

NAYS—2

Kucinich Paul

ANSWERED "PRESENT"—2

Capuano Frank (MA)

NOT VOTING—15

Beauprez	Harris	Ney
Case	Herseth	Sabo
Cole (OK)	Keller	Sanders
Cubin	Kennedy (RI)	Strickland
Evans	Moore (KS)	Watson

□ 1320

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table

#### PERSONAL EXPLANATION

Ms. HARRIS. Mr. Speaker, on rollcall No. 455, on Ordering the Previous Question Providing for consideration of the bill (H.R. 4844) to amend the National Voter Registration Act of 1993 to require any individual who desires to register or re-register to vote in an election for Federal office to provide the appropriate State election official with proof that the individual is a citizen of the U.S., I am not recorded, due to travel delay. Had I been present, I would have voted "aye."

Mr. Speaker, on rollcall No. 456, on Agreeing to the Resolution providing for consideration of the bill (H.R. 4844), I am not recorded, due to travel delay. Had I been present, I would have voted "aye."

Mr. Speaker, on rollcall No. 457, on the Motion to Suspend the Rules and Agree to the Resolution Recognizing the centennial anniversary on August 5, 2006, of the Iranian constitution of 1906, I am not recorded, due to travel delay. Had I been present, I would have voted "aye."

#### PERSONAL EXPLANATION

Mr. COLE of Oklahoma. Mr. Speaker, I was unavoidably detained during three votes. Had I been present for rollcall vote No. 455, on ordering the previous question, I would have voted "aye";

Rollcall vote No. 456, on agreeing to H. Res. 1015, I would have voted "aye"; and rollcall vote No. 457, on agreeing to H. Res. 942, I would have voted "aye."

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

#### NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION ACT

Mr. EHLERS. Mr. Speaker, I move to suspend the rules and pass the bill

(H.R. 5450) to provide for the National Oceanic and Atmospheric Administration, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5450

*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 Oceanic and Atmospheric Administration Act".

#### SEC. 2. DEFINITIONS.

In this Act:

(1) The term "Administration" means the National Oceanic and Atmospheric Administration.

(2) The term "Administrator" means the Administrator of the National Oceanic and Atmospheric Administration.

(3) The term "Secretary" means the Secretary of Commerce.

#### SEC. 3. NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

(a) IN GENERAL.—There shall be in the Department of Commerce an agency known as the National Oceanic and Atmospheric Administration.

(b) MISSION.—The mission of the Administration is to understand the systems of the Earth's oceans and atmosphere and predict changes in the Earth's oceans and atmosphere and the effects of such changes on the land environment, to conserve and manage coastal, ocean, and Great Lakes ecosystems to meet national economic, social, and environmental needs, and to educate the public about these topics.

(c) FUNCTIONS.—The functions of the Administration shall include—

(1) collecting, through observation and other means, communicating, analyzing, processing, and disseminating comprehensive scientific data and information about weather and climate, solar and geophysical events on the Sun and in the space environment, and about the coasts, oceans, Great Lakes, upper reaches of estuaries, and hydrologic systems;

(2) operating and maintaining a system for the storage, retrieval, and dissemination of data relating to weather and climate, solar and geophysical events on the Sun and in the space environment, and about the coasts, oceans, Great Lakes, upper reaches of estuaries, and hydrologic systems;

(3) using observational data and technologies developed by other Federal agencies to improve the Administration's operations;

(4) conducting and supporting basic and applied research, development, and technology transfer as may be necessary to carry out the mission described in subsection (b);

(5) issuing weather, water, climate, space weather, tsunami, and other forecasts and warnings related to Earth's oceans and atmosphere;

(6) coordinating efforts of Federal agencies with respect to meteorological services;

(7) understanding the science of Earth's climate and related systems, and undertaking research and development to enhance society's ability to plan for and respond to climate variability and change;

(8) protecting, restoring, and managing the use of, the coasts, oceans, and Great Lakes through ecosystem-based research, development, demonstration, and management;

(9) administering public outreach and education programs and services to increase scientific and environmental literacy about weather and climate, solar and geophysical events on the Sun and in the space environment, and the coasts, oceans, Great Lakes, upper reaches of estuaries, and hydrologic systems;

(10) providing, as appropriate and in cooperation with the Secretary of State, representation at all international meetings and conferences relating to the mission of the Administration, including meteorological, climate, and Earth and ocean observing issues;

(11) any other function assigned to the Administration by law; and

(12) such other functions as are necessary to accomplish the mission described in subsection (b).

#### SEC. 4. ADMINISTRATION LEADERSHIP.

(a) ADMINISTRATOR.—

(1) IN GENERAL.—There shall be, as the Administrator of the Administration, an Under Secretary of Commerce for Oceans and Atmosphere. The Administrator shall be appointed by the President, by and with the advice and consent of the Senate. The Administrator shall be paid at the rate of basic pay for level III of the Executive Schedule.

(2) FUNCTIONS.—The Administrator shall be responsible for—

(A) general management;

(B) policy development and guidance;

(C) budget formulation, guidance, and execution;

(D) serving as the Department of Commerce official for all ocean and atmosphere issues with other elements of the Department of Commerce and with other Federal agencies, State, tribal, and local governments, and the public; and

(E) such other duties with respect to the Administration as the Secretary may prescribe.

(3) DELEGATION OF AUTHORITY.—The Administrator may, except as otherwise prohibited by law—

(A) delegate any functions, powers, or duties of the Administrator to such officers and employees of the Administration as the Administrator may designate; and

(B) authorize such successive redelegations of such functions, powers, or duties within the Administration as the Administrator considers necessary or appropriate.

(4) AUTHORITIES.—

(A) IN GENERAL.—As may be necessary or proper to carry out the Administration's functions under this Act or as otherwise provided by law, the Administrator may—

(i) promulgate rules and regulations;

(ii) enter into and perform contracts, leases, grants, and cooperative agreements with Federal agencies, State and local governments, Indian tribes, international organizations, foreign governments, educational institutions, nonprofit organizations, and commercial organizations;

(iii) use, with their consent, and with or without reimbursement, the services, equipment, personnel, and facilities of other departments, agencies, and instrumentalities of the Federal Government; and

(iv) conduct education and outreach in direct support of the mission described in section 3(b).

(B) EXCEPTION.—The authorities conferred on the Administrator by this paragraph do not include the authority to contract for services that are an inherently governmental function as defined in section 5 of the Federal Activities Inventory Reform Act of 1998 (31 U.S.C. 501 note).

(b) ASSISTANT SECRETARY FOR OCEANS AND ATMOSPHERE.—

(1) IN GENERAL.—There shall be, as Deputy Administrator of the Administration, an Assistant Secretary of Commerce for Oceans and Atmosphere. The Assistant Secretary shall be appointed by the President, by and with the advice and consent of the Senate. The Assistant Secretary shall be the Administrator's first assistant for purposes of subchapter III of chapter 33 of title 5, United

States Code. The Assistant Secretary shall be paid at the rate of basic pay for level IV of the Executive Schedule.

(2) **FUNCTIONS.**—The Assistant Secretary shall perform such functions and exercise such powers as the Administrator may prescribe and shall act as Administrator during the absence or disability of the Administrator or in the event of a vacancy in the office of Administrator.

(c) **DEPUTY UNDER SECRETARY FOR OCEANS AND ATMOSPHERE.**—

(1) **IN GENERAL.**—There shall be as the Chief Operating Officer of the Administration, a Deputy Under Secretary of Commerce for Oceans and Atmosphere. The Deputy Under Secretary shall be appointed by the Secretary. The position of Deputy Under Secretary shall be a Senior Executive Service position authorized under section 3133 of title 5, United States Code.

(2) **FUNCTIONS.**—The Deputy Under Secretary—

(A) shall ensure the timely and effective implementation of Administration policies and objectives;

(B) shall be responsible for all aspects of the Administration's operations and management, including budget, financial operations, information services, facilities, human resources, procurements, and associated services;

(C) in the absence or disability of the Assistant Secretary, or in the event of a vacancy in such position, shall act in that position; and

(D) shall perform such other duties as the Administrator shall prescribe.

