

105TH CONGRESS
1ST SESSION

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.

IN THE HOUSE OF REPRESENTATIVES

APRIL 10, 1997

Mr. CALVERT 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 authorize appropriations for the activities of the National Oceanic and Atmospheric Administration for fiscal years 1998 and 1999, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “National Oceanic and Atmospheric Administration Au-
6 thorization Act of 1997”.

7 (b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—ATMOSPHERIC, WEATHER, AND SATELLITE PROGRAMS

Sec. 101. National Weather Service.

Sec. 102. Atmospheric research.

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

TITLE II—MARINE RESEARCH

Sec. 201. National Ocean Service.

Sec. 202. Ocean and Great Lakes marine prediction research.

TITLE III—PROGRAM SUPPORT AND OTHER ACCOUNTS

Sec. 301. Program support.

Sec. 302. Other accounts.

TITLE IV—STREAMLINING OF OPERATIONS

Sec. 401. Programs.

Sec. 402. Limitations on appropriations.

Sec. 403. Disestablishment of the Corps of Commissioned Officers.

TITLE V—MISCELLANEOUS

Sec. 501. Weather data buoys.

Sec. 502. Duties of the National Weather Service.

Sec. 503. Marine services.

Sec. 504. National Oceanographic Partnership Program.

Sec. 505. Limitations.

Sec. 506. Notice.

Sec. 507. Sense of Congress on the Year 2000 problem.

1 **SEC. 2. DEFINITIONS.**

2 For the purposes of this Act, the term—

3 (1) “Act of 1890” means the Act entitled “An
4 Act to increase the efficiency and reduce the ex-
5 penses of the Signal Corps of the Army, and to
6 transfer the Weather Bureau to the Department of
7 Agriculture”, approved October 1, 1890 (26 Stat.
8 653);

9 (2) “Act of 1947” means the Act entitled “An
10 Act to define the functions and duties of the Coast

1 and Geodetic Survey, and for other purposes”, ap-
2 proved August 6, 1947 (33 U.S.C. 883a et seq.);

3 (3) “Act of 1970” means the Act entitled “An
4 Act to clarify the status and benefits of commis-
5 sioned officers of the National Oceanic and Atmos-
6 pheric Administration, and for other purposes”, ap-
7 proved December 31, 1970 (33 U.S.C. 857–1 et
8 seq.);

9 (4) “Administrator” means the Administrator
10 of the National Oceanic and Atmospheric Adminis-
11 tration; and

12 (5) “Secretary” means the Secretary of Com-
13 merce.

14 **TITLE I—ATMOSPHERIC, WEATH-**
15 **ER, AND SATELLITE PRO-**
16 **GRAMS**

17 **SEC. 101. NATIONAL WEATHER SERVICE.**

18 (a) OPERATIONS AND RESEARCH.—There are au-
19 thorized to be appropriated to the Secretary to enable the
20 National Oceanic and Atmospheric Administration to
21 carry out the operations and research duties of the Na-
22 tional Weather Service, \$458,131,000 for fiscal year 1998
23 and \$451,074,000 for fiscal year 1999. Such duties in-
24 clude meteorological, hydrological, and oceanographic pub-

1 lie warnings and forecasts, as well as applied research in
2 support of such warnings and forecasts.

3 (b) SYSTEMS ACQUISITION.—(1) There are author-
4 ized to be appropriated to the Secretary to enable the Na-
5 tional Oceanic and Atmospheric Administration to carry
6 out the public warning and forecast systems duties of the
7 National Weather Service, \$89,713,000 for fiscal year
8 1998 (including amounts as provided in subsection (c))
9 and \$74,453,000 for fiscal year 1999. Such duties include
10 the development, acquisition, and implementation of major
11 public warning and forecast systems, including the up-
12 grade of computer facilities. None of the funds authorized
13 under this subsection shall be used for the purposes for
14 which funds are authorized under subsection (f).

15 (2) Of the amounts authorized under paragraph (1),
16 \$39,591,000 for fiscal year 1998 and \$39,887,000 for fis-
17 cal year 1999 shall be for Next Generation Weather Radar
18 (NEXRAD) program management, operations, and main-
19 tenance.

20 (c) NEW NEXRAD INSTALLATIONS.—Of the amount
21 authorized under subsection (b)(1) for fiscal year 1998,
22 \$15,000,000 shall be for the acquisition and deployment
23 of NEXRAD systems—

24 (1) identified as necessary to prevent degrada-
25 tion of weather service caused by gaps in radar cov-

1 erage, in National Weather Service follow-up studies
2 to the Secretary's Report to Congress on Adequacy
3 of NEXRAD Coverage and Degradation of Weather
4 Services Under National Weather Service Mod-
5 ernization for 32 Areas of Concern, dated October
6 12, 1995; and

7 (2) recommended and approved by the Sec-
8 retary,

9 including program management, facilities, operations, and
10 maintenance through September 30, 1999.

