

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
AUTHORIZATION ACT OF 1997

—————
JUNE 20, 1997.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed
—————

Mr. YOUNG of Alaska, from the Committee on Resources,
submitted the following

REPORT

[To accompany H.R. 1278]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, 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, report favorably thereon with an amendment and recommend that the bill as amended do pass.

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 “Oceanographic and Atmospheric Research 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—OCEANOGRAPHY AND MARINE RESEARCH

Sec. 201. Oceanography and marine research.

TITLE III—PROGRAM SUPPORT AND OTHER ACCOUNTS

Sec. 301. Program support.
Sec. 302. Recoveries from prior years.

TITLE IV—STREAMLINING OF OPERATIONS

Sec. 401. Programs.
Sec. 402. Limitations on appropriations.

TITLE V—MISCELLANEOUS

Sec. 501. Weather data buoys.
 Sec. 502. Duties of the National Weather Service.
 Sec. 503. Prohibition of lobbying activities.
 Sec. 504. Notice.
 Sec. 505. Sense of Congress on the Year 2000 problem.
 Sec. 506. 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) “Administrator” means the Administrator of the National Oceanic and Atmospheric Administration; and
- (3) “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 af-

fectured 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 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.”; 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) 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, \$342,544,000 for fiscal year 1998 (reduced by \$12,400,000) and \$518,455,000 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) **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.

(g) **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—OCEANOGRAPHY AND MARINE RESEARCH

SEC. 201. OCEANOGRAPHY AND MARINE RESEARCH.

(a) **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.

(b) **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, \$15,400,000 for fiscal year 1998 and \$15,700,000 for fiscal year 1999.

(c) **OCEAN REMOTE SENSING.**—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.

(d) **OCEANOGRAPHY AND 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

1890, and any other law involving those activities, \$19,851,000 for fiscal year 1998 and \$19,851,000 for fiscal year 1999.

(e) ARCTIC RESEARCH.—There are authorized to be appropriated to the Secretary, to enable the National Oceanic and Atmospheric Administration to carry out the Arctic research activities of the Office of Oceanic and Atmospheric Research \$2,000,000 for each of fiscal years 1998 and 1999.

(f) 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, \$18,000,000 for each of fiscal years 1998 and 1999.

(2) PEER REVIEW.—No funds appropriated pursuant to this Act may be obligated for any research 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 Committees on Resources and 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 that 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.

(g) OCEAN SERVICES.—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.

(h) 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).

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) 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. RECOVERIES FROM PRIOR YEARS.

The total amount authorized to be appropriated pursuant to title I 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) Federal/State Weather Modification Grants.
- (2) The Southeast Storm Research Account.
- (3) National Institute for Environmental Renewal.
- (4) National Weather Service non-Federal, non-wildfire Fire Weather Service.
- (5) National Weather Service Regional Climate Centers.
- (6) Goddard Science Center.
- (7) National Weather Service Samoa Weather Forecast Office Repair and Upgrade 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.

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 title I of this 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 title I of this 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.

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. 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.

SEC. 504. 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. 505. 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. 506. 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.

PURPOSE OF THE BILL

The purpose of H.R. 1278 is to authorize certain programs within the National Oceanic and Atmospheric Administration (NOAA) for Fiscal Years 1998 and 1999.

BACKGROUND AND NEED FOR LEGISLATION

The National Oceanic and Atmospheric Administration (NOAA) consists of five line offices: National Ocean Service (NOS), National Marine Fisheries Service (NMFS), Office of Oceanic and Atmospheric Research (OAR), National Weather Service (NWS), and National Environmental Satellite, Data, and Information Service (NESDIS). The Resources Committee has jurisdiction over programs in NMFS and NOS. The Resources and Science Committees share jurisdiction over certain of the ocean and marine-related components of OAR and NESDIS. The Science Committee has jurisdiction over NWS and the weather and atmospheric components of OAR and NESDIS.

NOS includes: the Coast Survey, which produces charts and navigational information crucial to the conduct of safe marine and aviation navigation; the National Geodetic Survey, which maintains the Nation's vertical reference system; the Coastal Ocean Program, which conducts research to improve the quality of information available to coastal resource managers; the Office of Resources Conservation and Assessment, which conducts environmental monitoring, hazardous materials planning and response, and environmental restoration; and the Office of Ocean and Coastal Resource Management, which oversees the Coastal Zone Management and National Marine Sanctuaries programs.

NMFS is responsible for the management of marine and anadromous fisheries in the U.S. Exclusive Economic Zone, including implementation of the Magnuson-Stevens Fishery Conservation and Management Act. NMFS is also responsible for the implementation of the Endangered Species Act for marine and anadromous species and the Marine Mammal Protection Act.