(d) **DEPUTY ASSISTANT SECRETARY FOR SCIENCE AND EDUCATION.**—

(1) **IN GENERAL.**—There shall be in the Administration a Deputy Assistant Secretary for Science and Education who shall coordinate and oversee the science and education activities of the Administration and their application to Administration decisions and operations. The Deputy Assistant Secretary for Science and Education shall be appointed by the Secretary. The position of Deputy Assistant Secretary for Science and Education shall be a Senior Executive Service career reserved position as defined in section 3132(a)(8) of title 5, United States Code.

(2) **FUNCTIONS.**—The Deputy Assistant Secretary for Science and Education shall—

(A) coordinate research and development activities across the Administration;

(B) review the Administration's annual budget to ensure that funding for research and development is adequate, properly focused, and carried out by the appropriate entities across the Administration;

(C) advise the Administrator on how research results can be applied to operational use;

(D) advise the Administrator regarding science issues and their relationship to Administration policies, procedures, and decisions;

(E) participate in developing the Administration's strategic plans and policies and review the science and education aspects of those plans and policies;

(F) serve as liaison to the nongovernmental science community;

(G) develop and oversee guidelines for peer review of research sponsored or conducted by the Administration;

(H) oversee implementation of the strategic plan for research and development required under section 9(b);

(I) oversee management of laboratories in the Administration;

(J) oversee the research and education programs of the Administration; and

(K) perform such other duties as the Administrator shall prescribe.

(3) **QUALIFICATIONS.**—An individual appointed under paragraph (1) shall be a person who has an outstanding science and education background, including research accomplishments, scientific reputation, and public policy experience.

(4) **CONSULTATION.**—Before appointing an individual under paragraph (1), the Secretary shall consult with the National Academy of Sciences, the Science Advisory Board of the Administration, and other appropriate scientific organizations.

(e) **DEPUTY ASSISTANT SECRETARIES.**—There may be in the Administration no more than two additional Deputy Assistant Secretaries whose duties may be designated by the Administrator. The Deputy Assistant Secretaries shall be appointed by the Secretary. The positions of Deputy Assistant Secretaries shall be Senior Executive Service positions authorized under section 3133 of title 5, United States Code.

(f) **GENERAL COUNSEL.**—

(1) **IN GENERAL.**—There shall be in the Administration a General Counsel. The General Counsel shall be appointed by the Secretary. The General Counsel shall be paid at the rate of basic pay for level V of the Executive Schedule.

(2) **FUNCTIONS.**—The General Counsel—

(A) shall serve as the chief legal officer of the Administration for all legal matters that arise in connection with the conduct of the functions of the Administration; and

(B) shall perform such other functions and exercise such powers as the Administrator may prescribe.

(g) **CONTINUATION OF SERVICE.**—Any individual serving on the effective date of this Act in a position provided for in this Act may continue to serve in that position until a successor is appointed under this Act. Nothing in this Act shall be construed to require the appointment of a successor under this Act sooner than would have been required under law as in effect before the effective date of this Act.

#### **SEC. 5. NATIONAL WEATHER SERVICE.**

(a) **IN GENERAL.**—The Secretary shall maintain within the Administration the National Weather Service.

(b) **MISSION.**—The mission of the National Weather Service is to provide weather, water, climate, tsunami, and space weather forecasts and warnings for the United States, its territories, adjacent waters, and ocean areas for the protection of life and property and the enhancement of the national economy. In carrying out the mission of the National Weather Service, the Administrator shall ensure that the National Weather Service—

(1) provides timely and accurate weather, water, climate, tsunami, and space weather forecasts; and

(2) provides timely and accurate warnings of natural hazards related to weather, water, climate, and tsunamis, and of space weather hazards.

(c) **FUNCTIONS.**—The functions of the National Weather Service shall include—

(1) maintaining a network of local weather forecast offices;

(2) maintaining a network of observation systems to collect weather and climate data;

(3) operating national centers to deliver guidance, forecasts, warnings, and analysis about weather, water, climate, tsunami, and space weather phenomena for the Administration and the public;

(4) providing information to Federal agencies and other organizations responsible for emergency preparedness and response as required by law;

(5) conducting and supporting applied research to facilitate the rapid incorporation of weather and climate science advances into operational tools; and

(6) other functions to serve the mission of the National Weather Service described in subsection (b).

#### **SEC. 6. OPERATIONS AND SERVICES.**

(a) **IN GENERAL.**—The Secretary shall maintain within the Administration programs to support efforts, on a continuing basis, to collect data and provide information and products regarding satellites, observations, and coastal, ocean and Great Lakes information.

(b) **FUNCTIONS.**—To accomplish the mission described in section 3(b), and in addition to the functions described in section 3(c), the operations and service aspects of the Administration shall include—

(1) acquiring, managing, and operating coastal, ocean, and Great Lakes observing systems;

(2) contributing to the operation of a global Earth-observing system;

(3) integrating Administration remote sensing and in situ assets that provide critical data needed to support the mission of the Administration, and providing that data to decisionmakers and the public;

(4) developing, acquiring, and managing operational environmental satellite programs and associated ground control and data acquisition and delivery facilities to support the mission of the Administration;

(5) managing and distributing atmospheric, geophysical, and marine data and data products for the Administration through national environmental data centers;

(6) providing for long-term stewardship of environmental data, products, and information via data processing, storage, reanalysis, reprocessing, and archive facilities;

(7) issuing licenses for private remote sensing space systems under the Land Remote Sensing Policy Act of 1992;

(8) administering a national water level observation network, which shall include monitoring of the Great Lakes;

(9) providing charts and other information for safe navigation of the oceans and inland waters, as provided by law;

(10) maintaining a fleet of ships and aircraft to support the mission of the Administration; and

(11) such other operations and services functions to serve the mission of the Administration as the Administrator may prescribe.

#### **SEC. 7. RESEARCH AND EDUCATION.**

(a) **IN GENERAL.**—The Secretary shall maintain within the Administration programs to conduct and support research and education and the development of technologies relating to weather, climate, and the coasts, oceans, and Great Lakes.

(b) **FUNCTIONS.**—To accomplish the mission described in section 3(b), and in addition to the functions described in section 3(c), the research and education aspects of the Administration shall include—

(1) conducting and supporting research and development to improve the Administration's capabilities to collect, through observation and otherwise, communicate, analyze, process, and disseminate comprehensive scientific data and information about weather, climate, and the coasts, oceans, and Great Lakes;

(2) improving ecological prediction and management capabilities through ecosystem-based research and development;

(3) contributing information on the Earth's climate and related systems, obtained through research and observation, that addresses questions confronting policymakers, resources managers, and other users;

(4) reducing uncertainty in projections of how the Earth's climate and related systems may change in the future;

(5) fostering the public's ability to understand and integrate scientific information

into considerations of national environmental issues through education and public outreach activities;

(6) administering the National Sea Grant College Program Act;

(7) conducting and supporting research and development of technology for exploration of the oceans;

(8) maintaining a system of laboratories to perform the functions described in this subsection;

(9) supporting extramural peer-reviewed competitive grant programs to assist the Administration in performing the functions described in this subsection; and

(10) such other research, development, education, and outreach functions to serve the mission of the Administration as the Administrator may prescribe.

#### SEC. 8. SCIENCE ADVISORY BOARD.

(a) IN GENERAL.—There shall be within the Administration a Science Advisory Board, which shall provide such scientific advice as may be requested by the Administrator, the Committee on Commerce, Science, and Transportation of the Senate, or the Committee on Science or on Resources of the House of Representatives.

(b) PURPOSE.—The purpose of the Science Advisory Board is to advise the Administrator and Congress on long-range and short-range strategies for research, education, and the application of science to resource management and environmental assessment and prediction.

##### (c) MEMBERS.—

(1) IN GENERAL.—The Science Advisory Board shall be composed of at least 15 members appointed by the Administrator. Each member of the Board shall be qualified by education, training, and experience to evaluate scientific and technical information on matters referred to the Board under this section.

