mr. CALVERT. Mr. Chairman.

Chairman SENSENBRENNER. I yield to the gentleman from California.

Mr. CALVERT. Mr. Chairman, I think the point that you made the entire Committee, needs to understand. Nothing in this legislation denies NOAA to enter into ongoing maintenance contracts which are renewed annually. So saying that these ships will go into disrepair is not true. The ships will be maintained in good order. The only thing we want to prevent, if, in fact, NOAA is to be decommissioned, that they don't enter into 10-year contracts on maintenance which would have to be bought out and then in effect the cost of getting rid of those multi-year contracts become so prohibitive that it would be impossible to decommission NOAA, which is precisely what I suspect some people would like the end result to be.

Ms. WOOLSEY. Well, will the gentleman yield?

Mr. CALVERT. So we maintain the ships and make sure that they are made in good order.

Chairman SENSENBRENNER. Yes, I control the time. I yield to the gentleman from Pennsylvania.

Mr. WELDON of Pennsylvania. I thank the distinguished Chairman. Just to counter what the gentlelady said in terms of singling out individual Members who may have an interest in the NOAA fleet, let me respond for those Members who might be near one of the institutions who will benefit from the action: Woods Hole in Massachusetts; Scripps in California; Lamont-Doherty; University of Washington; University of Miami; University of Florida; University of Massachusetts; University of Rhode Island; Rutgers; Penn State; University of Wisconsin; and University of Alaska. They would all benefit from having the ability, because they are the institutions academically who are doing the type of work that the recommendations that the Chairman has pointed out would benefit from.

Chairman SENSENBRENNER. My time has expired.

Mr. WELDON of Pennsylvania. I thank the Chairman.

Chairman SENSENBRENNER. Okay. Further discussion on the Woolsey amendment?

Mr. COSTELLO. Mr. Chairman.

Chairman SENSENBRENNER. The gentleman from Illinois is recognized for 5 minutes.

Mr. COSTELLO. Mr. Chairman, I have a question actually on the bill. On page 10, under Section 8, and this might be either directed to you or Chairman Calvert, if you will. I am trying to clarify a point here. It says, page 10, Section 8, Marine Services, it says: "Service contracts. Notwithstanding any other provision of the law and subject to the availability of appropriations, the Secretary shall enter into contracts including multi-year contracts." Then if you will turn to page 11, line 10, it says: "Vessels. The Secretary may not enter into any contract under this Section for the construction, lease, purchase, upgrade, or service life extension of any vessel." And I read that to mean that the Secretary is prohibited from entering into any contract to upgrade or service an existing vessel. And I just want a clarification on that, if you will?

Chairman SENSENBRENNER. If the gentleman will yield?

Mr. COSTELLO. I will be happy to yield.

Chairman SENSENBRENNER. And I would hope that if I am incorrect, the gentleman from California, Mr. Calvert, would butt in. The purpose of this is to prevent a capital infusion into the existing

old ships or the multi-year contracts, which might be signed because it would be more expensive to buy out a contract, as the gentleman from California just explained to us. But it is not intended to prohibit the maintenance of the existing ships as long as it is a single-year contract. Am I correct in that assumption?

Mr. CALVERT. If the gentleman would yield? That's correct. The intent of this is to have annual contracts and to maintain the ships in good order on an annual basis.

Mr. COSTELLO. Mr. Chairman, I would hope, reclaiming my time, that when we go to the Floor with this bill that we can have language that clarifies that so it is very clear. I understand the intent, so it is very clear that they can at least maintain the vessels that they have.

Mr. CALVERT. That's correct, and we can certainly do everything we can to clear that up.

Chairman SENSENBRENNER. And the Chair would also direct the staff to put language to that effect in the Committee report before it is filed to make it clear of error as well.

Mr. COSTELLO. Thank you, Mr. Chairman.

Chairman SENSENBRENNER. Does the gentleman yield back the balance of his time?

Mr. COSTELLO. I do.

Chairman SENSENBRENNER. Further discussion on the Woolsey amendment? Hearing none, the question is agreeing to the Woolsey amendment?

All those in favor will signify by saying aye.

Opposed, no.

The noes appear to have it and the amendment is not agreed to.

The next amendment on the roster is by the gentleman from California, Mr. Kuykendall. For what reason does he arise?

Mr. KUYKENDALL. I have an amendment at the desk.

