

105TH CONGRESS } HOUSE OF REPRESENTATIVES { REPT. 105-66
1st Session } { Part 1

NATIONAL OCEANIC AND ATMOSPHERIC
ADMINISTRATION AUTHORIZATION ACT OF 1997

APRIL 22, 1997.—Ordered to be printed

Mr. SENSENBRENNER, from the Committee on Science,
submitted the following

R E P O R T

together with

ADDITIONAL VIEWS

[To accompany H.R. 1278]

[Including cost estimate of the Congressional Budget Office]

The Committee on Science, to whom was referred the bill (H.R. 1278) to authorize appropriations for the activities of the National Oceanic and Atmospheric Administration for fiscal years 1998 and 1999, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

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I. AMENDMENT

The amendment is as follows:
Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “National Oceanic and Atmospheric Administration Authorization Act of 1997”.

(b) **TABLE OF CONTENTS.**—

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—ATMOSPHERIC, WEATHER, AND SATELLITE PROGRAMS

Sec. 101. National Weather Service.
Sec. 102. Atmospheric research.
Sec. 103. National Environmental Satellite, Data, and Information Service.

TITLE II—MARINE RESEARCH

Sec. 201. National Ocean Service.
Sec. 202. Ocean and Great Lakes programs.

TITLE III—PROGRAM SUPPORT AND OTHER ACCOUNTS

Sec. 301. Program support.
Sec. 302. Other accounts.

TITLE IV—STREAMLINING OF OPERATIONS

Sec. 401. Programs.
Sec. 402. Limitations on appropriations.
Sec. 403. Disestablishment of the Corps of Commissioned Officers.

TITLE V—MISCELLANEOUS

Sec. 501. Weather data buoys.
Sec. 502. Duties of the National Weather Service.
Sec. 503. Marine services.
Sec. 504. National Oceanographic Partnership Program.
Sec. 505. Limitations.
Sec. 506. Notice.
Sec. 507. Sense of Congress on the Year 2000 problem.
Sec. 508. Buy American.

SEC. 2. DEFINITIONS.

For the purposes of this Act, the term—

(1) “Act of 1890” means the Act entitled “An Act to increase the efficiency and reduce the expenses of the Signal Corps of the Army, and to transfer the Weather Bureau to the Department of Agriculture”, approved October 1, 1890 (26 Stat. 653);

(2) "Act of 1947" means the Act entitled "An Act to define the functions and duties of the Coast and Geodetic Survey, and for other purposes", approved August 6, 1947 (33 U.S.C. 883a et seq.);

(3) "Act of 1970" means the Act entitled "An Act to clarify the status and benefits of commissioned officers of the National Oceanic and Atmospheric Administration, and for other purposes", approved December 31, 1970 (33 U.S.C. 857-1 et seq.);

(4) "Administrator" means the Administrator of the National Oceanic and Atmospheric Administration; and

(5) "Secretary" means the Secretary of Commerce.

TITLE I—ATMOSPHERIC, WEATHER, AND SATELLITE PROGRAMS

SEC. 101. NATIONAL WEATHER SERVICE.

(a) OPERATIONS AND RESEARCH.—There are authorized to be appropriated to the Secretary to enable the National Oceanic and Atmospheric Administration to carry out the operations and research duties of the National Weather Service, \$458,131,000 for fiscal year 1998 and \$451,074,000 for fiscal year 1999. Such duties include meteorological, hydrological, and oceanographic public warnings and forecasts, as well as applied research in support of such warnings and forecasts. Of the amounts authorized under this subsection for each of the fiscal years 1998 and 1999, \$3,600,000 shall be for the Tropical Prediction Center/National Hurricane Center.

(b) SYSTEMS ACQUISITION.—(1) There are authorized to be appropriated to the Secretary to enable the National Oceanic and Atmospheric Administration to carry out the public warning and forecast systems duties of the National Weather Service, \$89,713,000 for fiscal year 1998 (including amounts as provided in subsection (c)) and \$74,453,000 for fiscal year 1999. Such duties include the development, acquisition, and implementation of major public warning and forecast systems, including the upgrade of computer facilities. None of the funds authorized under this subsection shall be used for the purposes for which funds are authorized under subsection (f).

(2) Of the amounts authorized under paragraph (1), \$39,591,000 for fiscal year 1998 and \$39,887,000 for fiscal year 1999 shall be for Next Generation Weather Radar (NEXRAD) program management, operations, and maintenance.

(3) Of the amounts authorized under paragraph (1), \$11,377,000 for fiscal year 1998 and \$11,224,000 for fiscal year 1999 shall be for remaining system acquisition, program management, support contracts, logistic support, and continued product improvement of NEXRAD systems.

(c) NEW NEXRAD INSTALLATIONS.—Of the amount authorized under subsection (b)(1) for fiscal year 1998, \$15,000,000 shall be for the acquisition and deployment of NEXRAD systems—

(1) identified as necessary to prevent degradation of weather service caused by gaps in radar coverage, in National Weather Service follow-up studies to the Secretary's Report to Congress on Adequacy of NEXRAD Coverage and Degradation of Weather Services Under National Weather Service Modernization for 32 Areas of Concern, dated October 12, 1995; and

(2) recommended and approved by the Secretary, including program management, facilities, operations, and maintenance through September 30, 1999.

(d) ASOS PROGRAM AUTHORIZATION.—Of the sums authorized in subsection (b)(1), \$9,835,000 for fiscal year 1998 and \$9,942,000 for fiscal year 1999 are authorized to be appropriated to the Secretary, for the acquisition and deployment of—

(1) the Automated Surface Observing System (ASOS) and related systems, including multisensor and backup arrays for National Weather Service sites at airports; and

(2) Automated Meteorological Observing System and Remote Automated Meteorological Observing System replacement units.

and to cover all associated activities, including program management and operations and maintenance.

(e) COMPUTER FACILITY UPGRADES.—Of the sums authorized in subsection (b)(1), \$13,910,000 for fiscal year 1998 and \$13,400,000 for fiscal year 1999 are authorized to be appropriated to the Secretary for—

(1) the continued lease and maintenance of the Cray C-90 supercomputer; and

(2) the Upgrade of the Central Computer Facility (to provide for payment toward the Cray J-916 systems buyout, to complete the National Weather Service telecommunications gateway upgrade, and to cover all associated activities, including program management and operations and maintenance).

(f) AWIPS PROGRAM AUTHORIZATION.—(1) There are to be authorized to be appropriated to the Secretary to enable the National Oceanic and Atmospheric Administration to carry out the acquisition, deployment, program management, operation, and maintenance of the Advanced Weather Interactive Processing System (AWIPS), \$116,910,000 for fiscal year 1998 and \$82,029,000 for fiscal year 1999.

(2)(A) Of the sums authorized in paragraph (1), except as provided in paragraph (3), there are authorized to be appropriated to the Secretary for all fiscal years beginning after September 30, 1997, an aggregate of \$186,300,000, to remain available until expended, to complete the acquisition and deployment of AWIPS and NOAAPort and to cover all associated activities, including program management and operations and maintenance through September 30, 1999.

(B) Notwithstanding subparagraph (A), \$22,635,000 of the amount described in subparagraph (A) for fiscal year 1998 shall be derived from the use of unobligated prior year funds appropriated for the Geostationary Operational Environmental Satellite program.

(3) No funds are authorized to be appropriated for any fiscal year under paragraph (1) unless, within 60 days after the submission of the President's budget request for such fiscal year, the Secretary—

(A) certifies to the Congress that—

(i) the systems meet the technical performance specifications included in the system contract as in effect on August 11, 1995;

(ii) the systems can be fully deployed, sited, and operational without requiring further appropriations beyond amounts authorized under paragraph (1); and

(iii) the Secretary does not foresee any delays in the systems deployment and operations schedule; or

(B) submits to the Congress a report which describes—

(i) the circumstances which prevent a certification under subparagraph (A);

(ii) remedial actions undertaken or to be undertaken with respect to such circumstances;

(iii) the effects of such circumstances on the systems deployment and operations schedule and systems coverage; and

(iv) a justification for proceeding with the program, if appropriate.

(g) CONSTRUCTION OF WEATHER FORECAST OFFICES.—There are authorized to be appropriated to the Secretary to enable the National Oceanic and Atmospheric Administration to carry out construction, repair, and modification activities relating to new and existing weather forecast offices, \$13,823,000 for fiscal year 1998 and \$8,189,000 for fiscal year 1999. Such activities include planning, design, and land acquisition related to such offices.

(h) NATIONAL CENTERS FOR ENVIRONMENTAL PREDICTION RESTRUCTURING.—There are authorized to be appropriated to the Secretary to enable the National Oceanic and Atmospheric Administration to carry out restructuring of the National Meteorological Center into the National Centers for Environmental Prediction, \$700,000 for fiscal year 1998 and \$809,000 for fiscal year 1999.

(i) FACILITIES.—There are authorized to be appropriated to the Secretary, to enable the National Oceanic and Atmospheric Administration to carry out NEXRAD Weather Service Office maintenance, \$2,950,000 for fiscal year 1998 and \$2,950,000 for fiscal year 1999.

(j) WEATHER SERVICE MODERNIZATION.—The Weather Service Modernization Act (15 U.S.C. 313 note) is amended—

(1) in section 706—

(A) by amending subsection (b) to read as follows:

“(b) CERTIFICATION.—The Secretary may not close, automate, or relocate any field office unless the Secretary has certified to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives that such action will not result in degradation of service to the affected area. Such certification shall be in accordance with the modernization criteria established under section 704.”;

(B) by striking subsections (c), (d), (e), and (f); and

(C) by inserting after subsection (b) the following new subsections:

“(c) SPECIAL CIRCUMSTANCES.—The Secretary may not close or relocate any field office which is located at an airport, if the Secretary, in consultation with the Secretary of Transportation and the Committee, determines as a result of the Air Safe-

ty Appraisal, completed and signed by the National Weather Service and the Federal Aviation Administration on December 9, 1996, that such action will result in degradation of service that affects aircraft safety.

“(d) PUBLIC LIAISON.—The Secretary shall maintain for a period of at least two years after the closure of any weather office a program to—

“(1) provide timely information regarding the activities of the National Weather Service which may affect service to the community, including modernization and restructuring; and

“(2) work with area weather service users, including persons associated with general aviation, civil defense, emergency preparedness, and the news media, with respect to the provision of timely weather warnings and forecasts.”; and

(2) in section 707—

(A) by amending subsection (c) to read as follows:

“(c) DUTIES.—The Committee shall advise the Congress and the Secretary on—
“(1) the implementation of the Strategic Plan, annual development of the Plan, and establishment and implementation of modernization criteria; and

“(2) matters of public safety and the provision of weather services which relate to the comprehensive modernization of the National Weather Service.”; and

(B) by amending subsection (f) to read as follows:

“(f) TERMINATION.—The Committee shall terminate—

“(1) on September 30, 1997; or

“(2) 90 days after the deadline for public comment on the modernization criteria for closure certification published in the Federal Register pursuant to section 704(b)(2),

whichever occurs later.”.

(k) BI-AGENCY WORKING GROUP.—The National Weather Service is encouraged to follow through on the recommendation contained in the document entitled “Secretary’s Report to Congress on Adequacy of NEXRAD Coverage and Degradation of Weather Services Under National Weather Service Modernization for 32 Areas of Concern”, dated October 12, 1995, to initiate a dialogue with the Federal Aviation Administration to form a bi-agency working group to assess further the potential for National Weather Service operational use of Federal Aviation Administration weather radar data, and to define engineering considerations that would be involved in implementing a data-sharing link between the Federal Aviation Administration and the National Weather Service.

(l) NEXRAD OPERATIONAL AVAILABILITY AND RELIABILITY.—(1) The Secretary of Defense, in conjunction with the Administrator, shall take steps to ensure that NEXRADs operated by the Department of Defense that provide primary detection coverage over a portion of their ranges function as fully committed, reliable elements of the National Weather Radar Network, operating with the same standards, quality, and availability as the National Weather Service-operated NEXRADs.

(2) NEXRADs operated by the Department of Defense that provide primary detection coverage over a portion of their ranges are to be considered as integral parts of the National Weather Radar Network.

SEC. 102. ATMOSPHERIC RESEARCH.

(a) CLIMATE AND AIR QUALITY RESEARCH.—There are authorized to be appropriated to the Secretary to enable the National Oceanic and Atmospheric Administration to carry out its climate and air quality research duties, \$116,902,000 for fiscal year 1998 and \$118,803,000 for fiscal year 1999. Such duties include interannual and seasonal climate research, long-term climate and air quality research, and high-performance computing and communications.

(b) ATMOSPHERIC PROGRAMS.—There are authorized to be appropriated to the Secretary to enable the National Oceanic and Atmospheric Administration to carry out its atmospheric research duties, \$43,456,000 for fiscal year 1998 and \$44,194,000 for fiscal year 1999. Such duties include research for developing improved prediction capabilities for atmospheric processes, as well as solar-terrestrial research and services.

(c) ACQUISITION OF DATA.—There are authorized to be appropriated to the Secretary to enable the National Oceanic and Atmospheric Administration to carry out data acquisition activities of the Office of Oceanic and Atmospheric Research, \$12,884,000 for fiscal year 1998 and \$12,884,000 for fiscal year 1999.

(d) BOULDER LABORATORY ADMINISTRATIVE SUPPORT CENTER.—There are authorized to be appropriated to the Secretary to enable the National Oceanic and Atmospheric Administration to continue the modifications to the Boulder Laboratory in Boulder, Colorado, to meet programmatic requirements, \$1,900,000 for fiscal year 1998 and \$9,078,000 for fiscal year 1999.

SEC. 103. NATIONAL ENVIRONMENTAL SATELLITE, DATA, AND INFORMATION SERVICE.

(a) **SATELLITE OBSERVING SYSTEMS.**—There are authorized to be appropriated to the Secretary to enable the National Oceanic and Atmospheric Administration to carry out its satellite observing systems duties, \$346,344,000 for fiscal year 1998 (reduced by \$12,400,000) and \$522,255,000 for fiscal year 1999 (reduced by \$7,000,000), to remain available until expended. Such duties include spacecraft procurement, launch, and associated ground station systems involving polar orbiting and geostationary environmental satellites, as well as the operation of such satellites. None of the funds authorized under this subsection shall be used for the purposes for which funds are authorized under section 105(d) of the National Oceanic and Atmospheric Administration Authorization Act of 1992 (Public Law 102–567).

(b) **POES PROGRAM AUTHORIZATION.**—Of the sums authorized in subsection (a), there are authorized to be appropriated to the Secretary \$82,905,000 for fiscal year 1998 and \$172,684,000 for fiscal year 1999, to remain available until expended, for the procurement and launch of, and supporting ground systems for, Polar Orbiting Environmental Satellites (POES), K, L, M, N, and N'.

(c) **NPOESS PROGRAM AUTHORIZATION.**—Of the sums authorized in subsection (a), there are authorized to be appropriated to the Secretary, \$51,503,000 for fiscal year 1998 and \$35,000,000 for fiscal year 1999, to remain available until expended, for the procurement of the National Polar-Orbiting Operational Environmental Satellite System (NPOESS), and the procurement and launch of, and supporting ground systems for, such satellites.

(d) **GOES N–Q.**—Of the sums authorized in subsection (a), there are authorized to be appropriated to the Secretary \$147,819,000 for fiscal year 1998 and \$256,421,000 for fiscal year 1999 to procure up to three Geostationary Operational Environmental NEXT follow-on Satellites (GOES N–Q), instruments, launching, and supporting ground systems.

(e) **OTHER PROGRAMS.**—Of the sums authorized in subsection (a), there are authorized to be appropriated to the Secretary \$9,970,000 for fiscal year 1998 and \$5,400,000 for fiscal year 1999, for the Wallops Island backup, product development, and operating adjustment activities of the Geostationary Operational Environmental Satellite program.

(f) **OCEAN REMOTE SENSING.**—Of the sums authorized in subsection (a), there are authorized to be appropriated to the Secretary to enable the National Oceanic and Atmospheric Administration to carry out ocean remote sensing activities, \$3,800,000 for fiscal year 1998 and \$3,800,000 for fiscal year 1999.

(g) **ENVIRONMENTAL OBSERVING SERVICES.**—Of the sums authorized in subsection (a), there are authorized to be appropriated to the Secretary to enable the National Oceanic and Atmospheric Administration to carry out Environmental Observing Services, \$50,347,000 for fiscal year 1998 and \$48,950,000 for fiscal year 1999.

(h) **ENVIRONMENTAL DATA AND INFORMATION SERVICES.**—There are authorized to be appropriated to the Secretary to enable the National Oceanic and Atmospheric Administration to carry out its environmental data and information services duties, \$43,835,000 for fiscal year 1998 and \$43,835,000 for fiscal year 1999. Such duties include climate data services, geophysical data services, and environmental assessment and information services.

TITLE II—MARINE RESEARCH**SEC. 201. NATIONAL OCEAN SERVICE.**

(a) **NAVIGATION SERVICES.**—

(1) **MAPPING AND CHARTING.**—There are authorized to be appropriated to the Secretary, to enable the National Oceanic and Atmospheric Administration to carry out mapping and charting activities under the Act of 1947 and any other law involving those activities, \$36,100,000 for fiscal year 1998 and \$36,100,000 for fiscal year 1999.

(2) **GEODESY.**—There are authorized to be appropriated to the Secretary, to enable the National Oceanic and Atmospheric Administration to carry out geodesy activities under the Act of 1947 and any other law involving those activities, \$19,159,000 for fiscal year 1998 and \$19,159,000 for fiscal year 1999.

(3) **TIDE AND CURRENT DATA.**—There are authorized to be appropriated to the Secretary, to enable the National Oceanic and Atmospheric Administration to carry out tide and current observation activities under the Act of 1947 and any other law involving those activities, \$11,000,000 for fiscal year 1998 and \$11,187,000 for fiscal year 1999.

(b) ESTUARINE AND COASTAL ASSESSMENT.—

(1) **IN GENERAL.**—There are authorized to be appropriated to the Secretary, to enable the National Oceanic and Atmospheric Administration to support estuarine and coastal assessment activities under the Act of 1947 and any other law involving those activities, \$2,674,000 for fiscal year 1998 and \$2,719,000 for fiscal year 1999.

(2) **OCEAN ASSESSMENT.**—In addition to amounts authorized under paragraph (1), there are authorized to be appropriated to the Secretary, to enable the National Oceanic and Atmospheric Administration to carry out the National Status and Trends Program, the Strategic Environmental Assessment Program, and the Hazardous Materials Response and Assessment Program, \$28,425,000 for fiscal year 1998 and \$27,840,000 for fiscal year 1999.

(3) **OIL POLLUTION ACT OF 1990.**—In addition to amounts authorized under paragraph (1), there are authorized to be appropriated to the Secretary, to enable the National Oceanic and Atmospheric Administration to carry out Oil Pollution Act of 1990 activities, \$1,000,000 for fiscal year 1998 and \$1,017,000 for fiscal year 1999.

(4) **OCEAN SERVICES.**—In addition to amounts authorized under paragraph (1), there are authorized to be appropriated to the Secretary, to enable the National Oceanic and Atmospheric Administration to carry out ocean services duties, \$2,800,000 for fiscal year 1998 and \$2,848,000 for fiscal year 1999. Such duties include acquisition of sea-surface and ocean temperature profiles from specially instrumented commercial vessels, and storing and archiving the acquired data.

(c) COASTAL OCEAN PROGRAM.—There are authorized to be appropriated to the Secretary, to enable the National Oceanic and Atmospheric Administration to carry out the Coastal Ocean Program, \$15,200,000 for fiscal year 1998 and \$15,458,000 for fiscal year 1999.

(d) ACQUISITION OF DATA.—There are authorized to be appropriated to the Secretary, to enable the National Oceanic and Atmospheric Administration to carry out data acquisition activities of the National Ocean Service, \$14,546,000 for fiscal year 1998 and \$14,546,000 for fiscal year 1999.

