

109TH CONGRESS
2D SESSION

H. R. 5450

To provide for the National Oceanic and Atmospheric Administration, and
for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 22, 2006

Mr. EHLERS (for himself, Mr. BOEHLERT, and Mr. GILCHREST) introduced the following bill; which was referred to the Committee on Science, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide for the National Oceanic and Atmospheric
Administration, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Oceanic and
5 Atmospheric Administration Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

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

1 ment, and about the coasts, oceans, Great Lakes,
2 upper reaches of estuaries, and hydrologic systems;

3 (2) operating and maintaining a system for the
4 storage, retrieval, and dissemination of data relating
5 to weather and climate, solar and geophysical events
6 on the Sun and in the space environment, and about
7 the coasts, oceans, Great Lakes, upper reaches of es-
8 tuaries, and hydrologic systems;

9 (3) using observational data and technologies
10 developed by other Federal agencies to improve the
11 Administration's operations;

12 (4) conducting and supporting basic and ap-
13 plied research, development, and technology transfer
14 as may be necessary to carry out the mission de-
15 scribed in subsection (b);

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

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

21 (7) understanding the science of Earth's cli-
22 mate and related systems, and undertaking research
23 and development to enhance society's ability to plan
24 for and respond to climate variability and change;

1 (8) protecting, restoring, and managing the use
2 of, the coasts, oceans, and Great Lakes through eco-
3 system-based research, development, demonstration,
4 and management;

5 (9) administering public outreach and education
6 programs and services to increase scientific and en-
7 vironmental literacy about weather and climate,
8 solar and geophysical events on the Sun and in the
9 space environment, and the coasts, oceans, Great
10 Lakes, upper reaches of estuaries, and hydrologic
11 systems;

12 (10) providing, as appropriate and in coopera-
13 tion with the Secretary of State, representation at
14 all international meetings and conferences relating
15 to the mission of the Administration, including mete-
16 orological, climate, and Earth and ocean observing
17 issues;

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

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

22 **SEC. 4. ADMINISTRATION LEADERSHIP.**

23 (a) ADMINISTRATOR.—

24 (1) IN GENERAL.—There shall be, as the Ad-
25 ministrator of the Administration, an Under Sec-

1 retary of Commerce for Oceans and Atmosphere.
2 The Administrator shall be appointed by the Presi-
3 dent, by and with the advice and consent of the Sen-
4 ate. The Administrator shall be paid at the rate of
5 basic pay for level III of the Executive Schedule.

6 (2) FUNCTIONS.—The Administrator shall be
7 responsible for—

8 (A) general management;

9 (B) policy development and guidance;

10 (C) budget formulation, guidance, and exe-
11 cution;

12 (D) serving as the Department of Com-
13 merce official for all ocean and atmosphere
14 issues with other elements of the Department of
15 Commerce and with other Federal agencies,
16 State, tribal, and local governments, and the
17 public; and

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

20 (3) DELEGATION OF AUTHORITY.—The Admin-
21 istrator may, except as otherwise prohibited by
22 law—

23 (A) delegate any functions, powers, or du-
24 ties of the Administrator to such officers and

1 employees of the Administration as the Admin-
2 istrator may designate; and

3 (B) authorize such successive redelegations
4 of such functions, powers, or duties within the
5 Administration as the Administrator considers
6 necessary or appropriate.

7 (4) AUTHORITIES.—

8 (A) IN GENERAL.—As may be necessary or
9 proper to carry out the Administration’s func-
10 tions under this Act or as otherwise provided by
11 law, the Administrator may—

12 (i) promulgate rules and regulations;

13 (ii) enter into and perform contracts,
14 leases, grants, and cooperative agreements
15 with Federal agencies, State and local gov-
16 ernments, Indian tribes, international or-
17 ganizations, foreign governments, edu-
18 cational institutions, nonprofit organiza-
19 tions, and commercial organizations;

20 (iii) use, with their consent, and with
21 or without reimbursement, the services,
22 equipment, personnel, and facilities of
23 other departments, agencies, and instru-
24 mentalities of the Federal Government;
25 and

1 (iv) conduct education and outreach
2 in direct support of the mission described
3 in section 3(b).

4 (B) EXCEPTION.—The authorities con-
5 ferred on the Administrator by this paragraph
6 do not include the authority to contract for
7 services that are an inherently governmental
8 function as defined in section 5 of the Federal
9 Activities Inventory Reform Act of 1998 (31
10 U.S.C. 501 note).

