

H.R. 50, AS REPORTED

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “National Oceanic and
3 Atmospheric Administration Act”.

4 SEC. 2. DEFINITIONS.

5 In this Act:

6 (1) The term “Administration” means the Na-
7 tional Oceanic and Atmospheric Administration.

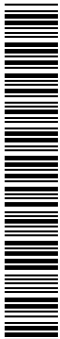
8 (2) The term “Administrator” means the Ad-
9 ministrator of the National Oceanic and Atmos-
10 pheric Administration.

11 (3) The term “Secretary” means the Secretary
12 of Commerce.

**13 SEC. 3. NATIONAL OCEANIC AND ATMOSPHERIC ADMINIS-
14 TRATION.**

15 (a) IN GENERAL.—There shall be in the Department
16 of Commerce an agency known as the National Oceanic
17 and Atmospheric Administration.

18 (b) MISSION.—The mission of the Administration is
19 to understand the systems of the Earth’s oceans and at-
20 mosphere and predict changes in the Earth’s oceans and



1 atmosphere and the effects of such changes on the land
2 environment, to conserve and manage coastal, ocean, and
3 Great Lakes ecosystems to meet national economic, social,
4 and environmental needs, and to educate the public about
5 these topics.

6 (c) FUNCTIONS.—The functions of the Administra-
7 tion shall include—

8 (1) collecting, through observation and other
9 means, communicating, analyzing, processing, and
10 disseminating comprehensive scientific data and in-
11 formation about weather and climate, solar and geo-
12 physical events on the Sun and in the space environ-
13 ment, and about the coasts, oceans, Great Lakes,
14 upper reaches of estuaries, and hydrologic systems;

15 (2) operating and maintaining a system for the
16 storage, retrieval, and dissemination of data relating
17 to weather and climate, solar and geophysical events
18 on the Sun and in the space environment, and about
19 the coasts, oceans, Great Lakes, upper reaches of es-
20 tuaries, and hydrologic systems;

21 (3) using observational data and technologies
22 developed by other Federal agencies to improve the
23 Administration's operations;

24 (4) conducting and supporting basic and ap-
25 plied research, development, and technology transfer



1 as may be necessary to carry out the mission de-
2 scribed in subsection (b);

3 (5) issuing weather, water, climate, space
4 weather, tsunami, and other forecasts and warnings
5 related to Earth's oceans and atmosphere;

6 (6) coordinating efforts of Federal agencies
7 with respect to meteorological services;

8 (7) understanding the science of Earth's cli-
9 mate and related systems, and undertaking research
10 and development to enhance society's ability to plan
11 for and respond to climate variability and change;

12 (8) protecting, restoring, and managing the use
13 of, the coasts, oceans, and Great Lakes through eco-
14 system-based research, development, demonstration,
15 and management;

16 (9) administering public outreach and education
17 programs and services to increase scientific and en-
18 vironmental literacy about weather and climate,
19 solar and geophysical events on the Sun and in the
20 space environment, and the coasts, oceans, Great
21 Lakes, upper reaches of estuaries, and hydrologic
22 systems;

23 (10) providing, as appropriate and in coopera-
24 tion with the Secretary of State, representation at
25 all international meetings and conferences relating



1 to the mission of the Administration, including mete-
2 orological, climate, and Earth and ocean observing
3 issues;

4 (11) any other function assigned to the Admin-
5 istration by law; and

6 (12) such other functions as are necessary to
7 accomplish the mission described in subsection (b).

8 **SEC. 4. ADMINISTRATION LEADERSHIP.**

9 (a) ADMINISTRATOR.—

10 (1) IN GENERAL.—There shall be, as the Ad-
11 ministrator of the Administration, an Under Sec-
12 retary of Commerce for Oceans and Atmosphere.
13 The Administrator shall be appointed by the Presi-
14 dent, by and with the advice and consent of the Sen-
15 ate. The Administrator shall be paid at the rate of
16 basic pay for level III of the Executive Schedule.

17 (2) FUNCTIONS.—The Administrator shall be
18 responsible for—

19 (A) general management;

20 (B) policy development and guidance;

21 (C) budget formulation, guidance, and exe-
22 cution;

23 (D) serving as the Department of Com-
24 merce official for all ocean and atmosphere
25 issues with other elements of the Department of



1 Commerce and with other Federal agencies,
2 State, tribal, and local governments, and the
3 public; and

4 (E) such other duties with respect to the
5 Administration as the Secretary may prescribe.

6 (3) DELEGATION OF AUTHORITY.—The Admin-
7 istrator may, except as otherwise prohibited by
8 law—

9 (A) delegate any functions, powers, or du-
10 ties of the Administrator to such officers and
11 employees of the Administration as the Admin-
12 istrator may designate; and

13 (B) authorize such successive redelegations
14 of such functions, powers, or duties within the
15 Administration as the Administrator considers
16 necessary or appropriate.

