

ment 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 the environmental data activities of the National Oceanic and Atmospheric Administration, 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.

(Pub. L. 100-685, title IV, § 409, Nov. 17, 1988, 102 Stat. 4100; Pub. L. 101-508, title X, § 10201(a), Nov. 5, 1990, 104 Stat. 1388-392.)

Editorial Notes

AMENDMENTS

1990—Subsec. (a). Pub. L. 101-508, § 10201(a)(1), substituted “and information and products derived therefrom collected and/or archived by the National Oceanic 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”.

Statutory Notes and Related Subsidiaries

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 sub-

mitted, 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.)

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