

The original documents are located in Box 28, folder “8/5/75 HR5447 Authorization for the National Advisory Committee on Oceans and Atmosphere” of the White House Records Office: Legislation Case Files at the Gerald R. Ford Presidential Library.

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APPROVED

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EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

JUL 31 1975

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 5447 - Authorization for the National Advisory Committee on Oceans and Atmosphere
Sponsor - Rep. Sullivan (D) Missouri and 3 others

Last Day for Action

August 6, 1975 - Wednesday

Purpose

To authorize appropriations through fiscal year 1977 for the National Advisory Committee on Oceans and Atmosphere (NACOA) and to broaden the scope of the Committee's review functions.

Agency Recommendations

Office of Management and Budget	Approval
Department of Commerce	Approval
Department of Justice	Defers

Discussion

NACOA, which was established in August 1971, is composed of 25 non-Federal members appointed by the President from State and local governments, industry, science, the academic community, and other appropriate sources. It is charged with performing a continuing review of the marine and atmospheric science and service programs of the United States, reporting to the President and the Congress on such review, and advising the Secretary of Commerce on carrying out the programs of that Department's National Oceanic and Atmospheric Administration. NACOA's appropriation authorization expired on June 30, 1975. It is currently operating under a continuing resolution.

*Rec'd
8/6/75
To Admin
8/6/75*

H.R. 5447 would authorize appropriations of \$445,000 for fiscal years 1976 and 1977 and an additional \$111,250 for the July 1 to September 30, 1976, transition quarter. Commerce had requested, in a draft bill it submitted to the Congress, that \$445,000 in appropriations be authorized for the three fiscal years 1976 through 1978 rather than two which would be authorized by the enrolled bill. The Commerce proposal did not include a request for the transition quarter, which was to be handled in general legislation.

The enrolled bill would also amend the Act to add "national ocean policy" and "coastal zone management" to the areas which NACOA is charged with reviewing. This broadening of NACOA's charter was not requested by Commerce, but does not appear to present a significant problem.

The Act requires NACOA to submit an annual report on its activities and findings, through the Secretary of Commerce, to the President and the Congress. In addition, the President is authorized to request special reports from NACOA as he deems necessary. H.R. 5447 would authorize the Congress, as well as the President, to require such special reports.

James M. Frey
Assistant Director for
Legislative Reference

Enclosures


ACTION

THE WHITE HOUSE

Last Day: August 6

WASHINGTON

August 4, 1975

MEMORANDUM FOR THE PRESIDENT
FROM: JIM CANNON 
SUBJECT: H.R. 5447 - Authorization for the National
Advisory Committee on Oceans and
Atmosphere

Attached for your consideration is H.R. 5447, sponsored by Representative Sullivan and three others, which would authorize appropriations through FY 77 for the National Advisory Committee on Oceans and Atmosphere and broaden the scope of the Committee's review functions.

Specifically, the enrolled bill would:

- Authorize appropriations of \$445,000 for fiscal years 1976 and 1977 and an additional \$111,250 for the transition quarter, July 1 to September 30, 1976.
- Broaden the authority of NACOA to add national ocean policy and coastal zone management to the areas NACOA is charged with reviewing.
- Provide statutory authority for NACOA to respond to requests from Congress for reports.

Additional information is provided in OMB's enrolled bill report at Tab A.

OMB, Max Friedersdorf, Bill Seidman, Counsel's Office (Lazarus) and I recommend approval of the enrolled bill.

RECOMMENDATION

That you sign H.R. 5447 at Tab B.



**GENERAL COUNSEL OF THE
DEPARTMENT OF COMMERCE**
Washington, D.C. 20230

JUL 30 1975

Honorable James T. Lynn
Director, Office of Management
and Budget
Washington, D. C. 20503

Attention: Assistant Director for Legislative Reference

Dear Mr. Lynn:

This is in reply to your request for the views of this Department concerning H. R. 5447, an enrolled enactment

"To amend the Act of August 16, 1971, as amended, which established the National Advisory Committee on Oceans and Atmosphere, to increase and extend the appropriation authorization thereunder, and for other purposes."

Section 1 of H. R. 5447 authorizes the appropriation to the Secretary of Commerce of not to exceed \$445,000 for each of the fiscal years 1976 and 1977, for expenses incident to the administration of the National Advisory Committee on Oceans and Atmosphere (NACOA). It would also authorize not to exceed \$111,250 for the fiscal year transition period from July 1, 1976 through September 30, 1976.

Section 2 broadens the authority of NACOA to include national ocean policy and coastal zone management, and also provides statutory authority for NACOA to respond to requests from Congress for reports.

This Department submitted legislation to the Congress recommending an authorization for NACOA of not to exceed \$445,000 for each of the fiscal years 1976, 1977, and 1978. The authorizations contained in Section 1 of H. R. 5447 are acceptable. We also find acceptable the amendments contained in Section 2. Accordingly, we recommend approval by the President of H. R. 5447.



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OFFICE OF MANAGEMENT
AND BUDGET

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2

With respect to expenditure of funds by this Department resulting from the enactment of H. R. 5447, the authorizations are as noted above.

Sincerely,

Karl E. Bakke

General Counsel

Department of Justice
Washington, D.C. 20530

JUL 28 1975

Honorable James T. Lynn
Director
Office of Management
and Budget
Washington, D. C. 20503

Dear Mr. Lynn:

In compliance with your request, I have examined a facsimile of the enrolled bill H.R. 5447, "To amend the Act of August 16, 1971, as amended, which established the National Advisory Committee on Oceans and Atmosphere, to increase and extend the appropriation authorization thereunder, and for other purposes."