17 (4) AUTHORITIES.—

18 (A) IN GENERAL.—As may be necessary or
19 proper to carry out the Administration's func-
20 tions under this Act or as otherwise provided by
21 law, the Administrator may—

22 (i) promulgate rules and regulations;
23 (ii) enter into and perform contracts,
24 leases, grants, and cooperative agreements
25 with Federal agencies, State and local gov-



1 ernments, Indian tribes, international or-
2 ganizations, foreign governments, edu-
3 cational institutions, nonprofit organiza-
4 tions, and commercial organizations;

5 (iii) use, with their consent, and with
6 or without reimbursement, the services,
7 equipment, personnel, and facilities of
8 other departments, agencies, and instru-
9 mentalities of the Federal Government;
10 and

11 (iv) conduct education and outreach
12 in direct support of the mission described
13 in section 3(b).

14 (B) EXCEPTION.—The authorities con-
15 ferred on the Administrator by this paragraph
16 do not include the authority to contract for
17 services that are an inherently governmental
18 function as defined in section 5 of the Federal
19 Activities Inventory Reform Act of 1998 (31
20 U.S.C. 501 note).

21 (b) ASSISTANT SECRETARY FOR OCEANS AND AT-
22 MOSPHERE.—

23 (1) IN GENERAL.—There shall be, as Deputy
24 Administrator of the Administration, an Assistant
25 Secretary of Commerce for Oceans and Atmosphere.



1 The Assistant Secretary shall be appointed by the
2 President, by and with the advice and consent of the
3 Senate. The Assistant Secretary shall be the Admin-
4 istrator's first assistant for purposes of subchapter
5 III of chapter 33 of title 5, United States Code. The
6 Assistant Secretary shall be paid at the rate of basic
7 pay for level IV of the Executive Schedule.

8 (2) FUNCTIONS.—The Assistant Secretary shall
9 perform such functions and exercise such powers as
10 the Administrator may prescribe and shall act as
11 Administrator during the absence or disability of the
12 Administrator or in the event of a vacancy in the of-
13 fice of Administrator.

14 (c) DEPUTY UNDER SECRETARY FOR OCEANS AND
15 ATMOSPHERE.—

16 (1) IN GENERAL.—There shall, be as the Chief
17 Operating Officer of the Administration, a Deputy
18 Under Secretary of Commerce for Oceans and At-
19 mosphere. The Deputy Under Secretary shall be ap-
20 pointed by the Secretary. The position of Deputy
21 Under Secretary shall be a Senior Executive Service
22 position authorized under section 3133 of title 5,
23 United States Code.

24 (2) FUNCTIONS.—The Deputy Under
25 Secretary—



1 (A) shall ensure the timely and effective
2 implementation of Administration policies and
3 objectives;

4 (B) shall be responsible for all aspects of
5 the Administration's operations and manage-
6 ment, including budget, financial operations, in-
7 formation services, facilities, human resources,
8 procurements, and associated services;

9 (C) in the absence or disability of the As-
10 sistant Secretary, or in the event of a vacancy
11 in such position, shall act in that position; and

12 (D) shall perform such other duties as the
13 Administrator shall prescribe.

14 (d) DEPUTY ASSISTANT SECRETARY FOR SCIENCE
15 AND EDUCATION.—

16 (1) IN GENERAL.—There shall be in the Admin-
17 istration a Deputy Assistant Secretary for Science
18 and Education who shall coordinate and oversee the
19 science and education activities of the Administra-
20 tion and their application to Administration deci-
21 sions and operations. The Deputy Assistant Sec-
22 retary for Science and Education shall be appointed
23 by the Secretary. The position of Deputy Assistant
24 Secretary for Science and Education shall be a Sen-
25 ior Executive Service career reserved position as de-



1 fined in section 3132(a)(8) of title 5, United States
2 Code.

3 (2) FUNCTIONS.—The Deputy Assistant Sec-
4 retary for Science and Education shall—

5 (A) coordinate research and development
6 activities across the Administration;

7 (B) review the Administration's annual
8 budget to ensure that funding for research and
9 development is adequate, properly focused, and
10 carried out by the appropriate entities across
11 the Administration;

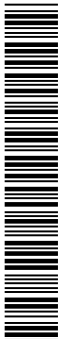
12 (C) advise the Administrator on how re-
13 search results can be applied to operational use;

14 (D) advise the Administrator regarding
15 science issues and their relationship to Adminis-
16 tration policies, procedures, and decisions;

17 (E) participate in developing the Adminis-
18 tration's strategic plans and policies and review
19 the science and education aspects of those plans
20 and policies;

21 (F) serve as liaison to the nongovern-
22 mental science community;

23 (G) develop and oversee guidelines for peer
24 review of research sponsored or conducted by
25 the Administration;



1 (H) oversee implementation of the stra-
2 tegic plan for research and development re-
3 quired under section 9(b);

4 (I) oversee management of laboratories in
5 the Administration;

6 (J) oversee the research and education
7 programs of the Administration; and

8 (K) perform such other duties as the Ad-
9 ministrator shall prescribe.