11 (b) ASSISTANT SECRETARY FOR OCEANS AND AT-
12 MOSPHERE.—

13 (1) IN GENERAL.—There shall be, as Deputy
14 Administrator of the Administration, an Assistant
15 Secretary of Commerce for Oceans and Atmosphere.
16 The Assistant Secretary shall be appointed by the
17 President, by and with the advice and consent of the
18 Senate. The Assistant Secretary shall be the Admin-
19 istrator’s first assistant for purposes of subchapter
20 III of chapter 33 of title 5, United States Code. The
21 Assistant Secretary shall be paid at the rate of basic
22 pay for level IV of the Executive Schedule.

23 (2) FUNCTIONS.—The Assistant Secretary shall
24 perform such functions and exercise such powers as
25 the Administrator may prescribe and shall act as

1 Administrator during the absence or disability of the
2 Administrator or in the event of a vacancy in the of-
3 fice of Administrator.

4 (c) DEPUTY UNDER SECRETARY FOR OCEANS AND
5 ATMOSPHERE.—

6 (1) IN GENERAL.—There shall, be as the Chief
7 Operating Officer of the Administration, a Deputy
8 Under Secretary of Commerce for Oceans and At-
9 mosphere. The Deputy Under Secretary shall be ap-
10 pointed by the Secretary. The position of Deputy
11 Under Secretary shall be a Senior Executive Service
12 position authorized under section 3133 of title 5,
13 United States Code.

14 (2) FUNCTIONS.—The Deputy Under Sec-
15 retary—

16 (A) shall ensure the timely and effective
17 implementation of Administration policies and
18 objectives;

19 (B) shall be responsible for all aspects of
20 the Administration's operations and manage-
21 ment, including budget, financial operations, in-
22 formation services, facilities, human resources,
23 procurements, and associated services;

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

4 (D) shall perform such other duties as the
5 Administrator shall prescribe.

6 (d) DEPUTY ASSISTANT SECRETARY FOR SCIENCE
7 AND EDUCATION.—

8 (1) IN GENERAL.—There shall be in the Admin-
9 istration a Deputy Assistant Secretary for Science
10 and Education who shall coordinate and oversee the
11 science and education activities of the Administra-
12 tion and their application to Administration deci-
13 sions and operations. The Deputy Assistant Sec-
14 retary for Science and Education shall be appointed
15 by the Secretary. The position of Deputy Assistant
16 Secretary for Science and Education shall be a Sen-
17 ior Executive Service career reserved position as de-
18 fined in section 3132(a)(8) of title 5, United States
19 Code.

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

22 (A) coordinate research and development
23 activities across the Administration;

24 (B) review the Administration's annual
25 budget to ensure that funding for research and

1 development is adequate, properly focused, and
2 carried out by the appropriate entities across
3 the Administration;

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

6 (D) advise the Administrator regarding
7 science issues and their relationship to Adminis-
8 tration policies, procedures, and decisions;

9 (E) participate in developing the Adminis-
10 tration's strategic plans and policies and review
11 the science and education aspects of those plans
12 and policies;

13 (F) serve as liaison to the nongovern-
14 mental science community;

15 (G) develop and oversee guidelines for peer
16 review of research sponsored or conducted by
17 the Administration;

18 (H) oversee implementation of the stra-
19 tegic plan for research and development re-
20 quired under section 9(b);

21 (I) oversee management of laboratories in
22 the Administration;

23 (J) oversee the research and education
24 programs of the Administration; and

1 (K) perform such other duties as the Ad-
2 ministrator shall prescribe.

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

8 (4) CONSULTATION.—Before appointing an in-
9 dividual under paragraph (1), the Secretary shall
10 consult with the National Academy of Sciences, the
11 Science Advisory Board of the Administration, and
12 other appropriate scientific organizations.

13 (e) DEPUTY ASSISTANT SECRETARIES.—There may
14 be in the Administration no more than two additional
15 Deputy Assistant Secretaries whose duties may be des-
16 ignated by the Administrator. The Deputy Assistant Sec-
17 retaries shall be appointed by the Secretary. The positions
18 of Deputy Assistant Secretaries shall be Senior Executive
19 Service positions authorized under section 3133 of title 5,
20 United States Code.

