

106TH CONGRESS  
1ST SESSION

# H. R. 1553

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IN THE SENATE OF THE UNITED STATES

MAY 20, 1999

Received; read twice and referred to the Committee on Commerce, Science,  
and Transportation

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## AN ACT

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  
 5       Service 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  
 9               of the National Oceanic and Atmospheric Adminis-  
 10              tration; and

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

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

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

15       There are authorized to be appropriated to the Secretary  
 16       to enable the National Oceanic and Atmospheric Adminis-  
 17       tration to carry out the Operations, Research, and Facili-  
 18       ties activities of the National Weather Service  
 19       \$617,897,000 for fiscal year 2000 and \$617,897,000 for  
 20       fiscal year 2001, to remain available until expended. Of  
 21       such amounts—

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

1           (2) \$2,200,000 for fiscal year 2000 and  
2           \$2,200,000 for fiscal year 2001 shall be for Ad-  
3           vanced 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 Avia-  
9           tion 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 Auto-  
24          mated 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 Ad-  
3       vanced Weather Interactive Processing System  
4       (AWIPS); and

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

14      (b) PROCUREMENT, ACQUISITION, AND CONSTRU-  
15      TION.—There are authorized to be appropriated to the  
16      Secretary to enable the National Oceanic and Atmospheric  
17      Administration to carry out the Procurement, Acquisition,  
18      and Construction activities of the National Weather Serv-  
19      ice \$69,632,000 for fiscal year 2000 and \$70,120,000 for  
20      fiscal year 2001, to remain available until expended. Of  
21      such amounts—

22           (1) \$9,560,000 for fiscal year 2000 and  
23      \$9,060,000 for fiscal year 2001 shall be for Next  
24      Generation Weather Radar (NEXRAD);

1           (2) \$4,180,000 for fiscal year 2000 and  
2       \$6,125,000 for fiscal year 2001 shall be for Auto-  
3       mated Surface Observing System (ASOS);

4           (3) \$22,575,000 for fiscal year 2000 and  
5       \$21,525,000 for fiscal year 2001 shall be for Ad-  
6       vanced Weather Interactive Processing System  
7       (AWIPS);

8           (4) \$11,100,000 for fiscal year 2000 and  
9       \$12,835,000 for fiscal year 2001 shall be for Com-  
10      puter Facilities Upgrades;

11          (5) \$8,350,000 for fiscal year 2000 and  
12      \$8,350,000 for fiscal year 2001 shall be for Radio-  
13      sonde Replacement;

14          (6) \$500,000 for fiscal year 2000 shall be for  
15      National Oceanic and Atmospheric Administration  
16      Operations Center Rehabilitation; and

17          (7) \$13,367,000 for fiscal year 2000 and  
18      \$12,225,000 for fiscal year 2001 shall be for Weath-  
19      er Forecast Office (WFO) Construction.

20      (c) DUTIES OF THE NATIONAL WEATHER SERV-  
21      ICE.—

22          (1) IN GENERAL.—To protect life and property  
23      (in all 50 States, the District of Columbia, and the  
24      Territories), the Secretary, through the National

1 Weather Service, except as provided in paragraph  
2 (2), shall be responsible for—

3 (A) forecasts and shall serve as the sole of-  
4 ficial source of weather and flood warnings;

5 (B) the issuance of storm warnings;

6 (C) the collection, exchange, and distribu-  
7 tion of meteorological, hydrological, climatic,  
8 and oceanographic data and information;

9 (D) the preparation of hydrometeorological  
10 guidance and core forecast information; and

11 (E) the issuance of marine and aviation  
12 forecasts and warnings.

13 (2) COMPETITION WITH PRIVATE SECTOR.—

14 The National Weather Service shall not provide, or  
15 assist other entities to provide, a service if that serv-  
16 ice is currently provided or can be provided by com-  
17 mercial enterprise, unless—

18 (A) the service provides vital weather  
19 warnings and forecasts for the protection of life  
20 and property of the general public; or

21 (B) the United States Government is obli-  
22 gated to provide such service under inter-  
23 national aviation agreements to provide mete-  
24 orological services and exchange meteorological  
25 information.

