

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
ACT

OCTOBER 16, 2002.—Ordered to be printed

Mr. HANSEN, from the Committee on Resources,
submitted the following

R E P O R T

[To accompany H.R. 4966]

The Committee on Resources, to whom was referred the bill (H.R. 4966) to improve the conservation and management of coastal and ocean resources by reenacting and clarifying provisions of a reorganization plan authorizing the National Oceanic and Atmospheric Administration, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

(a) IN GENERAL.—Public Law 102-567 (106 Stat. 4270 et seq.) is amended by striking the matter preceding title I and inserting the following:

“SECTION 1. SHORT TITLE.

“This Act may be cited as the ‘National Oceanic and Atmospheric Administration Act’.

“SEC. 2. DEFINITIONS.

“In this Act:

“(1) ACT OF 1890.—The term ‘Act of 1890’ means the Act entitled ‘An Act to increase the efficiency and reduce the expenses of the Signal Corps of the Army, and to transfer the Weather Bureau to the Department of Agriculture’, approved October 1, 1890 (26 Stat. 653).

“(2) ACT OF 1947.—The term ‘Act of 1947’ means the Act entitled ‘An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes’, approved August 6, 1947 (33 U.S.C. 883a et seq.).

“(3) ADMINISTRATION.—The term ‘Administration’ means the National Oceanic and Atmospheric Administration.

“(4) FUNCTION.—The term ‘function’ includes any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.

“(5) OFFICE.—The term ‘office’ includes any office, institute, council, unit, organizational entity, or component thereof.

“(6) SECRETARY.—The term ‘Secretary’ means the Secretary of Commerce.

“(7) UNDER SECRETARY.—The term ‘Under Secretary’ means the Under Secretary of Commerce for Oceans and Atmosphere appointed under section 102.

“SEC. 3. ORGANIZATION OF ADMINISTRATION.

“(a) IN GENERAL.—There shall be in the Department of Commerce an agency known as the National Oceanic and Atmospheric Administration.

“(b) PRIMARY MISSIONS.—The primary missions of the Administration are the following:

- “(1) The provision and certification of hydrographic and geodetic products and data.
- “(2) The conservation and management of the Nation’s coastal and marine resources.
- “(3) The exploration of the oceans and the Great Lakes.
- “(4) To further human understanding of—
 - “(A) the oceans and the Great Lakes;
 - “(B) the earth’s atmosphere; and
 - “(C) the functional relationship of the oceans and the atmosphere.
- “(5) Forecasting the Nation’s weather and climate.

“(c) COMPONENTS.—The Secretary shall maintain within the Administration the following components:

- “(1) The National Coastal and Ocean Service.
- “(2) The National Oceanic and Atmospheric Research Service.
- “(3) The National Marine Fisheries Service.
- “(4) The National Weather Service.
- “(5) The National Environmental Satellite and Data Information Service.
- “(6) The Office of Marine and Aviation Operations.
- “(7) Such other components as the Secretary considers necessary.

“(d) FUNCTIONS.—The Administration shall perform such functions as were vested in the Administration or any officer, employee, or office of the Administration immediately before the enactment of this Act, except as may be provided otherwise by law or by a redelegation of authority after that date by the President, the Secretary of Commerce, or any other officer of the United States who delegated such function to the Administration before that date or who is otherwise authorized to make such a redelegation.

“SEC. 4. UNDER SECRETARY FOR OCEANS AND ATMOSPHERE.

“(a) IN GENERAL.—There shall be at the head of the Administration the Under Secretary of Commerce for Oceans and Atmosphere. The Under Secretary shall be appointed by the President, by and with the advice and consent of the Senate. The Under Secretary shall be paid at the rate of basic pay for level III of the Executive Schedule.

“(b) FUNCTIONS.—Subject to the authority, direction, and control of the Secretary, the Under Secretary shall perform such functions and exercise such powers with respect to the Administration as the Secretary may prescribe, including the following:

- “(1) Serve as the Administrator of the National Oceanic and Atmospheric Administration.
- “(2) General management.
- “(3) Policy development and guidance.
- “(4) Budget formulation, guidance, and execution, and other financial matters.
- “(5) Resource requirements determination and allocation.
- “(6) Program management and direction.
- “(7) Environment, safety, and health operations.
- “(8) Administration of contracts, real property, and facilities.
- “(9) Personnel, including the selection, appointment, distribution, supervision, establishing of compensation, and separation of personnel.
- “(10) Procurement of services of experts and consultants in accordance with section 3109 of title 5, United States Code.
- “(11) External affairs, including legal, legislative, and public affairs, and serving as liaison with other elements of the Department of Commerce and with other Federal agencies, State, tribal, and local governments, and the public.

“SEC. 5. ASSISTANT SECRETARY FOR OCEANS AND ATMOSPHERE.

“(a) IN GENERAL.—There shall be in the Administration an Assistant Secretary of Commerce for Oceans and Atmosphere. The Assistant Secretary shall be appointed by the President, by and with the advice and consent of the Senate. The Assistant Secretary shall be paid at the rate of basic pay for level IV of the Executive Schedule.

“(b) FUNCTIONS.—The Assistant Secretary—

- “(1) shall perform such functions and exercise such powers as the Secretary or Under Secretary may prescribe; and
- “(2) shall act as Under Secretary during the absence or disability of the Under Secretary or in the event of a vacancy in the office of Under Secretary.

“SEC. 6. DEPUTY UNDER SECRETARY.

“(a) IN GENERAL.—There shall be in the Administration a Deputy Under Secretary for Oceans and Atmosphere. The Deputy Under Secretary shall be appointed by the Secretary. The Deputy Under Secretary shall be paid at the rate of basic pay for level IV of the Executive Schedule.

“(b) FUNCTIONS.—Subject to the authority, direction, and control of the Secretary and the Under Secretary, the Deputy Under Secretary—

“(1) shall serve as an advisor to the Under Secretary and to the Assistant Secretary on all program and policy issues;

“(2) shall be responsible for ensuring the timely and effective implementation of the Administration policies and objectives; and

“(3) in the absence or disability of the Under Secretary or Assistant Secretary, or in the event of a vacancy in either such position, the Deputy Under Secretary shall act in that position.

“SEC. 7. GENERAL COUNSEL.

“(a) IN GENERAL.—There shall be in the Administration a General Counsel. The General Counsel shall be appointed by the Secretary, subject to approval of the President. The General Counsel shall be paid at the rate of basic pay for level V of the Executive Schedule.