SEC. 202. OCEAN AND GREAT LAKES PROGRAMS.

(a) MARINE PREDICTION RESEARCH.—There are authorized to be appropriated to the Secretary, to enable the National Oceanic and Atmospheric Administration to carry out marine prediction research activities under the Act of 1947, the Act of 1890, and any other law involving those activities, \$17,326,000 for fiscal year 1998 and \$17,620,000 for fiscal year 1999.

(b) UNDERSEA RESEARCH PROGRAM.—

(1) **AUTHORIZATION.**—There are authorized to be appropriated to the Secretary, to enable the National Oceanic and Atmospheric Administration to carry out the National Undersea Research Program, \$5,400,000 for fiscal year 1998.

(2) **PEER REVIEW.**—No funds appropriated pursuant to this Act may be obligated for any grant unless such grant is competitively awarded and subject to a peer review process established pursuant to the plan submitted under paragraph (3).

(3) **RESTRUCTURING PLAN.**—By January 15, 1998, the Secretary shall submit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan for carrying out the National Undersea Research Program which includes the National Undersea Research Advisory Council and the National Undersea Research Peer Review Panel which will ensure the quality of scientific research carried out by the Program, the responsiveness of the Program to the mission needs of the National Oceanic and Atmospheric Administration, and responsiveness of the Program to key national needs in oceanographic research.

TITLE III—PROGRAM SUPPORT AND OTHER ACCOUNTS

SEC. 301. PROGRAM SUPPORT.

(a) EXECUTIVE DIRECTION AND ADMINISTRATIVE ACTIVITIES.—There are authorized to be appropriated to the Secretary, to enable the National Oceanic and Atmospheric Administration to carry out executive direction and administrative activities under the Act of 1970 and any other law involving those activities, \$18,240,000 for fiscal year 1998 and \$17,328,000 for fiscal year 1999.

(b) **SYSTEMS ACQUISITION OFFICE.**—There are authorized to be appropriated to the Secretary, to enable the National Oceanic and Atmospheric Administration to carry out Systems Acquisition Office activities, \$1,423,000 for fiscal year 1998 and \$1,351,000 for fiscal year 1999.

(c) **CENTRAL ADMINISTRATIVE SUPPORT.**—There are authorized to be appropriated to the Secretary, to enable the National Oceanic and Atmospheric Administration to carry out central administrative support activities under the Act of 1970 and any other law involving those activities, \$31,350,000 for fiscal year 1998 and \$29,783,000 for fiscal year 1999.

(d) **RETIRED PAY.**—There are authorized to be appropriated to the Secretary, for retired pay for retired commissioned officers of the National Oceanic and Atmospheric Administration under the Act of 1970, \$14,000,000 for fiscal year 1998.

(e) **AIRCRAFT SERVICES.**—There are authorized to be appropriated to the Secretary, to enable the National Oceanic and Atmospheric Administration to carry out aircraft services activities (including aircraft operations, maintenance, and support) under the Act of 1970 and any other law involving those activities, \$9,900,000 for fiscal year 1998 and \$9,900,000 for fiscal year 1999.

SEC. 302. OTHER ACCOUNTS.

(a) **FLEET MAINTENANCE AND PLANNING.**—There are authorized to be appropriated to the Secretary, to enable the National Oceanic and Atmospheric Administration to carry out fleet maintenance and planning activities, \$11,823,000 for fiscal year 1998 and \$11,823,000 for fiscal year 1999.

(b) **RECOVERIES FROM PRIOR YEARS.**—The total amount authorized to be appropriated pursuant to this Act is reduced by \$25,500,000 for fiscal year 1998 and \$14,000,000 for fiscal year 1999 to reflect the use of prior year balances.

TITLE IV—STREAMLINING OF OPERATIONS

SEC. 401. PROGRAMS.

(a) **PROGRAMS.**—No funds are authorized to be appropriated for the following programs and accounts:

- (1) Fleet Replacement in the Capital Assets Acquisition Account.
- (2) Federal/State Weather Modification Grants.
- (3) The Southeast Storm Research Account.
- (4) National Institute for Environmental Renewal.
- (5) National Weather Service non-Federal, non-wildfire Fire Weather Service.
- (6) National Weather Service Regional Climate Centers.
- (7) Goddard Science Center.
- (8) National Weather Service Samoa Weather Forecast Office Repair and Upgrade Account.
- (9) Dissemination of Weather Charts (Marine Facsimile Service).
- (10) National Coastal Resources and Development Institute Account.

(b) **REPORT.**—Not later than 60 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report certifying that all the programs listed in subsection (a) will be terminated no later than September 30, 1997.

(c) **REPEAL OF NOAA FLEET MODERNIZATION ACT.**—The NOAA Fleet Modernization Act (33 U.S.C. 851 note) is repealed.

SEC. 402. LIMITATIONS ON APPROPRIATIONS.

(a) **MAXIMUM AMOUNTS; OPERATIONS, RESEARCH, AND FACILITIES.**—No more than \$1,039,206,000 for fiscal year 1998 and \$1,020,131,000 for fiscal year 1999 are authorized to be appropriated to the Secretary by this Act and any other Act, to enable the National Oceanic and Atmospheric Administration to carry out all activities associated with Operations, Research, and Facilities for which funds are authorized by this Act.

(b) **MAXIMUM AMOUNTS; CAPITAL ASSETS ACQUISITION.**—No more than \$410,808,000 for fiscal year 1998 and \$548,101,000 for fiscal year 1999 are authorized to be appropriated to the Secretary by this Act and any other Act, to enable the National Oceanic and Atmospheric Administration to carry out all activities associated with Capital Assets Acquisition for which funds are authorized by this Act.

(c) **REDUCTION IN TRAVEL BUDGET.**—Of the sums appropriated under this Act for Operations, Research, and Facilities, no more than \$20,000,000 for fiscal year 1998 and \$20,500,000 for fiscal year 1999 may be used for reimbursement of travel

and related expenses for National Oceanic and Atmospheric Administration personnel.

SEC. 403. DISESTABLISHMENT OF THE CORPS OF COMMISSIONED OFFICERS.

(a) **NUMBER OF OFFICERS.**—Notwithstanding section 8 of the Act of June 3, 1948 (33 U.S.C. 853g), no commissioned officers are authorized for any fiscal year after fiscal year 1997.

(b) **SEVERANCE PAY.**—Commissioned officers may be separated from the active list of the National Oceanic and Atmospheric Administration. In lieu of separation pay, officers so separated shall be eligible only for severance pay in accordance with the terms and conditions of section 5595 of title 5, United States Code, and only to the extent provided in advance in appropriations Acts.

(c) **TRANSFER.**—(1) Subject to the approval of the Secretary of Defense and under terms and conditions specified by the Secretary, commissioned officers subject to subsection (a) may transfer to the armed services under section 716 of title 10, United States Code.

(2) Subject to the approval of the Secretary of Transportation and under terms and conditions specified by the Secretary, commissioned officers subject to subsection (a) may transfer to the United States Coast Guard under section 716 of title 10, United States Code.

(3) Subject to the approval of the Administrator of the National Oceanic and Atmospheric Administration and under terms and conditions specified by that Administrator, a commissioned officer subject to subsection (a) may be employed by the National Oceanic and Atmospheric Administration as a member of the civil service, if the Administrator considers that individual to be the best available candidate for the position. No new civil service position may be created pursuant to this paragraph.

(4) The Administrator shall, before December 1, 1997, transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report listing all officers employed by the National Oceanic and Atmospheric Administration under paragraph (3), a description of their responsibilities as members of the NOAA Corps, and a description of their responsibilities as civil service employees of the National Oceanic and Atmospheric Administration.

(d) **REPEALS.**—(1) The following provisions of law are repealed:

(A) The Coast and Geodetic Survey Commissioned Officers' Act of 1948 (33 U.S.C. 853a–853o, 853p–853u).

(B) The Act of February 16, 1929 (Chapter 221, section 5; 45 Stat. 1187; 33 U.S.C. 852a).

(C) The Act of January 19, 1942 (Chapter 6; 56 Stat. 6).

(D) Section 9 of Public Law 87–649 (76 Stat. 495).

(E) The Act of May 22, 1917 (Chapter 20, section 16; 40 Stat. 87; 33 U.S.C. 854 et seq.).

(F) The Act of December 3, 1942 (Chapter 670; 56 Stat. 1038).

(G) Sections 1 through 5 of Public Law 91–621 (84 Stat. 1863; 33 U.S.C. 857–1 et seq.).

(H) The Act of August 10, 1956 (Chapter 1041, section 3; 70A Stat. 619; 33 U.S.C. 857a).

(I) The Act of May 18, 1920 (Chapter 190, section 11; 41 Stat. 603; 33 U.S.C. 864).

(J) The Act of July 22, 1947 (Chapter 286; 61 Stat. 400; 33 U.S.C. 873, 874).

(K) The Act of August 3, 1956 (Chapter 932; 70 Stat. 988; 33 U.S.C. 875, 876).

(L) All other Acts inconsistent with this subsection.

Following the repeal of provisions under this paragraph, all retirement benefits for the NOAA Corps which are in existence on September 30, 1997, shall continue to apply to eligible NOAA Corps officers and retirees.

(2) The effective date of the repeals under paragraph (1) shall be October 1, 1997.

(e) **ABOLITION.**—The Office of the National Oceanic and Atmospheric Administration Corps of Operations and the Commissioned Personnel Center are abolished effective September 30, 1997.

TITLE V—MISCELLANEOUS

SEC. 501. WEATHER DATA BUOYS.

(a) PROHIBITION.—It shall be unlawful for any unauthorized person to remove, change the location of, obstruct, willfully damage, make fast to, or interfere with any weather data buoy established, installed, operated, or maintained by the National Data Buoy Center.

(b) CIVIL PENALTIES.—The Administrator is authorized to assess a civil penalty against any person who violates any provision of this section in an amount of not more than \$10,000 for each violation. Each day during which such violation continues shall be considered a new offense. Such penalties shall be assessed after notice and opportunity for a hearing.

(c) REWARDS.—The Administrator may offer and pay rewards for the apprehension and conviction, or for information helpful therein, of persons found interfering, in violation of law, with data buoys maintained by the National Data Buoy Center; or for information leading to the discovery of missing National Weather Service property or the recovery thereof.

SEC. 502. DUTIES OF THE NATIONAL WEATHER SERVICE.

(a) IN GENERAL.—To protect life and property and enhance the national economy, the Secretary, through the National Weather Service, except as outlined in subsection (b), shall be responsible for—

- (1) forecasts and shall serve as the sole official source of weather and flood warnings;
- (2) the issue of storm warnings;
- (3) the collection, exchange, and distribution of meteorological, hydrological, climatic, and oceanographic data and information; and
- (4) the preparation of hydrometeorological guidance and core forecast information.

(b) COMPETITION WITH PRIVATE SECTOR.—The National Weather Service shall not compete, or assist other entities to compete, with the private sector when a service not specified in subsection (a) is currently provided or can be provided by commercial enterprise, unless the Secretary finds that the private sector is unwilling or unable to provide the services.

(c) AMENDMENTS.—The Act of 1890 is amended—

- (1) by striking section 3 (15 U.S.C. 313); and
- (2) in section 9 (15 U.S.C. 317), by striking all after “Department of Agriculture” and inserting in lieu thereof a period.

(d) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report detailing all National Weather Service activities which do not conform to the requirements of this section and outlining a timetable for their termination.

SEC. 503. MARINE SERVICES.

(a) SERVICE CONTRACTS.—Notwithstanding any other provision of law and subject to the availability of appropriations, the Secretary shall enter into contracts, including multiyear contracts, subject to subsection (c), for the use of vessels to conduct oceanographic research and fisheries research, monitoring, enforcement, and management, and to acquire other data necessary to carry out the missions of the National Oceanic and Atmospheric Administration. The Secretary shall enter into these contracts unless—

- (1) the cost of the contract is more than the cost (including the cost of vessel operation, maintenance, and all personnel) to the National Oceanic and Atmospheric Administration of obtaining those services on vessels of the National Oceanic and Atmospheric Administration;
- (2) the contract is for more than 7 years; or
- (3) the data is acquired through a vessel agreement pursuant to subsection (d).

(b) VESSELS.—The Secretary may not enter into any contract for the construction, lease-purchase, upgrade, or service life extension of any vessel.

(c) MULTIYEAR CONTRACTS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), and notwithstanding section 1341 of title 31, United States Code, and section 11 of title 41, United States Code, the Secretary may acquire data under multiyear contracts.

(2) REQUIRED FINDINGS.—The Secretary may not enter into a contract pursuant to this subsection unless the Secretary finds with respect to that contract

that there is a reasonable expectation that throughout the contemplated contract period the Secretary will request from Congress funding for the contract at the level required to avoid contract termination.

(3) REQUIRED PROVISIONS.—The Secretary may not enter into a contract pursuant to this subsection unless the contract includes—

(A) a provision under which the obligation of the United States to make payments under the contract for any fiscal year is subject to the availability of appropriations provided in advance for those payments;

(B) a provision that specifies the term of effectiveness of the contract; and

(C) appropriate provisions under which, in case of any termination of the contract before the end of the term specified pursuant to subparagraph (B), the United States shall only be liable for the lesser of—

(i) an amount specified in the contract for such a termination; or

(ii) amounts that were appropriated before the date of the termination for the performance of the contract or for procurement of the type of acquisition covered by the contract and are unobligated on the date of the termination.

(d) VESSEL AGREEMENTS.—The Secretary shall use excess capacity of University National Oceanographic Laboratory System vessels where appropriate and may enter into memoranda of agreement with the operators of these vessels to carry out this requirement.

SEC. 504. NATIONAL OCEANOGRAPHIC PARTNERSHIP PROGRAM.

The National Oceanic and Atmospheric Administration is authorized to participate in the National Oceanic Partnership Program established by the National Oceanic Partnership Act (Public Law 104–201).

SEC. 505. LIMITATIONS.

(a) PROHIBITION OF LOBBYING ACTIVITIES.—None of the funds authorized by this Act shall be available for any activity whose purpose is to influence legislation pending before the Congress, except that this subsection shall not prevent officers or employees of the United States or of its departments or agencies from communicating to Members of Congress on the request of any Member or to Congress, through the proper channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business.

(b) LIMITATION ON APPROPRIATIONS.—No sums are authorized to be appropriated to the Administrator for fiscal years 1998 and 1999 for the activities for which sums are authorized by this Act, unless such sums are specifically authorized to be appropriated by this Act.

(c) ELIGIBILITY FOR AWARDS.—

(1) IN GENERAL.—The Administrator shall exclude from consideration for grant agreements made by the National Oceanic and Atmospheric Administration after fiscal year 1997 any person who received funds, other than those described in paragraph (2), appropriated for a fiscal year after fiscal year 1997, under a grant agreement from any Federal funding source for a project that was not subjected to a competitive, merit-based award process. Any exclusion from consideration pursuant to this subsection shall be effective for a period of 5 years after the person receives such Federal funds.

(2) EXCEPTION.—Paragraph (1) shall not apply to the receipt of Federal funds by a person due to the membership of that person in a class specified by law for which assistance is awarded to members of the class according to a formula provided by law.

(3) DEFINITION.—For purposes of this subsection, the term “grant agreement” means a legal instrument whose principal purpose is to transfer a thing of value to the recipient to carry out a public purpose of support or stimulation authorized by a law of the United States, and does not include the acquisition (by purchase, lease, or barter) of property or services for the direct benefit or use of the United States Government. Such term does not include a cooperative agreement (as such term is used in section 6305 of title 31, United States Code) or a cooperative research and development agreement (as such term is defined in section 12(d)(1) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)(1))).

SEC. 506. NOTICE.

(a) NOTICE OF REPROGRAMMING.—If any funds authorized by this Act are subject to a reprogramming action that requires notice to be provided to the Appropriations Committees of the House of Representatives and the Senate, notice of such action shall concurrently be provided to the Committees on Science and Resources of

the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(b) NOTICE OF REORGANIZATION.—The Administrator shall provide notice to the Committees on Science, Resources, and Appropriations of the House of Representatives, and the Committees on Commerce, Science, and Transportation and Appropriations of the Senate, not later than 15 days before any major reorganization of any program, project, or activity of the National Oceanic and Atmospheric Administration.

SEC. 507. SENSE OF CONGRESS ON THE YEAR 2000 PROBLEM.

With the year 2000 fast approaching, it is the sense of Congress that the National Oceanic and Atmospheric Administration should—

(1) give high priority to correcting all 2-digit date-related problems in its computer systems to ensure that those systems continue to operate effectively in the year 2000 and beyond;

(2) assess immediately the extent of the risk to the operations of the National Oceanic and Atmospheric Administration posed by the problems referred to in paragraph (1), and plan and budget for achieving Year 2000 compliance for all of its mission-critical systems; and

(3) develop contingency plans for those systems that the National Oceanic and Atmospheric Administration is unable to correct in time.

SEC. 508. BUY AMERICAN.

(a) COMPLIANCE WITH BUY AMERICAN ACT.—No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a-10c, popularly known as the “Buy American Act”).

(b) SENSE OF CONGRESS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(c) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Secretary of Commerce shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

II. PURPOSE OF THE BILL

The purpose of the bill is to authorize appropriations for Fiscal Years 1998 and 1999 for programs and missions of the National Oceanic and Atmospheric Administration (NOAA) under the jurisdiction of the Committee on Science.

III. BACKGROUND AND NEED FOR LEGISLATION

President Nixon’s Reorganization Plan No. 4 of 1970 to consolidate many of the Nation’s civil programs related to the oceans and atmosphere created NOAA on October 3, 1970. NOAA’s most recent strategic plan stated that its mission is “to describe and predict changes in the Earth’s environment, and conserve and manage wisely the Nation’s coastal and marine resources to ensure sustainable economic opportunities.”

The NOAA programs for which the Committee on Science has sole jurisdiction include: the National Weather Service (NWS); the National Environmental Satellite, Data and Information Service (NESDIS); the Program Support’s Aircraft Services account; and the Oceanic and Atmospheric Research (OAR) Climate and Atmospheric programs. In addition, the Subcommittee has jurisdiction over the line accounts for the programs listed above under the Construction and the new Capital Assets Acquisitions accounts. The Committee on Science also shares jurisdiction (with the Committee on Resources) over OAR’s National Undersea Research Program, Sea Grant, Marine Prediction Research, Administration, and Fleet Maintenance and Planning.

Since its creation, NOAA has obtained most of its program funding through direct appropriation without annual legislative authorization. In the 98th Congress, legislation authorizing NOAA activities for Fiscal Year 1984, S. 1097 was vetoed on October 19, 1984. In the 99th Congress, the Consolidated Omnibus Budget Reconciliation Act of 1986 (Public Law 99-272) authorized various NOAA activities, including nautical and aeronautical chart programs, marine research and monitoring, ocean pollution research, and weather modification research. During the 100th Congress, provisions authorizing Fiscal Year 1989 appropriations for NOAA's satellite, atmospheric, and weather programs (previously approved by the House of Representatives and the Senate as S. 1667) were included in Title IV of S. 2209, the National Aeronautics and Space Administration Authorization Act for Fiscal Year 1989, which was signed into law on November 17, 1988 (Public Law 100-685).

During the 102nd Congress, the first comprehensive NOAA authorization bill was approved and signed into law, the National Oceanic and Atmospheric Administration Authorization Act of 1992 (Public Law, 102-567). With three exceptions, Public Law 102-567 only authorized funding for Fiscal Years 1992 and 1993. The exceptions are portions of the Next Generation Weather Radar (NEXRAD) program and the Geostationary Operational Environmental Satellite (GOES I-M) program, which are authorized to completion, and NOAA Fleet Modernization, which is authorized through Fiscal Year 1997. No comprehensive NOAA authorization bills have been signed into law since the 102nd Congress. In the 104th Congress, 1-year NOAA Authorization bills (Title IV of H.R. 2405 and Title IV of H.R. 3322), which focused on NOAA's weather, satellite, and atmospheric programs, passed the House each session but were not acted on in the Senate.

