

Union Calendar No. 83

106TH CONGRESS
1ST Session

H. R. 1553

[Report No. 106-146]

A BILL

To authorize appropriations for fiscal year 2000 and fiscal year 2001 for the National Weather Service, Atmospheric Research, and National Environmental Satellite, Data and Information Service activities of the National Oceanic and Atmospheric Administration, and for other purposes.

MAY 18, 1999

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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IN THE HOUSE OF REPRESENTATIVES

APRIL 26, 1999

Mr. CALVERT introduced the following bill; which was referred to the Committee on Science

MAY 18, 1999

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on April 26, 1999]

A BILL

To authorize appropriations for fiscal year 2000 and fiscal year 2001 for the National Weather Service, Atmospheric Research, and National Environmental Satellite, Data and Information Service activities of 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 Weather Serv-*
5 *ice and Related Agencies Authorization Act of 1999”.*

6 **SEC. 2. DEFINITIONS.**

7 *For purposes of this Act, the term—*

8 *(1) “Administrator” means the Administrator of*
9 *the National Oceanic and Atmospheric Administra-*
10 *tion; and*

11 *(2) “Secretary” means the Secretary of Com-*
12 *merce.*

13 **SEC. 3. NATIONAL WEATHER SERVICE.**

14 *(a) OPERATIONS, RESEARCH, AND FACILITIES.—There*
15 *are authorized to be appropriated to the Secretary to enable*
16 *the National Oceanic and Atmospheric Administration to*
17 *carry out the Operations, Research, and Facilities activities*
18 *of the National Weather Service \$617,897,000 for fiscal year*
19 *2000 and \$617,897,000 for fiscal year 2001, to remain*
20 *available until expended. Of such amounts—*

21 *(1) \$449,441,000 for fiscal year 2000 and*
22 *\$450,411,000 for fiscal year 2001 shall be for Local*
23 *Warnings and Forecasts;*

1 (2) \$2,200,000 for fiscal year 2000 and
2 \$2,200,000 for fiscal year 2001 shall be for *Advanced*
3 *Hydrological Prediction System*;

4 (3) \$619,000 for fiscal year 2000 and \$619,000
5 for fiscal year 2001 shall be for *Susquehanna River*
6 *Basin Flood Systems*;

7 (4) \$35,596,000 for fiscal year 2000 and
8 \$35,596,000 for fiscal year 2001 shall be for *Aviation*
9 *Forecasts*;

10 (5) \$4,000,000 for fiscal year 2000 and
11 \$4,000,000 for fiscal year 2001 shall be for *Weather*
12 *Forecast Offices (WFO) Facilities Maintenance*;

13 (6) \$37,081,000 for fiscal year 2000 and
14 \$37,081,000 for fiscal year 2001 shall be for *Central*
15 *Forecast Guidance*;

16 (7) \$3,090,000 for fiscal year 2000 and
17 \$3,090,000 for fiscal year 2001 shall be for *Atmos-*
18 *pheric and Hydrological Research*;

19 (8) \$39,325,000 for fiscal year 2000 and
20 \$39,325,000 for fiscal year 2001 shall be for *Next*
21 *Generation Weather Radar (NEXRAD)*;

22 (9) \$7,573,000 for fiscal year 2000 and
23 \$7,573,000 for fiscal year 2001 shall be for *Automated*
24 *Surface Observing System (ASOS)*;

1 (10) \$38,002,000 for fiscal year 2000 and
2 \$38,002,000 for fiscal year 2001 shall be for Advanced
3 Weather Interactive Processing System (AWIPS); and

4 (11) \$970,000 for fiscal year 2000 shall be for
5 two 1,000-watt National Oceanic and Atmospheric
6 Administration Weather Radio transmitters, to be lo-
7 cated in Jasper and Marion Counties, Illinois, and
8 nine 300-watt National Oceanic and Atmospheric Ad-
9 ministration Weather Radio transmitters, to be in-
10 stalled in appropriate locations throughout the State
11 of Illinois, and for maintenance costs related thereto.

