

DATA PRESERVATION ACT OF 2020

DECEMBER 18, 2020.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. GRIJALVA, from the Committee on Natural Resources,
submitted the following

R E P O R T

[To accompany H.R. 4299]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 4299) to reauthorize through 2024 the National Geological and Geophysical Data Preservation Program Act of 2005, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Data Preservation Act of 2020”.

SEC. 2. REAUTHORIZATION OF NATIONAL GEOLOGICAL AND GEOPHYSICAL DATA PRESERVATION PROGRAM ACT OF 2005.

Subsection (k) of the National Geological and Geophysical Data Preservation Program Act of 2005 (42 U.S.C. 15908(k)) is amended by striking “2006 through 2010” and inserting “2020 through 2024”.

PURPOSE OF THE BILL

The purpose of H.R. 4299 is to reauthorize through 2024 the National Geological and Geophysical Data Preservation Program Act of 2005.

BACKGROUND AND NEED FOR LEGISLATION

The Data Preservation Act reauthorizes the National Geological and Geophysical Data Preservation Program (NGGDPP) through 2024. The NGGDPP was first authorized by the Energy Policy Act of 2005 but expired in 2016.

Administered by the U.S. Geological Survey, the NGGDPP promotes the preservation and accessibility of geoscientific data, infor-

mation, and samples by providing financial and technical support to state geological surveys and agencies within DOI. The Program's National Digital Catalog provides public access to collections of documents, datasets, photographs, samples, and other geologic materials available for research. The preservation of geoscience data provides information crucial to the future of scientific research, decision-making on energy and mineral resource extraction, management of natural resources, improving our understanding of natural hazards, and pollution clean-up.

COMMITTEE ACTION

H.R. 4299 was introduced on September 12, 2019, by Representative Nydia M. Velázquez (D–NY). The bill was referred solely to the Committee on Natural Resources, and within the Committee to the Subcommittee on Energy and Mineral Resources. On September 19, 2019, the Subcommittee held a hearing on the bill. On July 29, 2020, the Natural Resources Committee met to consider the bill. The Subcommittee was discharged by unanimous consent. Chair Raúl M. Grijalva (D–AZ) offered an amendment designated Grijalva #1. The amendment was agreed to by unanimous consent. No additional amendments were offered, and the bill, as amended, was adopted and ordered favorably reported to the House of Representatives by unanimous consent.

HEARINGS

For the purposes of section 103(i) of H. Res. 6 of the 116th Congress—the following hearing was used to develop or consider H.R. 4299: hearing by the Subcommittee on Energy and Mineral Resources held on September 19, 2019.

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, October 30, 2020.

Hon. RAÚL M. GRIJALVA,
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. 4299, the Data Preservation Act of 2020.

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

Sincerely,

PHILLIP L. SWAGEL,
Director.

Enclosure.

| H.R. 4299, Data Preservation Act of 2020 | | | |
|--|------|-------------------------------------|-----------|
| As ordered reported by the House Committee on Natural Resources on July 29, 2020 | | | |
| By Fiscal Year, Millions of Dollars | 2021 | 2020-2025 | 2020-2030 |
| Direct Spending (Outlays) | 0 | 0 | 0 |
| Revenues | 0 | 0 | 0 |
| Increase or Decrease (-) in the Deficit | 0 | 0 | 0 |
| Spending Subject to Appropriation (Outlays) | 22 | 115 | 118 |
| Statutory pay-as-you-go procedures apply? | No | Mandate Effects | |
| Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2031? | No | Contains intergovernmental mandate? | No |
| | | Contains private-sector mandate? | No |

H.R. 4299 would authorize the appropriation of \$30 million annually over the 2020–2024 period for the United States Geological Survey to implement the National Geological and Geospatial Data Preservation Program. In 2020, \$2 million was allocated to that program.

For this estimate, CBO assumes that H.R. 4299 will be enacted near the start of fiscal year 2021. Using historical spending patterns for the program, CBO estimates implementing H.R. 4299 would cost \$115 million over the 2021–2025 period and \$3 million after 2025. The costs of the legislation, detailed in Table 1, fall within budget function 300 (natural resources and environment).