11 (d) ASOS PROGRAM AUTHORIZATION.—Of the sums
12 authorized in subsection (b)(1), \$9,835,000 for fiscal year
13 1998 and \$9,942,000 for fiscal year 1999 are authorized
14 to be appropriated to the Secretary, for the acquisition
15 and deployment of—

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

20 (2) Automated Meteorological Observing Sys-
21 tem and Remote Automated Meteorological Observ-
22 ing System replacement units.

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

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

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

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

13 (f) AWIPS PROGRAM AUTHORIZATION.—(1) There
14 are to be authorized to be appropriated to the Secretary
15 to enable the National Oceanic and Atmospheric Adminis-
16 tration to carry out the acquisition, deployment, program
17 management, operation, and maintenance of the Advanced
18 Weather Interactive Processing System (AWIPS),
19 \$116,910,000 for fiscal year 1998 and \$82,029,000 for
20 fiscal year 1999.

21 (2) Of the sums authorized in paragraph (1), except
22 as provided in paragraph (3), there are authorized to be
23 appropriated to the Secretary for all fiscal years beginning
24 after September 30, 1997, an aggregate of \$186,300,000,
25 to remain available until expended, to complete the acqui-

1 sition and deployment of AWIPS and NOAAPort and to
2 cover all associated activities, including program manage-
3 ment and operations and maintenance through September
4 30, 1999.

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

9 (A) certifies to the Congress that—

10 (i) the systems meet the technical perform-
11 ance specifications included in the system con-
12 tract as in effect on August 11, 1995;

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

17 (iii) the Secretary does not foresee any
18 delays in the systems deployment and oper-
19 ations schedule; or

20 (B) submits to the Congress a report which de-
21 scribes—

22 (i) the circumstances which prevent a cer-
23 tification under subparagraph (A);

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

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

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

6 (g) CONSTRUCTION OF WEATHER FORECAST OF-
7 FICES.—There are authorized to be appropriated to the
8 Secretary to enable the National Oceanic and Atmospheric
9 Administration to carry out construction, repair, and
10 modification activities relating to new and existing weath-
11 er forecast offices, \$13,823,000 for fiscal year 1998 and
12 \$8,189,000 for fiscal year 1999. Such activities include
13 planning, design, and land acquisition related to such of-
14 fices.

15 (h) NATIONAL CENTERS FOR ENVIRONMENTAL PRE-
16 DICTION RESTRUCTURING.—There are authorized to be
17 appropriated to the Secretary to enable the National Oce-
18 anic and Atmospheric Administration to carry out restruc-
19 turing of the National Meteorological Center into the Na-
20 tional Centers for Environmental Prediction, \$700,000 for
21 fiscal year 1998 and \$809,000 for fiscal year 1999.

22 (i) FACILITIES.—There are authorized to be appro-
23 priated to the Secretary, to enable the National Oceanic
24 and Atmospheric Administration to carry out NEXRAD

1 Weather Service Office maintenance, \$2,950,000 for fiscal
2 year 1998 and \$2,950,000 for fiscal year 1999.

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

6 (1) in section 706—

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

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

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

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

21 “(c) SPECIAL CIRCUMSTANCES.—The Secretary may
22 not close or relocate any field office which is located at
23 an airport, if the Secretary, in consultation with the Sec-
24 retary of Transportation and the Committee, determines
25 as a result of the Air Safety Appraisal, completed and

1 signed by the National Weather Service and the Federal
2 Aviation Administration on December 9, 1996, that such
3 action will result in degradation of service that affects air-
4 craft safety.

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

8 “(1) provide timely information regarding the
9 activities of the National Weather Service which may
10 affect service to the community, including mod-
11 ernization and restructuring; and

12 “(2) work with area weather service users, in-
13 cluding persons associated with general aviation,
14 civil defense, emergency preparedness, and the news
15 media, with respect to the provision of timely weath-
16 er warnings and forecasts.”; and

17 (2) in section 707—

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

20 “(c) DUTIES.—The Committee shall advise the Con-
21 gress and the Secretary on—

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

1 “(2) matters of public safety and the provision
2 of weather services which relate to the comprehen-
3 sive modernization of the National Weather Serv-
4 ice.”; and

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

7 “(f) TERMINATION.—The Committee shall termi-
8 nate—

9 “(1) on September 30, 1997; or

10 “(2) 90 days after the deadline for public com-
11 ment on the modernization criteria for closure cer-
12 tification published in the Federal Register pursuant
13 to section 704(b)(2),
14 whichever occurs later.”.

