

Briefing Paper on HR 958, HR 959, and HR 984

On March 27, 2003 at 2:00 p.m., the Subcommittee on Fishery Conservation, Wildlife and Oceans will hold a legislative hearing on H.R. 958, a bill to authorize certain hydrographic services programs, to name a cove in Alaska in honor of the late Able Bodied Seaman Eric Steiner Koss, and for other purposes; H.R. 959, a bill to improve the conservation and management of coastal and ocean resources by authorizing National Oceanic and Atmospheric Administration oceanographic programs; and H.R. 984, a bill 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. Vice Admiral Conrad C. Lautenbacher, Undersecretary of Commerce for Oceans and Atmosphere, Dr. D. James Baker, President and CEO, The Academy of Natural Sciences, and Dr. John A. Knauss, Dean Emeritus, Graduate School of Oceanography University of Rhode Island, have been invited to testify.

BACKGROUND

The House Resources Committee has jurisdiction over fisheries and wildlife, marine affairs, coastal zone management (except as it applies to water pollution), and oceanography. That gives the Committee jurisdiction over many National Oceanic and Atmospheric Administration (NOAA) programs, including navigation services, fishery and coastal zone management, and oceanographic research. The Science Committee has jurisdiction over marine research, and weather and atmospheric programs. Therefore, the two committees each have separate jurisdiction over some NOAA programs, and share jurisdiction over others. The Transportation and Infrastructure Committee has jurisdiction over NOAA's natural resources damage response and restoration activities, and over coastal zone management as it effects water pollution.

Many NOAA programs are authorized under program specific statutes, for instance, the National Marine Sanctuaries Act and the Magnuson-Stevens Fisheries Conservation and Management Act, and in 1992 Congress enacted a comprehensive authorization bill for the agency's other programs. The authorizations adopted in 1992 have all expired and Reorganization Plan #4 (15 USC 1511) which established the agency in 1970 has become outdated. The National Oceanic and Atmospheric Administration Act of 2003, and National Oceanic and Atmospheric Oceanography Act of 2003 authorize NOAA programs under the jurisdiction of the Resources Committee that do not have other specific authorizations. The bills also update and supercede Reorganization Plan #4, and other outdated statutes. A bill similar to these bills, H.R. 4966, the National Oceanic and Atmospheric Administration Act, was reported from the Resources in the 107th Congress.

The hearing will also examine H.R. 958, the Hydrographic Services Amendments of 2003.

H.R. 984, The National Oceanic and Atmospheric Administration Act of 2003

The National Oceanic and Atmospheric Administration Act of 2003 establishes NOAA's primary missions and authorizes program support functions for fiscal years 2004 through 2008. It also updates the administrative structure for NOAA to reflect the agency's current structure. The Undersecretary of Commerce for Oceans and Atmosphere serves as the Administrator of NOAA. The Undersecretary's office provides the line offices with such corporate services as legal counsel, and Congressional, constituent and public affairs. NOAA currently consists of 5 line offices, the National Ocean Service (NOS), the Office of Oceanic and Atmospheric Research (OAR), the National Marine Fisheries Service (NMFS), and the National Environmental Satellite Data and Information Service. In addition to the line offices, NOAA is also home to the Office of Marine and Aviation Operations (OMAO). This office oversees the NOAA Commissioned Officer Corps and operates NOAA's ships and planes. Each line office is headed by an Assistant Administrator, and OMAO is headed by a NOAA Corps Admiral.

H.R. 984 renames NOS as the National Coast and Ocean Service to more accurately reflect its mission. NOS includes the Office of Coast Survey, the Office Coastal Resource Management, the Coastal Services Center, and the National Centers for Coastal Ocean Science. OAR is renamed the National Oceanic and Atmospheric Research Service to conform with NOAA's convention for naming its other line offices. The bill also gives the Undersecretary the authority to create joint institutes, enter into cooperative agreements and make grants to carry out the primary missions of the agency. These authorities currently exist in different statutes, and in different forms. This consolidates the authority to

carry out these activities.