The provisions of this enrolled bill appear appropriate for the purposes of the bill, and present no constitutional or other legal questions.

In view of the fact that the Department of Commerce has the primary interest in the enrolled bill, we defer to that Department as to whether the bill should have Executive approval.

Sincerely,



Michael M. Uhlmann
Assistant Attorney General

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OFFICE OF MANAGEMENT
AND BUDGET

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THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: July 31

Time: 645pm

FOR ACTION: Tod Hullin
Max Friedersdorf
Ken Lazarus

cc (for information): Jim Cavanaugh
Jack Marsh

FROM THE STAFF SECRETARY

DUE: Date: August 1

Time: 200pm

SUBJECT:

H.R. 5447 - Authorization for the National
Advisory Committee on Oceans and Atmosphere.

ACTION REQUESTED:

- For Necessary Action
- For Your Recommendations
- Prepare Agenda and Brief
- Draft Reply
- For Your Comments
- Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

no objection
J

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James H. [Signature]
For the President

THE WHITE HOUSE

WASHINGTON

August 1, 1975

MEMORANDUM FOR: JIM CAVANAUGH
FROM: MAX L. FRIEDERSDORF
SUBJECT: H.R. 5447 - Authoriz ation for the National
Advisory Committee on Oceans and Atmosphere

The Office of Legislative Affairs concurs with the agencies
that the subject bill be signed.

Attachments

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: July 31

Time: 645pm

FOR ACTION: Tod Hullin
Max Friedersdorf
Ken Lazarus

cc (for information): Jim Cavanaugh
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DUE: Date: August 1

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SUBJECT:

H.R. 5447 - Authorization for the National
Advisory Committee on Oceans and Atmosphere.

ACTION REQUESTED:

- For Necessary Action For Your Recommendations
 Prepare Agenda and Brief Draft Reply
 For Your Comments Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

No objection. --Ken Lazarus 8/1/75

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James H. Conaway
For the President

To -
J. Conaway
7-21-75
5:30 P.M.



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

JUL 31 1975

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 5447 - Authorization for the
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Sponsor - Rep. Sullivan (D) Missouri and 3 others

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(NACOA) and to broaden the scope of the Committee's review
functions.

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Discussion

NACOA, which was established in August 1971, is composed
of 25 non-Federal members appointed by the President from
State and local governments, industry, science, the academic
community, and other appropriate sources. It is charged
with performing a continuing review of the marine and atmos-
pheric science and service programs of the United States,
reporting to the President and the Congress on such review,
and advising the Secretary of Commerce on carrying out the
programs of that Department's National Oceanic and Atmos-
pheric Administration. NACOA's appropriation authorization
expired on June 30, 1975. It is currently operating under
a continuing resolution.

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The enrolled bill would also amend the Act to add "national ocean policy" and "coastal zone management" to the areas which NACOA is charged with reviewing. This broadening of NACOA's charter was not requested by Commerce, but does not appear to present a significant problem.

The Act requires NACOA to submit an annual report on its activities and findings, through the Secretary of Commerce, to the President and the Congress. In addition, the President is authorized to request special reports from NACOA as he deems necessary. H.R. 5447 would authorize the Congress, as well as the President, to require such special reports.

James M. Frey
Assistant Director for
Legislative Reference

Enclosures

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE AUTHORIZATIONS

MAY 16, 1975.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mrs. SULLIVAN, from the Committee on Merchant Marine and
Fisheries, submitted the following

REPORT

[To accompany H.R. 5447]

The Committee on Merchant Marine and Fisheries, to whom was referred the bill (H.R. 5447) to amend the Act of August 16, 1971, as amended, which established the National Advisory Committee on Oceans and Atmosphere, to increase and extend the appropriation authorization thereunder, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Page 1, strike out line 7 and all that follows down through page 2, line 4, and insert in lieu thereof the following:

Commerce such sums as may be necessary for expenses incident to the administration of this Act, not to exceed the following amounts: (1) \$400,000 for the fiscal year ending June 30, 1973, and for each of the two fiscal years immediately thereafter; (2) \$445,000 for the fiscal year ending June 30, 1976; (3) \$111,250 for the transitional period (July 1 through September 30, 1976); and (4) \$445,000 for each of the fiscal years ending September 30, 1977, and 1978."

PURPOSE OF THE LEGISLATION

H.R. 5447 would amend section 7 of the Act of August 16, 1971 (PL 92-125; 85 Stat. 344) as amended by the Act of October 25, 1972 (PL 92-567; 86 Stat. 1181) in order to extend the appropriation authorization for a period of three years for each of the fiscal years 1976, 1977, and 1978 and to authorize to be appropriated for each of these three years such sums not to exceed \$445,000 as may be necessary for expenses incident to the administration of the Act. This represents an

increase in the appropriation authorization from \$400,000 per year to \$445,000 per year for three years and reflects the realistic needs of the National Advisory Committee on Oceans and Atmosphere in carrying out its duties and responsibilities which are legislated by Public Law 92-125.