Chairman SENSENBRENNER. The clerk will report the amendment.

The CLERK. Amendment to H.R. 1552, offered by Mr. Kuykendall.

Chairman SENSENBRENNER. Without objection, the amendment is considered as read and the gentleman from California is recognized for 5 minutes.

[The information follows:]

AMENDMENT TO H.R. 1552 OFFERED BY MR. KUYKENDALL

Page 13, after line 10, insert the following new section:

SEC. 10. INTERNET AVAILABILITY OF INFORMATION.

The Administrator shall make available through the Internet home page of the National Oceanic and Atmospheric Administration the abstracts relating to all research grants and awards made with funds authorized by this Act. Nothing in this section shall be construed to require or permit the release of any information prohibited by law or regulation from being released to the public.

Page 13, line 11, redesignate section 10 as section 11.

Mr. KUYKENDALL. Mr. Chairman, this amendment takes the same form as the others that I have offered this morning on the two preceding bills and that is it allows the accessibility via the Internet of information concerning grants from this particular authorization. I urge your aye vote.

Chairman SENSENBRENNER. The gentleman yields back the balance of his time. Further discussion on the Kuykendall amendment?

Hearing none, all those in favor of agreeing to the amendment will signify by saying aye.

Opposed, no.

The ayes appear to have it. The ayes have it and the amendment is agreed to.

The next amendment is one by the gentleman from Illinois, Mr. Costello. For what purpose does he seek recognition?

Mr. COSTELLO. Mr. Chairman, I have an amendment at the desk.

Chairman SENSENBRENNER. The clerk will report the amendment.

The CLERK. Amendment to H.R. 1552, offered by Mr. Costello.

Chairman SENSENBRENNER. Without objection, the amendment is considered as read and the gentleman from Illinois is recognized for 5 minutes.

[The information follows:]

AMENDMENT TO H.R. 1552 OFFERED BY MR. COSTELLO

Page 14, after line 18, insert the following new section:

SEC. 11. AUTHORIZATION INCREASE.

Each of the amounts authorized for fiscal year 2001 by this Act, except for the amount authorized by section 7(b), shall be increased by 3 percent.

Mr. COSTELLO. Mr. Chairman, thank you. The bill before us today leaves funding for NOAA program accounts flat from Fiscal Year 2000 to Fiscal Year 2001. My amendment would rectify and increase the authorization level for Fiscal Year 2001 by 3 percent. Excluded from this increase would be construction and procurement accounts because in those cases we are working with real projected out-year numbers.

Mr. Chairman, as you know, the level of increase is consistent with the Committee's past views and estimates which called for a 3-percent increase in Fiscal Year 1998, a 4-percent increase in Fiscal Year 1999, and a 3-percent increase in Fiscal Year 2000. In addition, Mr. Chairman, this Committee has gone on record time and again calling for steady, stable funding for our programs. The Ehlers Report called for Federal funding to be stable and substantial. It can't be stable and substantial if we let inflation erode that funding from year to year. Flat funding means that all the increased inflationary costs for doing work will be absorbed by the programs, leading in effect to a cut in funding.

Finally, Mr. Chairman, we will be providing needed flexibility to appropriators and the Administration for Fiscal Year 2001. We can't know what we may need 18 months out of GPRA performance evaluations may suggest.

Mr. Chairman, a 3-percent increase is a modest authorization. It is consistent with the acts of this Committee in the past, and I would ask for your consideration and for approval of this amendment.

Chairman SENSENBRENNER. The gentleman yields back the balance of his time. The gentleman from California, Mr. Calvert.

Mr. CALVERT. I thank the Chairman and with regret——

Chairman SENSENBRENNER. Recognized for 5 minutes.

Mr. CALVERT [continuing]. To oppose my good friend's amendment. But I would like to point out with the exception for not providing for an increase for the NOAA bureaucracy, the operating accounts in this bill are consistent with the Administration's Fiscal Year 2001 efforts. Furthermore, we should be considering this bill and the National Weather Service bill as a NOAA package. Together, for these two bills, the Fiscal Year 2000 recommended total is $67.1 million or 3.8 percent above the recommended 2000 level and is more than consistent with the Committee's position and its views and estimates.

Furthermore, it is important to remember the Committee's commitment to the goal of stable and sustainable R&D funding over the next 5 years. Sustaining increases at the levels already in those two NOAA bills will be difficult enough. And, quite frankly, with the budget caps that we are operating on, Mr. Chairman, as you well know, this is as good as we can go.

