

interference, radio system characteristics, operating techniques affecting the use of the electromagnetic spectrum, and methods for improving the use of the electromagnetic spectrum for telecommunications purposes;

(2) prepare and issue predictions of electromagnetic wave propagation conditions and warnings of disturbances in such conditions;

(3) investigate conditions which affect the transmission of radio waves from their source to a receiver and the compilation and distribution of information on such transmission of radio waves as a basis for choice of frequencies to be used in radio operations;

(4) conduct research and analysis in the general field of telecommunications sciences in support of assigned functions and in support of other Government agencies;

(5) investigate nonionizing electromagnetic radiation and its uses, as well as methods and procedures for measuring and assessing electromagnetic environments, for the purpose of developing and coordinating policies and procedures affecting Federal Government use of the electromagnetic spectrum for telecommunications purposes;

(6) compile, evaluate, publish, and otherwise disseminate general scientific and technical data resulting from the performance of the functions specified in this section or from other sources when such data are important to science, engineering, or industry, or to the general public, and are not available elsewhere; and

(7) undertake such other activities similar to those specified in this subsection as the Secretary of Commerce determines appropriate.

(Pub. L. 100-418, title V, §5112(b), Aug. 23, 1988, 102 Stat. 1430.)

**§ 1533. Repealed. Pub. L. 111-358, title IV, § 407(c), Jan. 4, 2011, 124 Stat. 4004**

Section, Pub. L. 100-418, title V, §5163(d), Aug. 23, 1988, 102 Stat. 1451, established the Commerce, Science, and Technology Fellowship Program within the Department of Commerce.

CODIFICATION

Pub. L. 111-358, §407(c), which directed the repeal of section 5163(d) of the Omnibus Trade and Competition Act of 1988, was executed by repealing this section, which was section 5163(d) of the Omnibus Trade and Competitiveness Act of 1988 (Pub. L. 100-418), to reflect the probable intent of Congress.

**§ 1534. Assessment of fees for access to environmental data**

**(a) Basis of assessment**

Except as otherwise provided in this section, the Secretary is authorized to assess fees, based on fair market value, for access to environmental data and information and products derived therefrom collected and/or archived by the National Oceanic and Atmospheric Administration.

**(b) Eligible recipients; waiver of fees in cases of foreign governments and international organizations**

(1) The Secretary shall provide data, information, and products described in subsection (a) of

this section to Federal, State, and local government agencies, to universities, and to other non-profit institutions at the cost of reproduction and transmission, if such data, information, and products are to be used for research and not for commercial purposes.

(2) The Secretary shall waive the assessment of fees under subsection (a) of this section as necessary to continue to provide data, information, or products to foreign governments and international organizations on a basis of exchanging such data, information, and products or as otherwise provided by international agreement.

(3) The Secretary shall waive the assessment of fees authorized by subsection (a) of this section as necessary to continue to provide weather warnings, watches, and similar products and services essential to the mission of the National Oceanic Atmospheric<sup>1</sup> Administration.

**(c) Publication of fee schedules in Federal Register; initial schedule effective for three-year period**

The initial schedule of any fees assessed under this section, and any subsequent amendment to such schedule, shall be published by the Secretary in the Federal Register at least 30 days before such fees will take effect. The initial schedule shall remain in effect without amendment for the three-year period beginning on the date that fees under the schedule take effect.

**(d) Effective date of assessments; progressive increments**

Any assessment of fees under this section by the National Environmental Satellite, Data, and Information Service for archived data shall meet the following requirements:

(1) The initial schedule of fees established by the National Environmental Satellite, Data, and Information Service for archived data shall remain in effect for the 3-year period beginning on the date that the fees under that schedule take effect.

(2) With respect to the first one-year period during which the initial fee schedule is in effect, fees shall be assessed at no more than one-third of the fair market value specified in subsection (a) of this section.

(3) With respect to the second one-year period during which the initial fee schedule is in effect, fees shall be assessed at not more than two-thirds of such fair market value.

(4) With respect to the third one-year period during which the initial fee schedule is in effect, and with respect to any period thereafter, fees shall be assessed at no more than the full amount of such fair market value.

**(e) Data archive center operations; availability of fees for expenses of centers**

Fees collected under this section by the National Environmental Satellite, Data, and Information Service for archived data shall be available to the National Environmental Satellite, Data, and Information Service for expenses incurred in the operation of its data archive centers.

<sup>1</sup> So in original. Probably should be preceded by "and".