“(b) FUNCTIONS.—Subject to the authority, direction, and control of the Secretary and the Under Secretary, the General Counsel—

“(1) shall serve as the chief legal officer of the Administration for all legal matters that arise in connection with the conduct of the functions of the Administration; and

“(2) shall perform such other functions and exercise such powers as the Secretary or Under Secretary may prescribe.

“SEC. 8. ASSISTANT ADMINISTRATORS.

“(a) IN GENERAL.—There shall be in the Administration the following:

“(1) An Assistant Administrator for Coastal and Ocean Services.

“(2) An Assistant Administrator for Oceanic and Atmospheric Research.

“(3) An Assistant Administrator for Fisheries.

“(4) An Assistant Administrator for Weather.

“(5) An Assistant Administrator for Environmental Satellite Data and Information.

“(6) A Director of Marine and Aviation Operations and the Commissioned Officer Corps.

“(b) APPOINTMENT.—Each Assistant Administrator and the Director referred to in subsection (a) shall be appointed by the Secretary. Each Assistant Administrator shall be paid at the rate of basic pay for level V of the Executive Schedule.

“(c) QUALIFICATIONS.—Each Assistant Administrator and the Director referred to in subsection (a) shall be an individual who is qualified by reason of background and experience to direct the implementation and administration of the functions for which they are responsible.

“(d) FUNCTIONS.—Each Assistant Administrator and the Director referred to in subsection (a), under the authority, direction, and control of the Under Secretary, shall perform such functions and exercise such powers as the Under Secretary may prescribe.

“SEC. 9. CONTINUATION OF SERVICE.

“Any individual serving on the date of the enactment of this Act in a position provided for in this Act may continue to serve in that position until a successor is appointed under this Act.”

(b) CONFORMING AMENDMENTS AND REPEALS.—

(1) PAY RATE OF DEPUTY UNDER SECRETARY.—Section 5315 of title 5, United States Code, is amended by adding at the end the following:

“Deputy Under Secretary of Commerce for Oceans and Atmosphere.”

(2) REORGANIZATION PLAN NUMBER 4 OF 1970.—

(A) REPEAL.—Reorganization Plan Number 4 of 1970 (5 App. U.S.C.) is repealed.

(B) RELATIONSHIP TO ADMINISTRATION FUNCTIONS.—Subparagraph (A) shall not affect the functions of the Administration under section 3(d) of Public Law 102–567, as amended by this section.

SEC. 2. NOAA OCEAN AND COASTAL PROGRAMS.

(a) COASTAL OCEAN PROGRAM.—Section 201 of Public Law 102–567 (106 Stat. 4280) is amended by—

(1) striking the matter preceding “Such program shall augment” and inserting the following:

“SEC. 201. COASTAL OCEAN PROGRAM.

“(a) IN GENERAL.—There shall be in the Administration a coastal ocean program.

“(b) PROGRAM ELEMENTS.—”;

(2) striking “to promote the development of ocean technology”; and

(3) striking subsections (d), (e) and (f).

(b) GREAT LAKES ENVIRONMENTAL RESEARCH LABORATORY.—

(1) IN GENERAL.—Section 202 of Public Law 102–567 (106 Stat. 4281) is amended to read as follows:

“SEC. 202. RESEARCH LABORATORIES.

“There shall be in the Administration a Great Lakes Environmental Research Laboratory, a Pacific Marine Environmental Laboratory, and an Atlantic Oceanographic and Meteorological Laboratory. These laboratories shall support the Administration in carrying out its primary missions specified in section 3(b). The Great Lakes Environmental Laboratory may support, in partnership with the University of Michigan, a Cooperative Institute for Limnology and Ecosystems Research.”

(c) NATIONAL UNDERSEA RESEARCH PROGRAM.—Section 203 of Public Law 102–567 (106 Stat. 4281) is amended to read as follows:

“SEC. 203. NATIONAL UNDERSEA RESEARCH PROGRAM.

“(a) IN GENERAL.—There shall be in the Administration a national undersea research program.

“(b) PURPOSE.—The purpose of the program is to increase scientific knowledge by—

“(1) conducting undersea research related to the Administration’s coastal and ocean resource management missions; and

“(2) maintaining operational assets and expertise, and developing technology necessary to support undersea research.

“(c) DIRECTOR.—The Secretary shall appoint as the Director of the National Undersea Research Program a qualified individual who has appropriate administrative experience and knowledge or expertise in fields related to undersea research.

“(d) PROGRAM.—The program shall be conducted through a national headquarters and a network of regional undersea research centers.

“(e) COMPETITIVENESS.—All research, education, and technology activities under the program shall be managed using an open and competitive process to evaluate scientific merit, relevance to the Administration’s coastal and ocean resource management missions, and technical feasibility.”

(d) OCEAN EXPLORATION, COASTAL OCEAN OBSERVING AND AUTHORIZATION OF APPROPRIATIONS.—Title II of Public Law 102–567 (106 Stat. 4280 et seq.) is amended by adding at the end the following:

“SEC. 206. OCEAN EXPLORATION PROGRAM.

“(a) IN GENERAL.—There shall be in the Administration an ocean exploration program.

“(b) PURPOSES.—The purposes of the program are the following:

“(1) To improve our understanding of the physical, biological, chemical, geological, archaeological, temporal, and other related characteristics of the ocean.

“(2) To maximize efficiency by integrating the multiple scientific disciplines and by employing the diverse resources of the ocean science community.

“(3) To create missions and scientific activities of discovery and exploration for the purpose of discovering and documenting knowledge regarding the ocean.

“(4) To promote the development and application of new technologies for the exploration of the ocean.

“(5) To achieve a heightened scientific literacy and public appreciation of the oceans.

“(6) To facilitate ocean data and information availability in a timely and consistent manner.

“(c) AUTHORITIES.—In carrying out the program under this section the Secretary may perform the following:

“(1) Conduct interdisciplinary exploration voyages or other activities in conjunction with other Federal agencies or academic or educational institutions, to survey little known areas of the marine environment, and inventory, monitor, and assess living and nonliving marine resources.

“(2) Enhance the domestic technical capability of the marine science community by promoting the development of improved oceanographic research, communication, navigation, and data management and dissemination platforms, equipment, instruments, and techniques.

“(3) In conjunction with the National Sea Grant College Program, conduct public education and outreach activities that improve the public understanding of ocean science, resources, and processes.