OAR provides the research and technology development necessary to improve NOAA services and provide the scientific foundation for national policy decisions on marine resources, ocean, climate, and atmospheric issues. Research is conducted by NOAA and university scientists through a network of 11 Environmental Research Laboratories, 29 National Sea Grant programs, six Undersea Research Centers, and eight cooperative laboratories with universities.

NOAA needs a certain number of days at sea on NOAA-owned or contracted vessels to acquire the data it needs to prepare nautical charts, assess fishery stocks, conduct oceanographic measures and to otherwise carry out its mission. In prior years, ship time was provided from a central Marine Services Account. In Fiscal Year 1997, the central account was replaced by "Acquisition of Data" line items in NOS, NMFS, and OAR. This change was made to provide line offices with the maximum amount of flexibility in determining how to acquire ship time. The Administration's Fiscal Year 1998 Budget Request proposed reductions in these line items. The Resources Committee strongly opposes these reductions. If NOAA cannot go to sea, it cannot gather the data it needs to carry out the responsibilities Congress has given it. Therefore, the Resources Committee reported version of H.R. 1278 increases the authorization for OAR's Acquisition of Data line to \$15.4 million.

The vast majority of NOAA's oceanography and fisheries programs are authorized by separate statute, such as the Magnuson-Stevens Fishery Conservation and Management Act, the Coastal Zone Management Act, title II of the Marine Protection, Research and Sanctuaries Act, the Coastal and Geodetic Survey Act, and the National Marine Sanctuaries Act. These programs are not authorized under H.R. 1278 as reported from the Committee on Resources. Rather, H.R. 1278 provides more specific authority for certain programs which have been created administratively under NOAA's more general authority.

The version of H.R. 1278 reported from the Committee on Resources removes the authorization of appropriations and deletes other provisions for programs within the Committee's jurisdiction. While the Committee is sympathetic to the idea of a NOAA authorization bill as a convenient one-stop financial statement for NOAA and as a vehicle for policy change, the Committee strongly believes that it should provide the appropriate authorization levels and other policy changes for its programs. Therefore, section 402 of the Committee on Resources-reported bill should not be read as an overall authorization level for NOAA. The section 402 cap applies only to the activities authorized under title I of the bill, which contains programs within the Committee on Science's jurisdiction. The overall numbers in section 402 remain unchanged from those in H.R. 1278 as introduced even though the cap applies to only a subset of NOAA activities; the Committee on Resources did not presume to create an overall authorization level for programs not under its jurisdiction.

COMMITTEE ACTION

H.R. 1278 was introduced on April 10, 1997, by Congressman Ken Calvert (R-CA). The bill was referred to the Committees on Science and Resources. Within the Resources Committee, the bill was referred to the Subcommittee on Fisheries Conservation, Wildlife and Oceans. On February 27, 1997, the Subcommittee held a hearing on NOAA's Fiscal Year 1998 budget. The Honorable Diana Josephson, Deputy Under Secretary of Commerce for Oceans and Atmosphere, Department of Commerce, testified on the budget request. This hearing reviewed many of the issues and programs addressed in H.R. 1278.

On May 22, 1997, the Subcommittee met to mark up H.R. 1278. An amendment in the nature of a substitute was offered by Congressman Jim Saxton (R-NJ), and adopted by voice vote. The substitute made several changes to the bill as introduced. First, it amends the title of the bill to "The Oceanographic and Atmospheric Research Authorization Act of 1997." The Science Committee entitled the bill "The National Oceanic and Atmospheric Administration Authorization Act of 1997." The bill does not deal with NOAA's fisheries, coastal zone management or marine sanctuary programs, and the substitute drops the provisions in the bill that deal with navigation services, coastal monitoring and assessment, and the NOAA Commissioned Officer Corps and Fleet. Therefore, the bill does not provide an agency-wide authorization. Second, the amendment increases the authorization level for the National Undersea Research Program (NURP), and deletes the requirement to estab-

lish two new NURP oversight entities; Third, the amendment drops provisions authorizing navigation services and coastal monitoring and assessment, areas that are not within the jurisdiction of the Science Committee. Fourth, the amendment deletes the provisions dealing with the NOAA Commissioned Officer Corps and the NOAA Fleet. The Corps and Fleet issues primarily affect the agency's hydrographic and fisheries responsibilities, not the agency's oceanographic work.

In addition, Congressman Neil Abercrombie offered an amendment to the Saxton amendment that authorized \$7 million in Fiscal Year 1998 and Fiscal Year 1999 for the Global Learning and Observations to Benefit the Environment (GLOBE) program. The amendment was accepted by unanimous consent. The Saxton amendment in the nature of a substitute, as amended, was adopted by voice vote, and the bill, as amended, was ordered favorably reported to the Full Committee by voice vote.

On June 11, 1997, the Full Resources Committee met to consider H.R. 1278. An amendment to reduce NOAA's administrative costs by five percent was offered by Congressman Calvert, and adopted by voice vote. The bill as amended was then ordered favorably reported to the House of Representatives by voice vote.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

With respect to the requirements of clause 2(l)(3) of Rule XI of the Rules of the House of Representatives, and clause 2(b)(1) of Rule X of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact H.R. 1278.