12 (b) *PROCUREMENT, ACQUISITION, AND CONSTRU-*
13 *CTION.—There are authorized to be appropriated to the Sec-*
14 *retary to enable the National Oceanic and Atmospheric Ad-*
15 *ministration to carry out the Procurement, Acquisition,*
16 *and Construction activities of the National Weather Service*
17 *\$69,632,000 for fiscal year 2000 and \$70,120,000 for fiscal*
18 *year 2001, to remain available until expended. Of such*
19 *amounts—*

20 (1) \$9,560,000 for fiscal year 2000 and
21 \$9,060,000 for fiscal year 2001 shall be for Next Gen-
22 eration Weather Radar (NEXRAD);

23 (2) \$4,180,000 for fiscal year 2000 and
24 \$6,125,000 for fiscal year 2001 shall be for Automated
25 Surface Observing System (ASOS);

1 (3) \$22,575,000 for fiscal year 2000 and
2 \$21,525,000 for fiscal year 2001 shall be for Advanced
3 Weather Interactive Processing System (AWIPS);

4 (4) \$11,100,000 for fiscal year 2000 and
5 \$12,835,000 for fiscal year 2001 shall be for Com-
6 puter Facilities Upgrades;

7 (5) \$8,350,000 for fiscal year 2000 and
8 \$8,350,000 for fiscal year 2001 shall be for Radio-
9 sonde Replacement;

10 (6) \$500,000 for fiscal year 2000 shall be for Na-
11 tional Oceanic and Atmospheric Administration Op-
12 erations Center Rehabilitation; and

13 (7) \$13,367,000 for fiscal year 2000 and
14 \$12,225,000 for fiscal year 2001 shall be for Weather
15 Forecast Office (WFO) Construction.

16 (c) *DUTIES OF THE NATIONAL WEATHER SERVICE.*—

17 (1) *IN GENERAL.*—To protect life and property,
18 the Secretary, through the National Weather Service,
19 except as provided in paragraph (2), shall be respon-
20 sible for—

21 (A) forecasts and shall serve as the sole offi-
22 cial source of weather and flood warnings;

23 (B) the issuance of storm warnings;

1 (C) the collection, exchange, and distribu-
2 tion of meteorological, hydrological, climatic,
3 and oceanographic data and information;

4 (D) the preparation of hydrometeorological
5 guidance and core forecast information; and

6 (E) the issuance of marine and aviation
7 forecasts and warnings.

8 (2) *COMPETITION WITH PRIVATE SECTOR.*—The
9 National Weather Service shall not provide, or assist
10 other entities to provide, a service (other than a serv-
11 ice described in paragraph (1)(A) or (B)) if that serv-
12 ice is currently provided or can be provided by com-
13 mercial enterprise, unless—

14 (A) the Secretary finds that the private sec-
15 tor is unwilling or unable to provide the service;
16 or

17 (B) the service provides vital weather warn-
18 ings and forecasts for the protection of lives and
19 property of the general public.

20 (3) *AMENDMENTS.*—The Act of October 1, 1890
21 (26 Stat. 653) is amended—

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

1 (B) in section 9 (15 U.S.C. 317), by strik-
2 ing “, and it shall be” and all that follows, and
3 inserting a period.

4 (4) *REPORT.*—Not later than 60 days after the
5 date of the enactment of this Act, the Secretary shall
6 submit to the Committee on Science of the House of
7 Representatives and the Committee on Commerce,
8 Science, and Transportation of the Senate a report
9 detailing all National Weather Service activities
10 which do not conform to the requirements of this sub-
11 section and outlining a timetable for their termi-
12 nation.

13 **SEC. 4. ATMOSPHERIC RESEARCH.**

14 (a) *OPERATIONS, RESEARCH, AND FACILITIES.*—

15 (1) *IN GENERAL.*—There are authorized to be ap-
16 propriated to the Secretary to enable the National
17 Oceanic and Atmospheric Administration to carry
18 out the Atmospheric Research Operations, Research,
19 and Facilities environmental research and develop-
20 ment activities of the Office of Oceanic and Atmos-
21 pheric Research \$173,250,000 for fiscal year 2000 and
22 \$173,250,000 for fiscal year 2001, to remain available
23 until expended.

24 (2) *CLIMATE AND AIR QUALITY RESEARCH.*—Of
25 the amounts authorized under paragraph (1),

1 \$126,200,000 for fiscal year 2000 and \$126,200,000
2 for fiscal year 2001 shall be for Climate and Air
3 Quality Research, of which—

4 (A) \$16,900,000 for fiscal year 2000 and
5 \$16,900,000 for fiscal year 2001 shall be for
6 Interannual and Seasonal Climate Research;

7 (B) \$34,600,000 for fiscal year 2000 and
8 \$34,600,000 for fiscal year 2001 shall be for
9 Long-Term Climate and Air Quality Research;

10 (C) \$69,700,000 for fiscal year 2000 and
11 \$69,700,000 for fiscal year 2001 shall be for Cli-
12 mate and Global Change; and

13 (D) \$5,000,000 for fiscal year 2000 and
14 \$5,000,000 for fiscal year 2001 shall be for Glob-
15 al Learning and Observations to Benefit the En-
16 vironment (GLOBE).