I appreciate the gentleman's concern.

Chairman SENSENBRENNER. The gentleman yields back the balance of his time. The gentleman from Pennsylvania, Mr. Doyle.

Mr. DOYLE. Thank you, Mr. Chairman. I move to strike the last word.

Chairman SENSENBRENNER. The gentleman is recognized for 5 minutes.

Mr. DOYLE. Thank you. Mr. Chairman, I rise in support of Mr. Costello's amendment. It is a modest increase and it is in line with the level of increase that has been offered in past years. And, Mr. Chairman, this increase isn't going to tie anyone's hands. The appropriators can accept or reject the recommendation based on the fiscal conditions we face when they get to do their work in the summer of 2001. And, obviously, we can send a different signal ourselves through our views and estimates next March if it looks like our authorization was too high. However, no amount of huffing and puffing can raise authorization levels once they are passed and carved in stone.

I hope we could agree that given the importance of the work that is being done here, that this amendment would be supported by my colleagues on both sides of the aisle. I yield back my time.

Chairman SENSENBRENNER. The gentleman yields back the balance of his time. Further discussion on the Costello amendment?

Mr. LAMPSON. Mr. Chairman.

Chairman SENSENBRENNER. The gentleman from Texas, Mr. Lampson.

Mr. LAMPSON. I move to strike the last word.

Chairman SENSENBRENNER. The gentleman is recognized for 5 minutes.

Mr. LAMPSON. Thank you, Mr. Chairman. Here again, a situation occurs in my own district, in Galveston, where we face the opportunity of not being able to continue to do services that have been provided for in the past. A 3-percent increase is perhaps not even consistent with keeping up with inflation. I read some comments that have been made by this Chairman, the Chairman of our Committee, Mr. Sensenbrenner. And if it is possible for us to reconsider and look at how we might be able to support this amendment of Mr. Costello, I can assure you that the people in Galveston, Texas

where I represent a number of these interests would be most beneficial. Obviously, all across our coastlines and so many very states will be adversely effected. We are not asking for a huge amount of an increase. I think this is a very reasonable one, and I would hope that you would consider supporting it.

And I yield back the balance of my time.

Chairman SENSENBRENNER. Further discussion on the Costello——

Mr. BARTLETT. Mr. Chairman. Mr. Chairman.

Chairman SENSENBRENNER. Who seeks recognition?

Mr. BARTLETT. Mr. Bartlett.

Chairman SENSENBRENNER. The gentleman from Maryland who is way off on the left wing is recognized for 5 minutes.

Mr. BARTLETT. I am not very used to sitting on the left, Mr. Chairman. Might I ask the proposer, Mr. Costello, what offsets he would propose for this funding increase?

Mr. COSTELLO. Yes, there are no offsets proposed. It is in addition to the authorization level.

Mr. BARTLETT. Then this would bust the budget caps?

Mr. COSTELLO. It gives them, as you know, as I think Mr. Doyle pointed out, is that when we authorize, when we pass an authorization, what we are doing is giving flexibility to the appropriators. We do not lock them in stone by any means and, of course, if, in fact, as the administration puts their budget together for Fiscal Year 2001, as that budget is delivered to the Congress, if the appropriators feel that they cannot appropriate the level that has been authorized, as has happened in many times in the past with this Committee and other Committees, they are not bound by the authorization that we pass. What we are merely doing is giving them flexibility to increase the authorization by 3 percent.

Mr. BARTLETT. I have a question, Mr. Chairman, that if we propose—if we authorize more than the budget, would that not give the appropriators license to consider our authorization somewhat irrelevant since we are proposing more than they are going to authorize? I yield back the balance of my time.

Mr. COSTELLO. Mr. Chairman, if I might respond?

Chairman SENSENBRENNER. The gentleman withholds yielding back the balance of his time to yield to the gentleman from Illinois.

Mr. COSTELLO. My final comment is as we know there is no budget for Fiscal Year 2001 yet. Thank you.

Chairman SENSENBRENNER. Okay. Now the gentleman from Maryland yields back.

The question is on agreeing to the Costello amendment.

Mr. UDALL. Mr. Chairman. Mr. Chairman. I move to strike the last word.

Chairman SENSENBRENNER. The gentleman from Colorado is recognized for 5 minutes.