15 (k) BI-AGENCY WORKING GROUP.—The National
16 Weather Service is encouraged to follow through on the
17 recommendation contained in the document entitled “Sec-
18 retary’s Report to Congress on Adequacy of NEXRAD
19 Coverage and Degradation of Weather Services Under Na-
20 tional Weather Service Modernization for 32 Areas of
21 Concern”, dated October 12, 1995, to initiate a dialogue
22 with the Federal Aviation Administration to form a bi-
23 agency working group to assess further the potential for
24 National Weather Service operational use of Federal Avia-
25 tion Administration weather radar data, and to define en-

1 gineering considerations that would be involved in imple-
2 menting a data-sharing link between the Federal Aviation
3 Administration and the National Weather Service.

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

13 (2) NEXRADs operated by the Department of De-
14 fense that provide primary detection coverage over a por-
15 tion of their ranges are to be considered as integral parts
16 of the National Weather Radar Network.

17 **SEC. 102. ATMOSPHERIC RESEARCH.**

18 (a) CLIMATE AND AIR QUALITY RESEARCH.—There
19 are authorized to be appropriated to the Secretary to en-
20 able the National Oceanic and Atmospheric Administra-
21 tion to carry out its climate and air quality research du-
22 ties, \$109,902,000 for fiscal year 1998 and \$111,803,000
23 for fiscal year 1999. Such duties include interannual and
24 seasonal climate research, long-term climate and air qual-

1 ity research, and high-performance computing and com-
2 munications.

3 (b) ATMOSPHERIC PROGRAMS.—There are author-
4 ized to be appropriated to the Secretary to enable the Na-
5 tional Oceanic and Atmospheric Administration to carry
6 out its atmospheric research duties, \$43,456,000 for fiscal
7 year 1998 and \$44,194,000 for fiscal year 1999. Such du-
8 ties include research for developing improved prediction
9 capabilities for atmospheric processes, as well as solar-ter-
10 restrial research and services.

11 (c) ACQUISITION OF DATA.—There are authorized to
12 be appropriated to the Secretary to enable the National
13 Oceanic and Atmospheric Administration to carry out
14 data acquisition activities of the Office of Oceanic and At-
15 mospheric Research, \$12,884,000 for fiscal year 1998 and
16 \$12,884,000 for fiscal year 1999.

17 (d) BOULDER LABORATORY ADMINISTRATIVE SUP-
18 PORT CENTER.—There are authorized to be appropriated
19 to the Secretary to enable the National Oceanic and At-
20 mospheric Administration to continue the modifications to
21 the Boulder Laboratory in Boulder, Colorado, to meet pro-
22 grammatic requirements, \$1,900,000 for fiscal year 1998
23 and \$9,078,000 for fiscal year 1999.

1 **SEC. 103. NATIONAL ENVIRONMENTAL SATELLITE, DATA,**
2 **AND INFORMATION SERVICE.**

3 (a) SATELLITE OBSERVING SYSTEMS.—There are
4 authorized to be appropriated to the Secretary to enable
5 the National Oceanic and Atmospheric Administration to
6 carry out its satellite observing systems duties,
7 \$346,344,000 for fiscal year 1998 and \$522,255,000 for
8 fiscal year 1999, to remain available until expended. Such
9 duties include spacecraft procurement, launch, and associ-
10 ated ground station systems involving polar orbiting and
11 geostationary environmental satellites, as well as the oper-
12 ation of such satellites. None of the funds authorized
13 under this subsection shall be used for the purposes for
14 which funds are authorized under section 105(d) of the
15 National Oceanic and Atmospheric Administration Au-
16 thorization Act of 1992 (Public Law 102–567).

17 (b) POES PROGRAM AUTHORIZATION.—Of the sums
18 authorized in subsection (a), there are authorized to be
19 appropriated to the Secretary \$82,905,000 for fiscal year
20 1998 and \$172,684,000 for fiscal year 1999, to remain
21 available until expended, for the procurement and launch
22 of, and supporting ground systems for, Polar Orbiting En-
23 vironmental Satellites (POES), K, L, M, N, and N’.