“(4) Accept donations of property, data, and equipment to be applied for the purpose of exploring the oceans or increasing knowledge of the oceans.

“SEC. 207. COASTAL OCEAN OBSERVING SYSTEM.

“(a) DEFINITION.—In this section, the term ‘coastal ocean observing system’ means a system of marine sensors and other devices, personnel, and products, that—

“(1) collects remotely sensed and in situ observations in the coastal waters of a given region or subregion in a routine manner, including continuous observations;

“(2) transmits the data to users including, as appropriate, in real time or near real time;

“(3) produces forecasts and other appropriate products representing ocean conditions for users; and

“(4) manages the collected data to best practices for archiving and future use.

“(b) DESIGNATION OF UNITS.—Before designating a regional coastal ocean observing system as a unit of the national coastal ocean observing system under subsection (c), the Secretary shall—

“(1) establish, in consultation with the National Ocean Research Leadership Council, standards and protocols for the collection and distribution of data by regional coastal ocean observing systems;

“(2) establish management, quality control, and assessment systems for data collected and distributed by regional coastal ocean observing systems; and

“(3) determine that the regional coastal ocean observing system has adequate technical expertise to collect and distribute data in accordance with standards and protocols established under paragraph (1).

“(c) DATA COLLECTION.—The Secretary may designate units of and coordinate a coastal ocean observing system to collect data necessary to carry out the primary missions of the Administration.

“(d) DATA USE.—The Secretary shall, in conjunction with Federal, State, and local agencies and academic institutions, use data collected under subsection (b) to develop forecast models to support coastal and fishery management, safe and efficient marine navigation, weather and climate prediction, and other appropriate activities.

“(e) ASSISTANCE.—

“(1) IN GENERAL.—The Secretary may enter into contracts or cooperative agreements or make grants to units designated under subsection (c) to carry out coastal ocean observing activities.

“(2) COST SHARE.—The Federal share of any assistance provided under paragraph (1) may not exceed 50 percent of the costs of those activities.

“SEC. 208. SCIENCE ADVISORY BOARD.

“(a) IN GENERAL.—There shall be in the Administration a Science Advisory Board, which shall report to the Under Secretary.

“(b) PURPOSE.—The purpose of the Science Advisory Board is to advise the Under Secretary on long-range and short-range strategies for research, education, and application of science to resource management and environmental assessment and prediction.

“(c) MEMBERS; CHAIRPERSON.—

“(1) MEMBERS.—(A) The Science Advisory Board shall consist of members appointed by the Under Secretary to assure a balanced representation among preeminent scientists, engineers, educators, industry, and science policy experts reflecting the full breadth of the Administration’s areas of responsibility.

“(B) The Under Secretary shall develop and apply standard criteria for the selection of members of the Science Advisory Board. –

“(C)(i) Members of the Science Advisory Board shall be appointed for a 3-year term, may be reappointed once, and shall serve at the discretion of the Under Secretary.

“(ii) An individual serving a term as a member of the Science Advisory Board on the date of enactment of this section may complete that term, and may be reappointed once for another term of 3 years.

“(D) A member of the Science Advisory Board shall not be compensated for service on such board, but upon request by the member may be allowed travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

“(E) Members of the Science Advisory Board shall be subject to the ethical standards applicable to special Government employees.

“(d) CHAIRPERSON.—The Under Secretary shall designate one of the members of the Science Advisory Board as the Chairperson of such board.

“(e) MEETINGS; ADMINISTRATIVE SUPPORT.—

“(1) MEETINGS.—The Science Advisory Board shall meet at least twice each year, and at other times at the call of the Under Secretary or the Chairperson.

“(2) ADMINISTRATIVE SUPPORT.—The Under Secretary shall provide administrative support to the Science Advisory Board.

“SEC. 209. AUTHORIZATION OF APPROPRIATIONS.

“For operations, research, and facilities of the Administration relating to ocean, coastal, and Great Lakes research, there are authorized to be appropriated to the Secretary the following:

“(1) For ARGO floats, \$9,000,000 for each of fiscal years 2003 through 2007.

“(2) For ocean and coastal research activities of laboratories and joint institutes, other than activities related to the Great Lakes Environmental Research Laboratory, \$12,000,000 for each of fiscal years 2003 through 2007, of which up to \$3,000,000 may be expended each fiscal year for VENTS.

“(3) For activities related to the Great Lakes Environmental Research Laboratory and associated cooperative institutes, \$10,000,000 for each of fiscal years 2003 through 2007.

“(4) For activities related to the coastal ocean program, \$35,000,000 for each fiscal year 2003 through 2007.

“(5) For activities related to the national undersea research program—

“(A) \$20,000,000 for fiscal year 2003;

“(B) \$21,000,000 for fiscal year 2004;

“(C) \$22,000,000 for fiscal year 2005;

“(D) \$23,000,000 for fiscal year 2006; and

“(E) \$24,000,000 for fiscal year 2007.

“(6) For activities related to the ocean exploration program, \$25,000,000 for each of fiscal years 2003 through 2007.

“(7) For tsunami hazard mitigation activities, \$3,500,000 for each of fiscal years 2003 through 2007.

“(8) For Arctic research partnership programs, \$4,000,000 for each fiscal year 2003 through 2007, of which up to \$2,000,000 may be used for the Study of Environmental Arctic Change.

“(9) For activities related to coastal environmental health and biomolecular research, \$11,000,000 for each of fiscal years 2003 through 2007.

“(10) For coastal ocean observing activities—

“(A) \$15,000,000 for fiscal year 2003;

“(B) \$17,500,000 for fiscal year 2004;

“(C) \$20,000,000 for fiscal year 2005;

“(D) \$22,500,000 for fiscal year 2006; and

“(E) \$25,000,000 for fiscal year 2007.

“(11) For the operation of the Science Advisory Board, \$500,000 for each of fiscal years 2003 through 2007.”.

(e) OCEAN EXPLORATION REPORT.—Not later than 180 days after the date of enactment of this Act, the National Ocean Research Leadership Council (established by section 7902 of title 10, United States Code) shall provide to the Committee on Resources, the Committee on Science, and the Committee on Armed Services of the House of Representatives, and to the Committee on Commerce, Science, and Transportation and the Committee on Armed Services of the Senate, a plan for implementing the report of the President’s Panel on Ocean Exploration transmitted on October 10, 2000, including a recommendation for a dedicated multiyear, multidisciplinary voyage of discovery.