BACKGROUND AND NEED FOR THE LEGISLATION

The basic Act established the National Advisory Committee on Oceans and Atmosphere and directed that the Committee: (1) undertake a continuing review of the progress of the marine and atmospheric science and service programs of the United States; (2) advise the Secretary of Commerce with respect to the carrying out of the purposes of the National Oceanic and Atmospheric Administration; and, (3) report to the President and to the Congress, setting forth an overall assessment of the status of the Nation's marine and atmospheric activities.

The Committee is made up of twenty-five non-Federal members, appointed by the President, from state and local governments, industry, science, the academic community and other appropriate sources having an interest and expertise in oceanic and atmospheric affairs.

Appropriations were authorized for the work of the Committee at the level of \$400,000 per year for the fiscal years 1973, 1974, and 1975, by Public Law 92-567. The Committee will need new authorization commencing with fiscal year 1976 if it is to continue its work. The Committee on Merchant Marine and Fisheries believes that the work of the National Advisory Committee on Oceans and Atmosphere is extremely important in providing a balanced overview of Federal marine and atmospheric programs and its annual reports to the President and to the Congress have been of value in drawing attention to both legislative needs and the needs for Executive action. Marine and atmospheric issues are increasing in importance in the light of the intensifying interest in matters such as the impact of Outer Continental Shelf activities on our coastal zones and the possibility of climate modification by certain of man's activities.

The National Advisory Committee on Oceans and Atmosphere is structured to keep abreast of such matters.

It is for these reasons that the Committee strongly urges the passage of this legislation that will insure the continued high level of activity of the National Advisory Committee on Oceans and Atmosphere. There has been some criticism of the Advisory Committee in that it has not been as responsive to the Congress in the past as it might have been. During the hearings on the bill (H.R. 5447), the new Chairman testified that it is his intention to intensify service to the Congress.

H.R. 5447, as amended, was ordered reported by the Committee unanimously by voice vote on May 7, 1975.

EXPLANATION OF THE AMENDMENT

Review by legislative counsel and NACOA's general counsel led to an amendment offered before the Full Committee by the Chairman of the Subcommittee on Oceanography. It would take care of the transition period in the budget process in terms of changing the fiscal year period from June 30, 1976 to October 30, 1976 as called for in Public

Law 93-344, the Congressional Budget and Impoundment Control Act of 1974.

The amendment provides for one-fourth of the annual amount—or \$111,250—to be appropriated for the transitional period (July 1 through September 30, 1976.) The amendment was adopted unanimously by the Full Merchant Marine and Fisheries Committee on May 7, 1975.

STATEMENT OF PURPOSE AND NEED

NACOA has the mandate to perform a continuing review of the progress of the nation's marine and atmospheric science and service programs and to report to the President and the Congress, annually, its findings and recommendations on marine and atmospheric affairs. Its second major function is to advise the Secretary of Commerce specifically with respect to the carrying out of the purposes of the National Oceanic and Atmospheric Administration.

In view of the lack of progress at the recent Law of the Sea conference NACOA now has some of its greatest challenges lying before it. The United States must accelerate its legislative and administrative programs regarding how we are to deal with the resources that lie within, over and under two-thirds of the earth's surface. In view of the lack of resolution of oceanic problems in Geneva, the Federal government must in the immediate months ahead decide on programs that will, as NACOA pointed out in June 1974, "Protect the legitimate interests of the United States in the oceans."

Vital legislation that must now be perfected and moved rapidly through Congress lies in the areas of the 200 mile economic zone which includes diminished U.S. fisheries, outer continental shelf oil and gas development, and the question of deep seabed minerals exploration and exploitation.

According to testimony on Monday, May 5, 1975, before the Oceanography Subcommittee, the basis for NACOA's projected requirements is essentially the same as provided for in the hearings held on September 14, 1972, which led to the approval of a \$400,000 level for the three fiscal years 1973-75, and has proved quite accurate in terms of monies needed during that period.

The Department of Commerce testified that NACOA has been and will be, able to conduct its operations within the \$400,000 authorization through the current fiscal year, 1975, by certain economies of operation. However, these economies are now beginning to have an adverse impact on NACOA activities. More specifically, NACOA has constrained its expenditures for permanent staff by keeping one permanent staff position vacant. The extent of NACOA's activity, according to the testimony of NOAA, makes it imperative that this position be filled in order to alleviate what was described as a considerable hardship on the Advisory Committee and particularly on its staff.

It was further testified to that the level of permanent staffing needed by NACOA cannot be met within the present authorization for that purpose.

The Secretary of Commerce requested that the annual authorization level be increased from \$400,000 to \$445,000 for each of the fiscal years 1976, 1977, and 1978, claiming that this will put NACOA in the position of being able to staff itself with a minimum complement of full-time permanent employees.

The Committee on Merchant Marine and Fisheries urges that the National Advisory Committee on Oceans and Atmosphere play a greater role than ever before in advising and cooperating with the Congress as we work toward enacting the legislation necessary to insure proper use and management of our oceans. We consider NACOA an important source of ideas, direction and influence and urge that they strengthen their ties with the Congress to give us the benefit of the unique but scarce talents that we urgently need at this hour of history.