IV. SUMMARY OF HEARINGS

The Subcommittee on Energy and Environment held a hearing on March 13, 1997, and heard testimony on NOAA's total Fiscal Year 1998 budget request of \$2,051,200,000 from the Honorable Dr. D. James Baker, Under Secretary, Oceans and Atmosphere, U.S. Department of Commerce and Administrator, NOAA.; Mr. Frank DeGeorge, Inspector General, U.S. Department of Commerce; and Mr. Joel Willemsen, Director, Accounting and Information Management Division, U. S. General Accounting Office (GAO)

Dr. Baker testified on NOAA's Fiscal Year 1998 budget request of \$2,051.2 million, an increase of \$78.5 million—or 4 percent—above the Fiscal Year 1997 level of \$1,972.7 million. He noted that the NOAA budget is allocated according to NOAA's strategic plan, whose four goals are grouped into two overall missions of (1) describing and predicting changes in the earth's environment and (2) conserving and managing the Nation's coastal and marine resources. He stated that NOAA is saving money through streamlining personnel and processes, and outsourcing where appropriate, and stressed that the highest priority for NOAA is to ensure that critical services are provided. He testified that the Administration supports disestablishment of the NOAA Commissioned Corps (NOAA Corps) and outsourcing of ship services where appropriate, and expressed concern over the NWS's base budget for Fiscal Year

1997, which experienced a \$27.5 million shortfall. Under questioning, Dr. Baker also testified that NOAA would be able to complete the acquisition and deployment of the Advanced Weather Interactive Processing System (AWIPS) within a total of \$550.0 million with any cost overruns being borne by NOAA.

Mr. DeGeorge's testimony focused on the NOAA Fleet and Corps, the polar and geostationary satellite programs, the NWS's modernization program, and the proposed NOAA facility at Goddard Space Flight Center in Greenbelt, Maryland.

Mr. Joel C. Willemsen testified on the preliminary findings of the ongoing GAO work relating to the NWS's AWIPS, and recent reports concerning NOAA's Geostationary Operational Environmental Satellite (GOES) system, and the NOAA Commissioned Corps.

Both Mr. DeGeorge and Mr. Willemsen expressed concern about the ability of NWS to complete acquisition and deployment of AWIPS within the new \$550.0 million projected total. In addition, both testified on NOAA's plans to procure additional GOES satellites to ensure continuity of coverage. Mr. DeGeorge also noted that NOAA did not adequately assess alternatives to construction of a new facility at the Goddard Space Flight Center Campus in Greenbelt, Maryland.

The Subcommittee on Energy and Environment also held a hearing on April 9, 1997, and heard testimony from Mr. Michael S. Leavitt, President of the Weather Services Corporation, Lexington, Massachusetts, on behalf of the Commercial Weather Services Association, Alexandria, Virginia; and Mr. David R. Smith, Secretary-Treasurer, National Weather Service Employees Organization, Washington, DC, and Meteorologist, New Orleans Weather Forecast Office.

Mr. Leavitt advocated modification of the Organic Act to ensure that the private sector continues to have a role in weather forecasting. He argued that the Organic Act, passed in 1890, has been used to justify a virtually unlimited federal role in weather information and forecasting services at the expense of commercial weather firms. In 1990, he said, the NWS issued a policy document that limited the federal role in weather services, and revising the Organic Act would be consistent with that policy statement. Additionally, Mr. Leavitt advocated eliminating specialized weather services from the NWS budget.

Mr. Smith testified that the Administration's budget request for 1998 is inadequate to meet the core mission of the NWS—providing accurate forecasts and warnings of severe weather. He also supported retaining the present certification process for automating, consolidating, or closing weather stations, and urged Congress to reject further efforts to privatize weather services and the NWS's plans to close the Southern Regional Headquarters.

V. COMMITTEE ACTIONS

As summarized in the previous section, the Subcommittee on Energy and Environment heard testimony relevant to NOAA's Fiscal Year 1998 budget request at hearings held on March 13, and April 9, 1997.

On April 10, 1997, Mr. Calvert, Chairman of the Subcommittee on Energy and Environment, introduced H.R. 1278, the National Oceanic and Atmospheric Administration Authorization Act of 1997, to authorize appropriations for NOAA for Fiscal Years 1998 and 1999.

The Full Science Committee met to consider H.R. 1278, the National Oceanic and Atmospheric Administration Authorization Act of 1997 on Wednesday, April 16, 1997.

Amendment 1.—Mr. Calvert, Chairman of the Science Committee's Subcommittee on Energy and Environment, offered a manager's amendment, which was adopted by voice vote.

Amendment 2.—Mr. Gutknecht, on behalf of Mr. Coburn, offered an amendment that requires \$22,635,000 of the Fiscal Year 1998 funds authorized for AWIPS acquisition and deployment to be derived from unobligated balances in NOAA's GOES program. The amendment was adopted by voice vote.

Amendment 3.—Ms. Jackson-Lee withdrew an amendment to restore funding for the Global Learning and Observations to Benefit the Environment (GLOBE) program, since restoration of such funding was included in the manager's amendment.

Amendment 4.—Mr. Hastings, on behalf of Mr. Traficant, offered an amendment to add a new Section 508 to the bill that requires any entity that is appropriated funds pursuant to this act or amendments thereto, to comply with sections 2-4 of the Act of March 3, 1933 (41 U.S.C. 10a-10c, popularly known as the "Buy American Act"), and that recipients of funds pursuant to this act shall be notified of subsection (a)'s requirement of compliance with the Buy American Act. The amendment was adopted by voice vote.

Ms. Rivers offered report language supporting funding for marine prediction research and the Great Lakes Environmental Research Laboratory at Ann Arbor, Michigan, which was adopted by voice vote.

With a quorum present, Mr. Roemer, Ranking Democratic Member of the Subcommittee on Energy and Environment moved that the Committee report the bill, H.R. 1278, as amended, to the House and that the staff prepare the legislative report and make technical and conforming changes, and that the Chairman take all necessary steps to bring the bill before the House for consideration. The motion was approved by voice vote.

Mr. Sensenbrenner, Chairman of the Committee on Science, asked and received unanimous consent that Committee members have 2 subsequent calendar days in which to submit supplemental, minority or additional views on the measure, and that, pursuant to Clause 1 of Rule XX of the Rules of the House of Representatives, the Committee authorize the Chairman to offer such motions as may be necessary in the House to go to conference with the Senate on H.R. 1278 or a similar Senate bill.

VI. SUMMARY OF MAJOR PROVISIONS OF THE BILL

H.R. 1278 authorizes \$1,462,414,000, reduced by \$35,035,000, for Fiscal Year 1998 and \$1,575,232,000, reduced by \$7,000,000 for Fiscal Year 1999 for all unauthorized National Oceanic and Atmospheric Administration activities under the jurisdiction of the Committee on Science, as shown in Table 1.

[Table 1 follows:]

TABLE 1. H.R. 1278—THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION AUTHORIZATION ACT OF 1997
(Dollars in Thousands)

Appropriation Account/Program/Activity	FY 1997 Appropriation	FY 1998 Request	FY 1998 Recommendation	FY 1998 Recommendation Compared With FY 1997 Appropriation (+ or -)	FY 1999 Recommendation	FY 1999 Recommendation Compared With FY 1998 Recommendation (+ or -)
National Ocean Service	137,541	130,904	130,904	-6,637	130,874	-30
Office of Oceanic and Atmospheric Research	198,869	197,868	195,968	-2,901	193,501	-2,467
National Weather Service	637,997	642,454	664,754	+26,757	607,556	-57,198
NESDIS*	327,071	390,179	355,144	+28,073	559,090	+203,946
Program Support	71,697	77,158	74,913	+3,216	58,362	-16,551
Facilities	1,000	2,950	2,950	+1,950	2,950	0
Construction	14,000	24,339	16,423	+2,423	18,076	+1,653
Fleet Maintenance and Planning	8,000	11,823	11,823	+3,823	11,823	0
Recoveries from Prior Years	-15,500	-25,500	-25,500	-10,000	-14,000	+11,500
Total, NOAA	1,380,675	1,452,175	1,427,379	+46,704	1,568,232	+140,853

* NESDIS total includes \$35,035,000 in reductions to the GOES program for Fiscal Year 1998 and \$7,000,000 for Fiscal Year 1999, reflecting use of unobligated balances.

Major provisions of the bill are as follows:

- Boosts the NWS's base budget a total of \$14,600,000 over Fiscal Years 1998 and 1999 relative to the Administration's Fiscal Year 1998 request to ensure that NWS will be able to provide the services needed to protect life and property.
- Authorizes \$15.0 million for new NEXRADs that may be needed to avert a degradation of service in areas the subject of follow-up studies by NWS;
- Authorizes AWIPS to completion within NOAA's funding profile of \$547,635,000, but requires \$22,635,000 of the funds to come from unobligated prior year balances from the GOES program;
- Provides a \$5,400,000 authorization in Fiscal Year 1998 for a competitive, peer-reviewed National Undersea Research Program;
- Authorizes \$7,000,000 in each of Fiscal Years 1998 and 1999 for the GLOBE program;
- Terminates 10 programs and accounts and requires the Secretary to submit a report to Congress certifying that all programs and accounts listed to be terminated will be terminated by September 30, 1997;
- Disestablishes the NOAA Corps after Fiscal Year 1997;
- Prohibits unauthorized persons from interfering with any National Data Buoy Center weather data buoys, and authorizes the Administrator to assess a penalty for each violation and to offer and pay rewards for information regarding violations;
- Delineates the duties of the NWS and prohibits the Service from competing with the private sector when a service not specifically designated as a NWS service is provided, or can be provided, by commercial enterprise, unless the Secretary finds that the private sector is unwilling or unable to provide the service.
- Gives the Secretary of Commerce the authority to contract out for data and days-at-sea;
- Authorizes NOAA's participation in the National Oceanic Partnership Program.
- Prohibits lobbying activities, limits appropriations for Fiscal Years 1998 and 1999, and excludes from consideration for grant agreements, for a period of 5 years, any person who received funding for a project not subject to a competitive, merit-based award process.
- Provides that if any funds authorized by this Act are subject to a reprogramming action that requires notice to be provided to the Appropriations Committees of the House and Senate, then notice of such action shall concurrently be provided to the House Committees on Science, Commerce, and Transportation and Infrastructure, and to the Senate Committee on Environment and Public Works. Also requires the EPA Administrator to provide notice to the aforementioned House and Senate Committees, as well as the Appropriations Committees of each body, not later than 15 days before any major reorganization of any program, project, or activity of the EPA.
- Expresses the sense of Congress that the EPA should (1) give high priority to correcting all 2-digit date-related ("Year 2000") problems in its computer systems to ensure that those systems

continue to operate effectively in the year 2000 and beyond; (2) assess immediately the extent of the risk to its operations by the Year 2000 problem, and plan and budget for achieving Year 2000 compliance for all of its mission-critical systems; and (3) develop contingency plans for those systems that cannot be corrected.

- Requires any entity that is appropriated funds pursuant to this act or amendments thereto, to comply with sections 2-4 of the Act of March 3, 1933 (41 U.S.C. 10a-10c, popularly known as the “Buy American Act”); and that recipients of funds pursuant to this act shall be notified of subsection (a)’s requirement of compliance with the Buy American Act.

VII. SECTION-BY-SECTION ANALYSIS AND COMMITTEE VIEWS

Section 101. Short Title

Section 101 cites the Act as the “National Oceanic and Atmospheric Administration Authorization Act of 1997.”

Section 102. Definitions

Section 102 defines: (1) the “Act of 1890” as the Act entitled “An act to increase the efficiency and reduce the expenses of the Signal Corps of the Army, and to transfer the Weather Bureau to the Department of Agriculture”; (2) the “Act of 1947” as the Act entitled “An Act to define the functions and duties of the Coast and Geodetic Survey and for other purposes”; (3) the “Act of 1970” as the Act entitled “An Act to clarify the status and benefits of commissioned officers of the National Oceanic and Atmospheric Administration, and for other purposes”; (4) the “Administrator” as the Administrator of the National Oceanic and Atmospheric Administration; and (5) the “Secretary” as the Secretary of Commerce.

Title I.—Weather, Atmospheric, and Satellite Programs

Title I authorizes appropriations for Fiscal Years 1998 and 1999 for the NWS (Section 101), Atmospheric Research (Section 102) and NESDIS (Section 103). A summary table of Section 101 authorizations is presented in Table 2. As the table shows, the Committee has authorized an increase of \$26,757,000 in Fiscal Year 1998 for the NWS over its Fiscal Year 1997 funding level.

[Table 2 follows:]

TABLE 2. H.R. 1278—THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
AUTHORIZATION ACT OF 1997:
TITLE I. ATMOSPHERIC, WEATHER, AND SATELLITE PROGRAMS
(Dollars in Thousands)

Appropriation Account/Program/Activity	FY 1997 Appropriation	FY 1998 Request	FY 1998 Recommendation	FY 1998		FY 1999 Recommendation	FY 1999 Recommendation Compared With (+ or -) FY 1998
				Recommendation (+ or -) FY 1997	Appropriation		
National Weather Service, Facilities & Construction:							
Operations and Research	460,796	450,831	458,131	-2,665	451,074	-7,057	
Systems Acquisition (Excluding AWIPS):							
Next Generation Weather Radars (NEXRAD):							
NEXRAD Program Management, Operations and Maintenance	40,045	39,591	39,591	-454	39,887	-296	
NEXRAD Systems Acquisition	13,100	11,377	11,377	-1,723	11,224	-153	
New NEXRAD Installations	0	0	15,000	+15,000	0	-15,000	
Total NEXRAD	53,145	50,968	65,968	+12,823	51,111	-14,857	
Automated Surface Observing System (ASOS)	10,056	9,835	9,835	-221	9,942	+107	
Computer Facility Upgrades	14,000	13,910	13,910	-90	13,400	-510	
Advanced Weather Interactive Processing System (AWIPS)/NOAA/Port	100,000	116,910	116,910	+16,910	82,022	-34,888	
Total Systems Acquisition	177,201	191,623	206,823	+29,422	156,482	-50,141	
Total, National Weather Service	637,997	642,454	664,754	+26,757	607,556	-57,198	
Facilities/Construction:							
Weather Forecast Office Construction	12,000	13,823	13,823	+1,823	8,189	-5,634	
National Centers for Environmental Prediction	0	700	700	+700	809	+109	
NEXRAD Weather Forecast Office (WFO)							
Maintenance	1,000	2,950	2,950	+1,950	2,950	0	
Total, Facilities & Construction	13,000	17,473	17,473	+4,473	11,948	-5,525	
Total, National Weather Service, NWS Facilities and Construction	650,997	659,927	682,227	+31,230	619,504	-62,723	
Office of Oceanic and Atmospheric Research:							
Climate and Air Quality Research	109,872	118,802	116,902	+7,030	118,803	+1,901	
Atmospheric Programs	43,456	43,456	43,456	0	44,194	+738	
Acquisition of Data	12,620	12,884	12,884	+124	12,884	0	
Total, Atmospheric Research & Data Acquisition	166,018	175,142	173,242	+7,224	175,881	+2,639	
Construction:							
Boulder Laboratory Administrative Support Center	2,000	1,900	1,900	-100	9,078	+7,178	
Total, Atmospheric Research and OAR Construction	168,018	177,042	175,142	+7,124	184,959	+9,817	
National Environmental Satellite, Data and Information Service:							
Satellite Observing Systems:							
Polar-Orbiting Operational Environmental Satellite (POES K-N) Program	142,650	82,905	82,905	-59,745	172,684	+89,779	
National Polar-Orbiting Environmental Satellite System (NPOESS)	23,650	51,503	51,503	+27,853	35,000	-16,503	
LANDSAT	-10,000	0	0	+10,000	0	0	
Geostationary Operational Environmental Satellites (GOES):							
GOES N-Q	60,859	147,819	147,819	+86,960	256,421	+108,602	
Other GOES Programs	10,110	9,970	9,970	-140	5,400	-4,570	
(GOES I-M (Authorized under P.L. 102-567))*	(100,511)	(79,884)	(79,884)	(20,627)	(96,700)	(-16,816)	
Subtotal, GOES	70,969	157,789	157,789	+86,820	261,821	+104,032	
Ocean Remote Sensing	4,000	3,800	3,800	-200	3,800	0	
Environmental Observing Systems	51,000	50,347	50,347	-653	48,950	-1,397	
Subtotal, Satellite Observing Systems	282,269	346,344	346,344	+64,075	522,255	+175,911	
Reductions in GOES for GLOBE and NURP	0	0	-12,400	-12,400	-7,000	+5,400	
Reductions in GOES for AWIPS	0	0	-22,635	-22,635	0	+22,635	
Total, Satellite Observing Systems	282,269	346,344	311,309	+29,040	515,255	+203,946	
Environmental Data and Information Services	44,802	43,833	43,833	-967	43,835	0	
Total, NESDIS	327,071	390,179	355,144	+28,073	559,090	+203,946	

* Funding for GOES I-M figures is authorized under the National Oceanic and Atmospheric Administration Authorization Act of 1992 (Public Law 102-567). These figures are *not* included in the totals for H.R. 1278. They do, however, reflect the funding levels recommended by the Committee.

Section 101. National Weather Service

Subsection 101(a) authorizes \$458,131,000 for Fiscal Year 1998 and \$451,074,000 for Fiscal Year 1999 for operations and research activities of the NWS, including meteorological, hydrological, and oceanographic public warnings and forecasts, as well as applied research in support of such warnings and forecasts. Of these amounts, \$3,600,000 for Fiscal Year 1998 and 1999 shall be for the Tropical Prediction Center/National Hurricane Center.

Subsection 101(b)(1) authorizes \$89,713,000 for Fiscal Year 1998 and \$74,453,000 for Fiscal Year 1999 for acquisition of major warning and forecast systems, and provides that none of the funds in this subsection can be used for the purposes for which funds are authorized in Subsection 101(f).

Subsection 101(b)(2) authorizes \$39,591,000 for Fiscal Year 1998 and \$39,887,000 for Fiscal Year 1999 for NEXRAD program management, operations, and maintenance. And Subsection 101(b)(3) authorizes \$11,377,000 for Fiscal Year 1998 and \$11,224,000 for Fiscal Year 1999 for remaining NEXRAD system acquisition, program management, support contracts, logistic support, and continued product improvement.

Subsection 101(c) authorizes \$15,000,000 for Fiscal Year 1998 for the acquisition and deployment of new NEXRAD systems identified as necessary to prevent a degradation of weather service in NWS follow-up studies to the *Secretary's Report to Congress on Adequacy of NEXRAD Coverage and Degradation of Weather Services Under the National Weather Service Modernization for 32 Areas of Concern* and recommended and approved by the Secretary. The authorization includes program management, facilities, operations, and maintenance through September 30, 1999.

Subsection 101(d) authorizes \$9,835,000 for Fiscal Year 1998 and \$9,942,000 for Fiscal Year 1999 for: (1) the Automated Surface Observing System; and (2) the Automated and Remote Meteorological Observing System.

Subsection 101(e) provides that of the sums authorized in Subsection (b)(1), \$13,910,000 for Fiscal Year 1998 and \$13,400,000 for Fiscal Year 1999 are authorized to be appropriated to the Secretary, for: (1) the continued lease and maintenance of the Cray C-90 supercomputer; and (2) the Upgrade of the Central Computer Facility to provide for payment toward the Cray J-916 systems buyout, to complete the NWS telecommunications gateway upgrade, and to cover all associated activities, including program management and operations and maintenance.