1           (3) AMENDMENTS.—The Act of October 1,  
2       1890 (26 Stat. 653) is amended—

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

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

8           (4) REPORT.—Not later than 60 days after the  
9       date of the enactment of this Act, the Secretary  
10      shall submit to the Committee on Science of the  
11      House of Representatives and the Committee on  
12      Commerce, Science, and Transportation of the Sen-  
13      ate a report detailing all National Weather Service  
14      activities which do not conform to the requirements  
15      of this subsection and outlining a timetable for their  
16      termination.

17      (d) CLOSING OF LOCAL WEATHER SERVICE OF-  
18      FICES.—It is the sense of the Congress that the National  
19      Weather Service must fully take into account the dan-  
20      gerous and life threatening nature of weather patterns in  
21      Wind Zone IV, otherwise known as tornado alley, before  
22      making any determination on the closure of any of its local  
23      weather service offices.

24   **SEC. 4. ATMOSPHERIC RESEARCH.**

25      (a) OPERATIONS, RESEARCH, AND FACILITIES.—

1           (1) IN GENERAL.—There are authorized to be  
2           appropriated to the Secretary to enable the National  
3           Oceanic and Atmospheric Administration to carry  
4           out the Atmospheric Research Operations, Research,  
5           and Facilities environmental research and develop-  
6           ment activities of the Office of Oceanic and Atmos-  
7           pheric Research \$173,250,000 for fiscal year 2000  
8           and \$173,250,000 for fiscal year 2001, to remain  
9           available until expended.

10          (2) CLIMATE AND AIR QUALITY RESEARCH.—Of  
11          the amounts authorized under paragraph (1),  
12          \$126,200,000 for fiscal year 2000 and  
13          \$126,200,000 for fiscal year 2001 shall be for Cli-  
14          mate and Air Quality Research, of which—

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

18                (B) \$34,600,000 for fiscal year 2000 and  
19                \$34,600,000 for fiscal year 2001 shall be for  
20                Long-Term Climate and Air Quality Research;

21                (C) \$69,700,000 for fiscal year 2000 and  
22                \$69,700,000 for fiscal year 2001 shall be for  
23                Climate and Global Change; and

24                (D) \$5,000,000 for fiscal year 2000 and  
25                \$5,000,000 for fiscal year 2001 shall be for



1 Global Learning and Observations to Benefit  
2 the Environment (GLOBE).

3 (3) ATMOSPHERIC PROGRAMS.—Of the amounts  
4 authorized under paragraph (1), \$47,050,000 for  
5 fiscal year 2000 and \$47,050,000 for fiscal year  
6 2001 shall be for Atmospheric Programs, of which—

7 (A) \$36,600,000 for fiscal year 2000 and  
8 \$36,600,000 for fiscal year 2001 shall be for  
9 Weather Research;

10 (B) \$4,350,000 for fiscal year 2000 and  
11 \$4,350,000 for fiscal year 2001 shall be for  
12 Wind Profiler; and

13 (C) \$6,100,000 for fiscal year 2000 and  
14 \$6,100,000 for fiscal year 2001 shall be for  
15 Solar-Terrestrial Services and Research.

16 (b) PROCUREMENT, ACQUISITION, AND CONSTRUCTION.—There are authorized to be appropriated to the  
17 Secretary to enable the National Oceanic and Atmospheric  
18 Administration to carry out the Atmospheric Research  
19 Procurement, Acquisition, and Construction environ-  
20 mental research and development activities of the Office  
21 of Oceanic and Atmospheric Research \$10,040,000 for fis-  
22 cal year 2000 and \$14,160,000 for fiscal year 2001, to  
23 remain available until expended. Of such amounts—

1           (1) \$5,700,000 for fiscal year 2000 and  
2       \$8,000,000 for fiscal year 2001 shall be for the Geo-  
3       physical Fluid Dynamics Laboratory Supercomputer;  
4       and

5           (2) \$4,340,000 for fiscal year 2000 and  
6       \$6,160,000 for fiscal year 2001 shall be for the Ad-  
7       vanced Composition Explorer (ACE) Follow-On Sat-  
8       ellite/GEOSTORM.