NACOA budgets for fiscal years 1976, 1977, and 1978

Personnel compensation:	
Staff	\$239,232
Committee	64,000
Personnel benefits (9.1 percent of \$239,232)	21,770
Total	325,000
Travel (including per diem):	
Staff	15,600
Committee	71,100
Total	86,700
Printing and reproduction	2,000
Contractual services	25,000
Supplies	1,000
Equipment and miscellaneous	1,500
Total	441,200

Plan—supporting detail

Compensation:	
Committee members:	
Meetings: \$300×20 members×10 meetings	\$60,000
Ad hoc meetings: \$200×4 members×5 meetings	4,000
Subtotal	64,000
Staff:	
Salaries	232,086
Civil service increase, October 1975 (2.5 percent)	5,802
Step increases in fiscal year 1976	1,344
Subtotal	239,232
Benefits (9.1 percent)	21,770
Total	325,000

STAFF

Grade	Position title	Number	Salaries
GS-18	Executive director, NACOA	1	\$36,000
GS-15	Senior staff assistant	1	35,782
GS-15	Staff marine affairs specialist	1	29,818
GS-15	Staff atmospheric affairs specialist	1	32,800
GS-14	Staff physical scientist	1	26,434
GS-13	Executive assistant/program analyst	1	23,270
GS-10	Administrative assistant/secretary to executive director	1	16,472
GS-7	Secretary	1	11,222
GS-7	do.	1	11,222
GS-5	Clerk-typist	1	9,066
Total		10	232,086

Travel:	
Committee meetings: \$247×20 members×10 meetings	\$49,400
Ad hoc meetings: \$247×4 members×5 meetings	4,900
Committee total	54,300
Staff travel \$780 per month×12 months	9,400
Total	63,700
Per diem:	
Committee meetings: \$40×10 meetings×20 members×2 days	16,000
Ad hoc panels: \$40×5 meetings×4 members×1 day	800
Committee total	16,800
Staff per diem \$520 per month×12 months	6,200
Total	23,000
Travel total	86,700

COST OF LEGISLATION

Pursuant to Clause 7 of Rule XIII of the Rules of the House of Representatives, the Committee estimates the cost of the legislation as follows:

Fiscal years 1976-78: Maximum \$445,000 annually in addition to \$111,250 to cover the FY 1976 transition period as required in P.L. 93-344.

Total cost for three fiscal years: maximum of \$1,446,250.

The Committee estimate for FY 1976-78 (minus transition period monies) coincides with the estimate of the Department of Commerce submitted in Executive Communication 636 dated March 18, 1975.

COMPLIANCE WITH HOUSE RULE XI

1. With respect to the requirements of clause 2(1)(3)(A) of Rule XI of the Rules of the House of Representatives, one day of oversight hearings on the activities of the National Advisory Committee on Oceans and Atmosphere was held on February 27, 1975, in addition to the authorization hearing for NACOA held on May 5, 1975. The oversight hearing resulted in a recommendation which was accepted by NACOA that the advisory committee be more responsive to the Congress than it had been in the past. There were no further findings other than the recommendation for the continuation of NACOA. No further oversight hearings on this subject are planned before the end of this session.

2. With respect to the requirements of Clause 2(1)(3)(B)(C) of Rule XI of the Rules, since Section 308(a) of the Congressional Budget Act of 1974 is not yet in effect, no statement under this paragraph is furnished; and no estimate and comparison of cost has been received by the Committee from the Director of the Congressional Budget Office pursuant to Section 403 of the Congressional Budget Act of 1974.

3. With respect to the requirements of clause (2)(1)(3)(D), of Rule XI of the Rules, the Committee has received no report from the Committee on Government Operations on this subject.

4. Pursuant to Clause 2(1)(4) of Rule XI of the Rules of the House of Representatives, the Committee estimates that the enactment of H.R. 5447 would have no significant inflationary impact on the prices and costs in the national economy.

DEPARTMENTAL REPORTS

H.R. 5447 was the subject of Executive Communication No. 636 from the Secretary of Commerce dated March 18, 1975. A copy of the communication follows herewith:

[Executive Communication No. 636]

THE SECRETARY OF COMMERCE,
Washington, D.C., May 18, 1975.

HON. CARL ALBERT,
Speaker of the House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: Enclosed are six copies of a draft bill "To amend the Act of August 16, 1971, as amended, which established the National Advisory Committee on Oceans and Atmosphere, to increase and extend the appropriation authorization thereunder," together with a statement of purpose and need in support thereof.

We have been advised by the Office of Management and Budget that there would be no objection to the submission of our draft bill to the Congress, and further that enactment would be in accord with the program of the President.

Sincerely,

FREDERICK B. DENT,
Secretary of Commerce.

Enclosures.

A BILL To amend the Act of August 16, 1971, as amended, which established the National Advisory Committee on Oceans and Atmosphere, to increase and extend the appropriation authorization thereunder

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 7 of the Act of August 16, 1971, as amended (Public Law 92-125, 85 Stat. 344; Public Law 92-567, 86 Stat. 1181), is amended to read as follows: "There are hereby authorized to be appropriated to the Secretary of Commerce, for the fiscal year ending June 30, 1973, and for each of the two fiscal years immediately thereafter, such sums, not to exceed \$400,000; and for each of the fiscal years 1976, 1977, and 1978, such sums, not to exceed \$445,000, as may be necessary for expenses incident to the administration of this Act and for succeeding fiscal years only such sums as may be authorized by law."

STATEMENT OF PURPOSE AND NEED

The National Advisory Committee on Oceans and Atmosphere (NACOA) was established by Public Law 92-125, approved August 16, 1971. NACOA consists of 25 non-Federal members appointed by the President from State and local governments, industry, science

and other appropriate sources having an interest and expertise in oceanic and atmospheric affairs. NACOA has the mandate to (1) perform a continuing review of the progress of the Nation's marine and atmospheric science and service programs and to report to the President and the Congress, annually, its findings and recommendations on marine and atmospheric affairs, and (2) to advise the Secretary of Commerce specifically with respect to the carrying out of the purposes of the National Oceanic and Atmospheric Administration.