10 (3) QUALIFICATIONS.—An individual appointed
11 under paragraph (1) shall be a person who has an
12 outstanding science and education background, in-
13 cluding research accomplishments, scientific reputa-
14 tion, and public policy experience.

15 (4) CONSULTATION.—Before appointing an in-
16 dividual under paragraph (1), the Secretary shall
17 consult with the National Academy of Sciences, the
18 Science Advisory Board of the Administration, and
19 other appropriate scientific organizations.

20 (e) DEPUTY ASSISTANT SECRETARIES.—There may
21 be in the Administration no more than two additional
22 Deputy Assistant Secretaries whose duties may be des-
23 ignated by the Administrator. The Deputy Assistant Sec-
24 retaries shall be appointed by the Secretary. The positions
25 of Deputy Assistant Secretaries shall be Senior Executive



1 Service positions authorized under section 3133 of title 5,
2 United States Code.

3 (f) GENERAL COUNSEL.—

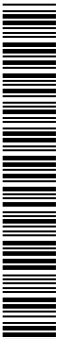
4 (1) IN GENERAL.—There shall be in the Admin-
5 istration a General Counsel. The General Counsel
6 shall be appointed by the Secretary. The General
7 Counsel shall be paid at the rate of basic pay for
8 level V of the Executive Schedule.

9 (2) FUNCTIONS.—The General Counsel—

10 (A) shall serve as the chief legal officer of
11 the Administration for all legal matters that
12 arise in connection with the conduct of the
13 functions of the Administration; and

14 (B) shall perform such other functions and
15 exercise such powers as the Administrator may
16 prescribe.

17 (g) CONTINUATION OF SERVICE.—Any individual
18 serving on the effective date of this Act in a position pro-
19 vided for in this Act may continue to serve in that position
20 until a successor is appointed under this Act. Nothing in
21 this Act shall be construed to require the appointment of
22 a successor under this Act sooner than would have been
23 required under law as in effect before the effective date
24 of this Act.



1 **SEC. 5. NATIONAL WEATHER SERVICE.**

2 (a) IN GENERAL.—The Secretary shall maintain
3 within the Administration the National Weather Service.

4 (b) MISSION.—The mission of the National Weather
5 Service is to provide weather, water, climate, tsunami, and
6 space weather forecasts and warnings for the United
7 States, its territories, adjacent waters, and ocean areas for
8 the protection of life and property and the enhancement
9 of the national economy. In carrying out the mission of
10 the National Weather Service, the Administrator shall en-
11 sure that the National Weather Service—

12 (1) provides timely and accurate weather,
13 water, climate, tsunami, and space weather fore-
14 casts; and

15 (2) provides timely and accurate warnings of
16 natural hazards related to weather, water, climate,
17 and tsunamis, and of space weather hazards.

18 (c) FUNCTIONS.—The functions of the National
19 Weather Service shall include—

20 (1) maintaining a network of local weather fore-
21 cast offices;

22 (2) maintaining a network of observation sys-
23 tems to collect weather and climate data;

24 (3) operating national centers to deliver guid-
25 ance, forecasts, warnings, and analysis about weath-



1 er, water, climate, tsunami, and space weather phe-
2 nomena for the Administration and the public;

3 (4) conducting and supporting applied research
4 to facilitate the rapid incorporation of weather and
5 climate science advances into operational tools; and

6 (5) other functions to serve the mission of the
7 National Weather Service described in subsection
8 (b).

9 **SEC. 6. OPERATIONS AND SERVICES.**

10 (a) IN GENERAL.—The Secretary shall maintain
11 within the Administration programs to support efforts, on
12 a continuing basis, to collect data and provide information
13 and products regarding satellites, observations, and coast-
14 al, ocean and Great Lakes information.

15 (b) FUNCTIONS.—To accomplish the mission de-
16 scribed in section 3(b), and in addition to the functions
17 described in section 3(c), the operations and service as-
18 pects of the Administration shall include—

19 (1) acquiring, managing, and operating coastal,
20 ocean, and Great Lakes observing systems;

21 (2) contributing to the operation of a global
22 Earth-observing system;

23 (3) integrating Administration remote sensing
24 and in situ assets that provide critical data needed
25 to support the mission of the Administration, and



1 providing that data to decisionmakers and the pub-
2 lic;

3 (4) developing, acquiring, and managing oper-
4 ational environmental satellite programs and associ-
5 ated ground control and data acquisition and deliv-
6 ery facilities to support the mission of the Adminis-
7 tration;