Subsection 101(f)(1) authorizes \$116,910,000 for Fiscal Year 1998 and \$82,029,000 for Fiscal Year 1999 for AWIPS, of which an aggregate of \$186,300,000 is to remain available until expended to complete the acquisition and deployment of AWIPS. Of the aggregate amount of \$186,300,000, \$22,635,000 shall be derived from the use of unobligated prior year funds appropriated for NOAA's GOES program. However, no funds are authorized to be appropriated under this subsection unless within 60 days after submission of the President's budget request the Secretary: (A) certifies to Congress that, (i) the system meets the technical and performance specifications in effect on August 11, 1995, (ii) the system can fully deployed, sited, and operational without requiring further appropria-

tions beyond amounts authorized, and (iii) the Secretary does not see any delays in the deployment and operations schedule; or (B) submits to Congress a report describing (i) the circumstances which prevent certification, (ii) the remedial actions taken, (iii) the effects of such circumstances on systems deployment and operations schedule and systems coverage, and (iv) a justification for proceeding with the program.

Subsection 101(g) authorizes \$13,823,000 for Fiscal Year 1998 and \$8,189,000 for Fiscal Year 1999 for construction, repair, and modification activities relating to new and existing weather forecast offices, including planning, design, and land acquisition related to such offices.

Subsection 101(h) authorizes \$700,000 for Fiscal Year 1998 and \$809,000 for Fiscal Year 1999 for restructuring of the current National Meteorological Center into the National Centers for Environmental Prediction.

Subsection 101(i) authorizes \$2,950,000 for Fiscal Year 1998 and \$2,950,000 for Fiscal Year 1999 for NEXRAD Weather Service Office maintenance.

Subsection 101(j) amends certification requirements in the Weather Service Modernization Act (15 U.S.C. 313 note) and conforms the Act accordingly to require that the Secretary of Commerce may not close, automate, or relocate any field office unless he or she has certified to Congress that such action will not result in a degradation of service as established under current modernization criteria. In addition, the Secretary may not close or relocate any airport field office if the Secretary, in consultation with the Secretary of Transportation and the Modernization Transition Committee (MTC), determines as result of the Air Safety Appraisal, that such action will result in a degradation of safety. The Secretary must maintain a public liaison for at least 2 years after the closure of any weather office to provide timely information regarding NWS that may affect the community, including modernization and restructuring, and to work with area weather service users, including persons associated with general aviation, emergency preparedness, and the news media, with respect to provision of timely warnings and forecasts. The MTC is required to advise the Congress and the Secretary on the implementation of the Strategic Plan, annual development of the Plan, the establishment and implementation of modernization criteria and on matters affecting public safety and the provisions of weather services. Finally, the MTC is terminated on September 30, 1997, or 90 days after the deadline for public comment on the modernization criteria for closure certification published in the Federal Register pursuant to section 704 (b)(2).

Subsection 101(k) encourages NWS to initiate a dialogue with the Federal Aviation Administration (FAA) to form a bi-agency working group to assess the potential for NWS operational use of FAA weather radar data and to define the engineering considerations involved in implementing a data-sharing link between the two agencies.

Subsection 101(l) instructs the Secretary of Defense, together with the NOAA Administrator, to ensure that the NEXRADs operated by the Department of Defense (DOD) that provide primary de-

tection coverage over a portion of their ranges function as fully committed, reliable elements of the National Weather Radar Network, with the same standards and quality as NWS radars. NEXRADs operated by DOD that provide primary detection coverage over a portion of their ranges are to be considered integral parts of the National Weather Radar Network.

Committee Views

The Committee supports continuation of NWS's modernization efforts. The Committee believes this funding level is sufficient to ensure that modernization continues on schedule and expects the NWS to make modernization its top priority.

The Committee wants to ensure that NWS is able to fulfill its primary mission of protecting life and property. Therefore, the Committee has increased the NWS's Local Warnings and Forecasts account \$16,762,000 above the Fiscal Year 1997 appropriated level for Fiscal Years 1998 and 1999. The NWS is expected to use these increases to restore temporary reductions in COMET training, centralized logistics quantities, operational equipment replacements, operational supplies and stock levels, and operations and maintenance for the Central Communications Network. However, the Committee expects that NWS will still work to reduce staff and overhead, close unneeded weather service offices, and terminate services the private sector is willing and able to provide.

The Committee emphasizes that completing the modernization should be the NWS's top priority. The Committee is encouraged that while the number of NWS full-time equivalents (FTEs) increased from 4,545 from Fiscal Year 1990 to 5,815 in Fiscal Year 1995—an increase of 28 percent—the number of FTEs in the President's budget request for Fiscal Year 1998 is down to 4,894. The Committee expects that as the modernization is completed, larger savings from significant reductions in staff will become evident. However, these savings will not occur unless modernization is completed on schedule.

The Committee is in favor of authorizing sufficient funds for remaining NEXRAD acquisition, program management, operations and maintenance, and continued product improvement. In addition, the Committee recognizes that new NEXRADs may be needed to prevent degradation of service in certain areas that are the subject of NWS follow-up studies to the *Secretary's Report to Congress on Adequacy of NEXRAD Coverage and Degradation of Weather Services Under the National Weather Service Modernization for 32 Areas of Concern*. These follow-up studies, which will be completed in the fall of 1997, may indicate the need for deployment of additional WSR-88D Doppler weather radars. The Committee supports funding of \$15.0 million for Fiscal Year 1998, to be available through Fiscal Year 1999, for procurement of NEXRADs for these areas if it is determined in the follow-up studies that the radars are necessary to prevent degradation of weather service and if the Secretary recommends and approves these mitigation actions.

The Committee has fully authorized AWIPS and NOAAPort. The Committee believes the complete program authorization of \$186,300,000 is sufficient to complete the acquisition and deployment of AWIPS and cover all associated activities through the end

of Fiscal Year 1999. This figure represents the unexpended balance from the NWS's projected total cost for AWIPS of \$547,635,000. The Committee further notes that NOAA should be required to use \$22,635,000 in unobligated funds from NOAA's Geostationary Operational Environmental Satellite Program to fund part of the AWIPS program in Fiscal Year 1998, thus reducing NOAA's total budget authority remaining for this program from \$186.3 million to \$163.665 million.

However, the Committee remains concerned that NOAA will be unable to complete the AWIPS acquisition and deployment program within the amounts negotiated with Congress at the time of the Limited Deployment Decision in January, 1997. The Committee is especially troubled that NOAA has yet to develop a detailed plan to integrate the government-supplied software, WFO-Advanced, into AWIPS. Moreover, NOAA has yet to develop a comprehensive plan to complete the project, making it difficult for the Committee to assess whether the costs estimates NOAA has provided are reasonable. The Committee would also like to reiterate its position that, once deployed, the system should meet the performance specifications in effect as of August 11, 1995. Moreover, the Committee is in agreement that any cost overruns in the AWIPS program will be borne by NOAA.

The Committee notes that the construction of the Weather Forecast Offices account has been authorized for Fiscal Year 1998 and Fiscal Year 1999 at the Administration's levels and expects these funds to be sufficient to meet the Service's current modernization schedule. Further, the Committee supports funding to carry out restructuring of the National Meteorological Center into the National Centers for Environmental Prediction.

The Committee supports streamlining certification process required under Sections 706 and 707 of the Weather Service Modernization Act (15 U.S.C. 313 note) for closure of weather service offices. The amendments in the bill will eliminate unnecessary paperwork and documentation required of each certification. They will also terminate the Modernization Transition Committee once its role is completed. The Committee believes that the present certification process is burdensome and costly. NOAA has calculated the savings from elimination of the certification process at \$35,100,000 million over 5 years, and the Committee agrees that the money saved through streamlining could be better spent on weather service modernization.

Finally, the Committee supports the NWS's streamlining plans. The Committee notes that this streamlining is an integral part of the modernization process and will significantly improve the NWS's ability to issue severe weather warnings since the newly modernized offices, although fewer in number, will be better equipped to forecast the weather.

Section 102. Atmospheric Research

Subsection 102 authorizes (a) \$116,902,000 for Fiscal Year 1998 and \$118,803,000 for Fiscal Year 1999 for climate and air quality research, including interannual and seasonal climate research and long-term climate and air-quality research; (b) \$43,456,000 for Fiscal Year 1998 and \$44,194,000 for Fiscal Year 1999 for atmospheric

research, including developing improved prediction capabilities for atmospheric processes and solar-terrestrial research and services; (c) \$12,884,000 for Fiscal Year 1998 and \$12,884,000 for Fiscal Year 1999 for data acquisition activities of the Office of Oceanic and Atmospheric Research; and (d) \$1,900,000 for Fiscal Year 1998 and \$9,078,000 for Fiscal Year 1999 to continue the modifications to the Boulder Laboratory in Boulder, Colorado.

Committee Views

The Committee supports funding climate and air quality research at \$109,902,000 for Fiscal Year 1998, slightly above the Fiscal Year 1997 appropriated level, and \$111,803,000 for Fiscal Year 1999.

The bill provides full funding authorization for Fiscal Year 1998 and Fiscal Year 1999 for interannual and seasonal climate research and long-term and air quality climate research. However, the Committee is concerned over the socioeconomic component of the climate and global change research program.

In addition, the Committee recommendation requires the use of \$7,000,000 in unobligated funds in the Geostationary Operational Environmental Satellite program for the GLOBE program for each of Fiscal Year 1998 and 1999.

The Committee believes that the levels included in the bill are sufficient to continue NOAA's climate research programs. In order to maintain the highest scientific standards, the Committee recommends that NOAA's Office of Global Programs should continue to allocate all of its climate research funds through a competitive, peer-reviewed process.

The Committee also supports funding at the Fiscal Year 1998 requested and Fiscal Year 1999 projected levels for acquisition of data and for the Boulder Laboratory to cover above standard costs.

Section 103. National Environmental Satellite, Data, and Information Service

Subsection 103(a) authorizes \$346,344,000 (reduced by \$12,400,000) for Fiscal Year 1998 and \$522,255,000 (reduced by \$7,000,000) for Fiscal Year 1999, to remain available until expended, for satellite observing systems, including spacecraft procurement, launch, operation, and associated ground-station systems for geostationary and polar-orbiting satellites.

Of the sums authorized in Subsection 103(a),

- Subsection 103(b) authorizes \$82,905,000 for Fiscal Year 1998 and \$172,684,000 for Fiscal Year 1999, to remain available until expended, for the procurement, launch, and supporting ground systems for the Polar-Orbiting Operational Environmental Satellites K-N' (POES).
- Subsection 103(c) authorizes \$51,503,000 for Fiscal Year 1998 and \$35,000,000 for Fiscal Year 1999, to remain available until expended, for the procurement of the National Polar-Orbiting Operational Environmental Satellite System (NPOESS), launch, and supporting ground systems.
- Subsection 103(d) authorizes \$147,819,000 for Fiscal Year 1998 and \$256,421,000 for Fiscal Year 1999 for the procurement of up to three Geostationary Operational Environmental Sat-

- ellites (GOES N-Q), instruments, and supporting ground systems.
- Subsection 103(e) authorizes \$9,970,000 for Fiscal Year 1998 and \$5,400,000 for Fiscal Year 1999 for the Wallops Island backup, product development, and operating adjustment activities of the GOES program.
 - Subsection 103(f) authorizes \$3,800,000 for Fiscal Year 1998 and \$3,800,000 for Fiscal Year 1999 for ocean remote sensing activities.
 - Subsection 103(g) authorizes \$50,347,000 for Fiscal Year 1998 and \$48,950,000 for Fiscal Year 1999 for environmental observing services; and
 - Subsection 103(h) authorizes \$43,835,000 for Fiscal Year 1998 and \$43,835,000 for Fiscal Year 1999 for environmental data and information services, including climate data, geophysical data, and environmental assessment and information services.

Committee Views

The Committee continues to be concerned that the current NESDIS budget may not be sustainable and that over the next 5 years it may have to decline significantly. While the Committee supports full funding for NESDIS satellite programs, it does not support any NESDIS activities which could lead to significant cost increases in the future.

The Committee notes with concern a recent GAO analysis that estimates \$20.5 million and \$53.6 million in unobligated carryovers for the end of Fiscal Year 1998 in the POES and GOES programs, respectively. The Committee supports the use of \$35,035,000 of the carryover in the GOES program for the National Undersea Research Program, (\$5,400,000) the GLOBE program (\$7,000,000), and AWIPS acquisition and deployment (\$22,635,000). However, the Committee believes that NOAA should work to improve the financial management of these programs and to reduce the amount of unobligated carryover balances in its satellite programs.

The Committee recommends funding the POES program at the levels recommended by NOAA. The Committee also recommends funding for the NPOESS convergence program, which will merge the POES systems with the Defense Meteorological Satellite Program, at the levels found in the President's Budget. The Committee believes that NOAA should coordinate the POES and NPOESS program to ensure that gap-filler polar satellites are not required.

The Committee continues to support funding three, not four, new GOES N-Q series satellites, and authorizes funding for these satellites at the levels identified in the President's Fiscal Year 1998 Budget Request. H.R. 1278 authorizes \$147,819,000 for Fiscal Year 1998 and \$256,421,000 for Fiscal Year 1999 to procure these satellites. The Committee is committed to authorizing adequate funds to ensure continuity of satellite coverage but is not yet convinced of the need for four GOES clones (GOES N-Q).

The Committee also supports full funding for the Command and Data Acquisition station at Wallops Island backup, product development, and operating adjustments in the GOES I-M program. The Wallops Island backup is necessary to ensure uninterrupted oper-

ation of GOES satellites and the acquisition of GOES imaging and sounding data.

Although not authorized in H.R. 1278, the Committee also recommends that the GOES I-M series satellites be funded at \$79,884,000 for Fiscal Year 1998 and \$96,700,000 for Fiscal Year 1999. These satellites are authorized under the National Oceanic and Atmospheric Administration Act of 1992 (Public Law 102-567). The Committee supports NOAA's decision to store GOES-K in space to reduce the risk of a break in continuity. However, NOAA needs to develop better protocols for providing backup in case of launch failure and more consistent policies for replacing spacecraft that experience partial failures.

The Committee also notes its concern that no money for the GOES-Next program is to be requested before Fiscal Year 2000. The Committee would support efforts by NOAA to begin assessing engineering and technical requirements and options for the new spacecraft in plenty of time to keep the program schedule on track and prevent gaps in satellite coverage. The Committee agrees with a recent finding by the National Research Council that, given the long lead times needed to develop new spacecraft and technologies, NOAA should carefully consider launch schedules and procurement cycles in its planning.

Finally, the Committee recommends full funding for ocean remote sensing, environmental observing services, and environmental data and information services.

Title II.—Marine Research

Table 3 presents a summary of authorizations in Title II. The Committee recommends funding navigation services at the requested Fiscal Year 1998 level and the estimated Fiscal Year 1999 level.

[Table 3 follows:]

**TABLE 3. H.R. 1278—THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
AUTHORIZATION ACT OF 1997: TITLE II. MARINE RESEARCH**
(Dollars in Thousands)

Appropriation Account/Program/Activity	FY 1997 Appropriation	FY 1998 Request	FY 1998 Recommendation	FY 1998		FY 1999
				Recommendation Compared With (+ or -) FY 1997	Appropriation	Recommendation
						FY 1999 Recommendation Compared With (+ or -) FY 1998
National Ocean Service:						
Navigation Services:						
Mapping and Charting	38,000	36,100	36,100	-1,900	36,100	0
Geodesy	20,167	19,159	19,159	-1,008	19,159	0
Tide and Current Data	12,500	11,000	11,000	-1,500	11,187	+187
Total, Navigation Services	70,667	66,259	66,259	-4,408	66,446	+187
Ocean Resources and Conservation Assessment:						
Estuarine and Coastal Assessment	2,674	2,674	2,674	0	2,719	+45
Ocean Assessment Program	27,300	28,425	28,425	+1,125	27,840	-585
Oil Pollution Act of 1990	1,000	1,000	1,000	0	1,017	+17
Ocean Services	2,500	2,800	2,800	+300	2,848	+48
Coastal Ocean Science (COP)	15,200	15,200	15,200	0	15,458	+258
Total, Ocean Resources and Conservation Assessment	48,674	50,099	50,099	+1,425	49,882	-217
Acquisition of Data	18,200	14,546	14,546	-3,654	14,546	0
Total, National Ocean Service	137,541	130,904	130,904	-6,637	130,874	-30
Ocean and Great Lakes Marine Prediction						
Research:						
Marine Prediction Research	20,851	17,326	17,326	-3,525	17,620	+294
Undersea Research Program	12,000	5,400	5,400	-6,600	0	-5,400
Total, Ocean and Great Lakes Marine Prediction	32,851	22,726	22,726	-10,125	17,620	-5,106

Section 201. National Ocean Service

Subsection 201(a) authorizes: (1) \$36,100,000 for Fiscal Year 1998 and \$36,100,000 for Fiscal Year 1999 for mapping and charting activities; (2) \$19,159,000 for Fiscal Year 1998 and \$19,159,000 for Fiscal Year 1999 for geodesy activities; and (3) \$11,000,000 for Fiscal Year 1998 and \$11,187,000 for Fiscal Year 1999 for tide and current observation activities.

Subsection 201(b) authorizes (1) \$2,674,000 for Fiscal Year 1998 and \$2,719,000 for Fiscal Year 1999 for estuarine and coastal assessment activities. In addition to those sums, Subsection 201(b) authorizes (2) \$28,425,000 for Fiscal Year 1998 and \$27,840,000 for Fiscal Year 1999 for the National Status and Trends Program, the Strategic Environmental Assessment Program, and the Hazardous Materials and Assessment Program; (3) \$1,000,000 for Fiscal Year 1998 and \$1,017,000 for Fiscal Year 1999 for Oil Pollution Act of 1990 activities; and (4) \$2,800,000 for Fiscal Year 1998 and \$2,848,000 for Fiscal Year 1999 for ocean service duties, including acquisition of sea-surface and ocean temperature profiles from specially instrumented commercial vessels and storing and archiving the acquired data.

Subsection 201(c) authorizes \$15,200,000 for Fiscal Year 1998 and \$15,458,000 for Fiscal Year 1999 for the Coastal Ocean Program; and Subsection 201(d) authorizes \$14,546,000 for Fiscal Year 1998 and \$14,546,000 for Fiscal Year 1999 for data acquisition activities of the National Ocean Service.

Section 202. Ocean and Great Lakes Programs

Subsection 202(a) authorizes \$17,326,000 for Fiscal Year 1998 and \$17,620,000 for Fiscal Year 1999 for marine prediction research activities.

Subsection 202(b)(1) authorizes \$5,400,000 for Fiscal Year 1998 for the National Undersea Research Program (NURP); (2) prohibits funds appropriated pursuant to this Act to be obligated unless competitively awarded and subject to a peer review process established under (3); and (3) instructs the Secretary to submit to the appropriate Congressional Committees a plan to restructure NURP that includes a National Undersea Research Advisory Council and a National Undersea Research Peer Review Panel to ensure the quality of the scientific research carried out under the program, the responsiveness of the program to NOAA's mission and needs, and the responsiveness of the program to key national needs in oceanographic research.

Committee Views

The Committee supports funding marine prediction research and the Great Lakes Environmental Research Laboratory at levels consistent with the request for Fiscal Year 1998 and the estimate for Fiscal Year 1999. The Great Lakes Environmental Research Laboratory (GLERL) in Ann Arbor, Michigan, is one of only two non-regulatory federal lake/coastal-waters-related research labs in the Great Lakes basin. The benefits GLERL provides to taxpayers far surpasses its costs by providing crucial data and information to decision-makers at all levels, while providing the science necessary to protect the world's largest body of fresh surface water—one of our

nation's most precious and vital natural resources. The Committee's funding level for the Great Lakes Environmental Research Lab of \$5.2 million reflects the quality of the work performed by the lab. The Committee's expanded funding for Marine Prediction Research activities in Fiscal Year 1999 will provide even greater potential for GLERL to contribute to research in this important area.