Public Law 92-125 assigned NACOA's support functions to the Secretary of Commerce. It was amended in October 1972, by Public Law 92-567, to raise the level of authorization to \$400,000 per year for the three fiscal years 1973-75, and in the following fiscal years, such funds as the Congress authorizes.

In fulfilling its mandate, NACOA has assumed a highly active mode of operation, meeting 9-10 times a year in full session, and with ad hoc panels meeting, as the occasion demands, to develop special material for full NACOA consideration. Support of this level of activity, which in part accounts for NACOA's value, requires a core staff of six professionals and four non-professionals. This was the basis for the authorization level provided for in 1972. The new authorization request merely extends this for three years, recognizes that earlier full-time assistance by other agency personnel has now been phased out, and provides small increases in succeeding years in anticipation of costs beyond NACOA's control.

This level of NACOA activity derives from NACOA's unique nature and responsibility. P.L. 92-125 examined in the perspective of its legislative history emphasizes NACOA's role of applying non-Federal expertise toward the development of a truly national effort viewed as a "partnership between government, industry, and the academic community." NACOA collectively possesses the requisite industrial, academic, and lower-level government expertise for this purpose, but individually as non-Federal employees, each carries a special burden in becoming thoroughly familiar with the vast range of Federal and other programs, plans, and policies over the broad spectrum they are expected to assess. No reasonable staff level nor degree of cooperation from Federal agency observers and other representatives can substitute for a high level of activity on the part of the NACOA members themselves. The need for full-time professional staff stems from experience of what it takes to make this level of NACOA involvement efficient and productive. It is judged probable that attempting to provide a significant portion of the staff requirement by people on loan would either be less effective or require larger numbers, or both.

Enactment of this legislation would result in authorizations of \$445,000 for each of the fiscal years 1976, 1977, and 1978.

CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, as amended, 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):

ACT OF AUGUST 16, 1971, AS AMENDED

(85 Stat. 344; Public Law 92-125)

AN ACT To establish the National Advisory Committee on the Oceans and Atmosphere.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, There is hereby established a committee of twenty-five members to be known as the National Advisory Committee on Oceans and Atmosphere (hereafter referred to in this Act as the "Advisory Committee").

SEC. 2. (a) The members of the Advisory Committee, who may not be full-time officers or employees of the United States, shall be appointed by the President and shall be drawn from State and local government, industry, science, and other appropriate areas.

(b) Except as provided in subsections (c) and (d), members shall be appointed for terms of three years.

(c) Of the members first appointed; as designated by the President at the time of appointment—

- (1) nine shall be appointed for a term of one year,
- (2) eight shall be appointed for a term of two years, and
- (3) eight shall be appointed for a term of three years.

(d) Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. A member may serve after the expiration of his term until his successor has taken office.

(e) The President shall designate one of the members of the Advisory Committee as the Chairman and one of the members as the Vice Chairman. The Vice Chairman shall act as Chairman in the absence or incapacity of, or in the event of a vacancy in the office of, the Chairman.

SEC. 3. Each department and agency of the Federal Government concerned with marine and atmospheric matters shall designate a senior policy official to participate as observer in the work of the Advisory Committee and to offer necessary assistance.

SEC. 4. The Advisory Committee shall (1) undertake a continuing review of the progress of the marine and atmospheric science and service programs of the United States, and (2) advise the Secretary of Commerce with respect to the carrying out of the purposes of the National Oceanic and Atmospheric Administration. The Advisory Committee shall submit a comprehensive annual report to the President and to the Congress setting forth an overall assessment of the status of the Nation's marine and atmospheric activities and shall submit such other reports as may from time to time be requested by the President. Each such report shall be submitted to the Secretary of Commerce who shall, within 90 days after receipt thereof, transmit copies to the President and to the Congress, with his comments and recommendations. The comprehensive annual report required herein shall be submitted on or before June 30 of each year, beginning June 30, 1972.

SEC. 5. Members of the Advisory Committee shall, while serving on business of the Committee, be entitled to receive compensation at rates

not to exceed \$100 per diem, including traveltime, and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703 (b) of title 5, United States Code, for persons in Government service employed intermittently.

SEC. 6. The Secretary of Commerce shall make available to the Advisory Committee such staff, information, personnel and administrative services and assistance as it may reasonably require to carry out its activities. The Advisory Committee is authorized to request from any department, agency, or independent instrumentality of the Federal Government any information and assistance it deems necessary to carry out its functions under this Act; and each such department, agency, and instrumentality is authorized to cooperate with the Advisory Committee and, to the extent permitted by law, to furnish such information and assistance to the Advisory Committee upon request made by its Chairman, without reimbursement for such services and assistance.

SEC. 7. [There are hereby authorized to be appropriated to the Secretary of Commerce, for the fiscal year ending June 30, 1973, and for each of the two fiscal years immediately thereafter, such sums, not to exceed \$400,000, as may be necessary for expenses incident to the administration of this Act, and for succeeding fiscal years only such sums as may be authorized by law.]