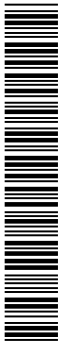
8 (5) managing and distributing atmospheric,
9 geophysical, and marine data and data products for
10 the Administration through national environmental
11 data centers;

12 (6) providing for long-term stewardship of envi-
13 ronmental data, products, and information via data
14 processing, storage, reanalysis, reprocessing, and ar-
15 chive facilities;

16 (7) issuing licenses for private remote sensing
17 space systems under the Land Remote Sensing Pol-
18 icy Act of 1992;

19 (8) administering a national water level obser-
20 vation network, which shall include monitoring of
21 the Great Lakes;

22 (9) providing charts and other information for
23 safe navigation of the oceans and inland waters, as
24 provided by law;



1 (10) maintaining a fleet of ships and aircraft to
2 support the mission of the Administration; and

3 (11) such other operations and services func-
4 tions to serve the mission of the Administration as
5 the Administrator may prescribe.

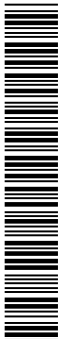
6 **SEC. 7. RESEARCH AND EDUCATION.**

7 (a) IN GENERAL.—The Secretary shall maintain
8 within the Administration programs to conduct and sup-
9 port research and education and the development of tech-
10 nologies relating to weather, climate, and the coasts,
11 oceans, and Great Lakes.

12 (b) FUNCTIONS.—To accomplish the mission de-
13 scribed in section 3(b), and in addition to the functions
14 described in section 3(c), the research and education as-
15 pects of the Administration shall include—

16 (1) conducting and supporting research and de-
17 velopment to improve the Administration's capabili-
18 ties to collect, through observation and otherwise,
19 communicate, analyze, process, and disseminate
20 comprehensive scientific data and information about
21 weather, climate, and the coasts, oceans, and Great
22 Lakes;

23 (2) improving ecological prediction and manage-
24 ment capabilities through ecosystem-based research
25 and development;



1 (3) contributing information on the Earth's cli-
2 mate and related systems, obtained through research
3 and observation, that addresses questions con-
4 fronting policymakers, resources managers, and
5 other users;

6 (4) reducing uncertainty in projections of how
7 the Earth's climate and related systems may change
8 in the future;

9 (5) fostering the public's ability to understand
10 and integrate scientific information into consider-
11 ations of national environmental issues through edu-
12 cation and public outreach activities;

13 (6) administering the National Sea Grant Col-
14 lege Program Act;

15 (7) conducting and supporting research and de-
16 velopment of technology for exploration of the
17 oceans;

18 (8) maintaining a system of laboratories to per-
19 form the functions described in this subsection;

20 (9) supporting extramural peer-reviewed com-
21 petitive grant programs to assist the Administration
22 in performing the functions described in this sub-
23 section; and

24 (10) such other research, development, edu-
25 cation, and outreach functions to serve the mission



1 of the Administration as the Administrator may pre-
2 scribe.

3 **SEC. 8. SCIENCE ADVISORY BOARD.**

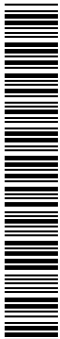
4 (a) IN GENERAL.—There shall be within the Admin-
5 istration a Science Advisory Board, which shall provide
6 such scientific advice as may be requested by the Adminis-
7 trator, the Committee on Commerce, Science and Trans-
8 portation of the Senate, or the Committee on Science or
9 on Resources of the House of Representatives.

10 (b) PURPOSE.—The purpose of the Science Advisory
11 Board is to advise the Administrator and Congress on
12 long-range and short-range strategies for research, edu-
13 cation, and the application of science to resource manage-
14 ment and environmental assessment and prediction.

15 (c) MEMBERS.—

16 (1) IN GENERAL.—The Science Advisory Board
17 shall be composed of at least 15 members appointed
18 by the Administrator. Each member of the Board
19 shall be qualified by education, training, and experi-
20 ence to evaluate scientific and technical information
21 on matters referred to the Board under this section.

22 (2) TERMS OF SERVICE.—Members shall be ap-
23 pointed for 3-year terms, renewable once, and shall
24 serve at the discretion of the Administrator. An indi-
25 vidual serving a term as a member of the Science



1 Advisory Board on the date of enactment of this Act
2 may complete that term, and may be reappointed
3 once for another term of 3 years unless the term
4 being served on such date of enactment is the second
5 term served by that individual. Vacancy appoint-
6 ments shall be for the remainder of the unexpired
7 term of the vacancy, and an individual so appointed
8 may subsequently be appointed for 2 full 3-year
9 terms if the remainder of the unexpired term is less
10 than one year.

11 (3) CHAIRPERSON.—The Administrator shall
12 designate a chairperson from among the members of
13 the Board.

