

## CONVEYANCE OF NOAA VESSEL TO UTROK ATOLL

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NOVEMBER 18, 2003.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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

### R E P O R T

[To accompany H.R. 2584]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 2584) to provide for the conveyance to the Utrok Atoll local government of a decommissioned National Oceanic and Atmospheric Administration ship, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

#### PURPOSE OF THE BILL

The purpose of H.R. 2584 is to provide for the conveyance to the Utrok Atoll local government of a decommissioned National Oceanic and Atmospheric Administration ship.

#### BACKGROUND AND NEED FOR LEGISLATION

The National Oceanic and Atmospheric Administration (NOAA) oceanographic research vessel that is likely to be transfer under this legislation is the *McArthur*, which was decommissioned on May 20, 2003. This ship is: 175 feet in length, has a draft of 12 feet, a displacement of more than 1,000 tons, a cruising range of 6,600 nautical miles and cruising speed of ten knots. It was constructed by the Norfolk Shipbuilding and Drydock Company in Virginia. This vessel was commissioned in December of 1966 and was used by NOAA for more than 35 years to conduct chemical, meteorological and biological sampling for several large scale programs. The majority of the *McArthur's* work was performed in several National Marine Sanctuaries on the West Coast of the United States.

The Utrok Atoll is one of the 29 low coral atolls that comprise the Republic of the Marshall Islands. It has a current population

of about 600 people, and the atoll is slightly smaller than 1 square mile. During the period of nuclear bomb testing, the residents of the Utrok Atoll were exposed to the effects of radiation caused by a miscalculation of the effects of the March 1954 Bravo Hydrogen bomb test on Bikini Island. Regrettably, the fallout from this test drifted to several neighboring islands including Utrok which is approximately 255 miles from the bomb site. Since that time, Utrok residents have suffered increased rates of thyroid cancer and birth defects.

This vessel will provide an essential means of transportation to those living on the atoll and the 3,000 residents living throughout the Marshall Islands to the Department of Energy's Whole Body Counting Facility in the city of Majuro. This city is the capital of the Marshall Islands and it is more than 250 miles from the Utrok Atoll. This facility was dedicated on July 19, 2003, and it is designed to monitor radioactivity in the people of Utrok. It is currently difficult to provide access to these medical facilities because of not only its location but the cost and infrequency of airline transportation. In addition, the transferred vessel will be used for any resettlement of residents, to transport tons of potassium fertilizer and equipment required for radiation cleanup and environmental monitoring and to periodically ship U.S. Department of Agriculture food to Utrok. This food is necessary to supplement the diet of the residents of Utrok because the food grown on the island is contaminated with radioactive Cesium-137.

H.R. 2584 stipulates that the Secretary of Commerce may convey to the Utrok Atoll government all rights, title and interests to a decommissioned NOAA vessel. In addition, the legislation requires that the vessel be in operable condition at the time of transfer and that any responsibility or liability for maintaining the vessel in the future is conveyed to the Utrok government.

#### COMMITTEE ACTION

H.R. 2584 was introduced on June 24, 2003, by Congressman Eni Faleomavaega (D-AS). The legislation was referred to the Committee on Resources and within the Committee to the Subcommittee on Fisheries Conservation, Wildlife and Oceans. On October 29, 2003, the Full Resources Committee met to consider the bill. The Subcommittee was discharged from further consideration of the bill by unanimous consent. No amendments were offered and the bill was ordered favorably reported to the House of Representatives by unanimous consent.

#### COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(d)(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.

#### 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 Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of the rule provides that this requirement does not apply when the Committee has included in its report at timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

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. This bill does not authorize funding and therefore, clause 3(c)(4) of rule XIII of the Rules of the House of Representatives does not apply.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House Representatives and section 403 of the Congressional Budget act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, November 13, 2003.*

Hon. RICHARD W. POMBO,  
*Chairman, Committee on Resources,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2584, a bill to provide for the conveyance to the Utrok Atoll local government of a decommissioned National Oceanic and Atmospheric Administration ship.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis.