TABLE 1.—ESTIMATED INCREASES IN SPENDING SUBJECT TO APPROPRIATION UNDER H.R. 4299

| | By fiscal year, millions of dollars— | | | | | |
|----------------------------------|--------------------------------------|------|------|------|------|---------------|
| | 2021 | 2022 | 2023 | 2024 | 2025 | 2021– 2025 |
| Authorization ^a | 28 | 30 | 30 | 30 | 0 | 118 |

TABLE 1.—ESTIMATED INCREASES IN SPENDING SUBJECT TO APPROPRIATION UNDER H.R. 4299—Continued

| | By fiscal year, millions of dollars— | | | | | |
|-------------------------|--------------------------------------|------|------|------|------|-----------|
| | 2021 | 2022 | 2023 | 2024 | 2025 | 2021–2025 |
| Estimated Outlays | 22 | 27 | 30 | 30 | 6 | 115 |

^aH.R. 4299 would authorize the appropriation of \$30 million annually through 2024 for the United States Geological Survey (USGS) to implement the National Geological and Geospatial Data Preservation Program. In 2020, USGS allocated \$2 million for those purposes. Because CBO estimates the budgetary effects under continuing resolutions on an annualized basis, in 2021 CBO assumes that the same amount will be available under the current continuing resolution (Public Law 116–159). As a result, CBO estimates that the bill would authorize an increase in spending subject to appropriation in 2021 of \$28 million, the difference between the authorized amount and the annualized amount provided under the continuing resolution.

The CBO staff contact for this estimate is Robert Reese. The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

2. *General Performance Goals and Objectives.* As required by clause 3(c)(4) of rule XIII, the general performance goals and objectives of this bill are to reauthorize through 2024 the National Geological and Geophysical Data Preservation Program Act of 2005.

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.

UNFUNDED MANDATES REFORM ACT STATEMENT

This bill contains no unfunded mandates.

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. The National Geological and Geophysical Data Preservation (CFDA No. 15.814) reauthorized by this bill is not identified in the most recent Catalog of Federal Domestic Assistance published pursuant to 31 U.S.C. § 6104 as related to any other program.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

Any preemptive effect of this bill over state, local, or tribal law is intended to be consistent with the bill's purposes and text and the Supremacy Clause of Article VI of the U.S. Constitution.

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

**NATIONAL GEOLOGICAL AND GEOPHYSICAL DATA
PRESERVATION PROGRAM ACT OF 2005**

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TITLE III—OIL AND GAS

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Subtitle E—Production Incentives

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SEC. 351. PRESERVATION OF GEOLOGICAL AND GEOPHYSICAL DATA.

(a) **SHORT TITLE.**—This section may be cited as the “National Geological and Geophysical Data Preservation Program Act of 2005”.

(b) **PROGRAM.**—The Secretary shall carry out a National Geological and Geophysical Data Preservation Program in accordance with this section—

(1) to archive geologic, geophysical, and engineering data, maps, well logs, and samples;

(2) to provide a national catalog of such archival material; and

(3) to provide technical and financial assistance related to the archival material.

(c) **PLAN.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a plan for the implementation of the Program.

(d) **DATA ARCHIVE SYSTEM.**—

(1) **ESTABLISHMENT.**—The Secretary shall establish, as a component of the Program, a data archive system to provide for the storage, preservation, and archiving of subsurface, surface, geological, geophysical, and engineering data and samples. The Secretary, in consultation with the Advisory Committee, shall develop guidelines relating to the data archive system, including the types of data and samples to be preserved.

(2) **SYSTEM COMPONENTS.**—The system shall be comprised of State agencies that elect to be part of the system and agencies within the Department of the Interior that maintain geological and geophysical data and samples that are designated by the Secretary in accordance with this subsection. The Program shall provide for the storage of data and samples through data repositories operated by such agencies.