9   **SEC. 5. NATIONAL ENVIRONMENTAL SATELLITE, DATA AND**  
10                   **INFORMATION SERVICE.**

11       (a) OPERATIONS, RESEARCH, AND FACILITIES.—

12           (1) IN GENERAL.—There are authorized to be  
13       appropriated to the Secretary to enable the National  
14       Oceanic and Atmospheric Administration to carry  
15       out the Operations, Research, and Facilities environ-  
16       mental research and development and related activi-  
17       ties of the National Environmental Satellite, Data  
18       and Information Service \$103,092,000 for fiscal  
19       year 2000 and \$103,092,000 for fiscal year 2001, to  
20       remain available until expended.

21           (2) SATELLITE OBSERVING SYSTEMS.—Of the  
22       amounts authorized under paragraph (1),  
23       \$59,236,000 for fiscal year 2000 and \$59,236,000  
24       for fiscal year 2001 shall be for Satellite Observing  
25       Systems, of which—

1 (A) \$2,000,000 for fiscal year 2000 and  
2 \$2,000,000 for fiscal year 2001 shall be for  
3 Global Disaster Information Network (GDIN);

4 (B) \$4,000,000 for fiscal year 2000 and  
5 \$4,000,000 for fiscal year 2001 shall be for  
6 Ocean Remote Sensing; and

7 (C) \$53,236,000 for fiscal year 2000 and  
8 \$53,236,000 for fiscal year 2001 shall be for  
9 Environmental Observing Services.

10 (3) ENVIRONMENTAL DATA MANAGEMENT SYS-  
11 TEMS.—Of the amounts authorized under paragraph  
12 (1), \$43,856,000 for fiscal year 2000 and  
13 \$43,856,000 for fiscal year 2001 shall be for Envi-  
14 ronmental Data Management Systems, of which—

15 (A) \$31,521,000 for fiscal year 2000 and  
16 \$31,521,000 for fiscal year 2001 shall be for  
17 Data and Information Services; and

18 (B) \$12,335,000 for fiscal year 2000 and  
19 \$12,335,000 for fiscal year 2001 shall be for  
20 Environmental Data Systems Modernization.

21 (b) PROCUREMENT, ACQUISITION, AND CONSTRUC-  
22 TION.—

23 (1) IN GENERAL.—There are authorized to be  
24 appropriated to the Secretary to enable the National  
25 Oceanic and Atmospheric Administration to carry

1 out the Procurement, Acquisition, and Construction  
2 environmental research and development and related  
3 activities of the National Environmental Satellite,  
4 Data and Information Service \$413,657,000 for fis-  
5 cal year 2000 and \$476,183,000 for fiscal year  
6 2001, to remain available until expended.

7 (2) SYSTEMS ACQUISITION.—Of the amounts  
8 authorized under paragraph (1), \$410,612,000 for  
9 fiscal year 2000 and \$473,803,000 for fiscal year  
10 2001 shall be for Systems Acquisition, of which—

11 (A) \$140,979,000 for fiscal year 2000 and  
12 \$114,594,000 for fiscal year 2001 shall be for  
13 the procurement and launch of, and supporting  
14 ground systems for, Polar Orbiting Environ-  
15 mental Satellites (POES), K, L, M, N, and N’;

16 (B) \$80,100,000 for fiscal year 2000 and  
17 \$113,600,000 for fiscal year 2001 shall be for  
18 the procurement and launch of, and supporting  
19 ground systems for, the National Polar-Orbiting  
20 Operational Environmental Satellite System  
21 (NPOESS); and

22 (C) \$189,533,000 for fiscal year 2000 and  
23 \$245,609,000 for fiscal year 2001 shall be for  
24 the procurement and launch of, and supporting  
25 ground systems for, Geostationary Operational

1 Environmental NEXT follow-on Satellites  
2 (GOES N–Q).

3 (3) CONSTRUCTION.—Of the amounts author-  
4 ized under paragraph (1), \$3,045,000 for fiscal year  
5 2000 and \$2,380,000 for fiscal year 2001 shall be  
6 for National Oceanic and Atmospheric Administra-  
7 tion Operations Center Rehabilitation Construction.