17 (3) *ATMOSPHERIC PROGRAMS.*—Of the amounts
18 authorized under paragraph (1), \$47,050,000 for fis-
19 cal year 2000 and \$47,050,000 for fiscal year 2001
20 shall be for Atmospheric Programs, of which—

21 (A) \$36,600,000 for fiscal year 2000 and
22 \$36,600,000 for fiscal year 2001 shall be for
23 Weather Research;

1 (B) \$4,350,000 for fiscal year 2000 and
2 \$4,350,000 for fiscal year 2001 shall be for Wind
3 Profiler; and

4 (C) \$6,100,000 for fiscal year 2000 and
5 \$6,100,000 for fiscal year 2001 shall be for
6 Solar-Terrestrial Services and Research.

7 (b) *PROCUREMENT, ACQUISITION, AND CONSTRU-*
8 *CTION.—There are authorized to be appropriated to the Sec-*
9 *retary to enable the National Oceanic and Atmospheric Ad-*
10 *ministration to carry out the Atmospheric Research Pro-*
11 *curement, Acquisition, and Construction environmental re-*
12 *search and development activities of the Office of Oceanic*
13 *and Atmospheric Research \$10,040,000 for fiscal year 2000*
14 *and \$14,160,000 for fiscal year 2001, to remain available*
15 *until expended. Of such amounts—*

16 (1) \$5,700,000 for fiscal year 2000 and
17 \$8,000,000 for fiscal year 2001 shall be for the Geo-
18 physical Fluid Dynamics Laboratory Supercomputer;
19 and

20 (2) \$4,340,000 for fiscal year 2000 and
21 \$6,160,000 for fiscal year 2001 shall be for the Ad-
22 vanced Composition Explorer (ACE) Follow-On Sat-
23 ellite/*GEOSTORM*.

1 **SEC. 5. NATIONAL ENVIRONMENTAL SATELLITE, DATA AND**
2 **INFORMATION SERVICE.**

3 *(a) OPERATIONS, RESEARCH, AND FACILITIES.—*

4 *(1) IN GENERAL.—There are authorized to be ap-*
5 *propriated to the Secretary to enable the National*
6 *Oceanic and Atmospheric Administration to carry*
7 *out the Operations, Research, and Facilities environ-*
8 *mental research and development and related activi-*
9 *ties of the National Environmental Satellite, Data*
10 *and Information Service \$103,092,000 for fiscal year*
11 *2000 and \$103,092,000 for fiscal year 2001, to re-*
12 *main available until expended.*

13 *(2) SATELLITE OBSERVING SYSTEMS.—Of the*
14 *amounts authorized under paragraph (1),*
15 *\$59,236,000 for fiscal year 2000 and \$59,236,000 for*
16 *fiscal year 2001 shall be for Satellite Observing Sys-*
17 *tems, of which—*

18 *(A) \$2,000,000 for fiscal year 2000 and*
19 *\$2,000,000 for fiscal year 2001 shall be for Glob-*
20 *al Disaster Information Network (GDIN);*

21 *(B) \$4,000,000 for fiscal year 2000 and*
22 *\$4,000,000 for fiscal year 2001 shall be for*
23 *Ocean Remote Sensing; and*

24 *(C) \$53,236,000 for fiscal year 2000 and*
25 *\$53,236,000 for fiscal year 2001 shall be for En-*
26 *vironmental Observing Services.*

1 (3) *ENVIRONMENTAL DATA MANAGEMENT SYS-*
2 *TEMS.—Of the amounts authorized under paragraph*
3 *(1), \$43,856,000 for fiscal year 2000 and \$43,856,000*
4 *for fiscal year 2001 shall be for Environmental Data*
5 *Management Systems, of which—*

6 (A) *\$31,521,000 for fiscal year 2000 and*
7 *\$31,521,000 for fiscal year 2001 shall be for*
8 *Data and Information Services; and*

9 (B) *\$12,335,000 for fiscal year 2000 and*
10 *\$12,335,000 for fiscal year 2001 shall be for En-*
11 *vironmental Data Systems Modernization.*

12 (b) *PROCUREMENT, ACQUISITION, AND CONSTRUC-*
13 *TION.—*

14 (1) *IN GENERAL.—There are authorized to be ap-*
15 *propriated to the Secretary to enable the National*
16 *Oceanic and Atmospheric Administration to carry*
17 *out the Procurement, Acquisition, and Construction*
18 *environmental research and development and related*
19 *activities of the National Environmental Satellite,*
20 *Data and Information Service \$413,657,000 for fiscal*
21 *year 2000 and \$476,183,000 for fiscal year 2001, to*
22 *remain available until expended.*