24 (c) NPOESS PROGRAM AUTHORIZATION.—Of the
25 sums authorized in subsection (a), there are authorized
26 to be appropriated to the Secretary, \$51,503,000 for fiscal

1 year 1998 and \$35,000,000 for fiscal year 1999, to re-
2 main available until expended, for the procurement of the
3 National Polar-Orbiting Operational Environmental Sat-
4 ellite System (NPOESS), and the procurement and launch
5 of, and supporting ground systems for, such satellites.

6 (d) GOES N–Q.—Of the sums authorized in sub-
7 section (a), there are authorized to be appropriated to the
8 Secretary \$147,819,000 for fiscal year 1998 and
9 \$256,421,000 for fiscal year 1999 to procure up to three
10 Geostationary Operational Environmental NEXT follow-
11 on Satellites (GOES N–Q), instruments, launching, and
12 supporting ground systems.

13 (e) OTHER PROGRAMS.—Of the sums authorized in
14 subsection (a), there are authorized to be appropriated to
15 the Secretary \$9,970,000 for fiscal year 1998 and
16 \$5,300,000 for fiscal year 1999, for the Wallops Island
17 backup, product development, and operating adjustment
18 activities of the Geostationary Operational Environmental
19 Satellite program.

20 (f) OCEAN REMOTE SENSING.—There are authorized
21 to be appropriated to the Secretary to enable the National
22 Oceanic and Atmospheric Administration to carry out
23 ocean remote sensing activities, \$3,800,000 for fiscal year
24 1998 and \$3,800,000 for fiscal year 1999.

1 (g) ENVIRONMENTAL DATA AND INFORMATION
2 SERVICES.—There are authorized to be appropriated to
3 the Secretary to enable the National Oceanic and Atmos-
4 pheric Administration to carry out its environmental data
5 and information services duties, \$43,835,000 for fiscal
6 year 1998 and \$43,835,000 for fiscal year 1999. Such du-
7 ties include climate data services, geophysical data serv-
8 ices, and environmental assessment and information serv-
9 ices.

10 **TITLE II—MARINE RESEARCH**

11 **SEC. 201. NATIONAL OCEAN SERVICE.**

12 (a) NAVIGATION SERVICES.—

13 (1) MAPPING AND CHARTING.—There are au-
14 thorized to be appropriated to the Secretary, to en-
15 able the National Oceanic and Atmospheric Adminis-
16 tration to carry out mapping and charting activities
17 under the Act of 1947 and any other law involving
18 those activities, \$36,100,000 for fiscal year 1998
19 and \$36,100,000 for fiscal year 1999.

20 (2) GEODESY.—There are authorized to be ap-
21 propriated to the Secretary, to enable the National
22 Oceanic and Atmospheric Administration to carry
23 out geodesy activities under the Act of 1947 and any
24 other law involving those activities, \$19,159,000 for

1 fiscal year 1998 and \$19,159,000 for fiscal year
2 1999.

3 (3) TIDE AND CURRENT DATA.—There are au-
4 thorized to be appropriated to the Secretary, to en-
5 able the National Oceanic and Atmospheric Adminis-
6 tration to carry out tide and current observation ac-
7 tivities under the Act of 1947 and any other law in-
8 volving those activities, \$11,000,000 for fiscal year
9 1998 and \$11,187,000 for fiscal year 1999.

10 (b) ESTUARINE AND COASTAL ASSESSMENT.—

11 (1) IN GENERAL.—There are authorized to be
12 appropriated to the Secretary, to enable the Na-
13 tional Oceanic and Atmospheric Administration to
14 support estuarine and coastal assessment activities
15 under the Act of 1947 and any other law involving
16 those activities, \$2,674,000 for fiscal year 1998 and
17 \$2,719,000 for fiscal year 1999.

18 (2) OCEAN ASSESSMENT.—In addition to
19 amounts authorized under paragraph (1), there are
20 authorized to be appropriated to the Secretary, to
21 enable the National Oceanic and Atmospheric Ad-
22 ministration to carry out the National Status and
23 Trends Program, the Strategic Environmental As-
24 sessment Program, and the Hazardous Materials
25 Response and Assessment Program, \$28,425,000 for

1 fiscal year 1998 and \$27,840,000 for fiscal year
2 1999.

3 (3) OIL POLLUTION ACT OF 1990.—In addition
4 to amounts authorized under paragraph (1), there
5 are authorized to be appropriated to the Secretary,
6 to enable the National Oceanic and Atmospheric Ad-
7 ministration to carry out Oil Pollution Act of 1990
8 activities, \$1,000,000 for fiscal year 1998 and
9 \$1,017,000 for fiscal year 1999.

