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HOUSE OF REPRESENTATIVES
REPORT
115–1006

AMENDING SECTION 7 OF PUBLIC LAW 100–515 (16 U.S.C. 1244 NOTE) TO PROMOTE CONTINUED USE OF THE JAMES J. HOWARD MARINE SCIENCES LABORATORY AT GATEWAY NATIONAL RECREATION AREA BY THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

NOVEMBER 2, 2018.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. BISHOP of Utah, from the Committee on Natural Resources, submitted the following

R E P O R T

[To accompany H.R. 6434]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 6434) to amend section 7 of Public Law 100–515 (16 U.S.C. 1244 note) to promote continued use of the James J. Howard Marine Sciences Laboratory at Gateway National Recreation Area by the National Oceanic and Atmospheric Administration, 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. 6434 is to amend section 7 of Public Law 100–515 (16 U.S.C. 1244 note) to promote continued use of the James J. Howard Marine Sciences Laboratory at Gateway National Recreation Area by the National Oceanic and Atmospheric Administration.

BACKGROUND AND NEED FOR LEGISLATION

Currently, the James J. Howard Marine Sciences Laboratory, owned by the State of New Jersey, is operated by the National Oceanic and Atmospheric Administration (NOAA) and sits on National Park Service (NPS) land that is leased by the State. H.R. 6434 would transfer NPS's ground lease with the State to NOAA so that the agency may continue to operate the lab and make improvements.

The Gateway National Recreation Area is a unique asset of NPS that encompasses roughly 27,000 non-contiguous acres of land

across New York and New Jersey.[1] This land makes up three distinct park units: Jamaica Bay, Staten Island, and Sandy Hook. The Sandy Hook unit, which is located within the Fort Hancock and Sandy Hook Proving Ground National Historic Landmark in New Jersey, is the home of the James J. Howard Marine Science Laboratory.[2]

The James J. Howard Sciences Laboratory opened in October 1993 and replaced a previous marine science laboratory that was destroyed by a fire in 1985.[3] The Lab was dedicated and named after the late Congressman James J. Howard who was a staunch supporter of the original marine science laboratory.[4] Located on the Sandy Hook peninsula, the Lab houses both State and federal researchers to conduct studies and research in nearshore and offshore ecology. According to NOAA, this research strives for "a better understanding of both coastal and estuarine organisms and the effects of human activities on nearshore marine populations."[5]

Under Public Law 100–515, NPS was granted the authority to enter into a lease with the State of New Jersey for the property and buildings that were to comprise the Lab after its construction.[6] Under the law, the State remains in control of the property as long as it is used as a marine science lab.[7] Accordingly, in 1991 New Jersey and NPS entered into a 99 year ground lease to operate the facility.[8] While the State continues to operate the Lab, in 2016 it expressed interest in transferring the lease to NOAA as the Lab houses a number of NOAA researchers.[9]

H.R. 6434 authorizes the transfer of the NPS lease from New Jersey to NOAA as long as both are willing parties.[10] According to a letter to the Committee from the bill sponsor, "[a]ll parties including the State of New Jersey, NOAA, and the NPS are supportive of this transfer."[11]

SECTION-BY-SECTION ANALYSIS

Section 1. Transfer of the James J. Howard Marine Sciences Laboratory

This section amends section 7 of Public Law 100–515 by striking a reversion clause and inserting a new subsection that authorizes New Jersey to transfer its current ground lease with NPS to NOAA. This section also requires NOAA and NPS to enter into an agreement regarding the use of the land and facilities under the lease, stipulating that the land can be used for no purpose other