14 (4) APPOINTMENT.—Members of the Science
15 Advisory Board shall be appointed as special Gov-
16 ernment employees, within the meaning given such
17 term in section 202(a) of title 18, United States
18 Code.

19 (d) ADMINISTRATIVE PROVISIONS.—

20 (1) REPORTING.—The Science Advisory Board
21 shall report to the Administrator and the appro-
22 priate requesting party.

23 (2) ADMINISTRATIVE SUPPORT.—The Adminis-
24 trator shall provide administrative support to the
25 Science Advisory Board.



1 (3) MEETINGS.—The Science Advisory Board
2 shall meet at least twice each year, and at other
3 times at the call of the Administrator or the Chair-
4 person.

5 (4) COMPENSATION AND EXPENSES.—A mem-
6 ber of the Science Advisory Board shall not be com-
7 pensated for service on such board, but may be al-
8 lowed travel expenses, including per diem in lieu of
9 subsistence, in accordance with subchapter I of
10 chapter 57 of title 5, United States Code.

11 (5) SUBCOMMITTEES.—The Science Advisory
12 Board may establish such subcommittees of its
13 members as may be necessary. The Science Advisory
14 Board may establish task forces and working groups
15 consisting of Board members and outside experts as
16 may be necessary.

17 (e) EXPIRATION.—Section 14 of the Federal Advisory
18 Committee Act (5 U.S.C. App.) shall not apply to the
19 Science Advisory Board.

20 **SEC. 9. REPORTS.**

21 (a) REPORT ON DATA MANAGEMENT, ARCHIVAL,
22 AND DISTRIBUTION.—

23 (1) CONTENTS.—Not later than 1 year after
24 the date of enactment of this Act, and once every 5



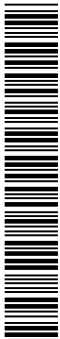
1 years thereafter, the Administrator shall do the fol-
2 lowing:

3 (A) Enter into an arrangement with the
4 National Academy of Sciences to review the en-
5 vironmental data and information systems of
6 the Administration and to provide recommenda-
7 tions to address any inadequacies identified by
8 the review. The review shall assess the adequacy
9 of the environmental data and information sys-
10 tems of the Administration to—

11 (i) provide adequate capacity to man-
12 age, archive and disseminate environmental
13 information collected and processed, or ex-
14 pected to be collected and processed, by
15 the Administration, including data gath-
16 ered by other agencies that is processed or
17 stored by the Administration;

18 (ii) establish, develop, and maintain
19 information bases, including necessary
20 management systems, which will provide
21 for consistent, efficient, and compatible
22 transfer and use of data;

23 (iii) develop effective interfaces among
24 the environmental data and information



1 systems of the Administration and other
2 appropriate departments and agencies;

3 (iv) develop and use nationally accept-
4 ed formats and standards for data col-
5 lected by various national and international
6 sources;

7 (v) integrate and interpret data from
8 different sources to produce information
9 that can be used by decisionmakers in de-
10 veloping policies that effectively respond to
11 national and global environmental con-
12 cerns; and

13 (vi) reanalyze and reprocess the
14 archived data as better science is developed
15 to integrate diverse data sources.

16 (B) Develop a strategic plan, with respect
17 to the environmental data and information sys-
18 tems of the Administration, to—

19 (i) respond to each of the rec-
20 ommendations in the review conducted
21 under subparagraph (A);

22 (ii) set forth modernization and im-
23 provement objectives for an integrated na-
24 tional environmental data access and ar-
25 chive system for the 10-year period begin-



1 ning with the year in which the plan is
2 transmitted, including facility requirements
3 and critical new technology components
4 that would be necessary to meet the objec-
5 tives set forth;

6 (iii) propose specific Administration
7 programs and activities for implementing
8 the plan;

9 (iv) identify the data and information
10 management, reanalysis, reprocessing, ar-
11 chival, and distribution responsibilities of
12 the Administration with respect to other
13 Federal departments and agencies and
14 international organizations; and

15 (v) provide an implementation sched-
16 ule and estimate funding levels necessary
17 to achieve modernization and improvement
18 objectives.

19 (2) TRANSMITTAL TO CONGRESS.—Not later
20 than 18 months after the date of enactment of this
21 Act, the Administrator shall transmit to the Com-
22 mittee on Commerce, Science, and Transportation of
23 the Senate and the Committee on Science of the
24 House of Representatives the initial review and stra-
25 tegic plan developed under paragraph (1). Subse-



1 quent reviews and strategic plans developed under
2 paragraph (1) shall also be transmitted to those
3 committees upon completion.