10 (4) OCEAN SERVICES.—In addition to amounts
11 authorized under paragraph (1), there are author-
12 ized to be appropriated to the Secretary, to enable
13 the National Oceanic and Atmospheric Administra-
14 tion to carry out ocean services duties, \$2,800,000
15 for fiscal year 1998 and \$2,848,000 for fiscal year
16 1999. Such duties include acquisition of sea-surface
17 and ocean temperature profiles from specially instru-
18 mented commercial vessels, and storing and
19 archiving the acquired data.

20 (c) COASTAL OCEAN PROGRAM.—There are author-
21 ized to be appropriated to the Secretary, to enable the Na-
22 tional Oceanic and Atmospheric Administration to carry
23 out the Coastal Ocean Program, \$15,200,000 for fiscal
24 year 1998 and \$15,458,000 for fiscal year 1999.

1 (d) ACQUISITION OF DATA.—There are authorized to
2 be appropriated to the Secretary, to enable the National
3 Oceanic and Atmospheric Administration to carry out
4 data acquisition activities of the National Ocean Service,
5 \$14,546,000 for fiscal year 1998 and \$14,546,000 for fis-
6 cal year 1999.

7 **SEC. 202. OCEAN AND GREAT LAKES MARINE PREDICTION**
8 **RESEARCH.**

9 There are authorized to be appropriated to the Sec-
10 retary, to enable the National Oceanic and Atmospheric
11 Administration to carry out marine prediction research ac-
12 tivities under the Act of 1947, the Act of 1890, and any
13 other law involving those activities, \$17,326,000 for fiscal
14 year 1998 and \$17,620,000 for fiscal year 1999.

15 **TITLE III—PROGRAM SUPPORT**
16 **AND OTHER ACCOUNTS**

17 **SEC. 301. PROGRAM SUPPORT.**

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

1 (b) SYSTEMS ACQUISITION OFFICE.—There are au-
2 thorized to be appropriated to the Secretary, to enable the
3 National Oceanic and Atmospheric Administration to
4 carry out Systems Acquisition Office activities,
5 \$1,423,000 for fiscal year 1998 and \$1,351,000 for fiscal
6 year 1999.

7 (c) CENTRAL ADMINISTRATIVE SUPPORT.—There
8 are authorized to be appropriated to the Secretary, to en-
9 able the National Oceanic and Atmospheric Administra-
10 tion to carry out central administrative support activities
11 under the Act of 1970 and any other law involving those
12 activities, \$31,350,000 for fiscal year 1998 and
13 \$29,783,000 for fiscal year 1999.

14 (d) RETIRED PAY.—There are authorized to be ap-
15 propriated to the Secretary, for retired pay for retired
16 commissioned officers of the National Oceanic and Atmos-
17 pheric Administration under the Act of 1970, \$14,000,000
18 for fiscal year 1998.

19 (e) AIRCRAFT SERVICES.—There are authorized to be
20 appropriated to the Secretary, to enable the National Oee-
21 anic and Atmospheric Administration to carry out aircraft
22 services activities (including aircraft operations, mainte-
23 nance, and support) under the Act of 1970 and any other
24 law involving those activities, \$9,900,000 for fiscal year
25 1998 and \$9,900,000 for fiscal year 1999.

1 **SEC. 302. OTHER ACCOUNTS.**

2 (a) **FLEET MAINTENANCE AND PLANNING.**—There
3 are authorized to be appropriated to the Secretary, to en-
4 able the National Oceanic and Atmospheric Administra-
5 tion to carry out fleet maintenance and planning activities,
6 \$11,823,000 for fiscal year 1998 and \$11,823,000 for fis-
7 cal year 1999.

8 (b) **RECOVERIES FROM PRIOR YEARS.**—The total
9 amount authorized to be appropriated pursuant to this Act
10 is reduced by \$25,500,000 for fiscal year 1998 and
11 \$14,000,000 for fiscal year 1999 to reflect the use of prior
12 year balances.

13 **TITLE IV—STREAMLINING OF**
14 **OPERATIONS**

15 **SEC. 401. PROGRAMS.**

16 (a) **PROGRAMS.**—No funds are authorized to be ap-
17 propriated for the following programs and accounts:

18 (1) The National Undersea Research Program.

19 (2) Fleet Replacement in the Capital Assets Ac-
20 quisition Account.

21 (3) Federal/State Weather Modification Grants.

22 (4) The Southeast Storm Research Account.

23 (5) National Institute for Environmental Re-
24 newal.