SEC. 3. PROGRAM SUPPORT; NOTICE OF REPROGRAMMING.

(a) CORPORATE AND MARINE SERVICES.—Subsections (a) and (b) of section 401 of Public Law 102–567 (106 Stat. 4290) are amended to read as follows:

“(a) CORPORATE SERVICES.—There are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to provide corporate services (including management, administrative support, and policy development) that support its program activities, \$80,000,000 for each fiscal year 2003 through fiscal year 2007.

“(b) MARINE OPERATIONS AND MAINTENANCE.—There are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to carry out marine services activities (including ship operations, maintenance, support and planning) under the Act of 1947 and any other law involving those activities, \$90,000,000 for each of fiscal years 2003 through 2007.”.

(b) FACILITIES.—Section 401 of Public Law 102–567 (106 Stat. 4290) is amended by adding at the end the following:

“(d) FACILITIES.—In addition to amounts authorized under section 3 of Public Law 104–91, There are authorized to the Secretary of Commerce to enable the National Oceanic and Atmospheric Administration to carry out activities related to mainte-

nance, repair, safety, environmental compliance, and project planning and execution of facilities \$20,000,000 for each fiscal year 2003 through 2007.”.

(c) NOTICE OF REPROGRAMMING.—Section 403 of Public Law 102–567 (106 Stat. 4291) is amended by striking “\$250,000 or 5” and inserting “\$500,000 or 10”.

PURPOSE OF THE BILL

The purposes of H.R. 4966 as ordered reported are to improve the conservation and management of coastal and ocean resources by reenacting and clarifying provisions of a reorganization plan authorizing the National Oceanic and Atmospheric Administration.

BACKGROUND AND NEED FOR LEGISLATION

The Resources and Engineering Development Act of 1966 (Public Law 89–454) created the Commission on Marine Science, Engineering and Resources, which is commonly referred to as the “Stratton Commission” after its Chairman, Julius A. Stratton. This commission was charged with reviewing and assessing existing and planned U.S. marine science activities and recommending a national oceanographic program and governmental organization plan. Based on the cumulative recommendations of the Stratton Commission’s final report entitled “Our Nation and the Sea: A Plan for National Action”, the Nixon Administration’s Advisory Council on Executive Organization and Congressional input, President Richard Nixon signed Reorganization Plan #4 on July 9, 1970. This action established the National Oceanic and Atmospheric Administration (NOAA) within the Department of Commerce. This new agency combined the Environmental Science Services Administration (consisting of the U.S. Weather Bureau and the Coast and Geodetic Survey), the Bureau of Commercial Fisheries, the Marine Sport Fishery Program, the National Sea Grant Program, the U.S. Lake Survey, National Data Buoy Project, the National Oceanographic Data Center, the National Oceanographic Instrumentation Center, and the Marine Minerals Technology Center.

Since the 1970 reorganization, NOAA’s responsibilities have increased significantly as a result of new legislation and Congressional mandates, including the Magnuson Fishery Conservation and Management Act, the Endangered Species Act, the Marine Mammal Protection Act, and the Coastal Zone Management Act. Many of NOAA’s programs, such as the National Sea Grant Program, are authorized under specific statutes, while others have no existing, free-standing authorizations. Congress enacted a comprehensive authorization bill in 1992 at the end of the 102nd Congress to cover the otherwise unauthorized programs. Those authorizations expired on September 30, 1993. Since 1970, the Reorganization Plan has failed to keep up with changes within NOAA. This legislation, H.R. 4966, replaces Reorganization Plan #4 with an updated statutory authorization for NOAA, and authorizes several NOAA oceanographic research programs.

During the 107th Congress, the Resources Committee has worked hard to reauthorize a number of NOAA-specific statutes such as the Sea Grant College Program Act and the Hydrographic Services Improvement Act under its jurisdiction, but many NOAA activities remain unauthorized. H.R. 4966 provides the authorization for programs with expired authorizations of appropriations (including the Coastal Ocean Program) and non-existent authoriza-

tions (including the National Undersea Research Program and the Ocean Exploration Program). The bill also establishes the authorizations for new activities including the Science Advisory Board and Coastal Ocean Observing System. Importantly, this bill authorizes the Coastal Ocean Observing System as a collaboration of regional systems to be managed within NOAA. Hearings during the past four Congresses have called for the institution of a national system for coastal ocean observing. This bill provides a statutory framework and authorization of appropriations for such a system. It is expected that this limited authority and funding structure would continue to develop along with the system's infrastructure and regional inclusion.

COMMITTEE ACTION

H.R. 4966 was introduced by Congressman Wayne T. Gilchrest (R-MD) on June 19, 2002. The bill was referred primarily to the Committee on Resources and additionally to the Committee on Science. Within the Committee on Resources, the bill was referred to the Subcommittee on Fisheries Conservation, Wildlife, and Oceans. On September 12, 2002, the Full Resources Committee met to consider the bill. The Subcommittee was discharged from further consideration of the bill by unanimous consent. Congressman Gilchrest offered an amendment in the nature of a substitute that added several authorizations for NOAA's oceanographic research programs. It was adopted by unanimous consent. The bill, as amended, was then ordered favorably reported to the House of Representatives by unanimous consent.

SECTION-BY-SECTION ANALYSIS

Section 1. National Oceanic and Atmospheric Administration

Section 1 of this bill amends the material preceding Title I of the 1992 National Oceanic and Atmospheric Administration Authorization Act (Public Law 102-567) to update the short title, the definitions, and to replace Reorganization Plan #4. This section also adds several new sections to the Act: Section 3 establishes the primary missions of NOAA and the line office structure; and Sections 4 through 8 authorize the position of the Under Secretary, the Assistant Secretary, the Deputy Under Secretary, the General Counsel and the Assistant Administrators, respectively. Section 9 assures that current appointees continue to serve in the listed jobs, and makes conforming amendments.