21 (f) GENERAL COUNSEL.—

22 (1) IN GENERAL.—There shall be in the Admin-
23 istration a General Counsel. The General Counsel
24 shall be appointed by the Secretary. The General

1 Counsel shall be paid at the rate of basic pay for
2 level V of the Executive Schedule.

3 (2) FUNCTIONS.—The General Counsel—

4 (A) shall serve as the chief legal officer of
5 the Administration for all legal matters that
6 arise in connection with the conduct of the
7 functions of the Administration; and

8 (B) shall perform such other functions and
9 exercise such powers as the Administrator may
10 prescribe.

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

19 **SEC. 5. NATIONAL WEATHER SERVICE.**

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

22 (b) MISSION.—The mission of the National Weather
23 Service is to provide weather, water, climate, tsunami, and
24 space weather forecasts and warnings for the United
25 States, its territories, adjacent waters, and ocean areas for

1 the protection of life and property and the enhancement
2 of the national economy. In carrying out the mission of
3 the National Weather Service, the Administrator shall en-
4 sure that the National Weather Service—

5 (1) provides timely and accurate weather,
6 water, climate, tsunami, and space weather fore-
7 casts; and

8 (2) provides timely and accurate warnings of
9 natural hazards related to weather, water, climate,
10 and tsunamis, and of space weather hazards.

11 (c) FUNCTIONS.—The functions of the National
12 Weather Service shall include—

13 (1) maintaining a network of local weather fore-
14 cast offices;

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

17 (3) operating national centers to deliver guid-
18 ance, forecasts, warnings, and analysis about weath-
19 er, water, climate, tsunami, and space weather phe-
20 nomena for the Administration and the public;

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

1 (5) other functions to serve the mission of the
2 National Weather Service described in subsection
3 (b).

4 **SEC. 6. OPERATIONS AND SERVICES.**

5 (a) IN GENERAL.—The Secretary shall maintain
6 within the Administration programs to support efforts, on
7 a continuing basis, to collect data and provide information
8 and products regarding satellites, observations, and coast-
9 al, ocean and Great Lakes information.

10 (b) FUNCTIONS.—To accomplish the mission de-
11 scribed in section 3(b), and in addition to the functions
12 described in section 3(c), the operations and service as-
13 pects of the Administration shall include—

14 (1) acquiring, managing, and operating coastal,
15 ocean, and Great Lakes observing systems;

16 (2) contributing to the operation of a global
17 Earth-observing system;

18 (3) integrating Administration remote sensing
19 and in situ assets that provide critical data needed
20 to support the mission of the Administration, and
21 providing that data to decisionmakers and the pub-
22 lic;

23 (4) developing, acquiring, and managing oper-
24 ational environmental satellite programs and associ-
25 ated ground control and data acquisition and deliv-

1 ery facilities to support the mission of the Adminis-
2 tration;

3 (5) managing and distributing atmospheric,
4 geophysical, and marine data and data products for
5 the Administration through national environmental
6 data centers;

7 (6) providing for long-term stewardship of envi-
8 ronmental data, products, and information via data
9 processing, storage, reanalysis, reprocessing, and ar-
10 chive facilities;

11 (7) issuing licenses for private remote sensing
12 space systems under the Land Remote Sensing Pol-
13 icy Act of 1992;

14 (8) administering a national water level obser-
15 vation network, which shall include monitoring of
16 the Great Lakes;

17 (9) providing charts and other information for
18 safe navigation of the oceans and inland waters, as
19 provided by law;

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

22 (11) such other operations and services func-
23 tions to serve the mission of the Administration as
24 the Administrator may prescribe.

1 **SEC. 7. RESEARCH AND EDUCATION.**

2 (a) IN GENERAL.—The Secretary shall maintain
3 within the Administration programs to conduct and sup-
4 port research and education and the development of tech-
5 nologies relating to weather, climate, and the coasts,
6 oceans, and Great Lakes.