Mr. UDALL. I just want to briefly say that given that the amendment I offered didn't pass that I think it is all the more important that we meet inflationary levels in our funding for this part of the NOAA operation. And in that spirit, I support this amendment strongly. I would also yield any additional time to Mr. Costello if he needed additional time?

Mr. COSTELLO. I appreciate the gentleman's statement in support, and I will yield back the balance of the time.

Chairman SENSENBRENNER. The gentleman from Colorado yields back the balance?

Mr. UDALL. I yield back the balance.

Chairman SENSENBRENNER. Okay. Any further discussion on the Costello amendment?

Ms. WOOLSEY. Mr. Chairman, I would like to strike the last word.

Chairman SENSENBRENNER. The gentlewoman is recognized for 5 minutes.

Ms. WOOLSEY. Thank you. I won't take 5 minutes. I would like to remind everybody on this Committee that our responsibility is to authorize but to also be the spokespersons for these programs here in our country. If we don't ask the appropriators to do the right thing, then we shouldn't expect anybody to. So we should be pushing for what we need and what we want because we are the voice for these programs. And I yield.

Mr. ROHRABACHER. Mr. Chairman.

Chairman SENSENBRENNER. The gentleman from California, Mr. Rohrabacher.

Mr. ROHRABACHER. I will try to keep this short, just say many people—we have to view our jobs the way we view it. Some people view themselves as spokesmen for programs. Others of us view ourselves as spokesmen for the people of the country who have to earn the tax dollars that pay for these programs. An across-the-board, 3-percent increase without offsets is not being responsible. And if we have a situation where if we are very serious about our job, we prioritize within the money that the taxpayers have given us and say this is more important and this is less important.

Chairman SENSENBRENNER. Will the gentleman yield?

Mr. ROHRABACHER. Yes, I would.

Chairman SENSENBRENNER. The Chair will point out that unless we get this bill out, we are not advocating anything.

Mr. ROHRABACHER. I yield back the balance of my time.

Chairman SENSENBRENNER. The gentleman yields back. Is there further discussion on the Costello amendment? Hearing none, the question is on agreeing to the amendment.

Those in favor will signify by saying aye.

Opposed, no.

The noes appear to have it.

Mr. COSTELLO. Mr. Chairman. roll call.

Chairman SENSENBRENNER. The noes have it. A roll call is requested.

Those in favor will vote aye. Those opposed will vote no, and the clerk will call the roll.

The CLERK. Mr. Sensenbrenner.

Chairman SENSENBRENNER. No.

The CLERK. Mr. Sesenbrenner votes no. Mr. Boehlert.

[No response.]

The CLERK. Mr. Smith of Texas.

[No response.]

The CLERK. Mrs. Morella.

Mrs. MORELLA. No.

The CLERK. Mrs. Morella votes no. Mr. Weldon of Pennsylvania.
[No response.]
The CLERK. Mr. Rohrabacher.
Mr. ROHRABACHER. No.
The CLERK. Mr. Rohrabacher votes no. Mr. Barton of Texas.
Mr. BARTON. No.
The CLERK. Mr. Barton votes no. Mr. Calvert.
Mr. CALVERT. No.
The CLERK. Mr. Calvert votes no. Mr. Smith of Michigan.
Mr. SMITH of Michigan. No.
The CLERK. Mr. Smith votes no. Mr. Bartlett.
Mr. BARTLETT. No.
The CLERK. Mr. Bartlett votes no. Mr. Ehlers.
Mr. EHLERS. No.
The CLERK. Mr. Ehlers votes no. Mr. Weldon of Florida.
Mr. WELDON of Florida. No.
The CLERK. Mr. Weldon votes no. Mr. Gutknecht.
[No response.]
The CLERK. Mr. Ewing.
Mr. EWING. No.
The CLERK. Mr. Ewing votes no. Mr. Cannon.
Mr. CANNON. No.
The CLERK. Mr. Cannon votes no. Mr. Brady.
[No response.]
The CLERK. Mr. Cook.
Mr. COOK. No.
The CLERK. Mr. Cook votes no. Mr. Nethercutt.
Mr. NETHERCUTT. No.
The CLERK. Mr. Nethercutt votes no. Mr. Lucas.
Mr. LUCAS. No.
The CLERK. Mr. Lucas votes no. Mr. Green.
Mr. GREEN. No.
The CLERK. Mr. Green votes no. Mr. Kuykendall.
Mr. KUYKENDALL. No.
The CLERK. Mr. Kuykendall votes no. Mr. Miller.
[No response.]
The CLERK. Mrs. Biggert.
Mrs. BIGGERT. No.
The CLERK. Mrs. Biggert votes no. Mr. Sanford.
[No response.]
The CLERK. Mr. Metcalf.
Mr. METCALF. No.
The CLERK. Mr. Metcalf votes no. Mr. Brown.
[No response.]
The CLERK. Mr. Hall.
[No response.]
The CLERK. Mr. Gordon.
Mr. GORDON. Yes.
The CLERK. Mr. Gordon votes yes. Mr. Costello.
Mr. COSTELLO. Yes.
The CLERK. Mr. Costello votes yes. Mr. Barcia.
Mr. BARCIA. Yes.
The CLERK. Mr. Barcia votes yes. Ms. Johnson.
Ms. EDDIE BERNICE JOHNSON of Texas. Yes.

