

§ 1530. Awarding of contracts for performance of commercial activity by National Oceanic and Atmospheric Administration

The Administration may not award any contract for the performance of any "commercial activity", as defined by paragraph 6.a. of the Office of Management and Budget Circular Memorandum A-76, which is performed by Administration employees until at least 30 calendar days after the Administrator of the Administration has presented, in writing, to the President of the Senate, the Speaker of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Merchant Marine and Fisheries and the Committee on Science, Space, and Technology of the House of Representatives, a full and complete description of such proposed contract, together with supporting documentation. Such documentation shall include—

- (1) a comparison of the cost of such activity as performed by employees of the Administration and the cost of such activity as performed under the proposed contract;
- (2) a comparison of the services performed by employees of the Administration and the services to be performed under the proposed contract; and
- (3) an assessment of the benefits to the Federal Government of proceeding with the proposed contract.

(Pub. L. 99-272, title VI, §6083, Apr. 7, 1986, 100 Stat. 135; Pub. L. 103-437, §5(b)(3), Nov. 2, 1994, 108 Stat. 4582.)

Editorial Notes

AMENDMENTS

1994—Pub. L. 103-437 in introductory provisions substituted "Committee on Science, Space, and Technology" for "Committee on Science and Technology" before "of the House".

Statutory Notes and Related Subsidiaries

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.

§ 1531. Buying Power Maintenance accounts for International Trade Administration, Export Administration, and United States Travel and Tourism Administration

In order to maintain overseas program activity for the Department of Commerce provided for each fiscal year at the appropriated program levels, the Secretary may establish Buying Power Maintenance accounts for the International Trade Administration, the Export Administration, and the United States Travel and Tourism Administration. There are authorized to be appropriated for such accounts such sums as may be necessary to offset adverse fluctuations in foreign currency exchange rates, or unbudgeted overseas wage and price changes. To

eliminate substantial gains to the approved levels of overseas operations, the Secretary shall transfer to a Buying Power Maintenance account such amounts determined to be excessive to the needs of the approved level of overseas operations because of fluctuations in foreign currency exchange rates or changes in unbudgeted overseas wages and prices, including unobligated balances associated with the overseas program. To offset adverse fluctuations in foreign currency exchange rates or unbudgeted overseas wage and price changes, the Secretary may transfer from a Buying Power Maintenance account such amounts determined to be necessary to maintain the approved level of overseas operations under an appropriation account. Funds transferred by the Secretary to or from a Buying Power Maintenance account shall be merged with and be available for the same purpose, and for the same time period, as the funds in the account into which transferred. Any restriction contained in an appropriation Act or other provision of law limiting the amounts available for the Department of Commerce that may be obligated or expended shall be deemed to be adjusted to the extent necessary to offset the net effect of fluctuations in foreign currency exchange rates or unbudgeted overseas wage and price changes in order to maintain approved levels.

(Pub. L. 100-202, §101(a) [title I, §108], Dec. 22, 1987, 101 Stat. 1329, 1329-7.)

§ 1532. Telecommunications; electromagnetic radiation; research, analysis, dissemination of information; other functions of Secretary

The Secretary of Commerce is authorized to—

- (1) conduct research on all of the telecommunications sciences, including wave propagation and reception, the conditions which affect electromagnetic wave propagation and reception, electromagnetic noise and 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.

Editorial Notes

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) to Federal, State, and local government agencies, to universities, and to other nonprofit 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) 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) as necessary to continue to provide weather warnings, watches, and similar products and services essential to the mission of the National Oceanic Atmospheric¹ 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).

(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.

(f) Report to Congressional committees

The Secretary shall, not later than 90 days after November 17, 1988, 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 report which sets forth—

(1) any plan of the Secretary for assessing fees under this section by the National Environmental Satellite, Data, and Information Service for archived data, including the methodology and bases by which the amount of such fees shall be determined, and the estimated revenues therefrom; and

(2) any plan of the Secretary for using revenues generated from such fees, as well as other resources, to improve the capability of the National Environmental Satellite, Data, and Information Service to collect, manage, process, archive, and disseminate the increasing amounts of data generated from satellites, radars, and other technologies.

(g) Other assessment authorities unaffected

The authority of the Secretary to assess fees under this section shall be in addition to, and shall not be construed to limit, the authority under any other law to assess fees relating to

¹ So in original. Probably should be preceded by "and".