(2) TERMS OF SERVICE.—Members shall be appointed for 3-year terms, renewable once, and shall serve at the discretion of the Administrator. An individual serving a term as a member of the Science Advisory Board on the date of enactment of this Act may complete that term, and may be reappointed once for another term of 3 years unless the term being served on such date of enactment is the second term served by that individual. Vacancy appointments shall be for the remainder of the unexpired term of the vacancy, and an individual so appointed may subsequently be appointed for 2 full 3-year terms if the remainder of the unexpired term is less than one year.

(3) CHAIRPERSON.—The Administrator shall designate a chairperson from among the members of the Board.

(4) APPOINTMENT.—Members of the Science Advisory Board shall be appointed as special Government employees, within the meaning given such term in section 202(a) of title 18, United States Code.

##### (d) ADMINISTRATIVE PROVISIONS.—

(1) REPORTING.—The Science Advisory Board shall report to the Administrator and the appropriate requesting party.

(2) ADMINISTRATIVE SUPPORT.—The Administrator shall provide administrative support to the Science Advisory Board.

(3) MEETINGS.—The Science Advisory Board shall meet at least twice each year, and at other times at the call of the Administrator or the Chairperson.

(4) COMPENSATION AND EXPENSES.—A member of the Science Advisory Board shall not be compensated for service on such board, but may be allowed travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(5) SUBCOMMITTEES.—The Science Advisory Board may establish such subcommittees of

its members as may be necessary. The Science Advisory Board may establish task forces and working groups consisting of Board members and outside experts as may be necessary.

(e) EXPIRATION.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Science Advisory Board.

#### SEC. 9. REPORTS.

(a) REPORT ON DATA MANAGEMENT, ARCHIVAL, AND DISTRIBUTION.—

(1) CONTENTS.—Not later than 1 year after the date of enactment of this Act, and once every 5 years thereafter, the Administrator shall do the following:

(A) Enter into an arrangement with the National Academy of Sciences to review the environmental data and information systems of the Administration and to provide recommendations to address any inadequacies identified by the review. The review shall assess the adequacy of the environmental data and information systems of the Administration to—

(i) provide adequate capacity to manage, archive and disseminate environmental information collected and processed, or expected to be collected and processed, by the Administration, including data gathered by other agencies that is processed or stored by the Administration;

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

(iii) develop effective interfaces among the environmental data and information systems of the Administration and other appropriate departments and agencies;

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

(v) 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; and

(vi) reanalyze and reprocess the archived data as better science is developed to integrate diverse data sources.

(B) Develop a strategic plan, with respect to the environmental data and information systems of the Administration, to—

(i) respond to each of the recommendations in the review conducted under subparagraph (A);

(ii) set forth modernization and improvement objectives for an integrated national environmental data access and archive system for the 10-year period beginning with the year in which the plan is transmitted, including facility requirements and critical new technology components that would be necessary to meet the objectives set forth;

(iii) propose specific Administration programs and activities for implementing the plan;

(iv) identify the data and information management, reanalysis, reprocessing, archival, and distribution responsibilities of the Administration with respect to other Federal departments and agencies and international organizations; and

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

(2) TRANSMITTAL TO CONGRESS.—Not later than 18 months after the date of enactment of this Act, the Administrator shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives the initial review and strategic plan developed under paragraph (1). Subse-

quent reviews and strategic plans developed under paragraph (1) shall also be transmitted to those committees upon completion.

(b) STRATEGIC PLAN FOR RESEARCH AND DEVELOPMENT.—

(1) CONTENTS.—Not later than 1 year after the date of enactment of this Act, and once every 5 years thereafter, the Administrator shall develop a strategic plan for research and development at the Administration. The plan shall include—

(A) an assessment of the science and technology needs of the Administration based on the Administration's operational requirements and on input provided by external stakeholders at the national, regional, State, and local levels; and

(B) a strategic plan that assigns specific programs within the administration the responsibility to meet each need identified under subparagraph (A) and that describes the extent to which each need identified in subparagraph (A) will be addressed through—

(i) intramural research;

(ii) extramural, peer-reviewed, competitive grant programs; and

(iii) work done in cooperation with other Federal agencies.

(2) NATIONAL ACADEMY OF SCIENCES REVIEW.—The Administrator shall enter into an arrangement with the National Academy of Sciences for a review of the plan developed under paragraph (1).

(3) TRANSMITTAL TO CONGRESS.—Not later than 18 months after the date of enactment of this Act, the Administrator shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives the initial strategic plan developed under paragraph (1) and the review prepared pursuant to paragraph (2). Subsequent strategic plans developed under paragraph (1) shall also be transmitted to those committees upon completion.

#### SEC. 10. PUBLIC-PRIVATE PARTNERSHIPS.

Not less than once every 5 years, the Secretary shall develop and submit to Congress a policy that defines processes for making decisions about the roles of the Administration, the private sector, and the academic community in providing environmental information, products, technologies, and services. The first such submission shall be completed not less than 3 years after the date of enactment of this Act. At least 90 days before each submission of the policy to Congress, the Secretary shall publish the policy in the Federal Register for a public comment period of not less than 60 days. Nothing in this section shall be construed to require changes in the policy in effect on the date of enactment of this Act.

#### SEC. 11. EFFECT OF REORGANIZATION PLAN.

Reorganization Plan No. 4 of 1970 shall have no further force and effect.

#### SEC. 12. SAVINGS PROVISION.

All rules and regulations, determinations, standards, contracts, including collective bargaining agreements, certifications, authorizations, appointments, delegations, results and findings of investigations, and other actions duly issued, made, or taken by or pursuant to or under the authority of any statute or executive order which resulted in the assignment of functions or activities to the Secretary, the Department of Commerce, the Under Secretary of Commerce for Oceans and Atmosphere, the Administrator, or any other officer of the Administration, that is in effect immediately before the date of enactment of this Act, shall continue in full force and effect after the effective date of this Act until modified or rescinded. All suits, appeals, judgments, and proceedings pending on such effective date relating to responsibilities or functions transferred pursuant to this Act shall continue without regard

to such transfers, except for the transfer of responsibilities or functions. Any reference in law to a responsibility, function, or office transferred pursuant to this Act shall be deemed to refer to the responsibility, function, or office as so transferred. Nothing in this Act shall be construed to limit the ability of an Administration employee to discuss scientific research performed by that employee. Nothing in this Act shall be construed to alter the responsibilities or authorities of any other Federal agency. Nothing in this Act shall be construed to authorize or prohibit the transfer of any program, function, or project from other Federal agencies to the Administration. Nothing in this Act shall be construed to expand, modify, or supersede the authority that the Administration has immediately before the date of enactment of this Act, nor to provide the Administration with any new regulatory authority. Nothing in this Act shall be construed to grant the Administrator any authority to construct, alter, repair, or acquire by any means a public building, as defined at section 3301 of title 40, United States Code, or to grant any authority to lease general purpose office or storage space in any building; and nothing in this Act shall be construed to diminish any authority the Administrator has immediately before the date of enactment of this Act to construct, alter, repair, or acquire by any means a public building, as defined at section 3301 of title 40, United States Code, or to diminish any authority the Administrator has immediately before the date of enactment of this Act to lease general purpose office or storage space in any building (regardless of whether those authorities are derived from laws, executive orders, rules, regulations, or delegations of authority from the Secretary of Commerce).

**SEC. 13. REORGANIZATION PLAN.**

(a) **SCHEDULE.**—(1) Not later than 18 months after the date of enactment of this Act, the Administrator shall develop a reorganization plan for the Administration in accordance with this section and shall publish the plan in the Federal Register. The Federal Register notice shall solicit comments for a period of 60 days.

(2) Not later than 90 days after the expiration date of the comment period described in paragraph (1), the Administrator shall transmit to Congress a revised version of the plan that takes into account the comments received. The Administrator shall also publish the revised plan in the Federal Register. The Administrator shall transmit and publish, along with the plan, an explanation of how the Administrator dealt with each issue raised by the comments received.

(3) The Administrator shall implement the plan 60 days after the plan has been transmitted to the Congress.

