

S 786 IS1S

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109th CONGRESS

1st Session

**S. 786**

To clarify the duties and responsibilities of the National Oceanic and Atmospheric Administration and the National Weather Service, and for other purposes.

**IN THE SENATE OF THE UNITED STATES**

**April 14, 2005**

Mr. SANTORUM introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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**A BILL**

To clarify the duties and responsibilities of the National Oceanic and Atmospheric Administration and the National Weather Service, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the 'National Weather Services Duties Act of 2005'.

**SEC. 2. DUTIES AND RESPONSIBILITIES OF NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION AND NATIONAL WEATHER SERVICE.**

(a) NATIONAL WEATHER SERVICE- To protect life and property, the Secretary of Commerce shall, through the National Weather Service, be responsible for the following:

- (1) The preparation and issuance of severe weather forecasts and warnings designed for the protection of life and property of the general public.
- (2) The preparation and issuance of hydrometeorological guidance and core forecast information.
- (3) The collection and exchange of meteorological, hydrological, climatic, and oceanographic data and information.

(4) The provision of reports, forecasts, warnings, and other advice to the Secretary of Transportation and other persons pursuant to section 44720 of title 49, United States Code.

(5) Such other duties and responsibilities as the Secretary shall specify.

(b) **COMPETITION WITH PRIVATE SECTOR-** The Secretary of Commerce shall not provide, or assist other entities in providing, a product or service (other than a product or service described in subsection (a)(1)) that is or could be provided by the private sector unless--

(1) the Secretary determines that the private sector is unwilling or unable to provide such product or service; or

(2) the United States Government is obligated to provide such product or service under international aviation agreements to provide meteorological services and exchange meteorological information.

(c) **ISSUANCE OF DATA, FORECASTS, AND WARNINGS-**

(1) **IN GENERAL-** All data, information, guidance, forecasts, and warnings received, collected, created, or prepared by the National Oceanic and Atmospheric Administration or the National Weather Service shall, to the maximum extent practicable, be issued in real time, and without delay for internal use, in a manner that ensures that all members of the public have the opportunity for simultaneous and equal access to such data, information, guidance, forecasts, and warnings.

(2) **MODE OF ISSUANCE-** Data, information, guidance, forecasts, and warnings shall be issued under paragraph (1) through a set of data portals designed for volume access by commercial providers of products or services and by such other mechanisms as the Secretary of Commerce considers appropriate for purposes of that paragraph.

(d) **PROHIBITION ON CERTAIN DISCLOSURES-** An officer, employee, or agent of the National Oceanic and Atmospheric Administration, the National Weather Service, or any other department or agency of the United States who by reason of that status comes into possession of any weather data, information, guidance, forecast, or warning that might influence or affect the market value of any product, service, commodity, tradable, or business may not--

(1) willfully impart, whether directly or indirectly, such weather data, information, guidance, forecast, or warning, or any part thereof, before the issuance of such weather data, information, guidance, forecast, or warning to the public under subsection (c); or

(2) after the issuance of such weather data, information, guidance, forecast, or warning to the public under subsection (c), willfully impart comments or qualifications on such weather data, information, guidance, forecast, or warning, or any part thereof, to the public, except pursuant to an issuance that complies with that subsection.

(e) **REGULATIONS-** Not later than 90 days after the date of the enactment of this Act, the Secretary of Commerce shall prescribe regulations to implement the provisions of this section.

(f) **PRODUCT OR SERVICE DEFINED-** In this section, the term `product or service' means a product, service, device, or system that provides, senses, or communicates meteorological, hydrological, climatic, solar, or oceanographic data, forecasts, or other similar information.

(g) **EFFECTIVE DATE-** The provisions of this section (other than subsection (e)) shall take effect 90 days after the date of the enactment of this Act.

(h) **CONFORMING AMENDMENTS-** The Act of October 1, 1890 (26 Stat. 653) is amended as follows:

(1) Section 3 (15 U.S.C. 313) is repealed.

(2) Section 9 (15 U.S.C. 317) is amended by striking `, and it shall be' and all that follows and inserting a period.

### **SEC. 3. REPORT ON MODIFICATION OF NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION AND NATIONAL WEATHER SERVICE ACTIVITIES.**

(a) **REPORT-** Not later than 90 days after the date of the enactment of this Act, the Secretary of Commerce shall submit to the appropriate committees of Congress a report that sets forth--

(1) a detailed statement of the activities, if any, of the National Oceanic and Atmospheric Administration and the National Weather Service that are inconsistent with the provisions of section 2;

(2) a schedule for the modification of the activities referred to in paragraph (1) in order to conform such activities to the provisions of section 2; and

(3) the regulations prescribed under section 2(e).

(b) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED-** In this section, the term `appropriate committees of Congress' means--

(1) the Committee on Commerce, Science, and Transportation of the Senate; and

(2) the Committee on Science of the House of Representatives.

*END*