Section 2. NOAA ocean and coastal programs

Section 2 of the bill amends sections of Title II of the Act, and adds several new sections at the end of that title. Section 201 of the Act is amended by striking "the development of ocean technology" as a goal of the Coastal Ocean Program. Section 202 is updated to include authorization for NOAA's coastal and ocean-related laboratories, including the Great Lakes Environmental Laboratory, the Pacific Marine Environmental Laboratory, and the Atlantic Oceanographic and Meteorological Laboratory. Section 203 replaces outdated authorizations of appropriations with an authorization for the National Undersea Research Program. Sections 206 through 209 are new sections of the Act; these authorize the Ocean

Exploration Program, a Coastal Ocean Observing System, a Science Advisory Board, and appropriations for operations, research, and facilities relating to ocean, coastal and Great Lakes research. The Ocean Exploration and National Undersea Research Programs, the Science Advisory Board, and the Coastal Ocean Observing System already exist in NOAA but have no specific statutory authorization.

Section 3. Program support; notice of reprogramming

Section 3 amends Title IV of the Act. Here, the “Corporate Services”, “Marine Operations and Maintenance” and “Notice of Reprogramming” sections are modified to reflect current practices. A “Facilities” section is also added that authorizes appropriations for maintenance, repair, and associated activities.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources’ oversight findings and recommendations are reflected in the body of this report.

FEDERAL ADVISORY COMMITTEE STATEMENT

The functions of the proposed advisory committee authorized in this bill could not be performed by one or more agencies, or by enlarging the mandate of an existing advisory committee.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. The bill authorizes a total appropriation of \$1.71 billion over five years.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to improve the conservation and management of coastal and ocean resources by reenacting and clarifying provisions of a reorganization plan authorizing the National Oceanic and Atmospheric Administration.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has requested but not received a cost estimate for this bill from the Director of the Congressional Budget Office.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

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):

**NATIONAL OCEANIC AND ATMOSPHERIC
ADMINISTRATION AUTHORIZATION ACT OF 1992**

(Public Law 102-567)

[SECTION 1. SHORT TITLE.

[This Act may be cited as the “National Oceanic and Atmospheric Administration Authorization Act of 1992”.**]**

[SEC. 2. DEFINITIONS.

[For the purposes of this Act, the term—

[(1) “Act of 1890” means the Act entitled “An Act to increase the efficiency and reduce the expenses of the Signal Corps of the Army, and to transfer the Weather Bureau to the Department of Agriculture”, approved October 1, 1890 (26 Stat. 653); and

[(2) “Act of 1947” means the Act entitled “An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes”, approved August 6, 1947 (33 U.S.C. 883a et seq.).**]**

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(4) FUNCTION.—The term “function” includes any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.

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(6) *SECRETARY.*—The term “Secretary” means the Secretary of Commerce.

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(C) the functional relationship of the oceans and the atmosphere.

(5) Forecasting the Nation’s weather and climate.

(c) *COMPONENTS.*—The Secretary shall maintain within the Administration the following components:

(1) The National Coastal and Ocean Service.

(2) The National Oceanic and Atmospheric Research Service.

(3) The National Marine Fisheries Service.

(4) The National Weather Service.

(5) The National Environmental Satellite and Data Information Service.

(6) The Office of Marine and Aviation Operations.

(7) Such other components as the Secretary considers necessary.

(d) *FUNCTIONS.*—The Administration shall perform such functions as were vested in the Administration or any officer, employee, or office of the Administration immediately before the enactment of this Act, except as may be provided otherwise by law or by a redelegation of authority after that date by the President, the Secretary of Commerce, or any other officer of the United States who delegated such function to the Administration before that date or who is otherwise authorized to make such a redelegation.

SEC. 4. UNDER SECRETARY FOR OCEANS AND ATMOSPHERE.

(a) *IN GENERAL.*—There shall be at the head of the Administration the Under Secretary of Commerce for Oceans and Atmosphere. The Under Secretary shall be appointed by the President, by and with the advice and consent of the Senate. The Under Secretary shall be paid at the rate of basic pay for level III of the Executive Schedule.

(b) *FUNCTIONS.*—Subject to the authority, direction, and control of the Secretary, the Under Secretary shall perform such functions and exercise such powers with respect to the Administration as the Secretary may prescribe, including the following:

(1) Serve as the Administrator of the National Oceanic and Atmospheric Administration.

- (2) *General management.*
- (3) *Policy development and guidance.*
- (4) *Budget formulation, guidance, and execution, and other financial matters.*
- (5) *Resource requirements determination and allocation.*
- (6) *Program management and direction.*
- (7) *Environment, safety, and health operations.*
- (8) *Administration of contracts, real property, and facilities.*
- (9) *Personnel, including the selection, appointment, distribution, supervision, establishing of compensation, and separation of personnel.*
- (10) *Procurement of services of experts and consultants in accordance with section 3109 of title 5, United States Code.*
- (11) *External affairs, including legal, legislative, and public affairs, and serving as liaison with other elements of the Department of Commerce and with other Federal agencies, State, tribal, and local governments, and the public.*

SEC. 5. ASSISTANT SECRETARY FOR OCEANS AND ATMOSPHERE.

(a) *IN GENERAL.*—There shall be in the Administration an Assistant Secretary of Commerce for Oceans and Atmosphere. The Assistant Secretary shall be appointed by the President, by and with the advice and consent of the Senate. The Assistant Secretary shall be paid at the rate of basic pay for level IV of the Executive Schedule.

(b) *FUNCTIONS.*—The Assistant Secretary—

- (1) *shall perform such functions and exercise such powers as the Secretary or Under Secretary may prescribe; and*
- (2) *shall act as Under Secretary during the absence or disability of the Under Secretary or in the event of a vacancy in the office of Under Secretary.*

SEC. 6. DEPUTY UNDER SECRETARY.

(a) *IN GENERAL.*—There shall be in the Administration a Deputy Under Secretary for Oceans and Atmosphere. The Deputy Under Secretary shall be appointed by the Secretary. The Deputy Under Secretary shall be paid at the rate of basic pay for level IV of the Executive Schedule.

(b) *FUNCTIONS.*—Subject to the authority, direction, and control of the Secretary and the Under Secretary, the Deputy Under Secretary—

- (1) *shall serve as an advisor to the Under Secretary and to the Assistant Secretary on all program and policy issues;*
- (2) *shall be responsible for ensuring the timely and effective implementation of the Administration policies and objectives; and*
- (3) *in the absence or disability of the Under Secretary or Assistant Secretary, or in the event of a vacancy in either such position, the Deputy Under Secretary shall act in that position.*

SEC. 7. GENERAL COUNSEL.

(a) *IN GENERAL.*—There shall be in the Administration a General Counsel. The General Counsel shall be appointed by the Secretary, subject to approval of the President. The General Counsel shall be paid at the rate of basic pay for level V of the Executive Schedule.