(b) **CONTENT.**—The plan, to the greatest extent practicable, shall—

(1) consistent with section 5 and the other provisions of this Act, maximize the efficiency with which the Administration carries out the functions of—

- (A) operations and services;
- (B) research and education; and
- (C) resource management;

(2) improve the sharing of research and other information that is of use across programmatic themes; and

(3) eliminate duplication of effort or overlapping efforts among offices.

(c) **CONSULTATION.**—In developing the plan, the Administrator shall consult with interested parties, including the States, academia, industry, conservation organizations, and Administration employees.

**SEC. 14. FACILITY EVALUATION PROCESS.**

(a) **PUBLIC NOTIFICATION AND ASSESSMENT PROCESS.**—

(1) **IN GENERAL.**—The Administrator shall not close, consolidate, relocate, subdivide, or establish a facility of the Administration, unless and until the Administrator has followed the procedures required by this section.

(2) **REVIEW PROCESS.**—The Administrator shall not close, consolidate, relocate, subdivide, or establish a facility of the Administration with an annual operating budget of \$5,000,000 or greater, or a National Weather Service field office, unless and until—

(A) the Administrator has published in the Federal Register the proposed action and a description of the offices, personnel, and activities of the Administration that would be affected by the proposed change, and has provided for a minimum of 60 days for public comment;

(B) if the proposed change involves a science facility of the Administration, the Science Advisory Board has reviewed the proposed change and provided to the Administrator written findings regarding the proposed change;

(C) if the proposed change involves a National Weather Service field office, the Administrator has prepared a report including—

(i) a description of local weather characteristics and weather-related concerns which affect the weather services provided within the service area;

(ii) a detailed comparison of the services provided within the service area and the services to be provided after the proposed change;

(iii) a description of any recent or expected modernization of National Weather Service operations which will enhance services in the service area;

(iv) an identification of any area within any State which would not receive coverage (at an elevation of 10,000 feet) due to the proposed change; and

(v) evidence, based on operational demonstration of National Weather Service operations, which was considered in reaching the conclusion that no degradation in service will result from the proposed change;

(D) the Administrator has prepared an analysis of the anticipated costs and savings associated with the proposed facility change, including both costs and savings in the first fiscal year following the change, and changes in operations and maintenance costs and savings over a ten-year period; and

(E) the Administrator has prepared an analysis of the effects of the facility change on operations and research of the Administration, and the potential impacts on cooperative institutes, other external Administration partnerships, partnerships with other Federal agencies, and any State and local partnerships.

(3) **NOTICE TO CONGRESS.**—(A) The Administrator shall provide to Congress, at least 90 days before any closure, consolidation, relocation, subdivision, or establishment of a facility of the Administration with an annual budget of \$5,000,000 or greater, or any National Weather Service field office, a summary of the public comments received pursuant to paragraph (2)(A), any written findings prepared under paragraph (2)(B), any report prepared under paragraph (2)(C), and the analyses prepared under paragraph (2)(D) and (E).

(B) The Administrator shall provide to Congress, at least 90 days before any closure, consolidation, relocation, subdivision, or establishment of a facility of the Administration not described in subparagraph (A), written notification of the planned closure, consolidation, relocation, subdivision, or establishment.

(b) **WEATHER SERVICE MODERNIZATION.**—Nothing in this Act shall be construed to

alter the Weather Service Modernization Act (15 U.S.C. 313 note).

(c) **DEFINITION.**—For purposes of this section—

(1) the term “facility” means a laboratory, operations office, administrative service center, or other establishment of the Administration; and

(2) the term “field office” has the same meaning given that term in section 702 of the Weather Service Modernization Act.

**SEC. 15. BUDGET REPROGRAMMING.**

Whenever the Administrator transmits a budget reprogramming request to the Appropriations Committees of the House of Representatives and the Senate, the Administrator shall simultaneously submit a copy of the request to the Committee on Science and the Committee on Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

**SEC. 16. BASELINES AND COST CONTROLS.**

(a) **CONDITIONS FOR DEVELOPMENT.**—

(1) **IN GENERAL.**—The Administration shall not enter into a contract for the development of a major program unless the Administrator determines that—

(A) the technical, cost, and schedule risks of the program are clearly identified and the program has developed a plan to manage those risks;

(B) the technologies required for the program have been demonstrated in a relevant laboratory or test environment; and

(C) the program complies with all relevant policies, regulations, and directives of the Administration.

(2) **REPORT.**—The Administrator shall transmit a report describing the basis for the determination required under paragraph (1) to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate at least 30 days before entering into a contract for development under a major program.

(3) **NONDELEGATION.**—The Administrator may not delegate the determination requirement under this subsection, except in cases in which the Administrator has a conflict of interest.

(b) **MAJOR PROGRAM ANNUAL REPORTS.**—

(1) **REQUIREMENT.**—Annually, at the same time as the President's annual budget submission to the Congress, the Administrator shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that includes the information required by this section for each major program for which the Administration proposes to expend funds in the subsequent fiscal year. Reports under this paragraph shall be known as Major Program Annual Reports.

(2) **BASELINE REPORT.**—The first Major Program Annual Report for each major program shall include a Baseline Report that shall, at a minimum, include—

(A) the purposes of the program and key technical characteristics necessary to fulfill those purposes;

(B) an estimate of the life-cycle cost for the program, with a detailed breakout of the development cost, program reserves, and an estimate of the annual costs until development is completed;

(C) the schedule for development, including key program milestones;

(D) the plan for mitigating technical, cost, and schedule risks identified in accordance with subsection (a)(1)(A); and

(E) the name of the person responsible for making notifications under subsection (c), who shall be an individual whose primary responsibility is overseeing the program.

(3) INFORMATION UPDATES.—For major programs for which a Baseline Report has been submitted, each subsequent Major Program Annual Report shall describe any changes to the information that had been provided in the Baseline Report, and the reasons for those changes.

(c) NOTIFICATION.—

(1) REQUIREMENT.—The individual identified under subsection (b)(2)(E) shall immediately notify the Administrator any time that individual has reasonable cause to believe that, for the major program for which he or she is responsible—

(A) the development cost of the program is likely to exceed the estimate provided in the Baseline Report of the program by 15 percent or more; or

(B) a milestone of the program is likely to be delayed by 6 months or more from the date provided for it in the Baseline Report of the program.

(2) REASONS.—Not later than 30 days after the notification required under paragraph (1), the individual identified under subsection (b)(2)(E) shall transmit to the Administrator a written notification explaining the reasons for the change in the cost or milestone of the program for which notification was provided under paragraph (1).

(3) NOTIFICATION OF CONGRESS.—Not later than 15 days after the Administrator receives a written notification under paragraph (2), the Administrator shall transmit the notification to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(d) FIFTEEN PERCENT THRESHOLD.—Not later than 30 days after receiving a written notification under subsection (c)(2), the Administrator shall determine whether the development cost of the program is likely to exceed the estimate provided in the Baseline Report of the program by 15 percent or more, or whether a milestone is likely to be delayed by 6 months or more. If the determination is affirmative, the Administrator shall—

(1) transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, not later than 15 days after making the determination, a report that includes—

(A) a description of the increase in cost or delay in schedule and a detailed explanation for the increase or delay;

(B) a description of actions taken or proposed to be taken in response to the cost increase or delay; and

(C) a description of any impacts the cost increase or schedule delay, or the actions described under subparagraph (B), will have on any other program within the Administration; and

(2) if the Administrator intends to continue with the program, promptly initiate an analysis of the program, which shall include, at a minimum—

(A) the projected cost and schedule for completing the program if current requirements of the program are not modified;

(B) the projected cost and the schedule for completing the program after instituting the actions described under paragraph (1)(B); and

(C) a description of, and the projected cost and schedule for, a broad range of alternatives to the program.

The Administration shall complete an analysis initiated under paragraph (2) not later than 6 months after the Administrator makes a determination under this subsection. The Administrator shall transmit the analysis to the Committee on Science of the House of Representatives and Committee on Commerce, Science, and Transportation of the Senate not later than 30 days after its completion.