COST OF THE LEGISLATION

Clause 7(a) of Rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out H.R. 1278. However, clause 7(d) of that Rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974.

COMPLIANCE WITH HOUSE RULE XI

1. With respect to the requirement of clause 2(1)(3)(B) of Rule XI of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, H.R. 1278 does not contain any new budget authority, credit authority, or an increase or decrease in tax expenditures. Enactment of H.R. 1278 could result in additional discretionary spending and also, by establishing a civil penalty for the tampering with data buoys, could increase Federal Government receipts.

2. With respect to the requirement of clause 2(1)(3)(D) of Rule XI of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform and Oversight on the subject of H.R. 1278.

3. With respect to the requirement of clause 2(1)(3)(C) of Rule XI of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 1278 from the Director of the Congressional Budget Office.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 19, 1997.

Hon. DON YOUNG,
Committee on Resources, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1278, the Oceanographic and Atmospheric Research Authorization Act of 1997.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Gary Brown (for federal costs), and Marge Miller (for the State and local impact).

Sincerely,

JAMES L. BLUM,
(for June E. O'Neill, Director).

Enclosure.

H.R. 1278—Oceanographic and Atmospheric Research Authorization Act of 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 certain NOAA programs, 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 \$2.8 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 be negligible. The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act of 1995 (UMRA) and would impose no 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 following table.

[By fiscal year, in millions of dollars]

	1997	1998	1999	2000	2001	2002
SPENDING SUBJECT TO APPROPRIATION						
Spending under current law:						
Budget Authority ¹	1,381	0	0	0	0	0
Estimated Outlays	1,381	591	206	102	3	1
Proposed Changes:						
Authorization Level	0	1,308	1,469	0	0	0
Estimated Outlays	0	726	1,142	544	241	104
Spending under H.R. 1278:						
Authorization Level ¹	1,381	1,308	1,469	0	0	0
Estimated Outlays	1,381	1,317	1,348	646	244	105

¹ 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.

H.R. 1278 would authorize new budget authority of \$1,308 million in fiscal year 1998 and \$1,469 million in 1999. Those levels include downward adjustments from the gross authorization levels stated in the bill. Those adjustments reflect a directive in the bill requiring that NOAA use \$26 million in 1998 and \$14 million in 1999 from prior-year balances and reducing authorizations of appropriations by those amounts. CBO estimates that provisions in H.R. 1278 directing NOAA to use unobligated balances from various programs for other purposes within the agency.

Total authorizations estimated for this bill reflect (1) authorizations of \$1,196 million for 1998 and \$1,347 million in 1999 for atmospheric, weather, and satellite programs in NOAA, (2) reductions from those amounts of \$26 million and \$14 million, respectively, to come from prior-year balances, and (3) authorizations of \$138 million in 1998 and \$136 million in 1999 for oceanography research, marine research, program support, and other accounts. The bill contains an overall limitation on authorizations of appropriations for atmospheric, weather, and satellite programs that is more than \$200 million greater in each of fiscal years 1998 and 1999 than the sum of the bill's specific authorizations for these programs, but it does not authorize these additional amounts.

We expect that the amounts authorized under the bill would be sufficient to pay for the costs of terminating those NOAA programs targeted for elimination.

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 be negligible.

Estimated impact on State, local, and tribal governments: H.R. 1278 contains no intergovernmental mandates as defined in UMRA, and would impose no 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 concern NOAA grant conditions and procedures for awarding grants. One provision would require compliance with the "Buy American Act." Another would require that all research grants funded under this bill be competitively awarded and subject to peer review. Based on information provided by NOAA officials, CBO expects that the first provision would impose no additional costs on grantees. Grantees and grant applicants would incur some additional costs as a result of the latter provision, however, and NOAA grants could go to different institutions. CBO cannot predict how the share of research funding awarded to public universities and colleges would change, however.

Estimated impact on the private sector: The bill would impose no new private-sector mandates as defined in UMRA.

Previous CBO estimate: On April 21, 1997, CBO provided an estimate for H.R. 1278, the National Oceanic and Atmospheric Administration Authorization Act of 1997, as ordered reported by the House Committee on Science. Assuming appropriation of the authorized amounts, CBO estimated that enacting that version of the bill would result in additional discretionary spending of about \$3 billion over the 1998–2002 period—about \$200 million more than the version approved by the Resources Committee.

Estimate prepared by: Federal Costs: Gary Brown; Impact on State, Local, and Tribal Governments: Marjorie Miller.

Estimate approved by: James R. Horney for Paul N. Van de Water, Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104–4

H.R. 1278 contains no unfunded mandates.

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) * * *

[(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.

* * * * *

THE ACT OF OCTOBER 1, 1890

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 interests of agriculture.].

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