(b) *FUNCTIONS.*—Subject to the authority, direction, and control of the Secretary and the Under Secretary, the General Counsel—

(1) shall serve as the chief legal officer of the Administration for all legal matters that arise in connection with the conduct of the functions of the Administration; and

(2) shall perform such other functions and exercise such powers as the Secretary or Under Secretary may prescribe.

SEC. 8. ASSISTANT ADMINISTRATORS.

(a) *IN GENERAL.*—There shall be in the Administration the following:

(1) An Assistant Administrator for Coastal and Ocean Services.

(2) An Assistant Administrator for Oceanic and Atmospheric Research.

(3) An Assistant Administrator for Fisheries.

(4) An Assistant Administrator for Weather.

(5) An Assistant Administrator for Environmental Satellite Data and Information.

(6) A Director of Marine and Aviation Operations and the Commissioned Officer Corps.

(b) *APPOINTMENT.*—Each Assistant Administrator and the Director referred to in subsection (a) shall be appointed by the Secretary. Each Assistant Administrator shall be paid at the rate of basic pay for level V of the Executive Schedule.

(c) *QUALIFICATIONS.*—Each Assistant Administrator and the Director referred to in subsection (a) shall be an individual who is qualified by reason of background and experience to direct the implementation and administration of the functions for which they are responsible.

(d) *FUNCTIONS.*—Each Assistant Administrator and the Director referred to in subsection (a), under the authority, direction, and control of the Under Secretary, shall perform such functions and exercise such powers as the Under Secretary may prescribe.

SEC. 9. CONTINUATION OF SERVICE.

Any individual serving on the date of the enactment of this Act in a position provided for in this Act may continue to serve in that position until a successor is appointed under this Act.

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TITLE II—NOAA OCEAN AND COASTAL PROGRAMS

[SEC. 201. NATIONAL OCEAN SERVICE.

[(a) *MAPPING, CHARTING, AND GEODESY.*—There are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to carry out mapping, charting, and geodesy activities (including geodetic data collection and analysis) under the Act of 1947 and any other law involving those activities, \$50,917,000 for fiscal year 1992 and \$51,087,000 for fiscal year 1993.

[(b) *OBSERVATION AND ASSESSMENT.*—There are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to carry out observation and assessment activities—

[(1) under the Act of 1947 and any other law involving those activities, \$57,273,000 for fiscal year 1992 and \$57,273,000 for fiscal year 1993; and

[(2) under title II of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1441 et seq.), \$11,000,000 for fiscal year 1992 and \$11,000,000 for fiscal year 1993.]

[(c) COASTAL OCEAN PROGRAM.—Of the sums authorized under subsection (b)(1), \$17,352,000 for each of the fiscal years 1992 and 1993 are authorized to be appropriated for the purposes of conducting a Coastal Ocean Program.]

SEC. 201. COASTAL OCEAN PROGRAM.

(a) *IN GENERAL.*—*There shall be in the Administration a coastal ocean program.*

(b) *PROGRAM ELEMENTS.*—Such program shall augment and integrate existing programs of the National Oceanic and Atmospheric Administration and shall include efforts to improve predictions of fish stocks, to better conserve and manage living marine resources, to improve predictions of coastal ocean pollution to help correct and prevent degradation of the ocean environment, [to promote development of ocean technology] to support the effort of science to understand and characterize the role oceans play in global climate and environmental analysis, and to improve predictions of coastal hazards to protect human life and personal property.

[(d) LONG ISLAND SOUND CIRCULATION MODEL.—No moneys appropriated pursuant to the authorizations in this Act shall be used to conduct analyses of samples collected under the National Status and Trends Program until the Policy Committee of the Long Island Sound Study certifies that the National Oceanic and Atmospheric Administration has completed the water circulation model for Long Island Sound.]

[(e) CIRCULATION MODEL FUNDING.—Of the sums authorized under subsection (b) for fiscal year 1992, \$600,000 is available for completion of the water circulation model for Long Island Sound and \$400,000 is available for National Status and Trends Program stations in Long Island Sound.]

[(f) OCEAN MANAGEMENT.—There are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to carry out ocean management activities, \$1,678,000 for fiscal year 1992 and \$1,823,000 for fiscal year 1993.]

[SEC. 202. OCEAN AND GREAT LAKES RESEARCH.]

[(a) OCEAN AND GREAT LAKES RESEARCH AUTHORIZATION.—There are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to carry out ocean and Great Lakes research activities under the Act of 1947, the Act of 1890, and any other law involving those activities, \$32,171,000 for fiscal year 1992 and \$39,800,000 for fiscal year 1993.]

[(b) COOPERATIVE INSTITUTE FOR LIMNOLOGY AND ECOSYSTEMS RESEARCH.—In addition to amounts authorized under subsection (a), there are authorized to be appropriated to the Office of Oceanic and Atmospheric Research of the National Oceanic and Atmospheric Administration \$250,000 for fiscal year 1992 and \$260,000 for fiscal year 1993, for use by the Cooperative Institute for Limnology and Ecosystems Research (established in partnership with the State of Michigan and the Great Lakes Environmental Research Laboratory) for—

- [(1) research conducted by the Institute;
- [(2) development of the Institute; and
- [(3) for preparation of a five-year plan for research and development.

[(c) LARGE LAKES RESEARCH.—(1) In addition to amounts authorized under subsections (a) and (b), there are authorized to be appropriated to the Secretary of Commerce for use by the Office of Oceanic and Atmospheric Research \$2,000,000 for fiscal year 1992 and \$2,080,000 for fiscal year 1993 for use for preparing a plan for large lakes research.

[(2) Amounts appropriated under this subsection may be used for—

[(A) preparation of a 5-year plan designating large lake study sites, research activities, and anticipated research products; and

[(B) collection of physical, chemical, and biological data required for preparing that plan.

[(3) Activities conducted with amounts appropriated under this subsection shall be coordinated through the Great Lakes Environmental Research Laboratory, working in association with the Cooperative Institute for Limnology and Ecosystems Research and the National Undersea Research Program.

[SEC. 203. AQUATIC NUISANCE PREVENTION AND CONTROL PROGRAM.

[(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Commerce \$11,000,000 for fiscal year 1992 and \$11,440,000 for fiscal year 1993 for use in implementing the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (Public Law 101–646).