(e) THIRTY PERCENT THRESHOLD.—If the Administrator determines under subsection (d) that the development cost of a program will exceed the estimate provided in the Baseline Report of the program by more than 30 percent, then, beginning 18 months after the date the Administrator transmits a report under subsection (d)(1), the Administrator shall not expend any additional funds on the program, other than termination costs, unless the Congress has subsequently authorized continuation of the program by law. An appropriation for the specific program enacted subsequent to a report being transmitted shall be considered an authorization for purposes of this subsection. If the program is continued, the Administrator shall submit a new Baseline Report for the program no later than 90 days after the date of enactment of the Act under which Congress has authorized continuation of the program.

(f) DEFINITIONS.—For the purposes of this section—

(1) the term “development” means the phase of a program following the formulation phase and beginning with the approval to proceed to implementation;

(2) the term “development cost” means the total of all costs, including construction of facilities and civil servant costs, from the period beginning with the approval to proceed to implementation through the achievement of operational readiness, without regard to funding source or management control, for the life of the program;

(3) the term “life-cycle cost” means the total of the direct, indirect, recurring, and nonrecurring costs, including the construction of facilities and civil servant costs, and other related expenses incurred or estimated to be incurred in the design, development, verification, production, operation, maintenance, support, and retirement of a program over its planned lifespan, without regard to funding source or management control; and

(4) the term “major program” means an activity approved to proceed to implementation that has an estimated life-cycle cost of more than \$250,000,000.

**SEC. 17. LIMITATIONS ON OFF-SHORE PERFORMANCE OF CONTRACTS FOR THE PROCUREMENT OF GOODS AND SERVICES.**

(a) CONVERSIONS TO CONTRACTOR PERFORMANCE OF ADMINISTRATION ACTIVITIES.—Except as provided in subsection (c), an activity or function of the Administration that is converted to contractor performance under Office of Management and Budget Circular A-76 may not be performed by the contractor or any subcontractor at a location outside the United States.

(b) CONTRACTS FOR THE PROCUREMENT OF SERVICES.—(1) Except as provided in subsection (c), a contract for the procurement of goods or services that is entered into by the Administrator may not be performed outside the United States unless it is to meet a requirement of the Administration for goods or services specifically at a location outside the United States.

(2) The President may waive the prohibition in paragraph (1) in the case of any contract for which the President determines in writing that it is necessary in the national security interests of the United States for goods or services under the contract to be performed outside the United States.

(3) The Administrator may waive the prohibition in paragraph (1) in the case of any contract for which the Administrator determines in writing that essential goods or services under the contract are only available from a source outside the United States.

(c) EXCEPTION.—Subsections (a) and (b)(1) shall not apply to the extent that the activity or function under the contract was previously performed by Federal Government employees outside the United States.

(d) CONSISTENCY WITH INTERNATIONAL AGREEMENTS.—The provisions of this section shall not apply to the extent that they are inconsistent with obligations of the United States under international agreements.

**SEC. 18. RECORDKEEPING AND REPORTING REQUIREMENT.**

The Administrator shall transmit to Congress, not later than 120 days after the end of each fiscal year beginning with the first fiscal year after the date of enactment of this Act, a report on the contracts and subcontracts performed overseas and the amount of purchases directly or indirectly by the Administration from foreign entities in that fiscal year. The report shall separately indicate—

(1) the contracts and subcontracts and their dollar values for which the Administrator determines that essential goods or services under the contract are available only from a source outside the United States; and

(2) the items and their dollar values for which the Buy American Act was waived pursuant to obligations of the United States under international agreements.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. EHLERS) and the gentleman from Tennessee (Mr. GORDON) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

**GENERAL LEAVE**

Mr. EHLERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 5450, as amended, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. EHLERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 5450, as amended by the Science Committee. H.R. 5450, the National Oceanic and Atmospheric Administration Act, is an organic act for NOAA. An organic act defines the overall mission and function of an agency.

In 1970, President Nixon established NOAA in the Department of Commerce by executive order. Since that time, Congress has not passed an organic act for NOAA, and today NOAA's authorities come from over three dozen issue-specific laws.

Some years ago I decided this was an intolerable situation, and we began work on an organic act. In 2004, the U.S. Commission on Ocean Policy, a nonpartisan group of the Nation's leading ocean experts, recognized this lack of congressional direction for NOAA as an impediment to the agency's vital legislative role.

The Commission strongly recommended that Congress pass a NOAA organic act. We in Congress need to provide NOAA and its employees clear direction and the tools they require to perform critical missions and functions that affect the everyday lives of all Americans, including weather forecasts and storm warnings from the National

Weather Service and alerts from the National Ocean Service about dangerous conditions such as toxic algae blooms or even tsunamis.

In response to this need, I introduced the National Oceanic and Atmospheric Administration Act. My bill gives NOAA a clear mission so it can more effectively set program goals. For example, my bill states that the mission of NOAA is to first understand and predict changes in the Earth's oceans and atmospheres, conserve and manage coastal, ocean and Great Lakes ecosystems, and educate and inform our fellow citizens about these topics.

H.R. 5450 then directs NOAA to reorganize so it can more efficiently accomplish this mission. Based on recommendations of the U.S. Commission on Ocean Policy, my bill establishes NOAA within the Department of Commerce and requires NOAA to restructure so it may improve the way it carries out the critical functions of operations and services, research and education, and resource management.

In addition, H.R. 5450 strengthens science at NOAA by creating a new Deputy Assistant Secretary for Science and Education, authorizing a science advisory board, requiring a National Academies' assessment of the agency's data and information systems, and directing NOAA to develop a strategic plan for its research programs.

Valuable input from my colleagues on the Science Committee from both parties further strengthened congressional oversight provisions of H.R. 5450, and the bill now includes a provision to ensure that NOAA does not get in over its head with large programs such as building weather satellites.

This provision requires NOAA to use more streamlined and transparent cost baselines for major programs, and to notify Congress when there are significant cost increases or schedule delays in major procurement programs.

Passage of an organic act for NOAA is a top priority for both the U.S. Commission on Ocean Policy and the privately funded Pugh Ocean Commission.

The administration, States, and numerous advocacy groups have also expressed support for the NOAA organic act. H.R. 5450 has widespread and bipartisan support. The bill incorporates ideas from a range of experts and from Members on both sides of the aisle. Everyone recognizes this bill is not a complete organic act because it omits issues solely in the jurisdiction of the House Resources Committee.

Mr. Speaker, I believe we all share the goal of seeing a complete bill. I thank all of my colleagues who contributed to this bill as well as those who continue to express support. In particular I want to thank Mr. UDALL. He was a ranking member of my subcommittee when we first started working on this bill.

I also want to thank Mr. WU, the current ranking member of my subcommittee, and Mr. GORDON, the ranking member of the full committee, for

their help and input throughout the process.

Additionally, I thank Mr. GILCHREST who has been an outstanding leader on ocean issues and an original cosponsor of this bill, and he has been invaluable with his input. Finally I would especially like to thank Chairman BOEHLERT, also an original cosponsor, for his unwavering support and commitment to moving this bill through the process. Chairman BOEHLERT has long been a strong champion for the sciences and science-based decision making envisioned in H.R. 5450, and we will greatly miss his leadership on these issues.

H.R. 5450 will make NOAA stronger and more capable of doing its job to keep us safe, understand our environment, and manage our coastal and marine resources.

This bill is an important step forward for ocean issues. And I look forward to continuing to work with my colleagues here in the House and in the Senate to get a final bill that is clear, well balanced and complete. I urge my colleagues to support H.R. 5450

Mr. Speaker, I reserve the balance of my time.

Mr. GORDON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill before us today, the NOAA Organic Act, is a product of diligent work of the Science Committee and the gentleman from Michigan.

Representative EHLERS has been a tireless champion of this legislation. H.R. 5450 maintains the National Weather Service as a distinct office within NOAA. The National Weather Service, with its nationwide distribution of local forecast offices, is one of the best known and most trusted organizations within NOAA.

The public relies upon the weather service to provide the watches and warnings of severe storms that enable us to prepare for those events and reduce the loss of lives and property.

In the area of satellite acquisition, we are requiring the administrator of NOAA to notify Congress whenever a satellite acquisition deviates substantially from its projected cost and schedule.