H.R. 959, The National Oceanic and Atmospheric Administration Oceanography Act of 2003

The National Oceanic and Atmospheric Oceanography Act of 2003

- updates the statutory authority for the Coastal Ocean Program (COP) and the activities of NOAA's oceanographic laboratories;
- provides statutory authority for the National Undersea Research and Ocean Exploration Programs, and the Coastal Observation Technology System (COTS);
- authorizes appropriations for NOAA's portion of the ARGO float program, COTS, the COP, and the programs under the Ocean, Coastal and Great Lakes budget line item in OAR, except for Sea Grant which is authorized under a separate statute; and
- directs the National Ocean Research Leadership Council to report back to Congress on a plan for implementing report of the President's Panel on Ocean Exploration.

H.R. 958, The Hydrographic Services Amendments of 2003

The Hydrographic Services Amendments of 2003,

- authorizes Regional Navigation Response Teams which would be located in major ports, and could survey areas quickly after accidents, storms or other events;
- allows NOAA to accept volunteer services for hydrographic programs. Currently,

NOAA can accept volunteer services for fish and wildlife related activities under the Fish and Wildlife Act of 1956, but there is no explicit authority covering hydrographic volunteers. This section provides the same coverage for hydrographic volunteers if they participate in a volunteer program approved by NOAA. Under these provisions, volunteers are not considered Federal employees for pay or benefits, but are considered Federal employees for purposes of tort claims protections and medical care due to job related injuries;

- authorizes the Joint Hydrographic Institute at the University of New Hampshire;
- includes the following provisions that were passed by the House last year,
- directs NOAA, to the maximum extent possible, to assure that international organizations accept contractor-produced NOAA-certified hydrographic products. NOAA is tasked in the legislation which passed last year to complete the long overdue certification program for contractor-produced hydrographic products within 2 years. Once that program is complete, and this encourages NOAA to support international acceptance of certified products;
- requires NOAA to report each year on efforts to use contractors to carry out the collection of hydrographic data, and the production of the hydrographic products; and
- requires NOAA to prepare a plan to increase the use of photogrammetric and remote sensing contractors;
- authorizes NOAA to acquire or lease a new vessel to conduct hydrographic survey to replace two aging vessels;
- names a cove in Prince William Sound after a NOAA employee who died in a work-related accident there last summer. The cove is currently unnamed;

- directs the Secretaries of Commerce and Interior to report to Congress on development of a single shoreline for use on NOAA navigation charts and USGA topographic maps; and
- amends the Fishery Survey Vessel Authorization Act to authorize the next three DYSON-class fishery survey vessels in Fiscal Year 2004, 2005 and 2006.

ISSUES

- 1) Does the current administrative structure of NOAA provide a effective framework to carry out the agency's missions? If not, what changes should be made?
- 2) When does NOAA intend to seek funds to build the third and fourth DYSON-class Fishery Survey Vessel? After construction of those vessels, how does NOAA intend to replace the MILLER FREEMAN and the DELAWARE II?
- 3) In 5 years, the minimum amount of time necessary to design, fund and construct replacement vessels, the RAINIER and the FAIRWEATHER will be 40 years. How does NOAA plan to replace these vessels?
- 4) What distinguishes NOAA's National Undersea Research Program from NOAA's Ocean Exploration Program? If these programs overlap, should they be combined? Are separate authorizations necessary?
- 5) Considering the fact that two commissions, the National Commission on Ocean Policy and the Pew Oceans Commission, are expected to release later this year broad sets of recommendations for adjustments to our national ocean policy including changes in governance structure, within what context should the Congress consider legislation that would authorize the existing mission, purpose and organizational structure of NOAA?
- 6) What types of technologies will be deployed as part of the Coastal Observation Technology System (COTS)? How will COTS interface with other monitoring and observation systems currently deployed and operative, such as the Physical Oceanographic Real-Time System (PORTS) or LEO

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