[(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Commerce shall submit a report to the Congress on progress toward establishing a nonindigenous aquatic nuisance prevention and control program within the National Oceanic and Atmospheric Administration and projected funding for such a program for the following five fiscal years.]

SEC. 202. RESEARCH LABORATORIES.

There shall be in the Administration a Great Lakes Environmental Research Laboratory, a Pacific Marine Environmental Laboratory, and an Atlantic Oceanographic and Meteorological Laboratory. These laboratories shall support the Administration in carrying out its primary missions specified in section 3(b). The Great Lakes Environmental Laboratory may support, in partnership with the University of Michigan, a Cooperative Institute for Limnology and Ecosystems Research.

SEC. 203. NATIONAL UNDERSEA RESEARCH PROGRAM.

(a) *IN GENERAL.*—*There shall be in the Administration a national undersea research program.*

(b) *PURPOSE.*—*The purpose of the program is to increase scientific knowledge by—*

(1) conducting undersea research related to the Administration's coastal and ocean resource management missions; and

(2) maintaining operational assets and expertise, and developing technology necessary to support undersea research.

(c) *DIRECTOR.*—*The Secretary shall appoint as the Director of the National Undersea Research Program a qualified individual who has appropriate administrative experience and knowledge or expertise in fields related to undersea research.*

(d) *PROGRAM.*—*The program shall be conducted through a national headquarters and a network of regional undersea research centers.*

(e) *COMPETITIVENESS.*—*All research, education, and technology activities under the program shall be managed using an open and competitive process to evaluate scientific merit, relevance to the Administration's coastal and ocean resource management missions, and technical feasibility.*

* * * * *

SEC. 206. OCEAN EXPLORATION PROGRAM.

(a) *IN GENERAL.*—*There shall be in the Administration an ocean exploration program.*

(b) *PURPOSES.*—*The purposes of the program are the following:*

(1) *To improve our understanding of the physical, biological, chemical, geological, archaeological, temporal, and other related characteristics of the ocean.*

(2) *To maximize efficiency by integrating the multiple scientific disciplines and by employing the diverse resources of the ocean science community.*

(3) *To create missions and scientific activities of discovery and exploration for the purpose of discovering and documenting knowledge regarding the ocean.*

(4) *To promote the development and application of new technologies for the exploration of the ocean.*

(5) *To achieve a heightened scientific literacy and public appreciation of the oceans.*

(6) *To facilitate ocean data and information availability in a timely and consistent manner.*

(c) *AUTHORITIES.*—*In carrying out the program under this section the Secretary may perform the following:*

(1) *Conduct interdisciplinary exploration voyages or other activities in conjunction with other Federal agencies or academic or educational institutions, to survey little known areas of the marine environment, and inventory, monitor, and assess living and nonliving marine resources.*

(2) *Enhance the domestic technical capability of the marine science community by promoting the development of improved oceanographic research, communication, navigation, and data management and dissemination platforms, equipment, instruments, and techniques.*

(3) *In conjunction with the National Sea Grant College Program, conduct public education and outreach activities that improve the public understanding of ocean science, resources, and processes.*

(4) *Accept donations of property, data, and equipment to be applied for the purpose of exploring the oceans or increasing knowledge of the oceans.*

SEC. 207. COASTAL OCEAN OBSERVING SYSTEM.

(a) *DEFINITION.*—In this section, the term “coastal ocean observing system” means a system of marine sensors and other devices, personnel, and products, that—

(1) collects remotely sensed and in situ observations in the coastal waters of a given region or subregion in a routine manner, including continuous observations;

(2) transmits the data to users including, as appropriate, in real time or near real time;

(3) produces forecasts and other appropriate products representing ocean conditions for users; and

(4) manages the collected data to best practices for archiving and future use.

(b) *DESIGNATION OF UNITS.*—Before designating a regional coastal ocean observing system as a unit of the national coastal ocean observing system under subsection (c), the Secretary shall—

(1) establish, in consultation with the National Ocean Research Leadership Council, standards and protocols for the collection and distribution of data by regional coastal ocean observing systems;

(2) establish management, quality control, and assessment systems for data collected and distributed by regional coastal ocean observing systems; and

(3) determine that the regional coastal ocean observing system has adequate technical expertise to collect and distribute data in accordance with standards and protocols established under paragraph (1).

(c) *DATA COLLECTION.*—The Secretary may designate units of and coordinate a coastal ocean observing system to collect data necessary to carry out the primary missions of the Administration.

(d) *DATA USE.*—The Secretary shall, in conjunction with Federal, State, and local agencies and academic institutions, use data collected under subsection (b) to develop forecast models to support coastal and fishery management, safe and efficient marine navigation, weather and climate prediction, and other appropriate activities.

(e) *ASSISTANCE.*—

(1) *IN GENERAL.*—The Secretary may enter into contracts or cooperative agreements or make grants to units designated under subsection (c) to carry out coastal ocean observing activities.

(2) *COST SHARE.*—The Federal share of any assistance provided under paragraph (1) may not exceed 50 percent of the costs of those activities.

SEC. 208. SCIENCE ADVISORY BOARD.

(a) *IN GENERAL.*—There shall be in the Administration a Science Advisory Board, which shall report to the Under Secretary.

(b) *PURPOSE.*—The purpose of the Science Advisory Board is to advise the Under Secretary on long-range and short-range strategies for research, education, and application of science to resource management and environmental assessment and prediction.

(c) *MEMBERS; CHAIRPERSON.*—

(1) *MEMBERS.*—(A) The Science Advisory Board shall consist of members appointed by the Under Secretary to assure a balanced representation among preeminent scientists, engineers,

educators, industry, and science policy experts reflecting the full breadth of the Administration's areas of responsibility.

(B) The Under Secretary shall develop and apply standard criteria for the selection of members of the Science Advisory Board.

(C)(i) Members of the Science Advisory Board shall be appointed for a 3-year term, may be reappointed once, and shall serve at the discretion of the Under Secretary.

(ii) An individual serving a term as a member of the Science Advisory Board on the date of enactment of this section may complete that term, and may be reappointed once for another term of 3 years.

(D) A member of the Science Advisory Board shall not be compensated for service on such board, but upon request by the member may be allowed travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(E) Members of the Science Advisory Board shall be subject to the ethical standards applicable to special Government employees.

(d) **CHAIRPERSON.**—The Under Secretary shall designate one of the members of the Science Advisory Board as the Chairperson of such board.