25 (6) National Weather Service non-Federal, non-
26 wildfire Fire Weather Service.

1 (7) National Weather Service Regional Climate
2 Centers.

3 (8) Goddard Science Center.

4 (9) National Weather Service Samoa Weather
5 Forecast Office Repair and Upgrade Account.

6 (10) Dissemination of Weather Charts (Marine
7 Facsimile Service).

8 (11) National Coastal Resources and Develop-
9 ment Institute Account.

10 (12) Global Learning and Observations to Ben-
11 efit the Environment program.

12 (b) REPORT.—Not later than 60 days after the date
13 of the enactment of this Act, the Secretary shall submit
14 to the Committee on Science of the House of Representa-
15 tives and the Committee on Commerce, Science, and
16 Transportation of the Senate a report certifying that all
17 the programs listed in subsection (a) will be terminated
18 no later than September 30, 1997.

19 (c) REPEAL OF NOAA FLEET MODERNIZATION
20 ACT.—The NOAA Fleet Modernization Act (33 U.S.C.
21 851 note) is repealed.

22 **SEC. 402. LIMITATIONS ON APPROPRIATIONS.**

23 (a) MAXIMUM AMOUNTS; OPERATIONS, RESEARCH,
24 AND FACILITIES.—No more than \$1,039,206,000 for fis-
25 cal year 1998 and \$1,020,131,000 for fiscal year 1999

1 are authorized to be appropriated to the Secretary by this
2 Act and any other Act, to enable the National Oceanic
3 and Atmospheric Administration to carry out all activities
4 associated with Operations, Research, and Facilities.

5 (b) MAXIMUM AMOUNTS; CAPITAL ASSETS ACQUISITION.—No more than \$490,692,000 for fiscal year 1998
6 and \$644,801,000 for fiscal year 1999 are authorized to
7 be appropriated to the Secretary by this Act and any other
8 Act, to enable the National Oceanic and Atmospheric Ad-
9 ministration to carry out all activities associated with Cap-
10 ital Assets Acquisition.

12 (c) REDUCTION IN TRAVEL BUDGET.—Of the sums
13 appropriated under this Act for Operations, Research, and
14 Facilities, no more than \$20,000,000 for fiscal year 1998
15 and \$20,500,000 for fiscal year 1999 may be used for re-
16 imbursement of travel and related expenses for National
17 Oceanic and Atmospheric Administration personnel.

18 **SEC. 403. DISESTABLISHMENT OF THE CORPS OF COMMIS-**
19 **SIONED OFFICERS.**

20 (a) NUMBER OF OFFICERS.—Notwithstanding sec-
21 tion 8 of the Act of June 3, 1948 (33 U.S.C. 853g), no
22 commissioned officers are authorized for any fiscal year
23 after fiscal year 1997.

24 (b) SEVERANCE PAY.—Commissioned officers may be
25 separated from the active list of the National Oceanic and

1 Atmospheric Administration. In lieu of separation pay, of-
2 ficers so separated shall be eligible only for severance pay
3 in accordance with the terms and conditions of section
4 5595 of title 5, United States Code, and only to the extent
5 provided in advance in appropriations Acts.

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

11 (2) Subject to the approval of the Secretary of Trans-
12 portation and under terms and conditions specified by the
13 Secretary, commissioned officers subject to subsection (a)
14 may transfer to the United States Coast Guard under sec-
15 tion 716 of title 10, United States Code.

16 (3) Subject to the approval of the Administrator of
17 the National Oceanic and Atmospheric Administration
18 and under terms and conditions specified by that Adminis-
19 trator, a commissioned officer subject to subsection (a)
20 may be employed by the National Oceanic and Atmos-
21 pheric Administration as a member of the civil service, if
22 the Administrator considers that individual to be the best
23 available candidate for the position. No new civil service
24 position may be created pursuant to this paragraph.

1 (4) The Administrator shall, before December 1,
2 1997, transmit to the Committee on Science of the House
3 of Representatives and the Committee on Commerce,
4 Science, and Transportation of the Senate a report listing
5 all officers employed by the National Oceanic and Atmos-
6 pheric Administration under paragraph (3), a description
7 of their responsibilities as members of the NOAA Corps,
8 and a description of their responsibilities as civil service
9 employees of the National Oceanic and Atmospheric Ad-
10 ministration.

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

13 (A) The Coast and Geodetic Survey Commis-
14 sioned Officers' Act of 1948 (33 U.S.C. 853a–853o,
15 853p–853u).

16 (B) The Act of February 16, 1929 (Chapter
17 221, section 5; 45 Stat. 1187; 33 U.S.C. 852a).