7 (b) FUNCTIONS.—To accomplish the mission de-
8 scribed in section 3(b), and in addition to the functions
9 described in section 3(c), the research and education as-
10 pects of the Administration shall include—

11 (1) conducting and supporting research and de-
12 velopment to improve the Administration’s capabili-
13 ties to collect, through observation and otherwise,
14 communicate, analyze, process, and disseminate
15 comprehensive scientific data and information about
16 weather, climate, and the coasts, oceans, and Great
17 Lakes;

18 (2) improving ecological prediction and manage-
19 ment capabilities through ecosystem-based research
20 and development;

21 (3) contributing information on the Earth’s cli-
22 mate and related systems, obtained through research
23 and observation, that addresses questions con-
24 fronting policymakers, resources managers, and
25 other users;

1 (4) reducing uncertainty in projections of how
2 the Earth's climate and related systems may change
3 in the future;

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

8 (6) administering the National Sea Grant Col-
9 lege Program Act;

10 (7) conducting and supporting research and de-
11 velopment of technology for exploration of the
12 oceans;

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

15 (9) supporting extramural peer-reviewed com-
16 petitive grant programs to assist the Administration
17 in performing the functions described in this sub-
18 section; and

19 (10) such other research, development, edu-
20 cation, and outreach functions to serve the mission
21 of the Administration as the Administrator may pre-
22 scribe.

23 **SEC. 8. SCIENCE ADVISORY BOARD.**

24 (a) IN GENERAL.—There shall be within the Admin-
25 istration a Science Advisory Board, which shall provide

1 such scientific advice as may be requested by the Adminis-
2 trator, the Committee on Commerce, Science, and Trans-
3 portation of the Senate, or the Committee on Science or
4 on Resources of the House of Representatives.

5 (b) PURPOSE.—The purpose of the Science Advisory
6 Board is to advise the Administrator and Congress on
7 long-range and short-range strategies for research, edu-
8 cation, and the application of science to resource manage-
9 ment and environmental assessment and prediction.

10 (c) MEMBERS.—

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

17 (2) TERMS OF SERVICE.—Members shall be ap-
18 pointed for 3-year terms, renewable once, and shall
19 serve at the discretion of the Administrator. An indi-
20 vidual serving a term as a member of the Science
21 Advisory Board on the date of enactment of this Act
22 may complete that term, and may be reappointed
23 once for another term of 3 years unless the term
24 being served on such date of enactment is the second
25 term served by that individual. Vacancy appoint-

1 ments shall be for the remainder of the unexpired
2 term of the vacancy, and an individual so appointed
3 may subsequently be appointed for 2 full 3-year
4 terms if the remainder of the unexpired term is less
5 than one year.

6 (3) CHAIRPERSON.—The Administrator shall
7 designate a chairperson from among the members of
8 the Board.

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

14 (d) ADMINISTRATIVE PROVISIONS.—

15 (1) REPORTING.—The Science Advisory Board
16 shall report to the Administrator and the appro-
17 priate requesting party.

18 (2) ADMINISTRATIVE SUPPORT.—The Adminis-
19 trator shall provide administrative support to the
20 Science Advisory Board.

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

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

7 (5) SUBCOMMITTEES.—The Science Advisory
8 Board may establish such subcommittees of its
9 members as may be necessary. The Science Advisory
10 Board may establish task forces and working groups
11 consisting of Board members and outside experts as
12 may be necessary.

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

16 **SEC. 9. REPORTS.**

17 (a) REPORT ON DATA MANAGEMENT, ARCHIVAL,
18 AND DISTRIBUTION.—

19 (1) CONTENTS.—Not later than 1 year after
20 the date of enactment of this Act, and once every 5
21 years thereafter, the Administrator shall do the fol-
22 lowing:

23 (A) Enter into an arrangement with the
24 National Academy of Sciences to review the en-
25 vironmental data and information systems of

1 the Administration and to provide recommenda-
2 tions to address any inadequacies identified by
3 the review. The review shall assess the ade-
4 quacy of the environmental data and informa-
5 tion systems of the Administration to—

6 (i) provide adequate capacity to man-
7 age, archive and disseminate environmental
8 information collected and processed, or ex-
9 pected to be collected and processed, by
10 the Administration, including data gath-
11 ered by other agencies that is processed or
12 stored by the Administration;

13 (ii) establish, develop, and maintain
14 information bases, including necessary
15 management systems, which will provide
16 for consistent, efficient, and compatible
17 transfer and use of data;

18 (iii) develop effective interfaces among
19 the environmental data and information
20 systems of the Administration and other
21 appropriate departments and agencies;

22 (iv) develop and use nationally accept-
23 ed formats and standards for data col-
24 lected by various national and international
25 sources;

1 (v) integrate and interpret data from
2 different sources to produce information
3 that can be used by decisionmakers in de-
4 veloping policies that effectively respond to
5 national and global environmental con-
6 cerns; and

7 (vi) reanalyze and reprocess the
8 archived data as better science is developed
9 to integrate diverse data sources.