H.R. 5450 establishes a process of review and revision for satellite acquisition programs to avoid future problems of runaway cost and schedule delays. Chairman BOEHLERT and Chairman EHLERS worked with us to produce this legislation. We did not always agree, but we often agreed, and the bipartisan cooperation between the members of this committee produced a good outcome for the program.

Unfortunately, the Resources Committee failed to conduct a similar process. H.R. 5450 provides virtually no direction for the ocean and coastal resources programs of the agency.

□ 1330

I know this is a disappointment to the many Members of Congress who

were hoping to see some of the recommendations of the 2004 Ocean Commission's report incorporated into this legislation. This is truly a missed opportunity. We have little time left in this Congress. Perhaps the other body will be able to work cooperatively to fill in the gaps of this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. EHLERS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Speaker, I rise in strong support of H.R. 5450. Virtually every group that has looked at ocean issues has concluded that the National Oceanic and Atmospheric Administration would be able to function better if it had a clear basis in law. That is what this bill, an organic act, would provide. It would give this key science agency, which was created by executive order, a firm legal basis for its full range of activities and responsibilities. That is hard to argue with.

The bill, which was introduced by Dr. EHLERS, who has been its tireless champion, would also strengthen science at NOAA, pretty darn important, which makes sense, since NOAA is a major science agency. The bill also would greatly improve oversight of the agency by ensuring that Congress and the public get the information needed to evaluate NOAA's organizational structure, its facilities plan, its budgeting and its satellite programs.

As usual, this bill is the result of bipartisan cooperation on the Science Committee, and I am very proud of that. I commend my colleagues on both sides of the aisle for their hard work on this legislation.

We obviously have more work to do before this bill is enacted, including work with our colleagues who have jurisdiction over NOAA's resource management programs, such as fisheries. We want an organic act that covers all of NOAA's activities.

But this is a good start, a solid bill that will strengthen the agency, which will only improve the important services NOAA provides to our citizens. I urge my colleagues to support H.R. 5450. Once again, let me commend Dr. EHLERS for his leadership on this very important issue, and let me commend the minority side for their outstanding cooperation and, in many instances, their leadership too.

Mr. GORDON. Mr. Speaker, we are all part of our districts, and we all think that our districts are one of the prettiest places in the world. Just one of us represents a little prettier place than the rest of us.

Mr. Speaker, I yield 2 minutes from the man from Monterey, Big Sur, Pebble Beach, and a great deal of Highway No. 1, and that is the gentleman from California (Mr. FARR).

Mr. FARR. Thank you for that kind yielding.

Mr. Speaker, I rise for a good "half a bill." This deals with NOAA, also

known as the National Oceanic and Atmospheric Administration. But this bill drops the "O" for oceanic and becomes a NAA bill. That is because the Resources Committee that has jurisdiction over oceans failed to deal with this bill. It has failed to deal with the President's Commission on Oceans, has failed to address any of this in the last years and has failed to address the need for oceans in this bill.

So the Science Committee had no choice but to bring you the NAA bill. I am going to vote "yea" on NAA because it has a good bipartisan leadership, and it comes from a Science Committee that understands that the Planet Earth needs oceans in order to create weather, and this bill on oceans becomes unadministerable. Thank goodness for bipartisan, bicameral legislation, because this bill will not see the light of day without oceans having a great part of it.

The other side is that with NOAA, the problems that we see here in Congress, are created in the oceans, fisheries and so on, and we have not been funding the ocean side of it. There is international law of the sea, there are international oceans, years, there are all kinds of commissions and groups supporting oceans, yet Congress fails to address it. I commend the bipartisan leadership of getting NOAA in an organic act, but I wish they would include the oceans.

Mr. EHLERS. Mr. Speaker, I yield myself 30 seconds to respond to the gentleman from California.

I am in wholehearted agreement with his sentiments. I want to see a complete bill. The bill before us is a good bill. It deals with the physical sciences portion of NOAA. It has taken us almost 6 years to create this bill, work out all the details with all interested parties, including both political parties. It is a good bill, but it will be improved when we get the oceans portion.

I would hope that we can do it yet before the end of the year. If not, I will pledge to the gentleman from California, and anyone else, I will be happy to continue working on achieving that goal.

Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. GILCHREST), who has been invaluable in addressing oceans issues in this particular body.

Mr. GILCHREST. I thank the gentleman for yielding.

Mr. Speaker, I would like to speak to a couple of items here. One, to the gentleman from California, Mr. FARR, as far as who has the prettiest district in the country, I would like to invite Mr. FARR from California to ply the placid waters of the Sassafras River and enjoy either a dawn or sunset in a canoe as we go past the marsh and beautiful forested areas along the coastal Chesapeake Bay. He just accepted my invitation, so I appreciate that.

I also have some understanding of where Mr. FARR comes from, as far as dealing with the organic act and the

National Oceanic and Atmospheric Administration, including what we can call the wet side and the dry side of NOAA. As we move forward with this legislative agenda and this process with the bill that Mr. VERN EHLERS brings to us today, I want to say two things as far as this bill is concerned.

Number one, Mr. EHLERS has not only worked for 6 years on this issue, Dr. EHLERS has worked 10 years on the idea that the National Oceanic and Atmospheric Administration that was created by executive order in 1970 by President Richard Nixon needs, as Mr. BOEHLERT defined, a specific direction and order prescribed by the U.S. Congress, so that it has a definitive, objective goal that Members of Congress can pursue a specific oversight agenda for. Dr. EHLERS has worked very strongly with both sides of the aisle to bring this bill before us today.

Now, there is a small piece that we can add to this as the process continues, as Dr. EHLERS said. We will add the fisheries and the oceans side of NOAA as we move along. But this bill before us today is a piece of legislation that provides the direction that Congress needs to set goals and be a part of the agenda of an administration to ensure that the Nation has the kind of satellites to give us the kind of weather reports that will enhance local reporting and save literally billions of dollars on our understanding of weather patterns, of hurricanes and things of that nature. It also has an understanding of the coastal ecology in this particular part of the bill.

What this bill does, and we will include as soon as we can the oceans part of this bill, but what this bill does is literally recognize that there are trillions of dollars tied up in satellite communication, in the private sector communication of satellites, and a whole host of other areas that will give us an understanding of marine research, of how the oceans affect the climates.

I urge my colleagues, as we move along in this process, this bill that Dr. EHLERS, in a bipartisan fashion, has brought to the House floor today be voted on.

Mr. GORDON. We have no speakers at this time. I don't yield back my time, but I yield to the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. I thank the gentleman from Tennessee. I will, first of all, enter the sweepstakes for the most beautiful place in the United States and invite everyone to the western coast of Michigan on the Great Lakes of Lake Michigan.

Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Florida (Mr. MARIO DIAZ-BALART).

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I thought the chairman was going to speak about Florida when he spoke about the most beautiful place in the country.

Mr. Speaker, I rise in strong support of H.R. 5450 introduced by Chairman EHLERS, who has done a great deal in

bringing this bill forward. I think we all know what this bill does: establishes under law NOAA, within the Department of Commerce, and provides a leadership structure and an organization for NOAA and establishes, obviously, NOAA's mission and functions.

I represent and live, am blessed to live and represent a peninsula, an area that is greatly affected by weather, whether it is in the oceans or whether it is by storms. NOAA, as we all know, includes many important agencies, including the National Weather Service, the National Marine Fisheries Service and also the National Hurricane Center. All of those areas are of great interest to the citizens of the State of Florida, and impact, their work impacts the economy and citizens of Florida.

South Floridians consistently rely on NOAA and on the National Hurricane Center for information, particularly, again, during this time of the year. Year after year the hurricane center has served as a trusted voice during a storm and maintains a continuous watch on the weather around the world. It issues warnings and watches and forecasts and analyzes the weather to make sure that it can stay in front of the technology so that it continuously does a better job in forecasting storms.

Very few agencies around the country can say that their work is indispensable in actually saving lives, and the weather center is one of those.

There are so many oceanic and academic and environmental groups that have expressed support for this legislation. I want to thank the chairman for bringing this bill forward. I want to thank him for his effort. I urge all of my colleagues to support this fine piece of legislation.