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[1] https://www.nps.gov/gate/planyourvisit/basicinfo.htm.
[2] Id.
[3] Sandy Hook: A New Lab, A New Era. The New York Times: New Jersey Weekly. Arthur Kamin. October 10, 1993.
[4] Id.
[5] https://www.commerce.gov/locations/nefsc-james-j-howard-marine-sciences-laboratory#15/40.4581/-74.0028.
[6] Public Law 100–515, Section 7, signed October 20, 1988.
[7] Id.
[8] Representative Frank Pallone, letter to Representatives Rob Bishop and Raúl Grijalva, August 29, 2018.
[9] Id.
[10] H.R. 6434—To amend section 7 of Public Law 100–515 (16 U.S.C. 1244 note) to promote continued use of the James J. Howard Marine Sciences Laboratory at Gateway National Recreation Area by the National Oceanic and Atmospheric Administration, Sponsored by Frank Pallone (D–NJ). Introduced July 18, 2018.
[11] Representative Frank Pallone, letter to Representatives Rob Bishop and Raúl Grijalva, August 29, 2018.

than operation and support of the James J. Howard Marine Sciences Laboratory.

COMMITTEE ACTION

H.R. 6434 was introduced on July 18, 2018, by Congressman Frank Pallone, Jr. (D–NJ). The bill was referred to the Committee on Natural Resources and within the Committee to the Subcommittee on Water, Power and Oceans and the Subcommittee on Federal Lands. On September 27, 2018, the Natural Resources Committee met to consider the bill. The Subcommittees were discharged 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(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII AND CONGRESSIONAL BUDGET ACT

1. Cost of Legislation and the Congressional Budget Act. With respect to the requirements of clause 3(c)(2) and (3) of rule XIII of the Rules of the House of Representatives and sections 308(a) and 402 of the Congressional Budget Act of 1974, the Committee has received the following estimate for the bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, November 1, 2018.

Hon. ROB BISHOP,
Chairman, Committee on Natural Resources,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 6434, a bill to amend section 7 of Public Law 100–515 (16 U.S.C. 1244 note) to promote continued use of the James J. Howard Marine Sciences Laboratory at Gateway National Recreation Area by the National Oceanic and Atmospheric Administration.

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

Sincerely,

KEITH HALL,
Director

Enclosure.

H.R. 6434—A bill to amend section 7 of Public Law 100–515 (16 U.S.C. 1244 note) to promote continued use of the James J. Howard Marine Sciences Laboratory at Gateway National Recreation Area by the National Oceanic and Atmospheric Administration

Under current law, the state of New Jersey manages the James J. Howard Marine Sciences Laboratory—which is located on federal lands in the Gateway National Recreation Area—under a 99-year lease agreement between the state and the National Park Service (NPS). H.R. 6434 would make the National Oceanic Atmospheric Administration (NOAA) the lessee instead of New Jersey.

NOAA currently reimburses the state for the costs of maintaining the laboratory but not for the lease of the facility. In addition, under the current lease agreement, the state pays about $50,000 annually to the NPS. Those payments are recorded in the budget as offsetting collections and credited to the discretionary appropriation for managing the surrounding lands. Transferring the lease from the state to NOAA would eliminate those collections because payments from NOAA to the NPS would be intragovernmental; that is, the costs to NOAA for the lease payments would be equal to the collections by the NPS and would thus have no net effect on federal spending. Accordingly, CBO estimates that implementing the bill would increase net costs by about $250,000 over the 2019–2023 period.

Enacting H.R. 6434 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

CBO estimates that enacting H.R. 6434 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2029.

H.R. 6434 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

The CBO staff contacts for this estimate are Janani Shankaran and Robert Reese. The estimate was reviewed by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

2. 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 amend section 7 of Public Law 100–515 (16 U.S.C. 1244 note) to promote continued use of the James J. Howard Marine Sciences Laboratory at Gateway National Recreation Area by the National Oceanic and Atmospheric Administration.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

COMPLIANCE WITH H. RES. 5

Directed Rule Making. This bill does not contain any directed rule makings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95–220, as amended by Public Law 98–169) as relating to other programs.

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, and existing law in which no change is proposed is shown in roman):

PUBLIC LAW 100–515

AN ACT To provide for the establishment of the Coastal Heritage Trail Route in the State of New Jersey, and for other purposes.

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SEC. 7. REVITALIZATION OF OFFICERS ROW, SANDY HOOK, NEW JERSEY.