In addition, the Committee supports authorizing \$5,400,000 in funding for NURP. The Committee believes NURP grants should be competitively awarded and subject to peer review, and supports restructuring the program to ensure that the science carried out under the program is of high quality.

Title III.—Program Support and Other Accounts

Section 301. Program Support

Table 4 provides recommended funding levels for Title III. The Committee supports reducing administration and services by 5 percent below the Fiscal Year 1997 appropriation in Fiscal Year 1998, and another 5 percent in Fiscal Year 1999. Aircraft services and retired pay are funded at the requested level, consistent with the Committee's views.

[Table 4 follows:]

**TABLE 4. H.R. 1278—THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
AUTHORIZATION ACT OF 1997: TITLE III. PROGRAM SUPPORT AND OTHER ACCOUNTS
(Dollars in Thousands)**

Appropriation Account/Program/Activity	FY 1997 Appropriation	FY 1998 Request	FY 1998 Recommendation	FY 1998	FY 1999	FY 1999
				Recommendation Compared With FY 1997 (+ or -)		Recommendation Compared With FY 1998 (+ or -)
Program Support:						
Administration and Services:						
Executive Direction and Administration	19,200	19,911	18,240	-960	17,328	-912
Systems Acquisition Office	1,497	1,497	1,423	-74	1,351	-72
Central Administrative Support	33,000	31,850	31,350	-1,650	29,783	-1,567
Retired Pay Commissioned Officers	8,000	14,000	14,000	+6,000	0	-14,000
Aircraft Services	10,000	9,900	9,900	-100	9,900	0
Total, Program Support	71,697	77,158	74,913	+3,216	58,362	-16,551
Other Accounts:						
Construction:						
Goldard Science Center	0	12,572	0	0	0	0
Rent Offsets	0	-4,656	0	0	0	0
Fleet Maintenance and Planning	8,000	11,823	11,823	+3,823	11,823	0
Recoveries from Prior Years	-15,500	-25,500	-25,500	-10,000	-14,000	+11,500
Total, Other Accounts	-7,500	-8,761	-13,677	-6,177	-2,177	+11,500

Section 301 authorizes: (a) \$18,240,000 for Fiscal Year 1998 and \$17,328,000 for Fiscal Year 1999 for executive direction and administrative activities; (b) \$1,423,000 for Fiscal Year 1998 and \$1,351,000 for Fiscal Year 1999 for systems acquisition office activities; (c) \$31,350,000 for Fiscal Year 1998 and \$29,783,000 for Fiscal Year 1999 for central administrative support activities; (d) \$14,000,000 for Fiscal Year 1998 for retired pay for retired commissioned officers of NOAA under the Act of 1970; (e) \$9,900,000 for Fiscal Year 1998 and \$9,900,000 for Fiscal Year 1999 for aircraft service activities, including aircraft operations, maintenance, and support; (f) \$11,823,000 for Fiscal Year 1998 and \$11,823,000 for Fiscal Year 1999 for fleet maintenance and planning activities; and (g) reduces the total amount authorized to be appropriated pursuant to this Act by \$25,500,000 for Fiscal Year 1998 and \$14,000,000 for Fiscal Year 1999 to reflect use of prior year balances.

Title IV.—Streamlining Operations

Section 401. Programs

Subsection 401(a) provides that no funds are authorized to be appropriated for the following ten programs and accounts: (1) Fleet Replacement in the Capital Assets Acquisition Account; (2) Federal/State Weather Modernization Grants; (3) the Southeast Storm Research Account; (4) National Institute for Environmental Renewal; (5) NWS non-federal, non-wildfire Fire Weather Service; (6) NWS Regional Climate Centers; (7) the Goddard Science Center; (8) NWS Samoa Weather Forecast Office Repair and Upgrade Account; (9) Dissemination of Weather Charts (Marine Facsimile Service) and; (10) National Coastal Resources and Development Institute Account.

Subsection 401(b) requires the Secretary, no later than 60 days after the date of this Act's enactment, will submit a report to Congress certifying that all programs listed in Subsection 409(a) will be terminated by September 30, 1997. And Subsection 401(c) repeals the NOAA Fleet Modernization Act (33 U.S.C. 851 note).

Committee Views

The Committee recommendation supports terminating the following ten programs and accounts:

- Fleet Replacement in the Capital Acquisitions Account—The Committee believes NOAA does not need its own fleet, and that the non-profit and the private sectors are capable of supplying NOAA with the data and/or days-at-sea its missions require. NOAA's aged fleet already requires substantial repair, and we see no reason to extend the life of the NOAA fleet further by continuing to build, retrofit, and conduct major repairs on NOAA vessels. The Committee notes that a new NOAA fleet would cost \$1 billion, and possibly more. Such an outlay is inconsistent with efforts to balance the budget by 2002. In light of this, the Committee believes that the best and most cost-effective alternative to NOAA's fleet is the use of University-National Oceanographic Laboratory System (UNOLS) and private vessels. The Committee therefore supports a moratorium on

the construction and repairs-to-extend of NOAA vessels. The Committee further supports retiring the rest of the NOAA fleet at the earliest possible date.

- Federal/State Weather Modernization Grants—The Committee does not support funding this program, which is currently unfunded.
- The Southeast Storm Research Account—The Committee does not support funding this program, which is currently unfunded.
- National Institute for Environmental Renewal—The Committee does not support funding this program, which is currently unfunded.
- NWS non-federal, non-wildfire Fire Weather Service—In keeping with the Committee's support for eliminating all specialized NWS services which the private sector is willing and able to conduct, the Committee supports NOAA's decision to end this program.
- NWS Regional Climate Centers—The Committee supports the Administration's proposal to privatize this program.
- The Goddard Science Center—The Committee is not convinced that alternatives to constructing a new facility, including leasing options, have been fully explored by NOAA.
- NWS Samoa Weather Forecast Office Repair and Upgrade Account—The Committee does not support funding this program.
- Dissemination of Weather Charts (Marine Facsimile Service)—In keeping with the Committee's support for eliminating all specialized products produced by NWS that the private sector is willing and able to conduct, the Committee supports the Administration in terminating this program.
- National Coastal Resources and Development Institute Account—The Committee agrees with NOAA's proposal to end funding for this program.

Section 402. Limitations on Appropriations

Section 402 authorizes: (a) no more than \$1,039,206,000 for Fiscal Year 1998 and \$1,020,131,000 for Fiscal Year 1999 for all activities associated with the Operations, Research, and Facilities (ORF) appropriation account; (b) \$410,808,000 for Fiscal Year 1998 and \$548,101,000 for Fiscal Year 1999 for all activities associated with Capital Assets Acquisition appropriation account activities authorized under this Act; and (c) no more than \$20,000,000 in Fiscal Year 1998 and \$20,500,000 for Fiscal Year 1999 of the sums appropriated to the ORF account for travel and related expenses for NOAA personnel.

Committee Views

The Committee recommends a ceiling on the NOAA ORF account of \$1,039,206,000 for Fiscal Year 1998 and \$1,020,131,000 for Fiscal Year 1999 and on the NOAA Capital Assets Acquisition account of \$410,808,000 for Fiscal Year 1998 and \$548,101,000 for Fiscal Year 1999, for all activities and programs authorized in the bill.

The Committee also recommends a general reduction in NOAA's travel budget of \$7,700,000 below the Fiscal Year 1997 appropriated level in Fiscal Year 1998, and supports limiting NOAA's

total travel budget for Fiscal Year 1998 to \$20,000,000 and for Fiscal Year 1999 to \$20,500,000.

Section 403. Disestablishment of the Corps of Commissioned Officers

Subsection 403(a) mandates that no commissioned officers are authorized for any Fiscal Year after Fiscal Year 1997 and (b) that commissioned officers separated from NOAA's active list shall be eligible only for severance pay, in accordance with the terms and conditions of section 5595 of title 5, United States Code.

Subsection 403(c) allows commissioned officers subject to Subsection 403(a) to (1) transfer to the armed services subject to the approval of the Secretary of Defense; (2) to transfer to the U.S. Coast Guard subject to the approval of the Secretary of Transportation; or (3) to be employed by NOAA as a member of the civil service subject to the approval of the Administrator of NOAA. However, no additional NOAA positions beyond those already in existence may be created pursuant to this paragraph. Subsection 403(c)(4) requires the Administrator, before December 1, 1997, to submit to Congress a report listing all officers employed by the NOAA, a description of their responsibilities as a member of the NOAA Corps, and a description of their responsibilities as civil service employees of NOAA.

Subsections 403(d)(1) and 403(d)(2) repeal a number the provisions of law effective October 1, 1997, and following the repeal of provisions under these subsections, all retirement benefits for the NOAA Corps which are in existence on September 30, 1997, shall continue to apply to eligible NOAA Corps officers and retirees.

Subsection 403(e) abolishes the Office of the NOAA Corps of Operations and Commissioned Personnel Center as of September 30, 1997.

Committee Views

The Committee supports the Administration's policy to disestablish the NOAA Corps at the end of Fiscal Year 1997. The Committee also recommends that the Secretary not grant severance pay to any Corps officers who are rehired as civilian employees by NOAA. The Committee believes NOAA should only re-hire NOAA Corps officers if they are the best qualified applicants for the job. Members of the NOAA Corps should also be eligible for transfer to one of the armed services or the Coast Guard, subject to the approval of the Secretary of Defense or Transportation.

Section 501. Weather Data Buoys

Section 501(a) prohibits unauthorized persons from interfering with any National Data Buoy Center weather data buoys; (b) authorizes the Administrator to assess a penalty of not more than \$10,000 for each violation of this section; and (c) authorizes the Administrator to offer and pay rewards for information regarding violations of this section.

Committee Views

The Committee supports the imposition of a fine not to exceed \$10,000 for tampering with weather data buoys.

Section 502. Duties of the National Weather Service

Subsection 502(a) provides that the Secretary of Commerce, in order to protect life and property and enhance the national economy, through the NWS, shall be responsible for forecasts and shall serve as the sole official source of weather and flood warnings; the issue of storm warnings; the collection, exchange, and distribution of meteorological, hydrological, climatic, and oceanographic data and information; and the preparation of hydrometeorological guidance and core forecast information.

Subsection 502(b) stipulates that the NWS will not compete with the private sector when a service not specified in Subsection 502(a) is provided or can be provided by commercial enterprise unless the Secretary finds that the private sector is unwilling or unable to provide the service.

Subsection 502(c) amends the Act of 1890 accordingly; and Subsection 502(d) requires the Secretary submit a report to Congress no later than 60 days after the enactment of this Act detailing all NWS activities which do not conform to the requirements of this section and outlining a timetable for their termination.

Committee Views

The Committee supports privatizing specialized weather services provided by NWS and recommends that the Secretary of Commerce develop criteria for determining which services should be privatized. The Committee notes that NWS has a good working relationship with the commercial weather service sector and supports the continuation of that relationship. The Committee recommends that NWS continue its practice of collecting, exchanging, and distributing weather data and information in real time and in a non-discriminatory manner. The Committee also reiterates that NWS is the sole official source of weather and flood warnings. The Committee further notes, however, that this designation should in no way preclude private weather forecasters from issuing weather forecasts.

Section 503. Marine Services

Subsection 503(a) gives the Secretary the authority to contract out for the use of vessels to acquire data as necessary, and the Secretary must enter into these contracts unless: (1) the cost of the contract is more than the cost for NOAA to perform the service itself; (2) the contract is for more than 7 years; and (3) the data is acquired through a vessel agreement pursuant to paragraph Subsection 503(d).

Subsection 503(b) prohibits the Secretary from entering into any contract for the construction, lease-purchase, upgrade, or service life extension of any vessel.

Subsection 503(c)(1) allows the Secretary to acquire data under multiyear contracts. However, the Secretary may not enter into a contract pursuant to this subsection unless the Secretary finds that there is a reasonable expectation that throughout the contemplated contract period the Secretary will request from Congress funding for the contract at the level required to avoid contract termination. Subsection 503(c)(3) forbids the Secretary from pursuing a multiyear contract unless such contract includes: (i) a provision ob-

ligating the U.S. to make payments for any Fiscal Year subject to appropriations provided in advance for those payments; (ii) a provision that specifies the term of effectiveness of the contract; and (iii) appropriate provisions in case of any termination of the contract that the U.S. shall be liable for the lesser of an amount specified in the contract for such a termination or amounts that were appropriated before the date of the termination for the performance of the contract or for procurement of the type of acquisition covered by the contract and are unobligated on the date of the termination.

Finally, Subsection 503(d) requires the Secretary to use excess capacity of University National Oceanographic Laboratory System vessels where appropriate.

Committee Views

The NOAA fleet is aging and already requires substantial repair; the average age of a NOAA vessel is about 18 years. It is estimated that a new NOAA fleet would as high as \$1 billion, and possibly more. Such an expenditure is inconsistent with efforts to balance the budget by 2002.

The Committee sees no reason to extend the life of the NOAA fleet by continuing to build, retrofit, and conduct major repairs on NOAA vessels. The Committee therefore supports a moratorium on the construction and repairs-to-extend of NOAA vessels. The Committee further supports retiring the rest of the NOAA fleet at the earliest possible date.

The Committee believes NOAA should increase outsourcing for data acquisition and should contract UNOLS and private vessels more frequently. Of the \$52,528,000 NOAA has requested for acquisition of data across all programs, only about \$2,600,000 is planned for outsourcing. The Committee believes NOAA does not need its own fleet and that non-profit and private vessels can supply NOAA with the vessel and day-at-sea services it requires.

Section 504. National Oceanographic Partnership Program

Section 504 authorizes NOAA to participate in the National Oceanographic Partnership Program.

Committee Views

The Committee has included bill language specifically authorizing NOAA to participate in the National Oceanographic Partnership Program. The Committee endorses the goals of the Program to increase the efficiency with which ocean and marine research is carried out among nine federal agencies, academia, and industry. The Committee encourages NOAA to take an active role in the Program through membership in the National Oceanographic Research Leadership Council. It also supports use of the Partnership Program mechanism to leverage NOAA oceanographic resources and to coordinate research efforts with other federal agencies and other organizations having similar research requirements. Further, the Committee encourages NOAA to incorporate funding requests for the National Oceanographic Partnership Program into future budget requests.

Section 505. Limitations

Subsection 505(a). Prohibition of Lobbying Activities

Subsection 505(a) forbids the use of funds authorized by this Act for any activity whose purpose is to influence legislation pending before Congress. However, this subsection does not prevent employees of the departments or agencies from communicating with Members of Congress to conduct public business.

Committee View

The Committee is committed to ensuring that awards for research are used solely for that purpose. Funds should not be used for any purpose, other than that specified in the award. The Committee, however, does not exclude appropriate communications between the executive branch and the Congress.

Subsection 505(b). Limitation on Appropriations

Subsection 505(b) provides that no sums are authorized to be appropriated that are not specifically authorized to be appropriated by this Act for Fiscal Years 1998 and 1999, or by an Act of Congress in succeeding Fiscal Years.

Committee View

The Committee emphasizes that the only funds authorized to be appropriated for National Oceanic and Atmospheric Administration are made available under this Act. It is the Committee's position that annual authorizations designating specific sums are required for appropriations of such sums to be authorized. Organic act authority permits agency missions and programmatic activity, but is not sufficient to authorize actual funding.

Subsection 505(c). Eligibility for Awards

Subsection 505(c) requires the head of each federal agency for which funds are authorized under this Act to exclude from consideration for grant agreements, for a period of 5 years, any person who received funds for a project not subject to competitive, merit-based review process after Fiscal Year 1997. The subsection is not applicable to awards to long-standing Cooperative Research and Development Agreement program nor awards to persons who are members of a class specified by law for which assistance is awarded according to formula provided by law.

Committee View

The Committee has a long-standing position that awards should be made on a competitive, merit-based process that ensures that taxpayers' dollars are spent in the most cost-effective and productive manner.

Section 506. Notice

Section 506(a) requires that if any funds of this Act, or amendments made by this Act, are subject to reprogramming which requires notice to be given to the Appropriations Committees of the House of Representatives and the Senate, notice of such action shall be concurrently provided to the Committees on Science and

Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

Section 506(b) requires the National Oceanic and Atmospheric Administration to notify the Committees on Science, Resources, and Appropriations of the House of Representatives and the Committees on Commerce, Science, and Transportation and Appropriations of the Senate if any program, project, or activity of the National Oceanic and Atmospheric Administration is preparing to undergo any major reorganization no later than 15 days prior to such reorganization.

Committee View

The Committee believes that such notice must be given if it is to carry out its oversight responsibilities under the Rules of the House.

Section 507. Sense of Congress on the Year 2000 Problem

It is the sense of Congress that NOAA should give high priority to correcting the year 2000 problem in all of its computer systems to ensure effective operation in the year 2000 and beyond. NOAA needs to assess immediately the risk of the problem upon their systems and develop a plan and a budget to correct the problem for its mission-critical programs. NOAA also needs to begin consideration of contingency plans, in the event that certain systems are unable to be corrected in time.

Committee Views

Despite knowing of the problem for years, the Federal Government has yet to adequately create strategies to address the year 2000 problem. The Committee believes Congress should continue to take a leadership role in raising awareness about the issue with both government and the private sector.

The potential impact on federal programs if the year 2000 problem is not corrected in an effective and timely manner is substantial and potentially serious. If federal computers are not prepared to handle the change of date on January 1, 2000, there is a risk to all government systems and the programs they support. It is imperative that such corrective action be taken to avert disruption to critical Federal Government programs.

Section 508. Buy American

Section 508 requires any entity that is appropriated funds pursuant to this act or amendments thereto, to comply with sections 2-4 of the Act of March 3, 1933 (41 U.S.C. 10a-10c, popularly known as the "Buy American Act"); and that recipients of funds pursuant to this act shall be notified of subsection (a)'s requirement of compliance with the Buy American Act.

Committee View

It is the Committee's position that the Federal Government buy goods manufactured in the United States when feasible, and where cost-effective and practicable.

VIII. COMMITTEE COST ESTIMATE

Clause 7(a) of rule XIII of the Rules of the House of Representatives requires each committee report accompanying each bill or joint resolution of a public character to contain: (1) an estimate, made by such Committee, of the costs which would be incurred in carrying out such bill or joint resolution in the fiscal year in which it is reported, and in each of the 5 fiscal years following such fiscal year (or for the authorized duration of any program authorized by such bill or joint resolution, if less than 5 years); (2) a comparison of the estimate of costs described in subparagraph (1) of this paragraph made by such Committee with an estimate of such costs made by any government agency and submitted to such Committee; and (3) when practicable, a comparison of the total estimated funding level for the relevant program (or programs) with the appropriate levels under current law. However, clause 7(d) of that rule provides that this requirement does not apply when a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of the report and included in the report pursuant to clause 2(1)(3)(C) of rule XI. A cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of this report and included in Section IX of this report pursuant to clause 2(1)(3)(C) of rule XI.

Clause 2(1)(3)(B) of rule XI of the Rules of the House of Representatives requires each committee report that accompanies a measure providing new budget authority (other than continuing appropriations), new spending authority, or new credit authority, or changes in revenues or tax expenditures to contain a cost estimate, as required by section 308(a)(1) of the Congressional Budget Act of 1974 and, when practicable with respect to estimates of new budget authority, a comparison of the total estimated funding level for the relevant program (or programs) to the appropriate levels under current law. H.R. 1278 does not contain any new budget authority, credit authority, or changes in revenues or tax expenditures. Assuming that the sums authorized under the bill are appropriated, H.R. 1278 does authorize additional discretionary spending, as described in the Congressional Budget Office report on the bill, which is contained in Section IX of this report.