Mr. EHLERS. Mr. Speaker, if the other side has no further speakers, I am prepared to close.

Mr. GORDON. Mr. Speaker, we have no other speakers. We yield back the balance of our time.

Mr. EHLERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in closing, I want to note that NOAA reaches into the lives of nearly every citizen of this country, from the weather forecasts that people use to decide if they need an umbrella, or if they have to go to the basement to avoid a tornado, to the safety of our seafood and drought predictions of the way we grow our food and manage our reservoirs. This bill will give NOAA the tools and directions they need to continue to serve our Nation in the coming decades, and I look forward to their continued progress.

Very few people realize the importance of NOAA and how it affects their lives. They take the weather forecast for granted. In fact, many are unaware that the information that comes over the radio or as seen on television is provided by NOAA. I recall the famous case of someone who said we should stop funding NOAA because they get

more information from their TV broadcast than they do from the National Weather Service, failing to recognize the important work that NOAA does.

This bill will give NOAA the tools and direction they need to continue to serve our Nation in the coming decades and to meet the challenges of the future. I look forward to the continued progress in NOAA.

Let me mention one other side issue. Just last week we had the Mark Trail program in the Cannon Office Building where awards were given for people who are making use of the automatic weather warning system. I don't know if Members are aware of it, but you can buy a simple little radio to keep at your bedside, as I do. If there are any weather alerts during the night when we are sleeping and don't hear the sirens, the radio will wake us up and give us the alert. Every American should have that, just as every American should have a fire alarm or smoke detector in their home.

Let me take just a moment to thank the Science Committee staff who worked so hard over an almost 6-year period to make this bill possible. David Goldston, chief of staff of the Science Committee; Amy Carroll, staff director for the subcommittee I chair; Chad English, heavily involved in this issue; Sara Gray and Jason Patlis, as well as Eric Webster. Sara is present here also. She provided legal services. Jason is one of the new leaders of the Science Committee staff. Eric Webster, was invaluable in starting the research on and writing of this bill; unfortunately, he did it so well and learned so much about NOAA that they hired him, and we lost him.

Without the hard work of all of these staff members, their selfless dedication, and many long hours, we would not be here considering this bill.

Finally, I would also like to recognize Mr. GORDON's staff, who worked so closely with us throughout the process. They were invaluable in helping us perfect the bill, and we all worked with a good spirit of cooperation, and even the committee action on this bill was marked by agreement on the importance of the issue.

I urge all of my colleagues to vote for H.R. 5450, as amended.

Mr. PALLONE. Mr. Speaker, I rise to express my serious concerns about the process and manner by which this legislation has arrived on the House floor today.

The fact of the matter is that despite the laudable work that the Science Committee has done to develop legislation codifying the National Oceanic and Atmospheric Administration, this bill represents only half of what we need to develop a real organic act for the agency.

The Republican leadership has chosen to bring H.R. 5450 to the floor without the Resources Committee taking any action on its sequential referral. While the Science Committee's bill deals with the atmospheric or so-called "dry" side of NOAA, the Resources Committee has jurisdiction over ocean and coastal programs, known as the "wet" side.

This inaction is further evidence that when it comes to protecting our oceans, the House Republican leadership and the Resources Committee majority have nothing to show for themselves.

Mr. Speaker, in 2003 the Pew Oceans Commission put out a comprehensive report telling us that our oceans were in serious trouble. Many on the other side of the aisle disparaged the report. But a year later, the Congressionally chartered U.S. Commission on Ocean Policy released a separate report and came to the same basic conclusion—that our oceans are in peril from degraded waters, compromised resources, and conflicts between man and nature—and that immediate action is needed to restore the environment and protect our ocean and coastal related economy. They laid out some pretty pointed and thoughtful recommendations for Congress.

Two years later, however, the House and the Resources Committee have done virtually nothing in response to these recommendations. Rather than developing a cohesive, bipartisan strategy to evaluate the Commission's recommendations, they have effectively blocked meaningful oversight on oceans issues.

The Subcommittee on Fisheries and Oceans has held exactly one hearing on the US Ocean Commission's recommendations. Neither the Subcommittee nor the full Resources Committee have done anything to take serious action on the report's findings despite repeated requests from myself and others.

Today, in the face of the Resources Committee's disinterest in oceans issues and its inability to report its own version of H.R. 5450, we are now forced to consider a bill that may be well intentioned, but is nonetheless seriously flawed.

The truth is we have wasted the past two years when we should have taken action. Our oceans are a tremendous resource for this nation. Fishermen, beachgoers, coastal business owners, and many others in my district know this. They expect me and other members of Congress to be working on the problems facing our oceans, and I agree. Rather than passing half a bill, we should be taking serious action in response to ocean commission recommendations.

Mr. Speaker, members might vote for this bill because they support NOAA and want to move forward on an organic act. But no one should be fooled into thinking that the House has properly done its work to address the recommendations of the Ocean Commission.

Mr. SAXTON. Mr. Speaker, I rise today in support of H.R. 5450—the National Oceanic and Atmospheric Administration Act.

During the more than 20 years I have been in Congress, I have made it a priority to promote the protection of our oceans and effective conservation and management of our living marine resources. From protecting coastal wetlands to cleaning up our estuaries to promoting sustainable fisheries to preventing ocean pollution—all have been priorities during my tenure in Congress. We have accomplished a great deal but, as highlighted by the more than 200 recommendations contained in the U.S. Commission on Ocean Policy report, much remains to be done.

NOAA was created by an Executive Order in 1970, but has never been formally authorized. Both the U.S. and Pew Ocean Commis-

sions argued strongly for an organic statute for NOAA. A comprehensive organic act will significantly strengthen the agency by providing a clear mandate from Congress to the nation's lead civilian agency for oceans and atmosphere.

An organic statute is needed to codify and strengthen NOAA and thereby enhance its mission, improve its structure, and better enable it to carry out existing and new responsibilities in a manner that is consistent with ecosystem-based management.

H.R. 5450 represents real progress toward strengthening NOAA and is an important first step in developing the comprehensive mandate NOAA requires.

I look forward to working with Chairman EHLERS and colleagues to develop the additional provisions needed to incorporate guidance on fishery management, coastal zone management, ocean mapping and charting, and other resources-related issues. Such provisions are essential if NOAA is to effectively carry out the host of ocean-related activities essential to our nation's economic and environmental interests. Nevertheless, the bill in its current form represents a welcome effort to address a major hurdle that impedes the federal government's ability to effectively govern our oceans, coasts, and Great Lakes.

Passage of H.R. 5450 will send a clear signal that the health and productivity of our nation's oceans are a priority to the U.S. House of Representatives. I commend Chairman EHLERS for his leadership on this issue and I urge my colleagues to support H.R. 5450.

Mr. CALVERT. Mr. Speaker, I want to commend Mr. EHLERS and his Subcommittee for its excellent oversight of the National Oceanic and Atmospheric Administration, NOAA, within the Department of Commerce. The agency was established originally as a part of the Department of Commerce by Executive Order in 1970. NOAA has operated under Executive Order for 36 years now. However, with no legislative "organic act" NOAA was restrained from taking a real leadership role in national oceanic and atmospheric policy.

This legislation sets up guidelines and oversight of programs as any authorizing legislation should do for a Federal agency. NOAA now will: have a defined leadership structure and organization; defined missions and authorities; provide strategic plans to the Congress; and be able preserve current NOAA rules and regulations within its legal structure.

I realize that the legislation has been 2 years in the making and that the other body has yet to act, but this is exactly what an authorizing committee ought to be doing exercising its oversight powers. I commend Chairman EHLERS, and Ranking Democrat Wu your persistence in pursuing the goal of passing the legislation.