Sincerely,

ELIZABETH M. ROBINSON,  
(For Douglas Holtz-Eakin, Director).

Enclosure.

*H.R. 2584—A bill to provide for the conveyance to the Utrok Atoll local government of a decommissioned National Oceanic and Atmospheric Administration ship*

H.R. 2584 would authorize the Department of Commerce to convey without consideration a decommissioned ship to the government of Utrok Atoll in the Marshall Islands. Based on information provided by the National Oceanic and Atmospheric Administration, CBO estimates that implementing this bill would have no significant effect on the federal budget.

The legislation would impose no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments. Under the bill, the government of the Utrok Atoll would be responsible for any transportation or rehabilitation costs associated with the conveyance.

The CBO staff contact for this estimate is Deborah Reis. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

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

If enacted, this bill would make no changes in existing law.

*H.R. 2584—A bill to provide for the conveyance to the Utrok Atoll local government of a decommissioned National Oceanic and Atmospheric Administration ship*

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The legislation would impose no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments. Under the bill, the government of the Utrok Atoll would be responsible for any transportation or rehabilitation costs associated with the conveyance.

The CBO staff contact for this estimate is Deborah Reis. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMMITTEE CORRESPONDENCE

U.S. HOUSE OF REPRESENTATIVES,  
COMMITTEE ON RESOURCES,  
*Washington, DC, November 18, 2003.*

Hon. SHERWOOD BOEHLERT,  
*Chairman, Committee on Science,  
Rayburn House Office Building, Washington, DC.*

DEAR MR. CHAIRMAN: I ask your assistance in not seeking a sequential referral of H.R. 2584, to provide for the conveyance to the Utrok Atoll local government of a decommissioned National Oceanic and Atmospheric Administration ship. This noncontroversial bill was referred to the Committee on Resources, which ordered it reported without amendment by unanimous consent on October 29, 2003. Based on discussions with the Parliamentarian, the Committee on Science would be entitled to a sequential referral of this bill.

By not seeking a sequential referral of H.R. 2584, I agree that the Committee on Science has not waived its jurisdiction over the measure, nor should this action be taken as precedent for other bills. In addition, in the unlikely event that a conference on H.R. 2584 becomes necessary, I would support the Committee on Science's request to be represented on that conference for those

matters within its jurisdiction. Finally, I would be pleased to include this letter and your response in the bill report for H.R. 2584.

Thank you for your consideration of my request, and I look forward to seeing H.R. 2584 enacted soon.

Sincerely,

RICHARD W. POMBO,  
*Chairman.*

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U.S. HOUSE OF REPRESENTATIVES,  
COMMITTEE ON SCIENCE,  
*Washington, DC, November 18, 2003.*

Hon. RICHARD W. POMBO,  
*Chairman, Committee on Resources, U.S. House of Representatives,  
Longworth House Office Building, Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for your November 18, 2003 letter concerning H.R. 2584, to provide for the conveyance to the Utrok Atoll local government of a decommissioned National Oceanic and Atmospheric Administration ship. As you state in your letter, the Parliamentarian agreed that the Committee on Science would receive a sequential referral of this bill.

Recognizing your wish that the House of Representatives consider the bill as soon as possible, I will not exercise the Committee's right to a referral of H.R. 2584. Of course, waiving the Committee's right to a referral in this case does not waive the committee's jurisdiction over any provision in H.R. 2584 or similar provisions in other bills.

I appreciate and accept your offer to support a request from the Committee on Science to be represented on any conference on H.R. 2584 or a companion bill, in the unlikely event one becomes necessary. Further, please include a copy of our exchange of letters on this matter in the Committee Report on H.R. 2584.

Thank you for your consideration regarding this matter.

Sincerely,

SHERWOOD L. BOEHLERT,  
*Chairman.*