10 (B) Develop a strategic plan, with respect
11 to the environmental data and information sys-
12 tems of the Administration, to—

13 (i) respond to each of the rec-
14 ommendations in the review conducted
15 under subparagraph (A);

16 (ii) set forth modernization and im-
17 provement objectives for an integrated na-
18 tional environmental data access and ar-
19 chive system for the 10-year period begin-
20 ning with the year in which the plan is
21 transmitted, including facility requirements
22 and critical new technology components
23 that would be necessary to meet the objec-
24 tives set forth;

1 (iii) propose specific Administration
2 programs and activities for implementing
3 the plan;

4 (iv) identify the data and information
5 management, reanalysis, reprocessing, ar-
6 chival, and distribution responsibilities of
7 the Administration with respect to other
8 Federal departments and agencies and
9 international organizations; and

10 (v) provide an implementation sched-
11 ule and estimate funding levels necessary
12 to achieve modernization and improvement
13 objectives.

14 (2) TRANSMITTAL TO CONGRESS.—Not later
15 than 18 months after the date of enactment of this
16 Act, the Administrator shall transmit to the Com-
17 mittee on Commerce, Science, and Transportation of
18 the Senate and the Committee on Science of the
19 House of Representatives the initial review and stra-
20 tegic plan developed under paragraph (1). Subse-
21 quent reviews and strategic plans developed under
22 paragraph (1) shall also be transmitted to those
23 committees upon completion.

24 (b) STRATEGIC PLAN FOR RESEARCH AND DEVELOP-
25 MENT.—

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

6 (A) an assessment of the science and tech-
7 nology needs of the Administration based on
8 the Administration’s operational requirements
9 and on input provided by external stakeholders
10 at the national, regional, State, and local levels;
11 and

12 (B) a strategic plan that assigns specific
13 programs within the administration the respon-
14 sibility to meet each need identified under sub-
15 paragraph (A) and that describes the extent to
16 which each need identified in subparagraph (A)
17 will be addressed through—

18 (i) intramural research;

19 (ii) extramural, peer-reviewed, com-
20 petitive grant programs; and

21 (iii) work done in cooperation with
22 other Federal agencies.

23 (2) NATIONAL ACADEMY OF SCIENCES RE-
24 VIEW.—The Administrator shall enter into an ar-
25 rangement with the National Academy of Sciences

1 for a review of the plan developed under paragraph
2 (1).

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

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

14 Not less than once every 5 years, the Secretary shall
15 develop and submit to Congress a policy that defines proc-
16 esses for making decisions about the roles of the Adminis-
17 tration, the private sector, and the academic community
18 in providing environmental information, products, tech-
19 nologies, and services. The first such submission shall be
20 completed not less than 3 years after the date of enact-
21 ment of this Act. At least 90 days before each submission
22 of the policy to Congress, the Secretary shall publish the
23 policy in the Federal Register for a public comment period
24 of not less than 60 days. Nothing in this section shall be

1 construed to require changes in the policy in effect on the
2 date of enactment of this Act.

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

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

6 **SEC. 12. SAVINGS PROVISION.**

7 All rules and regulations, determinations, standards,
8 contracts, including collective bargaining agreements, cer-
9 tifications, authorizations, appointments, delegations, re-
10 sults and findings of investigations, and other actions duly
11 issued, made, or taken by or pursuant to or under the
12 authority of any statute or executive order which resulted
13 in the assignment of functions or activities to the Sec-
14 retary, the Department of Commerce, the Under Secretary
15 of Commerce for Oceans and Atmosphere, the Adminis-
16 trator, or any other officer of the Administration, that is
17 in effect immediately before the date of enactment of this
18 Act, shall continue in full force and effect after the effec-
19 tive date of this Act until modified or rescinded. All suits,
20 appeals, judgments, and proceedings pending on such ef-
21 fective date relating to responsibilities or functions trans-
22 ferred pursuant to this Act shall continue without regard
23 to such transfers, except for the transfer of responsibilities
24 or functions. Any reference in law to a responsibility, func-
25 tion, or office transferred pursuant to this Act shall be