(3) **LIMITATION OF DESIGNATION.**—The Secretary may not designate a State agency as a component of the data archive

system unless that agency is the agency that acts as the geological survey in the State.

(4) DATA FROM FEDERAL LAND.—The data archive system shall provide for the archiving of relevant subsurface data and samples obtained from Federal land—

(A) in the most appropriate repository designated under paragraph (2), with preference being given to archiving data in the State in which the data were collected; and

(B) consistent with all applicable law and requirements relating to confidentiality and proprietary data.

(e) NATIONAL CATALOG.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall develop and maintain, as a component of the Program, a national catalog that identifies—

(A) data and samples available in the data archive system established under subsection (d);

(B) the repository for particular material in the system; and

(C) the means of accessing the material.

(2) AVAILABILITY.—The Secretary shall make the national catalog accessible to the public on the site of the Survey on the Internet, consistent with all applicable requirements related to confidentiality and proprietary data.

(f) ADVISORY COMMITTEE.—

(1) IN GENERAL.—The Advisory Committee shall advise the Secretary on planning and implementation of the Program.

(2) NEW DUTIES.—In addition to its duties under the National Geologic Mapping Act of 1992 (43 U.S.C. 31a et seq.), the Advisory Committee shall perform the following duties:

(A) Advise the Secretary on developing guidelines and procedures for providing assistance for facilities under subsection (g)(1).

(B) Review and critique the draft implementation plan prepared by the Secretary under subsection (c).

(C) Identify useful studies of data archived under the Program that will advance understanding of the Nation's energy and mineral resources, geologic hazards, and engineering geology.

(D) Review the progress of the Program in archiving significant data and preventing the loss of such data, and the scientific progress of the studies funded under the Program.

(E) Include in the annual report to the Secretary required under section 5(b)(3) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31d(b)(3)) an evaluation of the progress of the Program toward fulfilling the purposes of the Program under subsection (b).

(g) FINANCIAL ASSISTANCE.—

(1) ARCHIVE FACILITIES.—Subject to the availability of appropriations, the Secretary shall provide financial assistance to a State agency that is designated under subsection (d)(2) for providing facilities to archive energy material.

(2) STUDIES.—Subject to the availability of appropriations, the Secretary shall provide financial assistance to any State

agency designated under subsection (d)(2) for studies and technical assistance activities that enhance understanding, interpretation, and use of materials archived in the data archive system established under subsection (d).

(3) FEDERAL SHARE.—The Federal share of the cost of an activity carried out with assistance under this subsection shall be not more than 50 percent of the total cost of the activity.

(4) PRIVATE CONTRIBUTIONS.—The Secretary shall apply to the non-Federal share of the cost of an activity carried out with assistance under this subsection the value of private contributions of property and services used for that activity.

(h) REPORT.—The Secretary shall include in each report under section 8 of the National Geologic Mapping Act of 1992 (43 U.S.C. 31g)—

(1) a description of the status of the Program;

(2) an evaluation of the progress achieved in developing the Program during the period covered by the report; and

(3) any recommendations for legislative or other action the Secretary considers necessary and appropriate to fulfill the purposes of the Program under subsection (b).

(i) MAINTENANCE OF STATE EFFORT.—It is the intent of Congress that the States not use this section as an opportunity to reduce State resources applied to the activities that are the subject of the Program.

(j) DEFINITIONS.—In this section:

(1) ADVISORY COMMITTEE.—The term “Advisory Committee” means the advisory committee established under section 5 of the National Geologic Mapping Act of 1992 (43 U.S.C. 31d).

(2) PROGRAM.—The term “Program” means the National Geological and Geophysical Data Preservation Program carried out under this section.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior, acting through the Director of the United States Geological Survey.

(4) SURVEY.—The term “Survey” means the United States Geological Survey.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$30,000,000 for each of fiscal years **2006 through 2010** *2020 through 2024*.

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SUPPLEMENTAL, MINORITY, ADDITIONAL, OR DISSENTING VIEWS

None.