23 (2) *SYSTEMS ACQUISITION.—Of the amounts au-*
24 *thorized under paragraph (1), \$410,612,000 for fiscal*

1 *year 2000 and \$473,803,000 for fiscal year 2001 shall*
2 *be for Systems Acquisition, of which—*

3 *(A) \$140,979,000 for fiscal year 2000 and*
4 *\$114,594,000 for fiscal year 2001 shall be for the*
5 *procurement and launch of, and supporting*
6 *ground systems for, Polar Orbiting Environ-*
7 *mental Satellites (POES), K, L, M, N, and N';*

8 *(B) \$80,100,000 for fiscal year 2000 and*
9 *\$113,600,000 for fiscal year 2001 shall be for the*
10 *procurement and launch of, and supporting*
11 *ground systems for, the National Polar-Orbiting*
12 *Operational Environmental Satellite System*
13 *(NPOESS); and*

14 *(C) \$189,533,000 for fiscal year 2000 and*
15 *\$245,609,000 for fiscal year 2001 shall be for the*
16 *procurement and launch of, and supporting*
17 *ground systems for, Geostationary Operational*
18 *Environmental NEXT follow-on Satellites*
19 *(GOES N–Q).*

20 *(3) CONSTRUCTION.—Of the amounts authorized*
21 *under paragraph (1), \$3,045,000 for fiscal year 2000*
22 *and \$2,380,000 for fiscal year 2001 shall be for Na-*
23 *tional Oceanic and Atmospheric Administration Op-*
24 *erations Center Rehabilitation Construction.*

1 **SEC. 6. FACILITIES.**

2 *There are authorized to be appropriated to the Sec-*
3 *retary to enable the National Oceanic and Atmospheric Ad-*
4 *ministration to carry out the Operations, Research, and*
5 *Facilities environmental research and development and re-*
6 *lated activities required to meet recurring facilities oper-*
7 *ations costs associated with the David Skaggs Research*
8 *Center in Boulder, Colorado, \$3,850,000 for fiscal year*
9 *2000 and \$3,850,000 for fiscal year 2001.*

10 **SEC. 7. ELIGIBILITY FOR AWARDS.**

11 *(a) IN GENERAL.—The Administrator shall exclude*
12 *from consideration for grant agreements made after fiscal*
13 *year 1999 by the National Oceanic and Atmospheric Ad-*
14 *ministration, under the activities for which funds are au-*
15 *thorized under this Act, any person who received funds,*
16 *other than those described in subsection (b), appropriated*
17 *for a fiscal year after fiscal year 1999, under a grant agree-*
18 *ment from any Federal funding source for a project that*
19 *was not subjected to a competitive, merit-based award proc-*
20 *ess, except as specifically authorized by this Act. Any exclu-*
21 *sion from consideration pursuant to this section shall be*
22 *effective for a period of 5 years after the person receives*
23 *such Federal funds.*

24 *(b) EXCEPTION.—Subsection (a) shall not apply to the*
25 *receipt of Federal funds by a person due to the membership*
26 *of that person in a class specified by law for which assist-*

1 *ance is awarded to members of the class according to a for-*
2 *mula provided by law.*

3 (c) *DEFINITION.*—*For purposes of this section, the*
4 *term “grant agreement” means a legal instrument whose*
5 *principal purpose is to transfer a thing of value to the re-*
6 *ipient to carry out a public purpose of support or stimula-*
7 *tion authorized by a law of the United States, and does*
8 *not include the acquisition (by purchase, lease, or barter)*
9 *of property or services for the direct benefit or use of the*
10 *United States Government. Such term does not include a*
11 *cooperative agreement (as such term is used in section 6305*
12 *of title 31, United States Code) or a cooperative research*
13 *and development agreement (as such term is defined in sec-*
14 *tion 12(d)(1) of the Stevenson-Wydler Technology Innova-*
15 *tion Act of 1980 (15 U.S.C. 3710a(d)(1))).*

16 **SEC. 8. INTERNET AVAILABILITY OF INFORMATION.**

17 *The Administrator shall make available through the*
18 *Internet home page of the National Oceanic and Atmos-*
19 *pheric Administration the abstracts relating to all research*
20 *grants and awards made with funds authorized by this Act.*
21 *Nothing in this section shall be construed to require or per-*
22 *mit the release of any information prohibited by law or reg-*
23 *ulation from being released to the public.*