1 deemed to refer to the responsibility, function, or office
2 as so transferred. Nothing in this Act shall be construed
3 to limit the ability of an Administration employee to dis-
4 cuss scientific research performed by that employee. Noth-
5 ing in this Act shall be construed to alter the responsibil-
6 ities or authorities of any other Federal agency. Nothing
7 in this Act shall be construed to authorize or prohibit the
8 transfer of any program, function, or project from other
9 Federal agencies to the Administration. Nothing in this
10 Act shall be construed to expand, modify, or supersede the
11 authority that the Administration has immediately before
12 the date of enactment of this Act, nor to provide the Ad-
13 ministration with any new regulatory authority. Nothing
14 in this Act shall be construed to grant the Administrator
15 any authority to construct, alter, repair, or acquire by any
16 means a public building, as defined at section 3301 of title
17 40, United States Code, or to grant any authority to lease
18 general purpose office or storage space in any building;
19 and nothing in this Act shall be construed to diminish any
20 authority the Administrator has immediately before the
21 date of enactment of this Act to construct, alter, repair,
22 or acquire by any means a public building, as defined at
23 section 3301 of title 40, United States Code, or to dimin-
24 ish any authority the Administrator has immediately be-
25 fore the date of enactment of this Act to lease general

1 purpose office or storage space in any building (regardless
2 of whether those authorities are derived from laws, execu-
3 tive orders, rules, regulations, or delegations of authority
4 from the Secretary of Commerce).

5 **SEC. 13. REORGANIZATION PLAN.**

6 (a) SCHEDULE.—(1) Not later than 18 months after
7 the date of enactment of this Act, the Administrator shall
8 develop a reorganization plan for the Administration in
9 accordance with this section and shall publish the plan in
10 the Federal Register. The Federal Register notice shall
11 solicit comments for a period of 60 days.

12 (2) Not later than 90 days after the expiration date
13 of the comment period described in paragraph (1), the Ad-
14 ministrator shall transmit to Congress a revised version
15 of the plan that takes into account the comments received.
16 The Administrator shall also publish the revised plan in
17 the Federal Register. The Administrator shall transmit
18 and publish, along with the plan, an explanation of how
19 the Administrator dealt with each issue raised by the com-
20 ments received.

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

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

1 (1) consistent with section 5 and the other pro-
2 visions of this Act, maximize the efficiency with
3 which the Administration carries out the functions
4 of—

5 (A) operations and services;

6 (B) research and education; and

7 (C) resource management;

8 (2) improve the sharing of research and other
9 information that is of use across programmatic
10 themes; and

11 (3) eliminate duplication of effort or overlap-
12 ping efforts among offices.

13 (c) CONSULTATION.—In developing the plan, the Ad-
14 ministrators shall consult with interested parties, including
15 the States, academia, industry, conservation organiza-
16 tions, and Administration employees.

17 **SEC. 14. FACILITY EVALUATION PROCESS.**

18 (a) PUBLIC NOTIFICATION AND ASSESSMENT PROC-
19 ESS.—

20 (1) IN GENERAL.—The Administrator shall not
21 close, consolidate, relocate, subdivide, or establish a
22 facility of the Administration, unless and until the
23 Administrator has followed the procedures required
24 by this section.

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

7 (A) the Administrator has published in the
8 Federal Register the proposed action and a de-
9 scription of the offices, personnel, and activities
10 of the Administration that would be affected by
11 the proposed change, and has provided for a
12 minimum of 60 days for public comment;

13 (B) if the proposed change involves a
14 science facility of the Administration, the
15 Science Advisory Board has reviewed the pro-
16 posed change and provided to the Administrator
17 written findings regarding the proposed change;

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

21 (i) a description of local weather char-
22 acteristics and weather-related concerns
23 which affect the weather services provided
24 within the service area;

1 (ii) a detailed comparison of the serv-
2 ices provided within the service area and
3 the services to be provided after the pro-
4 posed change;

5 (iii) a description of any recent or ex-
6 pected modernization of National Weather
7 Service operations which will enhance serv-
8 ices in the service area;

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

13 (v) evidence, based on operational
14 demonstration of National Weather Service
15 operations, which was considered in reach-
16 ing the conclusion that no degradation in
17 service will result from the proposed
18 change;

19 (D) the Administrator has prepared an
20 analysis of the anticipated costs and savings as-
21 sociated with the proposed facility change, in-
22 cluding both costs and savings in the first fiscal
23 year following the change, and changes in oper-
24 ations and maintenance costs and savings over
25 a ten-year period; and

1 (E) the Administrator has prepared an
2 analysis of the effects of the facility change on
3 operations and research of the Administration,
4 and the potential impacts on cooperative insti-
5 tutes, other external Administration partner-
6 ships, partnerships with other Federal agencies,
7 and any State and local partnerships.