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

20 (D) Section 9 of Public Law 87–649 (76 Stat.
21 495).

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

24 (F) The Act of December 3, 1942 (Chapter
25 670; 56 Stat. 1038).

1 (G) Sections 1 through 5 of Public Law 91–621
2 (84 Stat. 1863; 33 U.S.C. 857–1 et seq.).

3 (H) The Act of August 10, 1956 (Chapter
4 1041, section 3; 70A Stat. 619; 33 U.S.C. 857a).

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

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

9 (K) The Act of August 3, 1956 (Chapter 932;
10 70 Stat. 988; 33 U.S.C. 875, 876).

11 (L) All other Acts inconsistent with this sub-
12 section.

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

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

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

1 **TITLE V—MISCELLANEOUS**

2 **SEC. 501. WEATHER DATA BUOYS.**

3 (a) PROHIBITION.—It shall be unlawful for any unau-
4 thORIZED person to remove, change the location of, ob-
5 struct, willfully damage, make fast to, or interfere with
6 any weather data buoy established, installed, operated, or
7 maintained by the National Data Buoy Center.

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

15 (c) REWARDS.—The Administrator may offer and
16 pay rewards for the apprehension and conviction, or for
17 information helpful therein, of persons found interfering,
18 in violation of law, with data buoys maintained by the Na-
19 tional Data Buoy Center; or for information leading to
20 the discovery of missing National Weather Service prop-
21 erty or the recovery thereof.

22 **SEC. 502. DUTIES OF THE NATIONAL WEATHER SERVICE.**

23 (a) IN GENERAL.—To protect life and property and
24 enhance the national economy, the Secretary, through the

1 National Weather Service, except as outlined in subsection
2 (b), shall be responsible for—

3 (1) forecasts and shall serve as the sole official
4 source of weather warnings;

5 (2) the issue of storm warnings;

6 (3) the collection, exchange, and distribution of
7 meteorological, hydrological, climatic, and oceano-
8 graphic data and information; and

9 (4) the preparation of hydrometeorological guid-
10 ance and core forecast information.

11 (b) COMPETITION WITH PRIVATE SECTOR.—The
12 National Weather Service shall not compete, or assist
13 other entities to compete, with the private sector when a
14 service is currently provided or can be provided by com-
15 mercial enterprise, unless—

16 (1) the Secretary finds that the private sector
17 is unwilling or unable to provide the services; and

18 (2) the service provides vital weather warnings
19 and forecasts for the protection of lives and property
20 of the general public.

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

22 (1) by striking section 3 (15 U.S.C. 313); and

23 (2) in section 9 (15 U.S.C. 317), by striking all
24 after “Department of Agriculture” and inserting in
25 lieu thereof a period.

1 (d) REPORT.—Not later than 60 days after the date
2 of the enactment of this Act, the Secretary shall submit
3 to the Committee on Science of the House of Representa-
4 tives and the Committee on Commerce, Science, and
5 Transportation of the Senate a report detailing all Na-
6 tional Weather Service activities which do not conform to
7 the requirements of this section and outlining a timetable
8 for their termination.

9 **SEC. 503. MARINE SERVICES.**

10 (a) SERVICE CONTRACTS.—Notwithstanding any
11 other provision of law and subject to the availability of
12 appropriations, the Secretary shall enter into contracts,
13 including multiyear contracts, subject to subsection (c),
14 for the use of vessels to conduct oceanographic research
15 and fisheries research, monitoring, enforcement, and man-
16 agement, and to acquire other data necessary to carry out
17 the missions of the National Oceanic and Atmospheric Ad-
18 ministration. The Secretary shall enter into these con-
19 tracts unless—

20 (1) the cost of the contract is more than the
21 cost (including the cost of vessel operation, mainte-
22 nance, and all personnel) to the National Oceanic
23 and Atmospheric Administration of obtaining those
24 services on vessels of the National Oceanic and At-
25 mospheric Administration;

1 (2) the contract is for more than 7 years; or

2 (3) the data is acquired through a vessel agree-
3 ment pursuant to subsection (d).

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

7 (c) MULTIYEAR CONTRACTS.—

8 (1) IN GENERAL.—Subject to paragraphs (2)
9 and (3), and notwithstanding section 1341 of title
10 31, United States Code, and section 11 of title 41,
11 United States Code, the Secretary may acquire data
12 under multiyear contracts.