(a) AGREEMENT WITH STATE.—To further the revitalization, rehabilitation, and utilization of the area known as "Officers Row" located within the Sandy Hook Unit of the Gateway National Recreation Area, the Secretary of the Interior, or his designee, shall enter into an agreement to permit the State of New Jersey to use and occupy the property depicted on the map numbered 646/80,003, entitled "Marine Science Laboratory Land Assignment", dated September 1988, for the express purpose of constructing, developing, and operating, without cost to the National Park Service, a marine sciences laboratory to be known as the "James J. Howard Marine Sciences Laboratory". The design of the new facility, the rehabilitation of Building 74, the design and location of landscaping modifications thereto, shall be reviewed by, and subject to the approval of, the Director of the National Park Service or his designee using the standards for rehabilitation and National Park Service guidelines and policies approved by the Secretary of the Interior.

[(b) REVERSION.—If the improvements described in subsection (a) are not used as a marine sciences laboratory by the State of New Jersey, all use of the property and the improvements thereon shall revert, without consideration, to the National Park Service.]

(b) TRANSFER FROM THE STATE TO THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, or the provisions of the August 13, 1991, Ground Lease Agreement ("Lease") between the Department of the Interior and the State of New Jersey ("State"), upon notice to the National Park Service, the State may transfer without consideration, and

the National Oceanic and Atmospheric Administration may accept, all State improvements within the land assignment and right of way, including the James J. Howard Marine Sciences Laboratory ("Laboratory"), two parking lots, and the seawater supply and backflow pipes as generally depicted on the map entitled "Gateway National Recreation Area, James J. Howard Marine Science Laboratory Land Assignment", numbered 646/142,581A, and dated April 2018 ("Map") and any related State personal property.

(2) LEASE AMENDMENT.—Upon the transfer authorized in paragraph (1), the Lease shall be amended to exclude any obligations of the State and the Department of the Interior related to the Laboratory and associated property and improvements transferred to the National Oceanic and Atmospheric Administration. However, all obligations of the State to rehabilitate Building 74 and modify landscaping on the surrounding property as depicted on the Map, under the Lease and pursuant to subsection (a), shall remain in full force and effect.

(3) USE BY THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.—Upon the transfer authorized in paragraph (1), the Administrator of the National Oceanic and Atmospheric Administration is authorized to use the land generally depicted on the Map as a land assignment and right of way and associated land and appurtenances for continued use of the Laboratory, including providing maintenance and repair, and access to the Laboratory, the parking lots and the seawater supply and back flow pipes, without consideration, except for reimbursement to the National Park Service of agreed upon reasonable actual costs of subsequently provided goods and services.

(4) AGREEMENT BETWEEN THE NATIONAL PARK SERVICE AND THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.—Upon the transfer authorized in paragraph (1), the Director of the National Park Service and the Administrator of the National Oceanic and Atmospheric Administration shall enter into an agreement addressing responsibilities pertaining to the use of the land assignment within the Sandy Hook Unit of the Gateway National Recreation Area as authorized in paragraph (3). The agreement shall prohibit any new construction on this land, permanent or nonpermanent, or significant alteration to the exterior of the Laboratory, without National Park Service approval.

(5) RESTORATION.—

(A) Notwithstanding any provision of the Lease to the contrary, if the State does not transfer the improvements as authorized in paragraph (1), and these improvements are not used as or in support of a marine science laboratory, the State shall demolish and remove the improvements and restore the land in accordance with the standards set forth by the National Park Service, free of unacceptable encumbrances and in compliance with all applicable laws and regulations regarding known contaminants.

(B) If the National Oceanic and Atmospheric Administration accepts the improvements as authorized in paragraph (1) and these improvements are not used as or in support of a marine science laboratory, the National Oceanic and

Atmospheric Administration shall be responsible for demolishing and removing these improvements and restoring the land, in accordance with the standards set forth by the National Park Service, free of unacceptable encumbrances and in compliance with all applicable laws and regulations regarding known contaminants.

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