Mr. EHLERS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

□ 1345

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. EHLERS) that the House suspend the rules and pass the bill, H.R. 5450, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

**FEDERAL ELECTION INTEGRITY  
ACT OF 2006**

Mr. EHLERS. Mr. Speaker, pursuant to House Resolution 1015, I call up the bill (H.R. 4844) to amend the National Voter Registration Act of 1993 to require any individual who desires to register or re-register to vote in an election for Federal office to provide the appropriate State election official with proof that the individual is a citizen of the United States to prevent fraud in Federal elections, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 1015, the amendment in the nature of a substitute printed in the bill is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 4844

*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 "Federal Election Integrity Act of 2006".*

**SEC. 2. REQUIRING VOTERS TO PROVIDE PHOTO IDENTIFICATION.**

(a) **REQUIREMENT TO PROVIDE PHOTO IDENTIFICATION AS CONDITION OF RECEIVING BALLOT.**—Section 303(b) of the Help America Vote Act of 2002 (42 U.S.C. 15483(b)) is amended—

(1) in the heading, by striking "FOR VOTERS WHO REGISTER BY MAIL" and inserting "FOR PROVIDING PHOTO IDENTIFICATION"; and

(2) by striking paragraphs (1) through (3) and inserting the following:

"(1) **INDIVIDUALS VOTING IN PERSON.**—

"(A) **REQUIREMENT TO PROVIDE IDENTIFICATION.**—Notwithstanding any other provision of law and except as provided in subparagraph (B), the appropriate State or local election official may not provide a ballot for an election for Federal office to an individual who desires to vote in person unless the individual presents to the official—

"(i) a government-issued, current, and valid photo identification; or

"(ii) in the case of the regularly scheduled general election for Federal office held in November 2010 and each subsequent election for Federal office, a government-issued, current, and valid photo identification for which the individual was required to provide proof of United States citizenship as a condition for the issuance of the identification.

"(B) **AVAILABILITY OF PROVISIONAL BALLOT.**—If an individual does not present the identification required under subparagraph (A), the individual shall be permitted to cast a provisional ballot with respect to the election under section 302(a), except that the appropriate State or local election official may not make a determination under section 302(a)(4) that the individual is eligible under State law to vote in the election unless the individual presents the identification required under subparagraph (A) to the official not later than 48 hours after casting the provisional ballot.

"(2) **INDIVIDUALS VOTING OTHER THAN IN PERSON.**—

"(A) **IN GENERAL.**—Notwithstanding any other provision of law and except as provided in subparagraph (B), the appropriate State or local

election official may not accept any ballot for an election for Federal office provided by an individual who votes other than in person unless the individual submits with the ballot—

"(i) a copy of a government-issued, current, and valid photo identification; or

"(ii) in the case of the regularly scheduled general election for Federal office held in November 2010 and each subsequent election for Federal office, a copy of a government-issued, current, and valid photo identification for which the individual was required to provide proof of United States citizenship as a condition for the issuance of the identification.

"(B) **EXCEPTION FOR OVERSEAS MILITARY VOTERS.**—Subparagraph (A) does not apply with respect to a ballot provided by an absent uniformed services voter who, by reason of active duty or service, is absent from the United States on the date of the election involved. In this subparagraph, the term 'absent uniformed services voter' has the meaning given such term in section 107(1) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–6(1)), other than an individual described in section 107(1)(C) of such Act.

"(3) **SPECIFIC REQUIREMENTS FOR IDENTIFICATIONS.**—For purposes of paragraphs (1) and (2)—

"(A) an identification is 'government-issued' if it is issued by the Federal Government or by the government of a State; and

"(B) an identification is one for which an individual was required to provide proof of United States citizenship as a condition for issuance if the identification displays an official marking or other indication that the individual is a United States citizen."

(b) **CONFORMING AMENDMENTS.**—Section 303 of such Act (42 U.S.C. 15483) is amended—

(1) in the heading, by striking "FOR VOTERS WHO REGISTER BY MAIL" and inserting "FOR PROVIDING PHOTO IDENTIFICATION"; and

(2) in subsection (c), by striking "subsections (a)(5)(A)(i)(II) and (b)(3)(B)(i)(II)" and inserting "subsection (a)(5)(A)(i)(II)".

(c) **CLERICAL AMENDMENT.**—The table of contents of such Act is amended by amending the item relating to section 303 to read as follows:

"Sec. 303. Computerized statewide voter registration list requirements and requirements for providing photo identification."

(d) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—This section and the amendments made by this section shall apply with respect to the regularly scheduled general election for Federal office held in November 2008 and each subsequent election for Federal office.

(2) **CONFORMING AMENDMENT.**—Section 303(d)(2) of such Act (42 U.S.C. 15483(d)(2)) is amended to read as follows:

"(2) **REQUIREMENT TO PROVIDE PHOTO IDENTIFICATION.**—Paragraphs (1) and (2) of subsection (b) shall apply with respect to the regularly scheduled general election for Federal office held in November 2008 and each subsequent election for Federal office."

**SEC. 3. MAKING PHOTO IDENTIFICATIONS AVAILABLE.**

(a) **REQUIRING STATES TO MAKE IDENTIFICATION AVAILABLE.**—Section 303(b) of the Help America Vote Act of 2002 (42 U.S.C. 15483(b)), as amended by section 2(a)(2), is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6); and

(2) by inserting after paragraph (3) the following new paragraph:

"(4) **MAKING PHOTO IDENTIFICATIONS AVAILABLE.**—

"(A) **IN GENERAL.**—During fiscal year 2008 and each succeeding fiscal year, each State shall establish a program to provide photo identifications which may be used to meet the requirements of paragraphs (1) and (2) by individuals who desire to vote in elections held in the

State but who do not otherwise possess a government-issued photo identification.

"(B) **IDENTIFICATIONS PROVIDED AT NO COST TO INDIGENT INDIVIDUALS.**—If a State charges an individual a fee for providing a photo identification under the program established under subparagraph (A)—

"(i) the fee charged may not exceed the reasonable cost to the State of providing the identification to the individual; and

"(ii) the State may not charge a fee to any individual who provides an attestation that the individual is unable to afford the fee.

"(C) **IDENTIFICATIONS NOT TO BE USED FOR OTHER PURPOSES.**—Any photo identification provided under the program established under subparagraph (A) may not serve as a government-issued photo identification for purposes of any program or function of a State or local government other than the administration of elections."

(b) **PAYMENTS TO STATES TO COVER COSTS.**—Subtitle D of title II of such Act (42 U.S.C. 15321 et seq.) is amended by adding at the end the following new part:

**"PART 7—PAYMENTS TO COVER COSTS OF PROVIDING PHOTO IDENTIFICATIONS TO INDIGENT INDIVIDUALS**

**"SEC. 297. PAYMENTS TO COVER COSTS TO STATES OF PROVIDING PHOTO IDENTIFICATIONS FOR VOTING TO INDIGENT INDIVIDUALS.**

"(a) **PAYMENTS TO STATES.**—The Commission shall make payments to States to cover the costs incurred in providing photo identifications under the program established under section 303(b)(4) to individuals who are unable to afford the fee that would otherwise be charged under the program.

"(b) **AMOUNT OF PAYMENT.**—The amount of the payment made to a State under this part for any year shall be equal to the amount of fees which would have been collected by the State during the year under the program established under section 303(b)(4) but for the application of section 303(b)(4)(B)(ii), as determined on the basis of information furnished to the Commission by the State at such time and in such form as the Commission may require.

**"SEC. 297A. AUTHORIZATION OF APPROPRIATIONS.**

"There are authorized to be appropriated for payments under this part such sums as may be necessary for fiscal year 2008 and each succeeding fiscal year."

(c) **CLERICAL AMENDMENT.**—The table of contents of such Act is amended by adding at the end of the item relating to subtitle D of title II the following:

"PART 7—PAYMENTS TO COVER COSTS OF PROVIDING PHOTO IDENTIFICATIONS TO INDIGENT INDIVIDUALS

"Sec. 297. Payments to cover costs to States of providing photo identifications for voting to indigent individuals.

"Sec. 297A. Authorization of appropriations."

(d) **EFFECTIVE DATE.**—This section and the amendments made by this section shall take effect October 1, 2007.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. EHLERS) and the gentlewoman from California (Ms. MILLENDER-MCDONALD) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. EHLERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4484, the Federal Election Integrity Act of 2006, and ask all my colleagues to support this important bill.

This bill will require presentation of a government-issued photo ID to vote