There are hereby authorized to be appropriated to the Secretary of Commerce such sums as may be necessary for expenses incident to the administration of this Act, not to exceed the following amounts: (1) \$400,000 for the fiscal year ending June 30, 1973, and for each of the two fiscal years immediately thereafter; (2) \$445,000 for the fiscal year ending June 30, 1976; (3) \$111,250 for the transitional period (July 1 through September 30, 1976); and (4) \$445,000 for each of the fiscal years ending September 30, 1977, and 1978.

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NATIONAL ADVISORY COMMITTEE ON
OCEANS AND ATMOSPHERE

REPORT

OF THE

SENATE COMMITTEE ON COMMERCE

ON

H.R. 5447

TO INCREASE AND EXTEND APPROPRIATIONS TO THE
NATIONAL ADVISORY COMMITTEE ON OCEANS AND
ATMOSPHERE



JULY 9 (legislative day, JULY 7), 1975.—Ordered to be printed

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{ REPORT
No. 94-268

INCREASE AND EXTEND APPROPRIATIONS TO THE NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

JULY 9 (legislative day, JULY 7), 1975.—Ordered to be printed

Mr. HOLLINGS, from the Committee on Commerce, submitted the following

REPORT

[To accompany H.R. 5447]

The Committee on Commerce, to which was referred the bill (H.R. 5447) to amend the Act of August 16, 1971, as amended, which established the National Advisory Committee on Oceans and Atmosphere, to increase and extend the appropriation authorization thereunder, having considered the same, reports favorably thereon with amendments and recommends that the bill, as amended, do pass.

PURPOSE

It is the purpose of the bill to strengthen the National Advisory Committee on Oceans and Atmosphere (NACOA), and to authorize new appropriations for the period through September 30, 1977.

DESCRIPTION

The bill broadens the focus of NACOA to bring within its purview both "national ocean policy" and "coastal zone management." Second, the bill directs the advisory committee to respond to requests from Congress for reports. The present legislation requires this response only for such requests from the President. Third, the bill authorizes annual appropriations for NACOA through the end of fiscal year 1977 at an annual rate of \$445,000 (an annual increase of \$45,000 over the sum authorized through fiscal year 1975).

(1)

BACKGROUND

Establishment of NACOA

Congress created the National Advisory Committee on Oceans and Atmosphere by Public Law 92-125, which was approved August 16, 1971.

This action was a direct result of recommendations made by the Stratton Commission.¹ The Commission was established by Congress to examine all aspects of marine science and to develop an overall strategy which would provide the Nation with a well-integrated and centrally coordinated program in this area. Such a program would provide ways to make more effective use of scientific and engineering resources and accelerate development of marine resources. The plan was also to insure that the Nation's leadership in marine science and resource development would be maintained.

In January of 1969, the Stratton Commission submitted its report to Congress.² As a result of the recommendations contained in that report, three complementary actions took place; an Executive order was approved creating the National Oceanic and Atmospheric Administration within the Department of Commerce, and two pieces of legislation were drafted, reported by the Committee, and enacted, establishing the coastal zone management program³ and the National Advisory Committee on Oceans and Atmosphere.⁴

Membership of NACOA

NACOA is composed of 25 members appointed by the President. Membership is drawn from State and local governments, industry, science, the academic community and other appropriate sources having an interest and expertise in oceanic and atmospheric affairs. The advisory committee is currently comprised of 10 representatives from the scientific and academic communities, 9 from private industry, two from State government, and two representing environmental interests. Presently there are two vacancies.

Functions of NACOA

NACOA is directed by the 1971 statute to conduct a continuing review of the Nation's progress in marine and atmospheric science and service programs. It is further directed to report to the Congress and to the President its overall assessment of these matters in an annual report.

The advisory committee must respond to requests made by the President from time to time for additional reports, but no requirement exists that it respond in a similar fashion to Congress. Further, the annual report is not submitted directly to Congress. Under the law the annual report is submitted first to the Secretary of Commerce to obtain his comments and recommendations. The Secretary of Commerce then forwards the report to Congress and to the President. (It should be noted that the Stratton Commission proposed that the advisory committee report to the Congress as well as to the President on the progress being made in achieving the objectives of the national program.)

¹ Commission on Marine Science, Engineering and Resources, established by the Marine Resources and Engineering Development Act of 1966.

² "Our Nation and the Sea", Report of the Commission on Marine Science, Engineering and Resources, January 1969.

³ Coastal Zone Management Act of 1972 (16 U.S.C. 1451-1464).

⁴ Act of August 16, 1971 (33 U.S.C. 857-6 to 857-12).

NACOA also advises the Secretary of Commerce concerning the implementation of the purposes of the National Oceanic and Atmospheric Administration.

NEEDS AND MEETING THE NEEDS

Broadening the focus of NACOA

The bill broadens the authority of NACOA by amending Section 4 of P.L. 92-125, as amended, to include "national ocean policy" and "coastal zone management" as additional areas subject to the review of the advisory committee. This change is designed to clarify the original intent of this Committee that NACOA focus on coastal zone and national ocean policy issues. It is hoped that more useful information and more concrete legislative proposals will be forthcoming now that this question has been clarified.

The Stratton Commission report, which led to the creation of NACOA, called for an advisory group that would concern itself not only with marine programs of all Federal agencies, but also with those of the States. The Committee agrees. A comprehensive review must include State programs and the Federal-State relationships resulting from such programs.

NACOA is charged with the responsibility of conducting a continuing review of approximately 129 marine-related programs in six departments⁵ and five independent agencies.⁶ The specific responsibility of assessing the importance, the duplicative nature, and the coordination of these programs needs to be further refined by NACOA so as to assist Congress in developing a cohesive national ocean policy.