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

19 (B) The Administrator shall provide to Con-
20 gress, at least 90 days before any closure, consolida-
21 tion, relocation, subdivision, or establishment of a
22 facility of the Administration not described in sub-
23 paragraph (A), written notification of the planned
24 closure, consolidation, relocation, subdivision, or es-
25 tablishment.

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

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

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

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

11 **SEC. 15. BUDGET REPROGRAMMING.**

12 Whenever the Administrator transmits a budget re-
13 programming request to the Appropriations Committees
14 of the House of Representatives and the Senate, the Ad-
15 ministrator shall simultaneously submit a copy of the re-
16 quest to the Committee on Science and the Committee on
17 Resources of the House of Representatives and the Com-
18 mittee on Commerce, Science, and Transportation of the
19 Senate.

20 **SEC. 16. SATELLITE NOTIFICATION.**

21 (a) IN GENERAL.—The Administrator shall notify
22 the Congress—

23 (1) prior to initiating the expenditure of any
24 funds on a satellite for which the Administration

1 had not expended funds as of the date of enactment
2 of this Act;

3 (2) within 3 days whenever the Administrator
4 has reasonable cause to believe that the development
5 cost of a satellite is likely to exceed the most recent
6 baseline estimate of development costs by more than
7 15 percent;

8 (3) within 3 days whenever the Administrator
9 has reasonable cause to believe that the delivery of
10 a satellite for launch is likely to be delayed by 6
11 months or more; or

12 (4) within 3 days whenever the Administrator
13 intends to make a significant alteration to a sat-
14 ellite.

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

17 (1) have the satellite, revised cost, revised
18 schedule, or significant alteration that was the sub-
19 ject of the notice evaluated in accordance with sub-
20 section (c) by—

21 (A) a panel of experts selected by the Ad-
22 ministrator that does not include any employees
23 of the Administration; or

24 (B) an independent entity; and

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

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

11 (1) the cost and schedule of a satellite for
12 which the Administration had not previously ex-
13 pended funds, along with the appropriateness of the
14 intended mission for the satellite and its likelihood
15 of success;

16 (2) the revised cost or delivery schedule pro-
17 posed for a satellite or the additional cost imposed
18 by a significant alteration;

19 (3) the impact on launch schedule of a proposed
20 significant alteration;

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

24 (5) the likelihood that the intended purpose of
25 the significant alteration would be accomplished.

1 (d) DEFINITIONS.—For the purposes of this section,
2 the term—

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

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

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

10 **SEC. 17. LIMITATIONS ON OFF-SHORE PERFORMANCE OF**
11 **CONTRACTS FOR THE PROCUREMENT OF**
12 **GOODS AND SERVICES.**

13 (a) CONVERSIONS TO CONTRACTOR PERFORMANCE
14 OF ADMINISTRATION ACTIVITIES.—Except as provided in
15 subsection (c), an activity or function of the Administra-
16 tion that is converted to contractor performance under Of-
17 fice of Management and Budget Circular A-76 may not
18 be performed by the contractor or any subcontractor at
19 a location outside the United States.

20 (b) CONTRACTS FOR THE PROCUREMENT OF SERV-
21 ICES.—(1) Except as provided in subsection (c), a contract
22 for the procurement of goods or services that is entered
23 into by the Administrator may not be performed outside
24 the United States unless it is to meet a requirement of

1 the Administration for goods or services specifically at a
2 location outside the United States.

3 (2) The President may waive the prohibition in para-
4 graph (1) in the case of any contract for which the Presi-
5 dent determines in writing that it is necessary in the na-
6 tional security interests of the United States for goods or
7 services under the contract to be performed outside the
8 United States.

9 (3) The Administrator may waive the prohibition in
10 paragraph (1) in the case of any contract for which the
11 Administrator determines in writing that essential goods
12 or services under the contract are only available from a
13 source outside the United States.

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

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

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