IX. CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

[The CBO estimate follows:]



CONGRESSIONAL BUDGET OFFICE
U.S. CONGRESS
WASHINGTON, D.C. 20515

June E. O'Neill
Director

April 21, 1997

Honorable F. James Sensenbrenner, Jr.
Chairman
Committee on Science
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1278, the National Oceanic and Atmospheric Administration Authorization Act of 1997.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Gary Brown, who can be reached at 226-2860.

Sincerely,


for June E. O'Neill

Enclosure

cc: Honorable George E. Brown, Jr.
Ranking Minority Member



CONGRESSIONAL BUDGET OFFICE
COST ESTIMATE

April 21, 1997

H.R. 1278
National Oceanic and Atmospheric Administration
Authorization Act of 1997

As ordered reported by the House Committee on Science on April 16, 1997

SUMMARY

H.R. 1278 would authorize appropriations for certain programs and activities of the National Oceanic and Atmospheric Administration (NOAA) for fiscal years 1998 and 1999. NOAA's mission is to describe and predict changes in the Earth's environment, and to conserve and manage coastal and marine resources. Other provisions in the bill would authorize NOAA to use carryover balances from certain programs for other purposes within the agency; eliminate the NOAA Corps and certain NOAA programs; authorize NOAA to enter into multiyear contracts for the use of private vessels to conduct oceanographic and fisheries research; and authorize NOAA to collect civil penalties from individuals for tampering with weather data buoys.

Assuming appropriation of the authorized amounts, CBO estimates that enacting H.R. 1278 would result in additional discretionary spending of about \$3 billion over the 1998-2002 period. The legislation could affect governmental receipts by establishing a civil penalty for tampering with data buoys; therefore, pay-as-you-go procedures would apply. However, CBO estimates that any new receipts would total less than \$500,000 a year. The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act of 1995 (UMRA), and would not impose any costs on state, local, or tribal governments.

ESTIMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary impact of H.R. 1278 is shown in the table on the following page.

	By Fiscal Year, in Millions of Dollars					
	1997	1998	1999	2000	2001	2002
SPENDING SUBJECT TO APPROPRIATION						
Spending Under Current Law						
Budget Authority ^a	1,381	0	0	0	0	0
Estimated Outlays	1,381	591	206	102	3	1
Proposed Changes						
Authorization Level	0	1,427	1,568	0	0	0
Estimated Outlays	0	801	1,230	576	257	109
Spending Under H.R. 1278						
Authorization Level ^a	1,381	1,427	1,568	0	0	0
Estimated Outlays	1,381	1,392	1,436	678	260	110

a. The 1997 level is the amount appropriated for that year for the activities authorized in this bill.

The costs of this legislation fall within budget function 300 (natural resources and environment).

BASIS OF ESTIMATE

Spending Subject to Appropriation

For purposes of this estimate, CBO assumes that all amounts authorized in H.R. 1278 will be appropriated by the start of each fiscal year and that outlays will follow the historical spending patterns for the authorized programs. CBO estimates that provisions in H.R. 1278 allowing NOAA to use unobligated balances from various programs for other purposes within the agency would not affect the overall rate of spending for the agency. We also expect that the amounts authorized under the bill would be sufficient to pay for the costs of terminating the NOAA Corps and other programs within NOAA as well the cost of entering multiyear contracts for the use of private vessels.

Revenues

H.R. 1278 would establish a civil penalty of \$10,000 for tampering with weather data buoys established, installed, or maintained by the National Data Buoy Center. Collections from imposing this penalty would be governmental receipts. CBO expects that any collections from this penalty would total significantly less than \$500,000 a year.

PAY-AS-YOU-GO CONSIDERATIONS

Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 sets up pay-as-you-go procedures for legislation affecting direct spending or receipts through 1998. The bill's provision establishing a penalty for tampering with data buoys could affect receipts, but CBO estimates that any new revenues would total significantly less than \$500,000 annually.

ESTIMATED IMPACT ON STATE, LOCAL, AND TRIBAL GOVERNMENTS

H.R. 1278 contains no intergovernmental mandates as defined in UMRA, and would not impose any costs on state, local, or tribal governments. The bill would abolish five NOAA programs that provide research funds or grants to state governments and universities. Three of these programs did not receive funding in fiscal year 1997; the other two programs received a total of \$3 million for the year.

Two provisions in the bill would affect eligibility for federal grants. The first would require compliance with the "Buy American Act." The second would exclude grantees from consideration for awards if they had received funds under any other federal grant program that was not subject to a competitive, merit-based award process. The latter provision could change the allocation of funds among grant recipients, including state universities and colleges. CBO cannot predict how the share of research funding awarded to public universities and colleges would change because of this provision.

ESTIMATED IMPACT ON THE PRIVATE SECTOR

The bill would impose no new private-sector mandates as defined in UMRA.

ESTIMATE PREPARED BY:

Federal Cost: Gary Brown (226-2860)

Impact on State, Local, and Tribal Governments: Pepper Santalucia (225-3220)

ESTIMATE APPROVED BY:

Robert A. Sunshine

Deputy Assistant Director for Budget Analysis

X. COMPLIANCE WITH PUBLIC LAW 104-4

H.R. 1278 contains no unfunded mandates.

XI. COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Clause 2(1)(3)(A) of rule XI of the Rules of the House of Representatives requires each committee report to include oversight findings and recommendations required pursuant to clause 2(b)(1) of rule X. The Committee has no oversight findings.

XII. OVERSIGHT FINDINGS AND RECOMMENDATIONS BY THE COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

Clause 2(1)(3)(D) of rule XI of the Rules of the House of Representatives requires each committee report to contain a summary of the oversight findings and recommendations made by the House Government Reform and Oversight Committee pursuant to clause 4(c)(2) of rule X, whenever such findings and recommendations have been submitted to the Committee in a timely fashion. The Committee on Science has received no such findings or recommendations from the Committee on Government Reform and Oversight.

XIII. CONSTITUTIONAL AUTHORITY STATEMENT

Clause 2(1)(4) of rule XI of the Rules of the House of Representatives requires each report of a Committee on a bill or joint resolution of a public character to include a statement citing the specific powers granted to the Congress in the Constitution to enact the law proposed by the bill or joint resolution. Article I, section 8 of the Constitution of the United States grants Congress the authority to enact H.R. 1278.

XIV. FEDERAL ADVISORY COMMITTEE STATEMENT

This legislation does not establish or authorize the establishment of a new advisory committee.

XV. CONGRESSIONAL ACCOUNTABILITY ACT

The Committee finds that H.R. 1278 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 (Public Law 104-1).

XVI. CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 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, existing law in which no change is proposed is shown in roman):

WEATHER SERVICE MODERNIZATION ACT

* * * * *

SEC. 706. RESTRUCTURING FIELD OFFICES.

SEC. 706. (a) PROHIBITION.—The Secretary shall not close, before January 1, 1996, any field office pursuant to implementation of the Strategic Plan.

[(b) CERTIFICATION.—The Secretary shall not close, consolidate, automate, or relocate any field office, unless the Secretary has certified that such action will not result in any degradation of service. Such certification shall include—

[(1) a description of local weather characteristics and weather-related concerns which affect the weather services provided within the service area;

[(2) a detailed comparison of the services provided within the service area and the services to be provided after such action;

[(3) a description of any recent or expected modernization of National Weather Service operations which will enhance services in the service area;

[(4) an identification of any area within any State which would not receive coverage (at an elevation of 10,000 feet) by the next generation weather radar network;

[(5) evidence, based upon operational demonstration of modernized National Weather Service operations, which was considered in reaching the conclusion that no degradation in service will result from such action; and

[(6) any report of the Committee submitted under section 707(c) that evaluates the proposed certification.

[(c) PUBLIC REVIEW.—Each certification decision shall be preceded by—

[(1) publication in the Federal Register of a proposed certification; and

[(2) a 60-day period after such publication during which the public may provide comments to the Secretary on the proposed certification.

[(d) FINAL DECISION.—If after consideration of the public comment received under subsection (c) the Secretary, in consultation with the Committee, decides to close, consolidate, automate, or relocate any such field office, the Secretary shall publish a final certification in the Federal Register and submit the certification to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives.

[(e) SPECIAL CIRCUMSTANCES.—The Secretary may not close or relocate any field office—

[(1) which is located at an airport, unless the Secretary, in consultation with the Secretary of Transportation and the Committee, first conducts an air safety appraisal, determines that such action will not result in degradation of service that affects aircraft safety, and includes such determination in the certification required under subsection (b); or

[(2) which is the only office in a State, unless the Secretary first evaluates the effect on weather services provided to in-State users, such as State agencies, civil defense officials, and local public safety offices, and includes in the certification required under subsection (b) the Secretary's determination

that a comparable level of weather services provided to such in-State users will remain.

[(f) LIAISON OFFICER.—The Secretary may not close, consolidate, automate, or relocate a field office until arrangements have been made to maintain for a period of at least 2 years at least one person in the service area to act as a liaison officer who—

[(1) provides timely information regarding the activities of the National Weather Service which may affect service to the community, including modernization and restructuring; and

[(2) works with area weather service users, including persons associated with general aviation, civil defense, emergency preparedness, and the news media, with respect to the provision of timely weather warnings and forecasts.]

(b) CERTIFICATION.—*The Secretary may not close, automate, or relocate any field office unless the Secretary has certified to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives that such action will not result in degradation of service to the affected area. Such certification shall be in accordance with the modernization criteria established under section 704.*

(c) SPECIAL CIRCUMSTANCES.—*The Secretary may not close or relocate any field office which is located at an airport, if the Secretary, in consultation with the Secretary of Transportation and the Committee, determines as a result of the Air Safety Appraisal, completed and signed by the National Weather Service and the Federal Aviation Administration on December 9, 1996, that such action will result in degradation of service that affects aircraft safety.*

(d) PUBLIC LIAISON.—*The Secretary shall maintain for a period of at least two years after the closure of any weather office a program to—*

(1) provide timely information regarding the activities of the National Weather Service which may affect service to the community, including modernization and restructuring; and

(2) work with area weather service users, including persons associated with general aviation, civil defense, emergency preparedness, and the news media, with respect to the provision of timely weather warnings and forecasts.

SEC. 707. MODERNIZATION TRANSITION COMMITTEE.

(a) * * *

* * * * *

[(c) DUTIES.—(1) The Committee may review any proposed certification under section 706 for which the Secretary has provided a notice of intent to certify in the Plan, and should review such a proposed certification if there is a significant possibility of degradation of service within the affected service area. Upon the request of the Committee, the Secretary shall make available to the Committee the supporting documents developed by the Secretary in connection with the proposed certification. The Committee may prepare and submit to the Secretary, prior to publication of the proposed certification, a report which evaluates the proposed certification on the basis of the modernization criteria and with respect to the requirement that there be no degradation of service.

[(2) The Committee shall advise the Congress and the Secretary on—

[(A) the implementation of the Strategic Plan, annual development of the Plan, and establishment and implementation of modernization criteria; and

[(B) matters of public safety and the provision of weather services which relate to the comprehensive modernization of the National Weather Service.]

(c) *DUTIES.*—*The Committee shall advise the Congress and the Secretary on—*

(1) the implementation of the Strategic Plan, annual development of the Plan, and establishment and implementation of modernization criteria; and

(2) matters of public safety and the provision of weather services which relate to the comprehensive modernization of the National Weather Service.

* * * * *

[(f) **TERMINATION.**—The Committee shall terminate on December 31, 1999.]

(f) TERMINATION.—*The Committee shall terminate—*

(1) on September 30, 1997; or

(2) 90 days after the deadline for public comment on the modernization criteria for closure certification published in the Federal Register pursuant to section 704(b)(2), whichever occurs later.

* * * * *

NOAA FLEET MODERNIZATION ACT

[TITLE VI—NOAA FLEET MODERNIZATION

[SEC. 601. SHORT TITLE.

[This title may be cited as the “NOAA Fleet Modernization Act”.

[SEC. 602. DEFINITIONS.

[In this title, the term—

[(1) “NOAA” means the National Oceanic and Atmospheric Administration within the Department of Commerce.

[(2) “NOAA fleet” means the fleet of research vessels owned or operated by NOAA.

[(3) “Plan” means the NOAA Fleet Replacement and Modernization Plan described in section 604.

[(4) “Secretary” means the Secretary of Commerce.

[(5) “UNOLS” means University-National Oceanographic Laboratory System.

[SEC. 603. FLEET REPLACEMENT AND MODERNIZATION PROGRAM.

[The Secretary is authorized to implement, subject to the requirements of this Act, a 15-year program to replace and modernize the NOAA fleet.

[SEC. 604. FLEET REPLACEMENT AND MODERNIZATION PLAN.

[(a) IN GENERAL.—To carry out the program authorized in section 603, the Secretary shall develop and submit to Congress a replacement and modernization Plan for the NOAA fleet covering the years authorized under section 610.

[(b) TIMING.—The Plan required in subsection (a) shall be submitted to Congress within 30 days of the date of enactment of this Act, and updated on an annual basis.

[(c) PLAN ELEMENTS.—The Plan required in subsection (a) shall include the following—

[(1) the number of vessels proposed to be modernized or replaced, the schedule for their modernization or replacement, and anticipated funding requirements;

[(2) the number of vessels proposed to be constructed, leased, or chartered;

[(3) the number of vessels, or days at sea, that can be obtained by using the vessels of the UNOLS;

[(4) the number of vessels that will be made available to NOAA by the Secretary of the Navy, or any other federal official, and the terms and conditions for their availability;

[(5) the proposed acquisition of modern scientific instrumentation for the NOAA fleet, including acoustic systems, data transmission positioning and communication systems, physical, chemical, and meteorological oceanographic systems, and data acquisition and processing systems; and

[(6) the appropriate role of the NOAA Corps in operating and maintaining the NOAA fleet.

[(d) CONTRACTING LIMITATION.—The Secretary may not enter into any contract for the construction, lease, or service life extension of a vessel of the NOAA fleet before the date of the submission to Congress of the Plan required in subsection (a).

[SEC. 605. DESIGN OF NOAA VESSELS.

[(a) DESIGN REQUIREMENT.—Except for the vessel designs identified under subsection (b), the Secretary, working through the Office of the NOAA Corps Operations and the Systems Procurement Office, shall—

[(1) prepare requirements for each class of vessel to be constructed or converted under the Plan; and

[(2) contract competitively from nongovernmental entities with expertise in shipbuilding for vessel design and construction based on the requirements for each class of vessel to be acquired.

[(b) EXCEPTION.—The Secretary shall—

[(1) report to Congress identifying any existing vessel design or design proposal that meets the requirements of the Plan within 30 days after the date of enactment of this Act and shall promptly advise the Congress of any modification of these designs; and

[(2) submit to Congress as part of the annual update of the Plan required in section 604, any subsequent existing vessel design or design proposals that meet the requirements of the Plan.

[SEC. 606. CONTRACT AUTHORITY.**[(a) MULTIYEAR CONTRACTS.—**

[(1) IN GENERAL.—Subject to paragraphs (2) and (3), and notwithstanding section 1341 of title 31, United States Code and section 3732 of the Revised Statutes of the United States (41 U.S.C. 11), the Secretary may acquire vessels for the NOAA fleet by purchase, lease, lease-purchase, or otherwise, under one or more multiyear contracts.

[(2) REQUIRED FINDINGS.—The Secretary may not enter into a contract pursuant to this subsection unless the Secretary finds with respect to that contract that—

[(A) there is a reasonable expectation that throughout the contemplated contract period the Secretary will request from Congress funding for the contract at the level required to avoid contract termination; and

[(B) the use of the contract will promote the best interests of the United States by encouraging competition and promoting economic efficiency in the operation of the NOAA fleet.

[(3) REQUIRED CONTRACT PROVISIONS.—The Secretary may not enter into a contract pursuant to this subsection unless the contract includes—

[(A) a provision under which the obligation of the United States to make payments under the contract for any fiscal year is subject to the availability of appropriations provided in advance for those payments;

[(B) a provision that specifies the term of effectiveness of the contract; and

[(C) appropriate provisions under which, in case of any termination of the contract before the end of the term specified pursuant to subparagraph (B), the United States shall only be liable for the lesser of—

[(i) an amount specified in the contract for such a termination; or

[(ii) amounts that—

[(I) were appropriated before the date of the termination for the performance of the contract or for procurement of the type of acquisition covered by the contract; and

[(II) are unobligated on the date of the termination.

[(b) SERVICE CONTRACTS.—Notwithstanding any other provision of law, the Secretary may enter into multiyear contracts for oceanographic research, fisheries research, and mapping and charting services to assist the Secretary in fulfilling NOAA missions. The Secretary may only enter into these contracts if—

[(1) the Secretary finds that it is in the public interest to do so;

[(2) the contract is for not more than 7 years; and

[(3)(A) the cost of the contract is less than the cost (including the cost of operation, maintenance, and personnel) to the NOAA of obtaining those services on NOAA vessels; or

[(B) NOAA vessels are not available or cannot provide those services.

[(c) BONDING AUTHORITY.—Notwithstanding any other law, the Secretary may not require a contractor for the construction, alteration, repair or maintenance of a NOAA vessel to provide a bid bond, payment bond, performance bond, completion bond, or other surety instrument in an amount greater than 20 percent of the value of the base contract quantity (excluding options) unless the Secretary determines that requiring an instrument in that amount will not prevent a responsible bidder or offeror from competing for the award of the contract.

[SEC. 607. RESTRICTION WITH RESPECT TO CERTAIN SHIPYARD SUBSIDIES.

[(a) IN GENERAL.—The Secretary of Commerce may not award a contract for the construction, repair (except emergency repairs), or alteration of any vessel of the National Oceanic and Atmospheric Administration in a shipyard, if that vessel benefits or would benefit from significant subsidies for the construction, repair, or alteration of vessels in that shipyard.

[(b) DEFINITION.—In this section, the term “significant subsidy” includes, but is not limited to, any of the following:

- [(1) Officially supported export credits.
- [(2) Direct official operating support to the commercial shipbuilding and repair industry, or to a related entity that favors the operation of shipbuilding and repair, including but not limited to—
 - [(A) grants;
 - [(B) loans and loan guarantees other than those available on the commercial market;
 - [(C) forgiveness of debt;
 - [(D) equity infusions on terms inconsistent with commercially reasonable investment practices; and
 - [(E) preferential provision of goods and services.
- [(3) Direct official support for investment in the commercial shipbuilding and repair industry, or to a related entity that favors the operation of shipbuilding and repair, including but not limited to the kinds of support listed in paragraph (2)(A) through (E), and any restructuring support, except public support for social purposes directly and effectively linked to shipyard closures.
- [(4) Assistance in the form of grants, preferential loans, preferential tax treatment, or otherwise, that benefits or is directly related to shipbuilding and repair for purposes of research and development that is not equally open to domestic and foreign enterprises.
- [(5) Tax policies and practices that favor the shipbuilding and repair industry, directly or indirectly, such as tax credits, deductions, exemptions, and preferences, including accelerated depreciation, if such benefits are not generally available to persons or firms not engaged in shipbuilding or repair.
- [(6) Any official regulation or practice that authorizes or encourages persons or firms engaged in shipbuilding or repair to enter into anticompetitive arrangements.
- [(7) Any indirect support directly related, in law or in fact, to shipbuilding and repair at national yards, including any public assistance favoring shipowners with an indirect effect on

shipbuilding or repair activities, and any assistance provided to suppliers of significant inputs to shipbuilding, which results in benefits to domestic shipbuilders.

[(8) Any export subsidy identified in the Illustrative List of Export Subsidies in the Annex to the Agreement on Interpretation and Application of Articles VI, XVI, and XXIII of the General Agreement on Tariffs and Trade or any other export subsidy that may be prohibited as a result of the Uruguay Round of trade negotiations.

[SEC. 608. USE OF VESSELS.

[(a) VESSEL AGREEMENTS.—In implementing the NOAA fleet replacement and modernization program, the Secretary shall use excess capacity of UNOLS vessels where appropriate and may enter into memoranda of agreement with the operators of these vessels to carry out this requirement.