The CLERK. Ms. Johnson votes yes. Ms. Woolsey.
[No response.]
The CLERK. Mr. Hastings.
[No response.]
The CLERK. Ms. Woolsey votes yes. Mr. Hastings.
[No response.]
The CLERK. Ms. Rivers.
Ms. RIVERS. Yes.
The CLERK. Ms. Rivers votes yes. Ms. Lofgren.
[No response.]
The CLERK. Mr. Doyle.
Mr. DOYLE. Yes.
The CLERK. Mr. Doyle votes yes. Ms. Jackson Lee.
[No response.]
The CLERK. Ms. Stabenow.
Ms. STABENOW. Yes.
The CLERK. Ms. Stabenow votes yes. Mr. Etheridge.
Mr. ETHERIDGE. Yes.
The CLERK. Mr. Etheridge votes yes. Mr. Lampson.
Mr. LAMPSON. Yes.
The CLERK. Mr. Lampson votes yes. Mr. Larson.
Mr. LARSON. Yes.
The CLERK. Mr. Larson votes yes. Mr. Udall.
Mr. UDALL. Yes.
The CLERK. Mr. Udall votes yes. Mr. Wu.
Mr. WU. Yes.
The CLERK. Mr. Wu votes yes. Mr. Weiner.
Mr. WEINER. Yes.
The CLERK. Mr. Weiner votes yes. Mr. Capuano.
Mr. CAPUANO. Yes.
The CLERK. Mr. Capuano votes yes.
Chairman SENSENBRENNER. Are there Members in the room that desire to cast their votes? The gentleman from South Carolina.
Mr. SANFORD. Yes, how am I recorded?
The CLERK. Mr. Sanford is not recorded.
Mr. SANFORD. Vote no.
The CLERK. Mr. Sanford votes no.
Mr. SMITH of Texas. Mr. Chairman.
Chairman SENSENBRENNER. The gentleman from Texas, Mr. Smith.
Mr. SMITH of Texas. Mr. Chairman, if I am not recorded, I vote no.
The CLERK. Mr. Smith of Texas votes no.
Chairman SENSENBRENNER. The next gentleman from Texas, Mr. Brady.
Mr. BRADY. Mr. Chairman, I would like to be recorded as no.
The CLERK. Mr. Brady votes no.
Chairman SENSENBRENNER. And batting clean up from Texas, Mr. Hall.
Mr. HALL. Aye.
The CLERK. Mr. Hall votes aye.
Chairman SENSENBRENNER. Any further Members in the chamber who desire to cast their votes or wish to change their votes. No. [Laughter.]

If not, the clerk will report.

The CLERK. Mr. Chairman, yes is 16. No is 21.

Chairman SENSENBRENNER. And the amendment is not agreed to.

The gentlewoman from Texas, Ms. Jackson Lee.

Ms. JACKSON LEE of Texas. How am I recorded?

The CLERK. You are not recorded.

Ms. JACKSON LEE of Texas. Aye.

Chairman SENSENBRENNER. That makes it ayes 17, noes 21.

