

and Atmospheric Administration” for “data archived by the National Environmental Satellite, Data, and Information Service of the National Oceanic and Atmospheric Administration”.

Subsec. (b)(1). Pub. L. 101-508, §10201(a)(2), inserted “, information, and products” after “provide data” and substituted “data, information, and products are” for “data is”.

Subsec. (b)(2). Pub. L. 101-508, §10201(a)(3), inserted “, information, or products” after “provide data” and substituted “basis of exchanging such data, information, and products” for “data exchange basis”.

Subsec. (b)(3). Pub. L. 101-508, §10201(a)(4), added par. (3).

Subsec. (d). Pub. L. 101-508, §10201(a)(6), inserted “by the National Environmental Satellite, Data, and Information Service for archived data” after “under this section” in introductory provisions.

Subsec. (d)(1). Pub. L. 101-508, §10201(a)(5), amended par. (1) generally. Prior to amendment, par. (1) read as follows: “No fees shall be assessed under this section until after September 30, 1989.”

Subsecs. (e), (f)(1). Pub. L. 101-508, §10201(a)(6), inserted “by the National Environmental Satellite, Data, and Information Service for archived data” after “under this section”.

Subsec. (g). Pub. L. 101-508, §10201(a)(7), inserted before period at end “, including the authority of the Secretary pursuant to section 1307 of title 44. Nothing in this section shall be construed to authorize the Secretary to assess fees for nautical and aeronautical products of the National Oceanic and Atmospheric Administration in addition to those fees authorized under section 1307 of title 44”.

EFFECT OF AMENDMENTS

Pub. L. 101-508, title X, §10201(b), Nov. 5, 1990, 104 Stat. 1388-393, provided that:

“(1) The increase in revenues to the United States attributable to the amendments made by subsection (a) [amending this section] shall not exceed—

“(A) \$2,000,000 for each of the fiscal years 1991, 1992, and 1993; and

“(B) \$3,000,000 for each of the fiscal years 1994 and 1995.

“(2) Increases in revenues to the United States described in paragraph (1) shall be achieved by the Secretary of Commerce through fair and equitable increases in fees for services offered by the various programs of the National Oceanic and Atmospheric Administration.

“(3) The Secretary of Commerce shall notify the Congress of any changes in fee schedules under section 409 of the Act of November 17, 1988 (15 U.S.C. 1534), before such changes take effect.”

§ 1535. Repealed. Pub. L. 111-314, § 6, Dec. 18, 2010, 124 Stat. 3444

Section, Pub. L. 101-611, title I, §115(b), Nov. 16, 1990, 104 Stat. 3201, related to annual reports of activities of the Office of Space Commerce. See section 50703 of Title 51, National and Commercial Space Programs.

§ 1536. Prohibition against fraudulent use of “Made in America” labels

If it has been finally determined by a court or a Federal agency that any person intentionally affixed a label bearing a “Made in America” inscription, or an inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, that person shall be ineligible to receive any contract or subcontract from the Department of Commerce, pursuant to the debarment, suspension, and ineligibility procedures in subpart 9.4 of chapter 1 of title 48, Code of Federal Regulations.

(Pub. L. 102-245, title I, §111(b), Feb. 14, 1992, 106 Stat. 14.)

§ 1537. Needs assessment for data management, archival, and distribution

(1) Not later than 12 months after October 29, 1992, and at least biennially thereafter, the Secretary of Commerce shall complete an assessment of the adequacy of the environmental data and information systems of the National Oceanic and Atmospheric Administration. In conducting such an assessment, the Secretary shall take into consideration the need to—

(A) provide adequate capacity to manage, archive, and disseminate environmental data and information collected and processed, or expected to be collected and processed, by the National Oceanic and Atmospheric Administration and other appropriate departments and agencies;

(B) establish, develop, and maintain information bases, including necessary management systems, which will promote consistent, efficient, and compatible transfer and use of data;

(C) develop effective interfaces among the environmental data and information systems of the National Oceanic and Atmospheric Administration and other appropriate departments and agencies;

(D) develop and use nationally accepted formats and standards for data collected by various national and international sources; and

(E) integrate and interpret data from different sources to produce information that can be used by decisionmakers in developing policies that effectively respond to national and global environmental concerns.

(2) Not later than 12 months after October 29, 1992, and biennially thereafter, the Secretary of Commerce shall develop and submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a comprehensive plan, based on the assessment under paragraph (1), to modernize and improve the environmental data and information systems of the National Oceanic and Atmospheric Administration. The report shall—

(A) set forth modernization and improvement objectives for the 10-year period beginning with the year in which the plan is submitted, including facility requirements and critical new technological components that would be necessary to meet the objectives set forth;

(B) propose specific agency programs and activities for implementing the plan;

(C) identify the data and information management, archival, and distribution responsibilities of the National Oceanic and Atmospheric Administration with respect to other Federal departments and agencies and international organizations, including the role of the National Oceanic and Atmospheric Administration with respect to large data systems like the Earth Observing System Data and Information System; and

(D) provide an implementation schedule and estimate funding levels necessary to achieve modernization and improvement objectives.