[(b) REPORT TO CONGRESS.—Within one year after the date of enactment of this Act, the Comptroller General of the United States shall provide a report to Congress, in consultation with the Secretary, comparing the cost-efficiency, accounting, and operating practices of the vessels of NOAA, UNOLS, other Federal agencies, and the United States private sector in meeting the missions of NOAA.

[SEC. 609. INTEROPERABILITY.

[The Secretary shall consult with the Oceanographer of the Navy regarding appropriate measures that should be taken, on a reimbursable basis, to ensure that NOAA vessels are interoperable with vessels of the Department of the Navy, including with respect to operation, maintenance, and repair of those vessels.

[SEC. 610. AUTHORIZATION OF APPROPRIATIONS.

[(a) IN GENERAL.—There are authorized to be appropriated to the Secretary for carrying out this title—

[(1) \$50,000,000 for fiscal year 1993;

[(2) \$100,000,000 for fiscal year 1994; and

[(3) such sums as are necessary for each of the fiscal years 1995, 1996, and 1997.

[(b) LIMITATION ON FLEET MODERNIZATION ACTIVITIES.—All National Oceanic and Atmospheric Administration fleet modernization shipbuilding, and conversion shall be conducted in accordance with this title.]

**COAST AND GEODETIC SURVEY COMMISSIONED
OFFICERS' ACT OF 1948**

AN ACT To provide for the distribution, promotion, separation, and retirement of commissioned officers of the Coast and Geodetic Survey, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[SHORT TITLE

[SECTION 1. That this Act may be cited as the “Coast and Geodetic Survey Commissioned Officers’ Act of 1948”.

【AUTHORIZED NUMBERS IN GRADES

【SEC. 2. (a) Of the total authorized number of commissioned officers on the active list of the Coast and Geodetic Survey, there are authorized numbers in permanent grade, in relative rank with officers of the Navy, in the proportion of eight in the grade of captain, to fourteen in the grade of commander, to nineteen in the grade of lieutenant commander, to twenty-three in the grade of lieutenant, to eighteen in the grade of lieutenant (junior grade), to eighteen in the grade of ensign.

【(b) Whenever a final fraction occurs in computing the authorized number of officers in any grade, the nearest whole number shall be taken, and if such fraction be one-half the next higher whole number shall be taken: *Provided*, That the total number of officers as authorized by law shall not be increased as the result of the computations prescribed herein, and if necessary the number of officers in the lowest grade shall be reduced accordingly.

【(c) No officer shall be reduced in grade or pay or separated from the active list as the result of any computations made to determine the authorized number of officers in the various grades.

【(d) Nothing in this section shall be construed as requiring the filling of any vacancy or as prohibiting additional numbers in any grade to compensate for vacancies existing in higher grades.

【(e) The total number of officers on active duty as authorized by law may be temporarily exceeded provided that the average number on active duty for the fiscal year shall not exceed the authorized number.

【PROMOTION AND SEPARATION OF OFFICERS

【SEC. 3. Promotion to fill vacancies in all permanent grades above that of lieutenant (junior grade) shall be made by selection from the next lower respective grades upon recommendation of the personnel board hereinafter provided for.

【SEC. 4. Irrespective of any vacancies, any officer in the permanent grade of lieutenant (junior grade) and lieutenant shall be considered by the personnel board for promotion to the grade of lieutenant and lieutenant commander in sufficient time so that, if found fully qualified, such officer may be promoted to and appointed in such grade upon completion of seven and fourteen years of service, respectively. All promotions under this section shall be made on the date on which the required service is completed, and the authorized number of officers in the grade of lieutenant and lieutenant commander shall be temporarily increased, if necessary, to authorize such appointments: *Provided*, That an officer found not fully qualified in accordance with this section may be promoted on such later date on which he may be found fully qualified.

【SEC. 5. Irrespective of any vacancies, any officer in the permanent grade of lieutenant commander who has completed twenty-one years of service and any officer in the permanent grade of commander who has completed thirty years of service may be considered by the personnel board at any time for promotion to the grade of commander and captain, respectively. If selected, he may be promoted at any time and the authorized number of officers in the

grade of commander and captain shall be temporarily increased, if necessary, to authorize such appointments.

【SEC. 6. (a) Officers in the permanent grade of ensign shall be promoted to and appointed in the grade of lieutenant (junior grade) on completion of three years of service, and the authorized number of officers in the grade of lieutenant (junior grade) shall from time to time be temporarily increased as necessary to authorize such appointments.

【(b) Ensigns who are found not fully qualified at any time shall have their commissions revoked and be separated from the commissioned service.

【SEC. 7. Each officer shall be assumed to have, for promotion purposes, at least the same length of service as any officer below him on the lineal list, except that an officer who has lost numbers shall be assumed to have for promotion purposes no greater service than the officer next above him in his new position on the lineal list.

【SEC. 8. (a) As recommended by the personnel board—

【(1) an officer in the permanent grade of captain or commander may be transferred to the retired list; and

【(2) an officer in the permanent grade of lieutenant commander, lieutenant, or lieutenant (junior grade) who is not qualified for retirement may be separated from the service.

【(b) In any fiscal year, the total number of officers selected for retirement or separation under subsection (a) plus the number of officers retired for age may not exceed the whole number nearest four percent of the total number of officers authorized to be on the active list, except as otherwise provided by law.

【(c) Any retirement or separation under subsection (a) shall take effect on the first day of the sixth month beginning after the date on which the Secretary of Commerce approves the retirement or separation, except that if the officer concerned requests earlier retirement or separation, the date shall be as determined by the Secretary.

【SEC. 9. (a) An officer who is separated under section 8 and who has completed more than three years of continuous active service immediately before that separation is entitled to separation pay computed under subsection (b) unless the Secretary of Commerce determines that the conditions under which the officer is separated do not warrant payment of that pay.

【(b)(1) In the case of an officer who has completed five or more years of continuing active service immediately before that separation, the amount of separation pay which may be paid to the officer under this section is 10 percent of the product of (A) the years of active service creditable to the officer, and (B) twelve times the monthly basic pay to which the officer was entitled at the time of separation, or \$30,000, whichever is less.

【(2) In the case of an officer who has completed three but fewer than five years of continuous active service immediately before that separation, the amount of separation pay which may be paid to the officer under this section is one-half of the amount computed under paragraph (1), but in no event more than \$15,000.

【(c) In determining an officer's years of active service for the purpose of computing separation pay under this section, each full

month of service that is in addition to the number of full years of service creditable to the officer is counted as one-twelfth of a year and any remaining fractional part of a month is disregarded.

[(d)(1) A period for which an officer has previously received separation pay, severance pay, or readjustment pay under any other provision of law based on service in a uniformed service may not be included in determining the years of creditable service that may be counted in computing the separation pay of the officer under this section.

[(2) The total amount that an officer may receive in separation pay under this section and separation pay, severance pay, and readjustment pay under any other provision of law based on service in a uniformed service may not exceed \$30,000.

[(e)(1) An officer who has received separation pay under this section, or separation pay, severance pay, or readjustment pay under any other provision of law, based on service in a uniformed service and who later qualifies for retired pay under this Act shall have deducted from each payment of retired pay so much of that pay as is based on the service for which the officer received that separation pay, severance pay, or readjustment pay until the total amount deducted is equal to the total amount of separation pay, severance pay, and readjustment pay received.

[(2) An officer who has received separation pay under this section may not be deprived, by reason of receipt of that pay, of any disability compensation to which the officer is entitled under the laws administered by the Secretary of Veterans Affairs, but there shall be deducted from that disability compensation an amount equal to the total amount of separation pay received. Notwithstanding the preceding sentence, no deduction may be made from disability compensation for the amount of separation pay received because of an earlier discharge, separation, or release from a period of active duty if the disability which is the basis for that disability compensation was incurred or aggravated during a later period of active duty.

[SEC. 10. (a) Appointments in and promotions to all permanent grades shall be made by the President, by and with the advice and consent of the Senate.

[(b) In time of emergency declared by the President or by the Congress, and in time of war, the President is authorized, in his discretion, to suspend the operation of all or any part or parts of the several provisions of law pertaining to promotion.

[SEC. 11. Nothing in this Act shall be construed to modify the provisions of existing law relating to examination of officers for promotion, and no officer shall be promoted until he shall have passed the prescribed examinations.

[SEC. 12. (a) Temporary appointment in the grade of ensign may be made by the President alone, provided such temporary appointment will be terminated at the close of the next regular session of the Congress unless confirmed by the Senate.

[(b) Officers in the permanent grade of ensign may be temporarily promoted to and appointed in the grade of lieutenant junior grade by the President alone whenever vacancies exist in higher grades.

[(c) When determined by the Secretary of Commerce to be in the best interest of the service, officers in any permanent grade may be temporarily promoted one grade by the President alone. Any such temporary promotion terminates upon the transfer of the officer to a new assignment.

[RETIREMENT OF OFFICERS

[SEC. 13. (a) When any commissioned officer serving in a rank below that of rear admiral has attained the age of sixty years, he shall be placed on the retired list: *Provided*, That this subsection shall not become effective until a date six months subsequent to the enactment of this Act, and until such effective date the retirement age for officers serving in a rank below that of rear admiral shall be sixty-two years.

[(b) When any officer serving in a rank above that of captain has attained the age of sixty-two years, he shall be placed on the retired list: *Provided*, That the President may, in his discretion, defer placing any such officer on the retired list for the length of time he deems advisable but not later than the date upon which such officer attains the age of sixty-four years.

[SEC. 14. When any commissioned officer has completed twenty years of service, he may at any time thereafter, upon his own application, in the discretion of the President, be placed on the retired list.

[SEC. 16. (a) Each commissioned officer on the retired list who first became a member of a uniformed service (as defined in section 101 of title 10, United States Code) before September 8, 1980, shall receive retired pay at the rate determined by multiplying—

[(1) the retired pay base determined under section 1406(g) of title 10, United States Code; by

[(2) 2½ percent of the number of years of service that may be credited to the officer under section 1405 of such title as if the officer's service were service as a member of the Armed Forces.

The retired pay so computed may not exceed 75 percent of the retired pay base.

[(b) Each commissioned officer on the retired list who first became a member of a uniformed service (as defined in section 101 of title 10, United States Code) on or after September 8, 1980, shall receive retired pay at the rate determined by multiplying—

[(1) the retired pay base determined under section 1407 of title 10, United States Code; by

[(2) the retired pay multiplier determined under section 1409 of such title for the number of years of service that may be credited to the officer under section 1405 of such title as if the officer's service were service as a member of the Armed Forces.

[(c)(1) In computing the number of years of service of an officer for the purposes of subsection (a)—

[(A) each full month of service that is in addition to the number of full years of service creditable to the officer shall be credited as ½ of a year; and

[(B) any remaining fractional part of a month shall be disregarded.

[(2) Retired pay computed under this section, if not a multiple of \$1, shall be rounded to the next lower multiple of \$1.

[SEC. 17. (a) Each commissioned officer heretofore or hereafter retired pursuant to any provision of law shall be placed on the retired list with the highest rank, permanent or temporary, held by him while on active duty, if his performance of duty, in the case of temporary rank, has been satisfactory as determined by the Secretary of the department or departments under whose jurisdiction the officer served, and shall receive retired pay based on such higher rank: *Provided*, That for the purposes of this section the words "temporary rank" shall mean temporary rank held prior to June 30, 1946.

[(b) Officers on the retired list returned to an inactive status with higher rank pursuant to subsection (a) of this section shall receive retired pay based on such higher rank.

[SEC. 18. Nothing in this Act shall prevent any officer from being placed on the retired list with the highest rank and with the highest retired pay to which he might be entitled under other provision of law.

[PERSONNEL BOARD

[SEC. 19. At least once a year and at such other times as may be necessary, the Secretary of Commerce shall appoint a personnel board consisting of not less than five officers not below the permanent rank of commander on the active list, to recommend such changes in the lineal list as the board may determine, and to make selections and recommendations for the promotion, separation, and retirement of officers as herein prescribed: *Provided*, That in case any recommendation by the board is not acceptable to the Secretary of Commerce or to the President, the board shall make such further recommendations as shall be acceptable.

[AMENDMENTS TO AND REPEAL OF APPOINTMENT, PROMOTION, AND RETIREMENT LAWS

[SEC. 21. (a) Section 5 of the Act of February 16, 1929 (45 Stat. 1186), as amended by the Act of March 18, 1936 (ch. 147, 49 Stat. 1164), is hereby further amended by deleting the word "not" in the third line.

[(b) Section 8 of the Act of January 19, 1942 (59 Stat. 8), is hereby amended by deleting the word "not" in the fourth line, by changing the period at the end of the section to a colon, and by adding the words "*Provided further*, That any officer, upon expiration of his appointment as Director or Assistant Director, shall, unless reappointed, revert to the grade and number that he would have occupied had he not served as Director or Assistant Director. Such officer shall be an extra number in his grade and the authorized number of ensigns shall be decreased accordingly."

[SEC. 22. (a) Sections 1, 2 (except the second proviso of section 2(b)), 3, 4, 5, and 6 of the Act of January 19, 1942 (59 Stat. 8), are hereby repealed.

[(b) The word "physicial" in the first line of section 7 of the said Act of January 19, 1942, is hereby amended to read "physical".

[SEC. 23. (a) Original appointments may be made in grades up to and including lieutenant after passage of a mental and physical

examination given in accordance with regulations prescribed by the Secretary of Commerce: *Provided*, That the President, under such regulations as he may prescribe, may revoke the commission of any officer appointed under this section during his first three years of service if he is found not qualified for the service.

[(b) Any person appointed under authority of this section shall be placed on the lineal list of active duty officers in a position commensurate with his age, education, and experience in accordance with regulations prescribed by the Secretary of Commerce.

[(c)(1) For the purposes of basic pay any person appointed under this section to the grade of lieutenant or lieutenant (junior grade) shall be considered as having, on date of appointment, three years or one and one-half years service respectively.

[(2) If a person appointed under this section is entitled to credit for the purpose of basic pay under other provision of law which would exceed that authorized by subsection (c)(1) he shall be credited with that service in lieu of the credit provided by subsection (c)(1).

[SEC. 24. (a) The Secretary may designate positions in the Administration as being positions of importance and responsibility for which it is appropriate that commissioned officers of the Administration, if serving in those positions, serve in the grade of vice admiral, rear admiral, or rear admiral (lower half) as designated by the Secretary for each position, and may assign officers to those positions. An officer assigned to any position under this section has the grade designated for that position if appointed to that grade by the President, by and with the advice and consent of the Senate.

[(b) the number of officers serving on active duty under appointments under this section may not exceed—

[(1) one in the grade of vice admiral;

[(2) three in the grade of rear admiral; and

[(3) three in the grade of rear admiral (lower half).

[(c) An officer appointed to a grade under this section, while serving in that grade, shall have the pay and allowances of the grade to which appointed.

[(d) An appointment of an officer under this section—

[(1) does not vacate the permanent grade held by the officer; and

[(2) creates a vacancy on the active list.

[(e) the provisions of section 2(g) of Reorganization Plan Numbered 4 of 1970 (84 Stat. 2090, 5 U.S.C. App.) apply to an officer who serves in a grade above captain under an appointment under this section in the same manner as if the officer served in that grade under section 2(d) or 2(f) of that Reorganization Plan.]

ACT OF FEBRUARY 16, 1929

CHAP. 221. An Act To amend the Act entitled "An Act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," approved June 10, 1922, as amended.

* * * * *

[SEC. 5. That the Director of the Coast and Geodetic Survey shall be appointed and hold office as now authorized by law; his ap-

pointment shall create a vacancy, and while holding said office he shall have the rank, pay, and allowances of a Chief of Bureau of the Navy Department.】

ACT OF JANUARY 19, 1942

AN ACT To regulate the distribution and promotion of commissioned officers of the Coast and Geodetic Survey, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, 【That the total number of commissioned officers on the active list of the Coast and Geodetic Survey shall be distributed in rank relative with officers of the Navy in the proportion of five in the grade of captain to eight in the grade of commander, to eighty-seven in the grades of lieutenant commander, lieutenant, lieutenant (junior grade) and ensign, inclusive: *Provided,* That the number of officers in the grade of lieutenant commander shall not exceed 35 per centum of the total authorized number of commissioned officers on the active list.

【PROMOTION OF OFFICERS

【SEC. 2. (a) Promotions to the grades of captain and commander shall be made as vacancies occur and shall be by selection from the next lower respective grades upon recommendation of the Personnel Board hereinafter authorized.

【(b) Except as otherwise provided in this Act, lieutenants, lieutenants (junior grade), and ensigns shall be promoted to the respective grades of lieutenant commander, lieutenant, and lieutenant (junior grade) in the order in which the names appear on the current lineal list hereinafter authorized as the officers become credited with seventeen years', ten years', and three years' service, respectively: *Provided,* That lieutenants with not less than fourteen years' accredited service and lieutenants (junior grade) with not less than seven years' accredited service may be promoted to the grades of lieutenant commander and lieutenant, respectively, at any time in such numbers as will not cause the resulting number of officers in each of the grades of lieutenant commander and lieutenant to exceed 28 per centum of the total authorized force of commissioned officers on the active list: *Provided further,* That for purposes of pay, longevity pay, allowances, promotion, or retirement, which are now or may hereafter be authorized for officers appointed after June 30, 1992, there shall be counted in addition to active commissioned service, as deck officer and junior engineer in excess of one year.

【(c) All promotions, when made, shall be effective from the date of the respective vacancies, and promotions to all grades shall be made by the President, by and with the advice and consent of the Senate.

【(d) Each officer shall be assumed to have, for promotion purposes, at least the same length of service as any officer junior to him on the lineal list hereinafter authorized, except that an officer who has lost numbers on the lineal list shall be assumed to have for promotion purposes no greater service than the officer next above him in his new position on the lineal list.

[(e) Whenever a final fraction occurs in computing the authorized number of officers of any grade, the nearest whole number shall be regarded as the authorized number: *Provided*, That the total number of officers as authorized by law shall not be increased as a result of the computations prescribed herein, and if necessary the number of officers in the lowest grade shall be reduced accordingly: *Provided further*, That no officer shall be reduced in grade or pay or separated from the active list as the result of any computations made to determine the authorized number of officers in the various grades.

【PERSONNEL BOARD

【SEC. 3. At least once a year and at such other times as may be necessary, the Secretary of Commerce shall appoint and convene a Personnel Board consisting of not less than five officers not below the rank of commander on the active list of the Coast and Geodetic Survey, to make the computations prescribed herein, to prepare and maintain a lineal list on which the names of all officers on the active list shall be arranged in such order as the board may determine, and to make selections and recommendations for the promotion and retirement of officers as herein prescribed.

【SEC. 4. Each report of the Personnel Board shall be submitted to the President for approval or disapproval: *Provided*, That in case any recommendation by the board is not acceptable to the President, the board shall be so informed and shall make such further recommendations as shall be acceptable to the President and, if necessary, the board shall be reconvened for this purpose: *Provided further*, That when the report of the board shall have been approved, the recommendations therein shall be carried out in accordance with the provisions of this Act.

【RETIREMENT OF OFFICERS

【SEC. 5. The President may transfer to the retired list from the grades of captain, commander, lieutenant commander, and lieutenant such officers as have been recommended for retirement by the Personnel Board: *Provided*, That the total number of officers so retired in any fiscal year shall not exceed the whole number nearest 1 per centum of the total authorized number of commissioned officers on the active list, and, except as otherwise required by law, the number of officers so retired plus the number of officers retired for age in any fiscal year shall not exceed 3 per centum of the total authorized number of commissioned officers on the active list: *Provided further*, That all transfers to the retired list pursuant to this Act shall become effective on the next ensuing July 1 and the resulting vacancies may be filled as of that date.