4 (b) STRATEGIC PLAN FOR RESEARCH AND DEVELOP-
5 MENT.—

6 (1) CONTENTS.—Not later than 1 year after
7 the date of enactment of this Act, and once every 5
8 years thereafter, the Administrator shall develop a
9 strategic plan for research and development at the
10 Administration. The plan shall include—

11 (A) an assessment of the science and tech-
12 nology needs of the Administration based on
13 the Administration's operational requirements
14 and on input provided by external stakeholders
15 at the national, regional, State, and local levels;
16 and

17 (B) a strategic plan that assigns specific
18 programs within the administration the respon-
19 sibility to meet each need identified under sub-
20 paragraph (A) and that describes the extent to
21 which each need identified in subparagraph (A)
22 will be addressed through—

23 (i) intramural research;

24 (ii) extramural, peer reviewed, com-
25 petitive grant programs; and



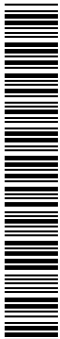
1 (iii) work done in cooperation with
2 other Federal agencies.

3 (2) NATIONAL ACADEMY OF SCIENCES RE-
4 VIEW.—The Administrator shall enter into an ar-
5 rangement with the National Academy of Sciences
6 for a review of the plan developed under paragraph
7 (1).

8 (3) TRANSMITTAL TO CONGRESS.—Not later
9 than 18 months after the date of enactment of this
10 Act, the Administrator shall transmit to the Com-
11 mittee on Commerce, Science, and Transportation of
12 the Senate and the Committee on Science of the
13 House of Representatives the initial strategic plan
14 developed under paragraph (1) and the review pre-
15 pared pursuant to paragraph (2). Subsequent stra-
16 tegic plans developed under paragraph (1) shall also
17 be transmitted to those committees upon completion.

18 **SEC. 10. PUBLIC-PRIVATE PARTNERSHIPS.**

19 Not less than once every 5 years, the Secretary shall
20 develop and submit to Congress a policy that defines proc-
21 esses for making decisions about the roles of the Adminis-
22 tration, the private sector, and the academic community
23 in providing environmental information, products, tech-
24 nologies, and services. The first such submission shall be
25 completed not less than 3 years after the date of enact-



1 ment of this Act. At least 90 days before each submission
2 of the policy to Congress, the Secretary shall publish the
3 policy in the Federal Register for a public comment period
4 of not less than 60 days. Nothing in this section shall be
5 construed to require changes in the policy in effect on the
6 date of enactment of this Act.

7 **SEC. 11. EFFECT OF REORGANIZATION PLAN.**

8 Reorganization Plan No. 4 of 1970 shall have no fur-
9 ther force and effect.

10 **SEC. 12. SAVINGS PROVISION.**

11 All rules and regulations, determinations, standards,
12 contracts, including collective bargaining agreements, cer-
13 tifications, authorizations, appointments, delegations, re-
14 sults and findings of investigations, and other actions duly
15 issued, made, or taken by or pursuant to or under the
16 authority of any statute or executive order which resulted
17 in the assignment of functions or activities to the Sec-
18 retary, the Department of Commerce, the Under Secretary
19 of Commerce for Oceans and Atmosphere, the Adminis-
20 trator, or any other officer of the Administration, that is
21 in effect immediately before the date of enactment of this
22 Act, shall continue in full force and effect after the effec-
23 tive date of this Act until modified or rescinded. All suits,
24 appeals, judgments, and proceedings pending on such ef-
25 fective date relating to responsibilities or functions trans-



1 ferred pursuant to this Act shall continue without regard
2 to such transfers, except for the transfer of responsibilities
3 or functions. Any reference in law to a responsibility, func-
4 tion, or office transferred pursuant to this Act shall be
5 deemed to refer to the responsibility, function, or office
6 as so transferred. Nothing in this Act shall be construed
7 to limit the ability of an Administration employee to dis-
8 cuss scientific research performed by that employee. Noth-
9 ing in this Act shall be construed to alter the responsibil-
10 ities or authorities of any other Federal agency. Nothing
11 in this Act shall be construed to authorize or prohibit the
12 transfer of any program, function, or project from other
13 Federal agencies to the Administration.

14 **SEC. 13. REORGANIZATION PLAN.**

15 (a) SCHEDULE.—(1) Not later than 18 months after
16 the date of enactment of this Act, the Administrator shall
17 develop a reorganization plan for the Administration in
18 accordance with this section and shall publish the plan in
19 the Federal Register. The Federal Register notice shall
20 solicit comments for a period of 60 days.

21 (2) Not later than 90 days after the expiration date
22 of the comment period described in paragraph (1), the Ad-
23 ministrator shall transmit to Congress a revised version
24 of the plan that takes into account the comments received.
25 The Administrator shall also publish the revised plan in



1 the Federal Register. The Administrator shall transmit
2 and publish, along with the plan, an explanation of how
3 the Administrator dealt with each issue raised by the com-
4 ments received.

5 (3) The Administrator shall implement the plan 60
6 days after the plan has been transmitted to the Congress.