(e) **MEETINGS; ADMINISTRATIVE SUPPORT.**—

(1) **MEETINGS.**—The Science Advisory Board shall meet at least twice each year, and at other times at the call of the Under Secretary or the Chairperson.

(2) **ADMINISTRATIVE SUPPORT.**—The Under Secretary shall provide administrative support to the Science Advisory Board.

SEC. 209. AUTHORIZATION OF APPROPRIATIONS.

For operations, research, and facilities of the Administration relating to ocean, coastal, and Great Lakes research, there are authorized to be appropriated to the Secretary the following:

(1) For ARGO floats, \$9,000,000 for each of fiscal years 2003 through 2007.

(2) For ocean and coastal research activities of laboratories and joint institutes, other than activities related to the Great Lakes Environmental Research Laboratory, \$12,000,000 for each of fiscal years 2003 through 2007, of which up to \$3,000,000 may be expended each fiscal year for VENTS.

(3) For activities related to the Great Lakes Environmental Research Laboratory and associated cooperative institutes, \$10,000,000 for each of fiscal years 2003 through 2007.

(4) For activities related to the coastal ocean program, \$35,000,000 for each fiscal year 2003 through 2007.

(5) For activities related to the national undersea research program—

(A) \$20,000,000 for fiscal year 2003;

(B) \$21,000,000 for fiscal year 2004;

(C) \$22,000,000 for fiscal year 2005;

(D) \$23,000,000 for fiscal year 2006; and

(E) \$24,000,000 for fiscal year 2007.

(6) For activities related to the ocean exploration program, \$25,000,000 for each of fiscal years 2003 through 2007.

(7) *For tsunami hazard mitigation activities, \$3,500,000 for each of fiscal years 2003 through 2007.*

(8) *For Arctic research partnership programs, \$4,000,000 for each fiscal year 2003 through 2007, of which up to \$2,000,000 may be used for the Study of Environmental Arctic Change.*

(9) *For activities related to coastal environmental health and biomolecular research, \$11,000,000 for each of fiscal years 2003 through 2007.*

(10) *For coastal ocean observing activities—*

(A) \$15,000,000 for fiscal year 2003;

(B) \$17,500,000 for fiscal year 2004;

(C) \$20,000,000 for fiscal year 2005;

(D) \$22,500,000 for fiscal year 2006; and

(E) \$25,000,000 for fiscal year 2007.

(11) *For the operation of the Science Advisory Board, \$500,000 for each of fiscal years 2003 through 2007.*

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TITLE IV—ADMINISTRATION AND OTHER ACCOUNTS

SEC. 401. PROGRAM SUPPORT.

[(a) EXECUTIVE DIRECTION AND ADMINISTRATIVE ACTIVITIES.—There are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to carry out executive direction and administrative activities (including management, administrative support, provision of retired pay of National Oceanic and Atmospheric Administration commissioned officers, and policy development) under the Act entitled “An Act to clarify the status and benefits of commissioned officers of the National Oceanic and Atmospheric Administration, and for other purposes”, approved December 31, 1970 (33 U.S.C. 857–1 et seq.), and any other law involving those activities, \$68,460,000 for fiscal year 1992 and \$75,750,000 for fiscal year 1993.

[(b) MARINE SERVICES.—(1) There are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to carry out marine services activities (including ship operations, maintenance, and support) under the Act of 1947 and any other law involving those activities, \$63,407,000 for fiscal year 1992 and \$68,518,000 for fiscal year 1993.

[(2) There are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to acquire a multibeam sonar mapper, \$1,500,000 for fiscal year 1993.

[(3) In addition to sums authorized in paragraphs (1) and (2), there are authorized to be appropriated to the Secretary of Commerce \$1,040,000 for fiscal year 1993 for the reactivation and operation of the research vessel ALBATROSS IV.

[(4)(A) Unless necessary for safety reasons, the Secretary of Commerce shall not deactivate the ALBATROSS IV (if active), until an equivalent replacement vessel is operational.

[(B) The Secretary of Commerce shall notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Merchant Marine and Fisheries of the House of Representatives 60 days prior to the proposed deactivation of any other

research vessel of the National Oceanic and Atmospheric Administration, if an equivalent replacement vessel will not become operational at the time of deactivation.

[(5) The Secretary of Commerce shall consult with the Oceanographer of the Navy regarding appropriate cost effective and practical measures to allow vessels of the National Oceanic and Atmospheric Administration to be interoperable with vessels of the Department of the Navy, including with respect to operation, maintenance, and repair of those vessels.]

(a) *CORPORATE SERVICES.*—*There are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to provide corporate services (including management, administrative support, and policy development) that support its program activities, \$80,000,000 for each fiscal year 2003 through fiscal year 2007.*

(b) *MARINE OPERATIONS AND MAINTENANCE.*—*There are authorized to be appropriated to the Secretary of Commerce, to enable the National Oceanic and Atmospheric Administration to carry out marine services activities (including ship operations, maintenance, support and planning) under the Act of 1947 and any other law involving those activities, \$90,000,000 for each of fiscal years 2003 through 2007.*

* * * * *

(d) *FACILITIES.*—*In addition to amounts authorized under section 3 of Public Law 104–91, There are authorized to the Secretary of Commerce to enable the National Oceanic and Atmospheric Administration to carry out activities related to maintenance, repair, safety, environmental compliance, and project planning and execution of facilities \$20,000,000 for each fiscal year 2003 through 2007.*

* * * * *

SEC. 403. NOTICE OF REPROGRAMMING.

(a) *IN GENERAL.*—The Secretary of Commerce shall provide notice to the Committee on Commerce, Science, and Transportation and Committee on Appropriations of the Senate and to the Committee on Merchant Marine and Fisheries, Committee on Science, Space, and Technology, and Committee on Appropriations of the House of Representatives, not less than 15 days before reprogramming funds available for a program, project, or activity of the National Oceanic and Atmospheric Administration in an amount greater than the lesser of [\$250,000 or 5] \$500,000 or 10 percent of the total funding of such program, project, or activity if the reprogramming—

(1) * * *

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SECTION 5315 OF TITLE 5, UNITED STATES CODE

§ 5315. Positions at level IV

Level IV of the Executive Schedule applies to the following positions, for which the annual rate of basic pay shall be the rate determined with respect to such level under chapter 11 of title 2, as adjusted by section 5318 of this title:

Deputy Administrator of General Services.

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Deputy Under Secretary of Commerce for Oceans and Atmosphere.