【SEC. 6. Officers retired pursuant to section 5 of this Act shall receive pay at the rate of 2½ per centum of their active-duty pay at the time of retirement multiplied by the number of years of service for which entitled to credit in the computation of their pay on the active list, not to exceed a total of 75 per centum of said active-duty pay: *Provided*, That a fractional year of six months or more shall be considered a full year in computing the number of years' service by which the rate of 2½ per centum is multiplied.

【SEC. 7. Should an officer fail in his physical examination for promotion and be found incapacitated for service by reason of physical disability contracted in line of duty, he shall be retired with the rank to which he would otherwise be entitled to be promoted, with retired pay at the rate of 75 per centum of the active-duty pay of that grade.

【MISCELLANEOUS PROVISIONS

【SEC. 8. The President is authorized to appoint, by and with the advice and consent of the Senate, an officer on the active list of the Coast and Geodetic Survey not below the rank of commander to serve as Assistant Director; his appointment shall not create a vacancy and while holding said office he shall have the rank, pay, and allowances of rear admiral (lower half): *Provided*, That any officer who may be retired while serving as Director or Assistant Director, or who has or shall have served four years as Director or Assistant Director and is retired after completion of such service while serving in a lower rank or grade, shall be retired with the rank, pay, and allowances authorized by law for the highest grade or rank held by him as Director or Assistant Director.

【SEC. 9. The provisions of sections 1 to 5, inclusive, of the Act of April 20, 1940 (54 Stat. 144), relating to the burial expenses of Navy personnel, and the provisions of the Act of June 4, 1920 (41 Stat. 824), as amended by the Act of May 22, 1928 (45 Stat. 710), relating to the payment of a death gratuity to dependents of commissioned officers and other personnel of the Navy or Marine Corps, shall apply to commissioned officers of the Coast and Geodetic Survey, except that the duties and obligations imposed in said Acts upon the Secretary of the Navy are hereby imposed for the purposes of this Act upon the Secretary of Commerce who shall cause the necessary payments to be made from funds appropriated for the Coast and Geodetic Survey: *Provided*, That the provisions of this section shall be effective from December 8, 1941.

【SEC. 10. Commissioned officers, ships' officers, and members of the crews of vessels of the Coast and Geodetic Survey shall be permitted to purchase commissary and quartermaster supplies as far as available from the Army, Navy, or Marine Corps at the prices charged officers and enlisted men of those services.

【SEC. 11. All laws or parts of laws inconsistent with the provisions of this Act are hereby repealed, and the provisions of this Act shall be in effect in lieu thereof.】

SECTION 9 OF PUBLIC LAW 87-649

AN ACT To revise, codify, and enact title 37 of the United States Code, entitled "Pay and Allowances of the Uniformed Services".

* * * * *

【AMENDMENTS TO CERTAIN LAWS APPLICABLE TO COAST AND GEODETIC SURVEY

【SEC. 9. (a) Section 3(a) of the Act of August 10, 1956, ch. 1041, as amended (33 U.S.C. 857a(a)), is amended by adding the following new clause at the end thereof:

【“(10) Chapter 40. Leave.”

【(b) The Act of June 3, 1948, ch. 390, as amended, is further amended as follows:

【(1) Section 9 (33 U.S.C. 853h) is amended by striking out the words “active-duty pay with longevity credit” wherever they appear and inserting the words “basic pay” in place thereof.

【(2) Section 16(a) (33 U.S.C. 853o(a)) is amended by striking out the words “active-duty pay with longevity credit” wherever they appear and inserting the words “basic pay” in place thereof.

【(c) Active service in the Coast and Geodetic Survey as a deck officer or junior engineer and active service counted on June 30, 1992, for longevity pay, shall be credited to commissioned officers as active commissioned service for purposes of retirement and retirement pay.】

ACT OF MAY 22, 1917

CHAP. 20.—An Act To temporarily increase the commissioned and warrant and enlisted strength of the Navy and Marine Corps, and for other purposes.

* * * * *

【**SEC. 16.** The President is authorized, whenever in his judgment a sufficient national emergency exists, to transfer to the service and jurisdiction of a military department such vessels, equipment, stations, and commissioned officers of the Environmental Science Services Administration as he may deem to the best interest of the country, and after such transfer all expenses connected therewith shall be defrayed out of the appropriations for the department to which transfer is made: *Provided*, That such vessels, equipment, stations, and commissioned officers shall be returned to the Environmental Science Services Administration when such national emergency ceases, in the opinion of the President, and nothing in this section shall be construed as transferring the Environmental Science Services Administration or any of its functions from the Department of Commerce except in time of national emergency and to the extent herein provided: *Provided further*, That any of the commissioned officers of the Environmental Science Services Administration who may be transferred as provided in this section, shall, while under the jurisdiction of a military department, have proper military status and shall be subject to the laws, regulations, and orders for the government of the Army, Navy, or Air Force, as the case may be, insofar as the same may be applicable to persons whose retention permanently in the military service of the United States is not contemplated by law.

【Nothing in this Act shall reduce the total amount of pay and allowances they were receiving at the time of transfer. While actually employed in active service under direct orders of the War Department or of the Navy Department members of the Coast and Geodetic Survey shall receive the benefit of all provisions of laws relating to disability incurred in line of duty or loss of life.

【When serving with the Army, Navy, or Air Force, commissioned officers of the Coast and Geodetic Survey shall rank with and after

officers of corresponding grade in the Army, Navy, or Air Force of the same length of service in grade.

【And nothing in this Act shall be construed to affect or alter their rates of pay and allowances when not assigned to military duty as hereinbefore mentioned.

【The Secretary of Defense and the Secretary of Commerce shall jointly prescribe regulations governing the duties to be performed by the Environmental Science Services Administration in time of war, and for the cooperation of that service with the military departments in time of peace in preparation for its duties in war, which regulations shall not be effective unless approved by each of those Secretaries, and included therein may be rules and regulations for making reports and communications between a military department and the Environmental Science Services Administration.】

ACT OF DECEMBER 3, 1942

AN ACT Authorizing the temporary appointment or advancement of commissioned officers of the Coast and Geodetic Survey in time of war or national emergency, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, 【Personnel of the Environmental Science Services Administration shall be subject in like manner and to the same extent as personnel of the Navy to all laws authorizing temporary appointment or advancement of commissioned officers in time of war or national emergency subject to the following limitations:

【(1) Commissioned officers in the service of a military department, under the provisions of section 16 of the Act of May 22, 1917 (40 Stat. 87), as amended, may, upon the recommendation of the Secretary of the military department concerned, be temporarily promoted to higher ranks or grades.

【(2) Commissioned officers in the service of the Environmental Science Services Administration may be temporarily promoted to fill vacancies in ranks and grades caused by the transfer of commissioned officers to the service and jurisdiction of a military department under the provisions of section 16 of the Act of May 22, 1917 (40 Stat. 87), as amended.

【(3) Temporary appointments may be made in all grades to which original appointments in the Environmental Science Service Administration are authorized: *Provided,* That the number of officers holding temporary appointments shall not exceed the number of officers transferred to a military department under the provisions of section 16 of the Act of May 22, 1917 (40 Stat. 87), as amended.

【SEC. 3. Any commissioned officer of the Coast and Geodetic Survey promoted to a higher grade at any time after December 7, 1941, shall be deemed for all purposes to have accepted his promotion to higher grade upon the date such promotion is made by the President unless he shall expressly decline such promotion, and shall receive the pay and allowances of the higher grade from such date unless he is entitled under some other provision of law to receive the pay and allowances of the higher grade from an earlier

date. No such officer who shall have subscribed to the oath of office required by section 1757, Revised Statutes, shall be required to renew such oath or to take a new oath upon his promotion to a higher grade, if his service after the taking of such an oath shall have been continuous.】

PUBLIC LAW 91-621

AN ACT To clarify the status and benefits of commissioned officers of the National Oceanic and Atmospheric Administration, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

【SECTION 1. Definitions listed in section 101 of title 10, United States Code, apply to this Act, except as noted below:

【(1) “active duty” means full-time duty in the active service of a uniformed service;

【(2) “Administration” means the National Oceanic and Atmospheric Administration;

【(3) “grade” means a step or degree, in a graduated scale of office or rank, that is established and designated as a grade by law or regulation;

【(4) “officer” means a commissioned officer;

【(5) “Secretary” means the Secretary of Commerce;

【(6) “Secretary concerned” as defined in section 101 of title 37, United States Code.

【(7) “uniformed services” is defined in section 101 of title 37, United States Code.

【SEC. 2. Each officer retired pursuant to any provision of law shall be placed on the retired list with the highest grade satisfactorily held by him while on active duty including active duty pursuant to recall, under permanent or temporary appointment, and he shall receive retired pay based on such highest grade: *Provided*, That his performance of duty in such highest grade has been satisfactory, as determined by the Secretary of the department or departments under whose jurisdiction the officer served, and unless retired for disability, his length of service in such highest grade is no less than that required by the Secretary of officers retiring under permanent appointment in that grade.

【SEC. 3. (a) Active service of officers of the Administration shall be deemed to be active military service in the armed forces of the United States for the purposes of all rights, privileges, immunities, and benefits now or hereafter provided by—

【(1) laws administered by the Secretary of Veterans Affairs;

【(2) laws administered by the Interstate Commerce Commission; and

【(3) the Soldiers’ and Sailors’ Civil Relief Act of 1940, as amended.

In the administration of these laws and regulations, with respect to the National Oceanic and Atmospheric Administration, the authority vested in the Secretary of Defense, the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force and their respective departments shall be exercised by the Secretary of Commerce.

[(b) The Secretary may provide medical and dental care, including care in private facilities, for personnel of the Administration entitled to that care by law or regulation.]

[SEC. 4. (a) Commissioned officers, ships' officers, and members of crews of vessels of the Administration shall be permitted to purchase commissary and quartermaster supplies as far as available from the armed forces at the prices charged officers and enlisted men of those services.]

[(b) The Secretary may purchase ration supplies for messes, stores, uniforms, accouterments, and related equipment for sale aboard ship and shore stations of the Administration to members of the uniformed services and to personnel assigned to such ships or shore stations. Sales shall be in accordance with regulations prescribed by the Secretary, and proceeds therefrom shall, as far as is practicable, fully reimburse the appropriations charged without regard to fiscal year.]

[(c) Rights extended to members of the uniformed services in this section are extended to their widows and to such others as are designated by the Secretary concerned.]

[SEC. 5. (a) All statutes that applied to commissioned officers of the Coast and Geodetic Survey on July 12, 1965, shall apply to officers of the Environmental Science Services Administration on that date and subsequent thereto, unless amended or repealed, and service as a commissioned officer in the Coast and Geodetic Survey shall constitute service as a commissioned officer in the Environmental Science Services Administration.]

[(b) All statutes that applied to commissioned officers of the Coast and Geodetic Survey on July 12, 1965, and to commissioned officers of the Environmental Science Services Administration subsequent to that date shall apply to officers of the National Oceanic and Atmospheric Administration on October 3, 1970, and subsequent thereto, unless amended or repealed, and service as a commissioned officer in the Coast and Geodetic Survey or the Environmental Science Services Administration shall constitute service as a commissioned officer in the National Oceanic and Atmospheric Administration.]

[(c) The enactment of this Act does not increase or decrease the pay or allowances of any person.]

[(d) A reference to a law replaced by this Act, including a reference in a regulation, order, or other law, is deemed to refer to the corresponding provisions enacted by this Act.]

[(e) An order, rule, or regulation in effect under a law replaced by this Act continues in effect under the corresponding provisions enacted by this Act until repealed, amended, or superseded.]

[(f) An inference of a legislative construction is not to be drawn by reason of the location in the United States Code of a provision enacted by this Act or by reason of the caption or catchline thereof.]

[(g) If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of this Act and the application of such provision to other persons or circumstances shall not be affected thereby.]

ACT OF AUGUST 10, 1956

AN ACT To revise, codify, and enact into law, title 10 of the United States Code, entitled "Armed Forces", and title 32 of the United States Code, entitled "National Guard".

* * * * *

[PARTS OF TITLE 10 ADOPTED FOR COAST AND GEODETIC SURVEY

[SEC. 3. (a) The rules of law that apply to the Armed Forces under the following provisions of title 10, Armed Forces, United States Code, as those provisions are in effect from time to time, apply also to the commissioned officer corps of the National Oceanic and Atmospheric Administration:

[(1) Section 1036, Escorts for dependents of members: transportation and travel allowances.

[(2) Chapter 61, Retirement or Separation for Physical Disability.

[(3) Chapter 69, Retired Grade, except sections 1370, 1374, 1375, and 1387(a).

[(4) Chapter 71, Computation of Retired Pay, except formula No. 3 of section 1401.

[(5) Chapter 73, Retired Serviceman's Family Protection Plan; Survivor Benefit Plan.

[(6) Chapter 75, Death Benefits.

[(7) Section 2771, Final settlement of accounts: deceased members.

[(8) Sections 2731, 2732, and 2735, property loss incident to service.

[(9) Such other provisions of subtitle A as may be adopted for applicability to the commissioned officer corps of the National Oceanic and Atmospheric Administration by any other provision of law.

[(10) Chapter 40, Leave.

[(11) Section 2634, Motor vehicles: for members on permanent change of station.

[(12) Section 1035, Deposits of Savings.

[(13) Section 716, Commissioned officers: transfers among the Armed Forces, the National Oceanic and Atmospheric Administration, and the Public Health Service.

[(14) Section 7572(b), Quarters: accommodations in place of for members on sea duty.

[(15) Section 1174a, special separation benefits (except that benefits under subsection (b)(2)(B) of such section are subject to the availability of appropriations for such purpose and are provided at the discretion of the Secretary of Commerce).

[(b) The authority vested by title 10, United States Code, in the "military departments" Secretary concerned", or "the Secretary of Defense" with respect to the provisions of law referred to in subsection (a) shall be exercised, with respect to the commissioned officer corps of the National Oceanic and Atmospheric Administration, by the Secretary of Commerce or his designee.]

ACT OF MAY 18, 1920

CHAP. 190.—An Act To increase the efficiency of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service.

* * * * *

[SEC. 11. That in lieu of compensation now prescribed by law, commissioned officers of the Coast and Geodetic Survey shall receive the same pay and allowances as now are or hereafter may be prescribed for officers of the Navy with whom they hold relative rank as prescribed in the Act of May 22, 1917, entitled “An Act to temporarily increase the commissioned and warrant and enlisted strength of the Navy and Marine Corps, and for other purposes,” including longevity; and all laws relating to the retirement of commissioned officers of the Navy shall hereafter apply to commissioned officers of the Coast and Geodetic Survey: *Provided*, That hereafter longevity pay for officers in the Army, Navy, Marine Corps, Coast Guard, Public Health Service, and Coast and Geodetic Survey shall be based on the total of all service in any or all of said services.]

ACT OF JULY 22, 1947

AN ACT To provide basic authority for the performance of certain functions and activities of the Coast and Geodetic Survey, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, [That the Coast and Geodetic Survey is hereby authorized to provide, from appropriations now or hereafter made available to the Survey, for—

[(a) Transportation (including packing, unpacking, crating, and uncrating) of personal and household effects of commissioned officers who die on active duty to the official residence of record for such officers, or, upon application by their dependents, to such other locations as may be determined by the Director of the Coast and Geodetic Survey or by such person as he may designate.

[(b) Reimbursement, under regulations prescribed by the Secretary, of commissioned officers for food, clothing, medicines, and other supplies furnished by them for the temporary relief of distressed persons in remote localities and to shipwrecked persons temporarily provided for by them.

[SEC. 2. The Secretary of Commerce is hereby authorized to pay extra compensation to members of crews of vessels when assigned duties as instrument observer or recorder, and to employees of other Federal agencies while observing tides or currents, or tending seismographs or magnetographs, at such rates as may be specified from time to time by him and without regard to section 301 of the Dual Compensation Act.]

ACT OF AUGUST 3, 1956

AN ACT To authorize officers of the Coast and Geodetic Survey to act as notaries in places outside the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, [That, in places

where the Coast and Geodetic Survey is serving which are not within the jurisdiction of any one of the States of the continental United States, excluding Alaska commanding officers of Coast and Geodetic Survey vessels, and such other officers of the Coast and Geodetic Survey as the Secretary of Commerce may designate, may exercise the general powers of the notary public in the administration of oaths for the execution, acknowledgment, and attestation of instruments and papers, and the performance of all other notarial acts. The powers hereby conferred shall be limited to acts performed in behalf of the personnel of the Coast and Geodetic Survey or in connection with the proper execution of the functions of that agency.

【SEC. 2. No fee of any kind shall be paid to any officer for the performance of any notarial act herein authorized. The signature without seal together with indication of grade of any officer performing any notarial act shall be prima facie evidence of his authority.】

ACT OF OCTOBER 1, 1890

CHAP. 1266.—An act to increase the efficiency and reduce the expenses of the Signal Corps of the Army, and to transfer the Weather Service to the Department of Agriculture.

* * * * *

【SEC. 3. That the Chief of the Weather Bureau, under the direction of the Secretary of Agriculture, on and after July first, eighteen hundred and ninety-one, shall have charge of the forecasting of weather, the issue of storm warnings the display of weather and flood signals for the benefit of agriculture, commerce, and navigation, the gauging and reporting of rivers, the maintenance and operation of sea-coast telegraph lines and the collection and transmission of marine intelligence for the benefit of commerce and navigation, the reporting of temperature and rain-fall conditions for the cotton interests, the display of frost and cold-wave signals, the distribution of meteorological information in the interests of agriculture and commerce, and the taking of such meteorological observations as may be necessary to establish and record the climatic conditions of the United States, or as are essential for the proper execution of the foregoing duties.】

* * * * *

SEC. 9. That on and after July first, eighteen hundred and ninety-one, the appropriations for the support of the Signal Corps of the Army shall be made with those of other staff corps of the Army, and the appropriations for the support of the Weather Bureau shall be made with those of the other bureaus of the Department of Agriculture【, and it shall be the duty of the Secretary of Agriculture to prepare future estimates for the Weather Bureau which shall be hereafter specially developed and extended in the interest of agriculture.】.

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XVII. COMMITTEE RECOMMENDATIONS

On April 16, 1997, a quorum being present, the Committee favorably reported the National Oceanic and Atmospheric Administration Authorization Act of 1997, by a voice vote, and recommends its enactment.

XVIII. ADDITIONAL VIEWS

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ADDITIONAL VIEWS OF HON. KEN CALVERT

H.R. 1278 solidly supports NOAA and its mission. The bill increases funding for the National Weather Service over the Administration request with the intent that these funds be used for critical services that save lives. Additional savings must be achieved by office closings and termination of services that can be provided by the private sector. In addition, the bill fully funds the request for weather modernization systems acquisition, but I strongly support the \$550 million cap on AWIPS.

As Chairman of the Energy and Environment Subcommittee, I am proud that H.R. 1278 passed the full committee unanimously by voice vote. This 2 year authorization will provide added stability to the NWS and other offices within NOAA and I look forward to continuing oversight of NOAA.

KEN CALVERT.



Additional Views to HR 1278

Congressman Tom Coburn

As a native Oklahoman, I recognize and support the merits of the National Weather Service. As technology improves, it is important that the NWS have access to the latest satellite and communications systems in order to give advance warning of severe weather.

Modernization of the current program is crucial. The current system is badly outdated and costly to maintain. However, the NWS I am not convinced that the NWS is appropriately managing the implementation of the modernization program. To date, the project has run into many problems and is both over budget and behind schedule.

I am pleased that the Committee has eliminated funding for redundant and obsolete programs and cuts administration bureaucracy.

Yet noting the waste and inefficiency within the NWS and within NOAA, its parent agency, I cannot support HR 1278. During this time of financial uncertainty, I cannot support the proposed the budgetary increase, regardless of how insignificant the dollars might seem, nor how worthy the program. With waste and inefficiency evident in almost all government-supported programs, I do not believe that the NOAA budget truly needs an increase of almost \$190 million over the next two years.