[The information follows:]

COMMITTEE ON SCIENCE - ROLL CALL - 106th CONGRESS
DATE: 4-29-99 SUBJECT: HR1552 - amendment by Mr. Costello

Rm.	Phone	Member	Yes	No	Not Voting	Present	Absent
2332	55101	Mr. Sensenbrenner, R-WI		1			
2246	53665	Mr. Boehlert, R-NY					✓
2231	54236	Mr. Lamar Smith, R-TX		2			
2228	55341	Mrs. Morella, R-MD		3			
2452	52011	Mr. Curt Weldon, R-PA					✓
2338	52415	Mr. Rohrabacher, R-CA		4			
2264	52002	Mr. Barton, R-TX		5			
2201	51986	Mr. Calvert, R-CA		6			
306	56276	Mr. Nick Smith, R-MI		7			
2412	52721	Mr. Bartlett, R-MD		8			
1714	53831	Mr. Ehlers, R-MI		9			
332	53671	Mr. Dave Weldon, R-FL		10			
425	52472	Mr. Gutknecht, R-MN					✓
2417	52371	Mr. Ewing, R-IL		11			
118	57751	Mr. Cannon, R-UT		12			
1531	54901	Mr. Brady, R-TX		13			
1431	53011	Mr. Cook, R-UT		14			
1527	52006	Mr. Nethercutt, R-WA		15			
438	55565	Mr. Lucas, R-OK		16			
1218	55665	Mr. Green, R-WI		17			
512	58220	Mr. Kuykendall, R-CA		18			
1037	53201	Mr. Miller, R-CA					✓
508	53515	Mrs. Biggert, R-IL		19			
1233	53176	Mr. Sanford, R-SC		20			
1510	52605	Mr. Metcalf, R-WA		21			
2300	***56161***	***Mr. Brown, D-CA***					✓
2221	***56673***	***Mr. Hall, D-TX***	1				
2368	***54231***	***Mr. Gordon, D-TN***	2				
2454	***55661***	***Mr. Costello, D-IL***	3				
2419	***58171***	***Mr. Barcia, D-MI***	4				
1511	***58885***	***Ms. Johnson, D-TX***	5				
439	***55161***	***Ms. Woolsey, D-CA***	6				
2235	***51313***	***Mr. Hastings, D-FL***					✓
1724	***56261***	***Ms. Rivers, D-MI***	7				
318	***53072***	***Ms. Lofgren, D-CA***					✓
133	***52135***	***Mr. Doyle, D-PA***	8				
410	***53816***	***Ms. Jackson-Lee, D-TX***	9				
1039	***54872***	***Ms. Stabenow, D-MI***	10				
1641	***54531***	***Mr. Etheridge, D-NC***	11				
417	***56565***	***Mr. Lampson, D-TX***	12				
1419	***52265***	***Mr. Larson, D-CT***	13				
128	***52161***	***Mr. Udall, D-CO***	14				
510	***50855***	***Mr. Wu, D-OR***	15				
501	***56616***	***Mr. Weiner, D-NY***	16				
1232	***55111***	***Mr. Capuano, D-MA***	17				
		TOTAL	17	21			

Attest: Patricia Schwartz (Clerk) 4-29-99

Chairman SENSENBRENNER. And the amendment is still not agreed to. That concludes the number of amendments that are listed on the roster. The Chair is informed by minority staff that is what is listed in your packet as amendment number eight by Mr. Wu is in effect an amendment for the next bill. So are there further amendments to H.R. 1552? If there are no amendments, is there any proposed report language to H.R. 1552? If there is no proposed report language, the chair will recognize the gentleman from Illinois, Mr. Costello, for a motion to report the bill?

Mr. COSTELLO. Mr. Chairman, I move that the Committee favorably report H.R. 1552, as amended, to the House with the recommendation that the bill as amended to pass. Furthermore, I move that the staff be instructed to prepare the legislative report and make necessary technical and conforming amendments and that the Chairman take all necessary steps to bring the bill before the House for consideration.

Chairman SENSENBRENNER. The question is on reporting the bill. Is there any discussion on the motion? If not, the Chair notes the presence of a reporting quorum.

All those in favor of the motion to favorably report the bill will signify by saying aye.

Opposed, no.

The ayes appear to have it. The ayes have it and the bill is favorably reported. Without objection, the bill will be reported in the form of a single amendment in the nature of a substitute reflecting the amendments adopted here today. Without objection, pursuant to clause 1 of rule XXII of the Rules of the House, the Committee authorizes the Chairman to offer such motions as may be necessary in the House to go to conference with the Senate on the bill and Members will have two subsequent calendar days in which to submit supplemental minority or additional views on the legislation.

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