(Pub. L. 102-567, title I, §106(c), Oct. 29, 1992, 106 Stat. 4274.)

§ 1538. Notice of reprogramming

(a) In general

The Secretary of Commerce shall provide notice to the Committee on Commerce, Science, and Transportation and Committee on Appropriations of the Senate and to the Committee on Merchant Marine and Fisheries, Committee on Science, Space, and Technology, and Committee on Appropriations of the House of Representatives, not less than 15 days before reprogramming funds available for a program, project, or activity of the National Oceanic and Atmospheric Administration in an amount greater than the lesser of \$250,000 or 5 percent of the total funding of such program, project, or activity if the reprogramming—

(1) augments an existing program, project, or activity;

(2) reduces by 5 percent or more (A) the funding for an existing program, project, or activity or (B) the numbers of personnel therefor as approved by Congress; or

(3) results from any general savings from a reduction in personnel which would result in a change in an existing program, project, or activity.

(b) Notice of reorganization

The Secretary of Commerce shall provide notice to the Committees on Merchant Marine and Fisheries, Science, Space, and Technology, and Appropriations of the House of Representatives, and the Committees on Commerce, Science, and Transportation and Appropriations of the Senate not later than 15 days before any major reorganization of any program, project, or activity of the National Oceanic and Atmospheric Administration.

(Pub. L. 102-567, title IV, §403, Oct. 29, 1992, 106 Stat. 4291.)

ABOLITION OF HOUSE COMMITTEE ON MERCHANT MARINE AND FISHERIES

Committee on Merchant Marine and Fisheries of House of Representatives abolished and its jurisdiction transferred by House Resolution No. 6, One Hundred Fourth Congress, Jan. 4, 1995. For treatment of references to Committee on Merchant Marine and Fisheries, see section 1(b)(3) of Pub. L. 104-14, set out as a note preceding section 21 of Title 2, The Congress.

§ 1539. Financial assistance

(a) Processing of applications

Within 12 months after October 29, 1992, the Secretary of Commerce shall develop and, after notice and opportunity for public comment, promulgate regulations or guidelines to ensure that a completed application for a grant, contract, or other financial assistance under a non-discretionary assistance program shall be processed and approved or disapproved within 75 days after submission of the application to the responsible program office of the National Oceanic and Atmospheric Administration.

(b) Notification of applicant

Not later than 14 days after the date on which the Secretary of Commerce receives an applica-

tion for a contract, grant, or other financial assistance provided under a nondiscretionary assistance program administered by the National Oceanic and Atmospheric Administration, the Secretary shall indicate in writing to the applicant whether or not the application is complete and, if not complete, shall specify the additional material that the applicant must provide to complete the application.

(c) Exemption

In the case of a program for which the recipient of a grant, contract, or other financial assistance is specified by statute to be, or has customarily been, a State or an interstate fishery commission, such financial assistance may be provided by the Secretary to that recipient on a sole-source basis, notwithstanding any other provision of law.

(d) “Nondiscretionary assistance program” defined

In this section, the term “nondiscretionary assistance program” means any program for providing financial assistance—

(1) under which the amount of funding for, and the intended recipient of, the financial assistance is specified by Congress; or

(2) the recipients of which have customarily been a State or an interstate fishery commission.

(Pub. L. 102-567, title IV, §404, Oct. 29, 1992, 106 Stat. 4292.)

§ 1540. Cooperative agreements

The Secretary of Commerce, acting through the Under Secretary of Commerce for Oceans and Atmosphere, may enter into cooperative agreements and other financial agreements with any nonprofit organization to—

(1) aid and promote scientific and educational activities to foster public understanding of the National Oceanic and Atmospheric Administration or its programs; and

(2) solicit private donations for the support of such activities.

(Pub. L. 102-567, title IV, §406, Oct. 29, 1992, 106 Stat. 4293.)

COOPERATIVE AGREEMENTS FOR RESEARCH, EDUCATION, TRAINING, AND OUTREACH

Pub. L. 108-199, div. B, title II, Jan. 23, 2004, 118 Stat. 71, provided in part: “That, hereafter, the Secretary of Commerce may enter into cooperative agreements with the Joint and Cooperative Institutes as designated by the Secretary to use the personnel, services, or facilities of such organizations for research, education, training, and outreach”.

Similar provisions were contained in Pub. L. 108-7, div. B, title II, Feb. 20, 2003, 117 Stat. 74.

§ 1541. Administrative Law Judges

Notwithstanding section 559 of title 5, with respect to any marine resource conservation law or regulation administered by the Secretary of Commerce acting through the National Oceanic and Atmospheric Administration, all adjudicatory functions which are required by chapter 5 of title 5 to be performed by an Administrative Law Judge may be performed by the United States Coast Guard on a reimbursable basis.