7 (b) CONTENT.—The plan, to the greatest extent prac-
8 ticable, shall—

9 (1) consistent with section 5 and the other pro-
10 visions of this Act, maximize the efficiency with
11 which the administration carries out the functions
12 of—

13 (A) operations and services;

14 (B) research and education; and

15 (C) resource management;

16 (2) improve the sharing of research and other
17 information that is of use across programmatic
18 themes; and

19 (3) eliminate duplication of effort or overlap-
20 ping efforts among offices.

21 (c) CONSULTATION.—In developing the plan, the Ad-
22 ministrator shall consult with interested parties, including
23 the States, academia, industry, conservation organiza-
24 tions, and Administration employees.



1 **SEC. 14. FACILITY EVALUATION PROCESS.**

2 (a) PUBLIC NOTIFICATION AND ASSESSMENT PROC-
3 ESS.—

4 (1) IN GENERAL.—The Administrator shall not
5 close, consolidate, relocate, subdivide, or establish a
6 facility of the Administration, unless and until the
7 Administrator has followed the procedures required
8 by this section.

9 (2) REVIEW PROCESS.—The Administrator
10 shall not close, consolidate, relocate, subdivide, or es-
11 tablish a facility of the Administration with an an-
12 nual operating budget of \$5,000,000 or greater, or
13 a National Weather Service field office, unless and
14 until—

15 (A) the Administrator has published in the
16 Federal Register the proposed action and a de-
17 scription of the offices, personnel, and activities
18 of the Administration that would be affected by
19 the proposed change, and has provided for a
20 minimum of 60 days for public comment;

21 (B) if the proposed change involves a
22 science facility of the Administration, the
23 Science Advisory Board has reviewed the pro-
24 posed change and provided to the Administrator
25 written findings regarding the proposed change;



1 (C) if the proposed change involves a Na-
2 tional Weather Service field office, the Adminis-
3 trator has prepared a report including—

4 (i) a description of local weather char-
5 acteristics and weather-related concerns
6 which affect the weather services provided
7 within the service area;

8 (ii) a detailed comparison of the serv-
9 ices provided within the service area and
10 the services to be provided after the pro-
11 posed change;

12 (iii) a description of any recent or ex-
13 pected modernization of National Weather
14 Service operations which will enhance serv-
15 ices in the service area;

16 (iv) an identification of any area with-
17 in any State which would not receive cov-
18 erage (at an elevation of 10,000 feet) due
19 to the proposed change; and

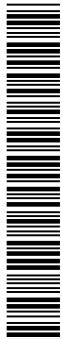
20 (iv) evidence, based on operational
21 demonstration of National Weather Service
22 operations, which was considered in reach-
23 ing the conclusion that no degradation in
24 service will result from the proposed
25 change;



1 (D) the Administrator has prepared an
2 analysis of the anticipated costs and savings as-
3 sociated with the proposed facility change, in-
4 cluding both costs and savings in the first fiscal
5 year following the change, and changes in oper-
6 ations and maintenance costs and savings over
7 a ten-year period; and

8 (E) the Administrator has prepared an
9 analysis of the effects of the facility change on
10 operations and research of the Administration,
11 and the potential impacts on cooperative insti-
12 tutes, other external Administration partner-
13 ships, partnerships with other Federal agencies,
14 and any State and local partnerships.

15 (3) NOTICE TO CONGRESS.—(A) The Adminis-
16 trator shall provide to Congress, at least 90 days be-
17 fore any closure, consolidation, relocation, subdivi-
18 sion, or establishment of a facility of the Adminis-
19 tration with an annual budget of \$5,000,000 or
20 greater, or any National Weather Service field office,
21 a summary of the public comments received pursu-
22 ant to paragraph (2)(A), any written findings pre-
23 pared under paragraph (2)(B), any report prepared
24 under paragraph (2)(C), and the analyses prepared
25 under paragraph (2)(D) and (E).



1 (B) The Administrator shall provide to Con-
2 gress, at least 90 days before any closure, consolida-
3 tion, relocation, subdivision, or establishment of a
4 facility of the Administration not described in sub-
5 paragraph (A), written notification of the planned
6 closure, consolidation, relocation, subdivision, or es-
7 tablishment.

8 (b) WEATHER SERVICE MODERNIZATION.—Nothing
9 in this Act shall be construed to alter the Weather Service
10 Modernization Act (15 U.S.C. 313 note).

11 (c) DEFINITION.—For purposes of this section—

12 (1) the term “facility” means a laboratory, op-
13 erations office, administrative service center, or
14 other establishment of the Administration; and

15 (2) the term “field office” has the same mean-
16 ing given that term in section 702 of the Weather
17 Service Modernization Act.

