

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 786

To clarify the duties and responsibilities of the National Oceanic and Atmospheric Administration and the National Weather Service, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

APRIL 14, 2005

Mr. SANTORUM introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To clarify the duties and responsibilities of the National Oceanic and Atmospheric Administration and the National Weather Service, 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  
5       Services Duties Act of 2005”.

1 **SEC. 2. DUTIES AND RESPONSIBILITIES OF NATIONAL OCE-**  
2 **ANIC AND ATMOSPHERIC ADMINISTRATION**  
3 **AND NATIONAL WEATHER SERVICE.**

4 (a) NATIONAL WEATHER SERVICE.—To protect life  
5 and property, the Secretary of Commerce shall, through  
6 the National Weather Service, be responsible for the fol-  
7 lowing:

8 (1) The preparation and issuance of severe  
9 weather forecasts and warnings designed for the  
10 protection of life and property of the general public.

11 (2) The preparation and issuance of  
12 hydrometeorological guidance and core forecast in-  
13 formation.

14 (3) The collection and exchange of meteorolog-  
15 ical, hydrological, climatic, and oceanographic data  
16 and information.

17 (4) The provision of reports, forecasts, warn-  
18 ings, and other advice to the Secretary of Transpor-  
19 tation and other persons pursuant to section 44720  
20 of title 49, United States Code.

21 (5) Such other duties and responsibilities as the  
22 Secretary shall specify.

23 (b) COMPETITION WITH PRIVATE SECTOR.—The  
24 Secretary of Commerce shall not provide, or assist other  
25 entities in providing, a product or service (other than a

1 product or service described in subsection (a)(1)) that is  
2 or could be provided by the private sector unless—

3 (1) the Secretary determines that the private  
4 sector is unwilling or unable to provide such product  
5 or service; or

6 (2) the United States Government is obligated  
7 to provide such product or service under inter-  
8 national aviation agreements to provide meteorolog-  
9 ical services and exchange meteorological informa-  
10 tion.

11 (c) ISSUANCE OF DATA, FORECASTS, AND WARN-  
12 INGS.—

13 (1) IN GENERAL.—All data, information, guid-  
14 ance, forecasts, and warnings received, collected, cre-  
15 ated, or prepared by the National Oceanic and At-  
16 mospheric Administration or the National Weather  
17 Service shall, to the maximum extent practicable, be  
18 issued in real time, and without delay for internal  
19 use, in a manner that ensures that all members of  
20 the public have the opportunity for simultaneous and  
21 equal access to such data, information, guidance,  
22 forecasts, and warnings.

23 (2) MODE OF ISSUANCE.—Data, information,  
24 guidance, forecasts, and warnings shall be issued  
25 under paragraph (1) through a set of data portals

1 designed for volume access by commercial providers  
2 of products or services and by such other mecha-  
3 nisms as the Secretary of Commerce considers ap-  
4 propriate for purposes of that paragraph.

5 (d) PROHIBITION ON CERTAIN DISCLOSURES.—An  
6 officer, employee, or agent of the National Oceanic and  
7 Atmospheric Administration, the National Weather Serv-  
8 ice, or any other department or agency of the United  
9 States who by reason of that status comes into possession  
10 of any weather data, information, guidance, forecast, or  
11 warning that might influence or affect the market value  
12 of any product, service, commodity, tradable, or business  
13 may not—

14 (1) willfully impart, whether directly or indi-  
15 rectly, such weather data, information, guidance,  
16 forecast, or warning, or any part thereof, before the  
17 issuance of such weather data, information, guid-  
18 ance, forecast, or warning to the public under sub-  
19 section (c); or

20 (2) after the issuance of such weather data, in-  
21 formation, guidance, forecast, or warning to the  
22 public under subsection (c), willfully impart com-  
23 ments or qualifications on such weather data, infor-  
24 mation, guidance, forecast, or warning, or any part

1       thereof, to the public, except pursuant to an  
2       issuance that complies with that subsection.

3       (e) REGULATIONS.—Not later than 90 days after the  
4       date of the enactment of this Act, the Secretary of Com-  
5       merce shall prescribe regulations to implement the provi-  
6       sions of this section.

7       (f) PRODUCT OR SERVICE DEFINED.—In this sec-  
8       tion, the term “product or service” means a product, serv-  
9       ice, device, or system that provides, senses, or commu-  
10      nicates meteorological, hydrological, climatic, solar, or  
11      oceanographic data, forecasts, or other similar informa-  
12      tion.

13      (g) EFFECTIVE DATE.—The provisions of this sec-  
14      tion (other than subsection (e)) shall take effect 90 days  
15      after the date of the enactment of this Act.

16      (h) CONFORMING AMENDMENTS.—The Act of Octo-  
17      ber 1, 1890 (26 Stat. 653) is amended as follows:

18           (1) Section 3 (15 U.S.C. 313) is repealed.

19           (2) Section 9 (15 U.S.C. 317) is amended by  
20      striking “, and it shall be” and all that follows and  
21      inserting a period.

1 **SEC. 3. REPORT ON MODIFICATION OF NATIONAL OCEANIC**  
2 **AND ATMOSPHERIC ADMINISTRATION AND**  
3 **NATIONAL WEATHER SERVICE ACTIVITIES.**

4 (a) REPORT.—Not later than 90 days after the date  
5 of the enactment of this Act, the Secretary of Commerce  
6 shall submit to the appropriate committees of Congress  
7 a report that sets forth—

8 (1) a detailed statement of the activities, if any,  
9 of the National Oceanic and Atmospheric Adminis-  
10 tration and the National Weather Service that are  
11 inconsistent with the provisions of section 2;

12 (2) a schedule for the modification of the activi-  
13 ties referred to in paragraph (1) in order to conform  
14 such activities to the provisions of section 2; and

15 (3) the regulations prescribed under section  
16 2(e).

17 (b) APPROPRIATE COMMITTEES OF CONGRESS DE-  
18 FINED.—In this section, the term “appropriate commit-  
19 tees of Congress” means—

20 (1) the Committee on Commerce, Science, and  
21 Transportation of the Senate; and

22 (2) the Committee on Science of the House of  
23 Representatives.

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