8 **SEC. 6. FACILITIES.**

9 There are authorized to be appropriated to the Sec-  
10 retary to enable the National Oceanic and Atmospheric  
11 Administration to carry out the Operations, Research, and  
12 Facilities environmental research and development and re-  
13 lated activities required to meet recurring facilities oper-  
14 ations costs associated with the David Skaggs Research  
15 Center in Boulder, Colorado, \$3,850,000 for fiscal year  
16 2000 and \$3,850,000 for fiscal year 2001.

17 **SEC. 7. ELIGIBILITY FOR AWARDS.**

18 (a) IN GENERAL.—The Administrator shall exclude  
19 from consideration for grant agreements made after fiscal  
20 year 1999 by the National Oceanic and Atmospheric Ad-  
21 ministration, under the activities for which funds are au-  
22 thorized under this Act, any person who received funds,  
23 other than those described in subsection (b), appropriated  
24 for a fiscal year after fiscal year 1999, under a grant  
25 agreement from any Federal funding source for a project

1 that was not subjected to a competitive, merit-based award  
2 process, except as specifically authorized by this Act. Any  
3 exclusion from consideration pursuant to this section shall  
4 be effective for a period of 5 years after the person re-  
5 ceives such Federal funds.

6 (b) EXCEPTION.—Subsection (a) shall not apply to  
7 the receipt of Federal funds by a person due to the mem-  
8 bership of that person in a class specified by law for which  
9 assistance is awarded to members of the class according  
10 to a formula provided by law.

11 (c) DEFINITION.—For purposes of this section, the  
12 term “grant agreement” means a legal instrument whose  
13 principal purpose is to transfer a thing of value to the  
14 recipient to carry out a public purpose of support or stim-  
15 ulation authorized by a law of the United States, and does  
16 not include the acquisition (by purchase, lease, or barter)  
17 of property or services for the direct benefit or use of the  
18 United States Government. Such term does not include  
19 a cooperative agreement (as such term is used in section  
20 6305 of title 31, United States Code) or a cooperative re-  
21 search and development agreement (as such term is de-  
22 fined in section 12(d)(1) of the Stevenson-Wydler Tech-  
23 nology Innovation Act of 1980 (15 U.S.C. 3710a(d)(1))).

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

2       The Administrator shall make available through the  
3 Internet home page of the National Oceanic and Atmos-  
4 pheric Administration the abstracts relating to all research  
5 grants and awards made with funds authorized by this  
6 Act. Nothing in this section shall be construed to require  
7 or permit the release of any information prohibited by law  
8 or regulation from being released to the public.

9 **SEC. 9. COMPLIANCE WITH BUY AMERICAN ACT.**

10       No funds authorized pursuant to this Act may be ex-  
11 pended by an entity unless the entity agrees that in ex-  
12 pending the assistance the entity will comply with sections  
13 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–  
14 10c, popularly known as the “Buy American Act”).

15 **SEC. 10. SENSE OF THE CONGRESS; REQUIREMENT RE-**  
16 **GARDING NOTICE.**

17       (a) **PURCHASE OF AMERICAN-MADE EQUIPMENT**  
18 **AND PRODUCTS.**—In the case of any equipment or prod-  
19 ucts that may be authorized to be purchased with financial  
20 assistance provided under this Act, it is the sense of the  
21 Congress that entities receiving such assistance should, in  
22 expending the assistance, purchase only American-made  
23 equipment and products.

24       (b) **NOTICE TO RECIPIENTS OF ASSISTANCE.**—In  
25 providing financial assistance under this Act, the Sec-  
26 retary of Commerce shall provide to each recipient of the

1 assistance a notice describing the statement made in sub-  
2 section (a) by the Congress.

3 **SEC. 11. PROHIBITION OF CONTRACTS.**

4       If it has been finally determined by a court or Federal  
5 agency that any person intentionally affixed a label bear-  
6 ing a “Made in America” inscription, or any inscription  
7 with the same meaning, to any product sold in or shipped  
8 to the United States that is not made in the United  
9 States, such person shall be ineligible to receive any con-  
10 tract or subcontract made with funds provided pursuant  
11 to this Act, pursuant to the debarment, suspension, and  
12 ineligibility procedures described in section 9.400 through  
13 9.409 of title 48, Code of Federal Regulations.

Passed the House of Representatives May 19, 1999.

Attest:                               JEFF TRANDAHL,  
*Clerk.*