Increasing responsiveness to the Congress

Section 4 of the existing law requires the advisory committee to submit an annual report to Congress and the President.

NACOA is also authorized to respond to requests for reports which the President may, from time to time, deem necessary. In the 4 years that have elapsed since the passage of the Act, such reports have been utilized by executive policymakers in developing policy recommendations for the Administration. Congress has not been able to avail itself of this reporting mechanism, however.

The Stratton Commission recommended that an advisory committee report to Congress, and specifically suggested that the membership be appointed by the President with the advice and consent of Congress. The enacted bill, however, contained neither this congressional role in appointments nor a directive that NACOA be responsive to Congress through any means other than the annual report.

The Committee believes that NACOA can and should provide Congress with the advice and assistance necessary for development of more effective legislative solutions to the use and management problems of the nation's coastal and marine environments. Yet the advisory committee, from its inception, has concentrated primarily on Executive, rather than Legislative, policymaking. The energy crisis is necessitating rapid congressional action in such matters as

⁵ Departments of Commerce, Defense, Interior, State, Transportation, and Health, Education, and Welfare.

⁶ Energy Resource Development Administration, Environmental Protection Agency, National Aeronautics and Space Administration, National Science Foundation, and Smithsonian Institution.

Outer Continental Shelf oil and gas development, energy facility siting, deepwater port construction, and the impact of these upon the coastal zone. Congressional attention is focused upon the serious depletion of fishing stocks in our coastal waters, the Third United Nations Conference on Law of the Sea, and the 200 mile jurisdictional issue.

Accordingly, the bill amends the 1971 law to require NACOA to respond to requests from the Congress for such reports.

Extending and increasing appropriation authorization

The bill extends the life of the National Advisory Committee on Oceans and Atmosphere for 2 years, until September 30, 1977, 1 year less than provided for in the House bill. The time period was reduced by the Committee to permit more frequent oversight of NACOA's operation to make certain that the advisory committee is functioning in the national interest as determined by Congress.

The annual authorization level is raised from \$400,000 to \$445,000 to take account of inflation.

SECTION-BY-SECTION ANALYSIS

SECTION 1. This section amends section 4 of the 1971 act to broaden the authority of NACOA to make clear that the advisory committee is to focus on coastal zone and national ocean policy issues. Further, it provides the statutory authority for NACOA to respond to requests from Congress for reports.

SEC. 2. This section amends section 7 of the 1971 act to extend the life of the National Advisory Committee on Oceans and Atmosphere for 2 additional fiscal years, and increases the annual authorization level from \$400,000 to \$445,000.

ESTIMATED COSTS

Pursuant to the requirements of section 252 of the Legislative Reorganization Act of 1970, the Committee estimates that the cost of the proposed legislation will be as follows:

	Fiscal year		
	1976	Transitional quarter	1977
Cost.....	\$445,000	\$111,250	\$445,000

CHANGES IN EXISTING LAW

In compliance with subsection 4 of Rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill 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 changes are proposed is shown in roman):

ACT OF AUGUST 16, 1971, AS AMENDED

(15 U.S.C. 857-6 et seq.)

SEC. 4. The Advisory Committee shall (1) undertake a continuing review of *national ocean policy, coastal zone management, and the progress of the marine and atmospheric science and service programs of the United States*, and (2) advise the Secretary of Commerce with respect to the carrying out of the purposes of the National Oceanic and Atmospheric Administration. The Advisory Committee shall submit a comprehensive annual report to the President and to the Congress setting forth an overall assessment of the status of the Nation's marine and atmospheric activities and shall submit such other reports as may from time to time be requested by [the President.] *the President and the Congress*. Each such report shall be submitted to the Secretary of Commerce who shall, within 90 days after receipt thereof, transmit copies to the President and to the Congress, with his comments and recommendations. The comprehensive annual report required herein shall be submitted on or before June 30 of each year, beginning June 30, 1972.

TEXT OF H.R. 5447, AS REPORTED

AN ACT To amend the Act of August 16, 1971, as amended, which established the National Advisory Committee on Oceans and Atmosphere, to increase and extend the appropriation authorization thereunder, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 7 of the Act of August 16, 1971, as amended (Public Law 92-125, 85 Stat. 344; Public Law 92-567, 86 Stat. 1181), is amended to read as follows: "There are hereby authorized to be appropriated to the Secretary of Commerce such sums as may be necessary for expenses incident to the administration of this Act, not to exceed the following amounts: (1) \$400,000 for the fiscal year ending June 30, 1973, and for each of the 2 fiscal years immediately thereafter; (2) \$445,000 for the fiscal year ending June 30, 1976; (3) \$111,250 for the transitional period (July 1 through September 30, 1976); and (4) \$445,000 for the fiscal year ending September 30, 1977.

SEC. 2. Section 4 of such Act (33 U.S.C. 857-9) is amended--

(1) by inserting after "review of" and before "the progress" the following: "national ocean policy, coastal zone management, and"; and

(2) striking out "the President." at the end of the second sentence thereof and inserting in lieu thereof "the President and the Congress."

AGENCY COMMENTS

THE SECRETARY OF COMMERCE,
Washington, D.C., March 19, 1975.