18 **SEC. 15. BUDGET REPROGRAMMING.**

19 Whenever the Administrator transmits a budget re-
20 programming request to the Appropriations Committees
21 of the House of Representatives and the Senate, the Ad-
22 ministrator shall simultaneously submit a copy of the re-
23 quest to the Committee on Science and the Committee on
24 Resources of the House of Representatives and the Com-



1 mittee on Commerce, Science, and Transportation of the
2 Senate.

3 **SEC. 16. SATELLITE NOTIFICATION.**

4 (a) IN GENERAL.—The Administrator shall notify
5 the Congress—

6 (1) prior to initiating the expenditure of any
7 funds on a satellite for which the Administration
8 had not expended funds as of the date of enactment
9 of this Act;

10 (2) within 3 days whenever the Administrator
11 has reasonable cause to believe that the development
12 cost of a satellite is likely to exceed the most recent
13 baseline estimate of development costs by more than
14 15 percent;

15 (3) within 3 days whenever the Administrator
16 has reasonable cause to believe that the delivery of
17 a satellite for launch is likely to be delayed by 6
18 months or more; or

19 (4) within 3 days whenever the Administrator
20 intends to make a significant alteration to a sat-
21 ellite.

22 (b) EVALUATION.—After providing a notification
23 under subsection (a), the Administrator shall—

24 (1) have the satellite, revised cost, revised
25 schedule, or significant alteration that was the sub-



1 ject of the notice evaluated in accordance with sub-
2 section (c) by—

3 (A) a panel of experts selected by the Ad-
4 ministrator that does not include any employees
5 of the Administration; or

6 (B) an independent entity; and

7 (2) within 120 days, transmit the evaluation to
8 the Committee on Science of the House of Rep-
9 resentatives and the Committee on Commerce,
10 Science, and Transportation of the Senate, along
11 with an explanation of how the Administration will
12 provide the funds to cover the costs determined by
13 the evaluation conducted under paragraph (1) and
14 responses to any concerns raised by the evaluation.

15 (c) CRITERIA.—An evaluation conducted pursuant to
16 subsection (b)(1) shall review—

17 (1) the cost and schedule of a satellite for
18 which the Administration had not previously ex-
19 pended funds, along with the appropriateness of the
20 intended mission for the satellite and its likelihood
21 of success;

22 (2) the revised cost or delivery schedule pro-
23 posed for a satellite or the additional cost imposed
24 by a significant alteration;



1 (3) the impact on launch schedule of a proposed
2 significant alteration;

3 (4) the impact a proposed significant alteration
4 would have on the success of a satellite’s original
5 mission; and

6 (5) the likelihood that the intended purpose of
7 the significant alteration would be accomplished.

8 (d) DEFINITIONS.—For the purposes of this section,
9 the term—

10 (1) “development cost” means all costs related
11 to a satellite through the launch of a satellite;

12 (2) “satellite” includes the spacecraft (but not
13 the launch vehicle), instruments, and sensors; and

14 (3) “significant alteration” means a change in
15 the objectives or capabilities of a satellite, including
16 the addition or removal of instruments or sensors.

17 **SEC. 17. LIMITATIONS ON OFF-SHORE PERFORMANCE OF**
18 **CONTRACTS FOR THE PROCUREMENT OF**
19 **GOODS AND SERVICES.**

20 (a) CONVERSIONS TO CONTRACTOR PERFORMANCE
21 OF ADMINISTRATION ACTIVITIES.—Except as provided in
22 subsection (c), an activity or function of the Administra-
23 tion that is converted to contractor performance under Of-
24 fice of Management and Budget Circular A-76 may not



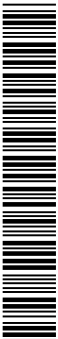
1 be performed by the contractor or any subcontractor at
2 a location outside the United States.

3 (b) CONTRACTS FOR THE PROCUREMENT OF SERV-
4 ICES.—(1) Except as provided in subsection (c), a contract
5 for the procurement of goods or services that is entered
6 into by the Administrator may not be performed outside
7 the United States unless it is to meet a requirement of
8 the Administration for goods or services specifically at a
9 location outside the United States.

10 (2) The President may waive the prohibition in para-
11 graph (1) in the case of any contract for which the Presi-
12 dent determines in writing that it is necessary in the na-
13 tional security interests of the United States for goods or
14 services under the contract to be performed outside the
15 United States.

16 (3) The Administrator may waive the prohibition in
17 paragraph (1) in the case of any contract for which the
18 Administrator determines in writing that essential goods
19 or services under the contract are only available from a
20 source outside the United States.

21 (c) EXCEPTION.—Subsections (a) and (b)(1) shall
22 not apply to the extent that the activity or function under
23 the contract was previously performed by Federal Govern-
24 ment employees outside the United States.



1 (d) CONSISTENCY WITH INTERNATIONAL AGREE-
2 MENTS.—The provisions of this section shall not apply to
3 the extent that they are inconsistent with obligations of
4 the United States under international agreements.