13 (2) REQUIRED FINDINGS.—The Secretary may
14 not enter into a contract pursuant to this subsection
15 unless the Secretary finds with respect to that con-
16 tract that there is a reasonable expectation that
17 throughout the contemplated contract period the
18 Secretary will request from Congress funding for the
19 contract at the level required to avoid contract ter-
20 mination.

21 (3) REQUIRED PROVISIONS.—The Secretary
22 may not enter into a contract pursuant to this sub-
23 section unless the contract includes—

24 (A) a provision under which the obligation
25 of the United States to make payments under

1 the contract for any fiscal year is subject to the
2 availability of appropriations provided in ad-
3 vance for those payments;

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

6 (C) appropriate provisions under which, in
7 case of any termination of the contract before
8 the end of the term specified pursuant to sub-
9 paragraph (B), the United States shall only be
10 liable for the lesser of—

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

13 (ii) amounts that were appropriated
14 before the date of the termination for the
15 performance of the contract or for procure-
16 ment of the type of acquisition covered by
17 the contract and are unobligated on the
18 date of the termination.

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

1 **SEC. 504. NATIONAL OCEANOGRAPHIC PARTNERSHIP PRO-**
2 **GRAM.**

3 The National Oceanic and Atmospheric Administra-
4 tion is authorized to participate in the National Oceanic
5 Partnership Program established by the National Oceanic
6 Partnership Act (Public Law 104–201).

7 **SEC. 505. LIMITATIONS.**

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

18 (b) LIMITATION ON APPROPRIATIONS.—Notwith-
19 standing any other provision of law, no sums are author-
20 ized to be appropriated for fiscal years 1998 and 1999
21 for the activities for which sums are authorized by this
22 Act, unless such sums are specifically authorized to be ap-
23 propriated by this Act.

24 (c) ELIGIBILITY FOR AWARDS.—

25 (1) IN GENERAL.—The Administrator shall ex-
26 clude from consideration for grant agreements made

1 by the National Oceanic and Atmospheric Adminis-
2 tration after fiscal year 1997 any person who re-
3 ceived funds, other than those described in para-
4 graph (2), appropriated for a fiscal year after fiscal
5 year 1997, under a grant agreement from any Fed-
6 eral funding source for a project that was not sub-
7 jected to a competitive, merit-based award process.
8 Any exclusion from consideration pursuant to this
9 subsection shall be effective for a period of 5 years
10 after the person receives such Federal funds.

11 (2) EXCEPTION.—Paragraph (1) shall not
12 apply to the receipt of Federal funds by a person
13 due to the membership of that person in a class
14 specified by law for which assistance is awarded to
15 members of the class according to a formula pro-
16 vided by law.

17 (3) DEFINITION.—For purposes of this sub-
18 section, the term “grant agreement” means a legal
19 instrument whose principal purpose is to transfer a
20 thing of value to the recipient to carry out a public
21 purpose of support or stimulation authorized by a
22 law of the United States, and does not include the
23 acquisition (by purchase, lease, or barter) of prop-
24 erty or services for the direct benefit or use of the
25 United States Government.

1 **SEC. 506. NOTICE.**

2 (a) NOTICE OF REPROGRAMMING.—If any funds au-
3 thorized by this Act are subject to a reprogramming action
4 that requires notice to be provided to the Appropriations
5 Committees of the House of Representatives and the Sen-
6 ate, notice of such action shall concurrently be provided
7 to the Committees on Science and Resources of the House
8 of Representatives and the Committee on Commerce,
9 Science, and Transportation of the Senate.

10 (b) NOTICE OF REORGANIZATION.—The Adminis-
11 trator shall provide notice to the Committees on Science,
12 Resources, and Appropriations of the House of Represent-
13 atives, and the Committees on Commerce, Science, and
14 Transportation and Appropriations of the Senate, not
15 later than 15 days before any major reorganization of any
16 program, project, or activity of the National Oceanic and
17 Atmospheric Administration.

18 **SEC. 507. SENSE OF CONGRESS ON THE YEAR 2000 PROB-**
19 **LEM.**

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

23 (1) give high priority to correcting all 2-digit
24 date-related problems in its computer systems to en-
25 sure that those systems continue to operate effec-
26 tively in the year 2000 and beyond;

1 (2) assess immediately the extent of the risk to
2 the operations of the National Oceanic and Atmos-
3 pheric Administration posed by the problems re-
4 ferred to in paragraph (1), and plan and budget for
5 achieving Year 2000 compliance for all of its mis-
6 sion-critical systems; and

7 (3) develop contingency plans for those systems
8 that the National Oceanic and Atmospheric Admin-
9 istration is unable to correct in time.

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