HON. NELSON A. ROCKEFELLER
President of the Senate,
U.S. Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed are six copies of a draft bill to amend the act of August 16, 1971, as amended, which established the National Advisory Committee on Oceans and Atmosphere, to increase and extend the appropriation authorization thereunder, together with a statement of purpose and need in support thereof.

We have been advised by the Office of Management and Budget that there would be no objection to the submission of our draft bill to the Congress, and further that enactment would be in accord with the program of the President.

Sincerely,

FREDERICK B. DENT,
Secretary of Commerce.

Enclosures.

A BILL To amend the Act of August 16, 1971, as amended, which established the National Advisory Committee on Oceans and Atmosphere, to increase and extend the appropriation authorization thereunder

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 7 of the Act of August 16, 1971, as amended (Public Law 92-125, 85 Stat. 344; Public Law 92-567, 86 Stat. 1181), is amended to read as follows: "There are hereby authorized to be appropriated to the Secretary of Commerce, for the fiscal year ending June 30, 1973, and for each of the two fiscal years immediately thereafter, such sums, not to exceed \$400,000; and for each of the fiscal years 1976, 1977, and 1978, such sums, not to exceed \$445,000, as may be necessary for expenses incident to the administration of this Act, and for succeeding fiscal years only such sums as may be authorized by law."

Statement of Purpose and Need

The National Advisory Committee on Oceans and Atmosphere (NACOA) was established by Public Law 92-125, approved August 16, 1971. NACOA consists of 25 non-Federal members appointed by the President from State and local governments, industry, science and other appropriate sources having an interest and expertise in oceanic and atmospheric affairs. NACOA has the mandate to (1) perform a continuing review of the progress of the Nation's marine and atmospheric science and service programs and to report to the President and the Congress, annually, its findings and recommendations on marine and atmospheric affairs, and (2) to advise the Secretary of Commerce specifically with respect to the carrying out of the purposes of the National Oceanic and Atmospheric Administration.

Public Law 92-125 assigned NACOA's support functions to the Secretary of Commerce. It was amended in October 1972, by Public

Law 92-567, to raise the level of authorization to \$400,000 per year for the three fiscal years 1973-75, and in the following fiscal years, such funds as the Congress authorizes.

In fulfilling its mandate, NACOA has assumed a highly active mode of operation, meeting 9-10 times a year in full session, and with ad hoc panels meeting, as the occasion demands, to develop special material for full NACOA consideration. Support of this level of activity, which in part accounts for NACOA's value, requires a core staff of six professionals and four non-professionals. This was the basis for the authorization level provided for in 1972. The new authorization request merely extends this for three years, recognizes that earlier full-time assistance by other agency personnel has now been phased out, and provides small increases in succeeding years in anticipation of costs beyond NACOA's control.

This level of NACOA activity derives from NACOA's unique nature and responsibility. Public Law 92-125 examined in the perspective of its legislative history emphasizes NACOA's role of applying non-Federal expertise toward the development of a truly national effort viewed as a "partnership between government, industry, and the academic community." NACOA collectively possesses the requisite industrial, academic, and lower-level government expertise for this purpose, but individually as non-Federal employees, each carries a special burden in becoming thoroughly familiar with the vast range of Federal and other programs, plans, and policies over the broad spectrum they are expected to assess. No reasonable staff level nor degree of cooperation from Federal agency observers and other representatives can substitute for a high level of activity on the part of the NACOA members themselves. The need for full-time professional staff stems from experience of what it takes to make this level of NACOA involvement efficient and productive. It is judged probable that attempting to provide a significant portion of the staff requirement by people on loan would either be less effective or require larger numbers, or both.

Enactment of this legislation would result in authorizations of \$445,000 for each of the fiscal years 1976, 1977, and 1978.

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H. R. 5447

Ninety-fourth Congress of the United States of America

AT THE FIRST SESSION

*Begun and held at the City of Washington on Tuesday, the fourteenth day of January,
one thousand nine hundred and seventy-five*

An Act

To amend the Act of August 16, 1971, as amended, which established the National Advisory Committee on Oceans and Atmosphere, to increase and extend the appropriation authorization thereunder, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 7 of the Act of August 16, 1971, as amended (Public Law 92-125, 85 Stat. 344; Public Law 92-567, 86 Stat. 1181), is amended to read as follows: "There are hereby authorized to be appropriated to the Secretary of Commerce such sums as may be necessary for expenses incident to the administration of this Act, not to exceed the following amounts: (1) \$400,000 for the fiscal year ending June 30, 1973, and for each of the 2 fiscal years immediately thereafter; (2) \$445,000 for the fiscal year ending June 30, 1976; (3) \$111,250 for the transitional period (July 1 through September 30, 1976); and (4) \$445,000 for the fiscal year ending September 30, 1977."

SEC. 2. Section 4 of such Act (33 U.S.C. 857-9) is amended—

(1) by inserting after "review of" and before "the progress" the following: "national ocean policy, coastal zone management, and"; and

(2) striking out "the President." at the end of the second sentence thereof and inserting in lieu thereof "the President and the Congress."

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*

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July 25, 1975

Dear Mr. Director:

The following bills were received at the White House on July 25th:

S. 555 ✓
H.R. 5447 ✓
H.R. 5522 ✓
H.R. 7767 ✓

Please let the President have reports and recommendations as to the approval of these bills as soon as possible.

Sincerely,

Robert D. Linder
Chief Executive Clerk

The Honorable James T. Lynn
Director
Office of Management and Budget
Washington, D. C.