

## LEGAL AUTHORITIES FOR GCW

### *Weather Service Organic Act*

15 U.S.C. § 313

Weather and meteorological reporting/forecasting responsibilities assigned to the Secretary of Commerce; as well as monitoring and recording climatic conditions.

### *Note to Weather Service Organic Act*

15 U.S.C. § 313 *note*

Authorizes NOAA to purchase Atmospheric Wind Data; Public Law 101-595, 1990

Authorizes NOAA to provide agricultural and silvicultural weather services to Federal, state and private efforts; Public Law 99-198, 1985

### *Space Weather Authority*

15 U.S.C. § 1532

Authority to: conduct research on all telecommunications sciences, including wave propagation and reception and conditions which affect such; prepare and issue predictions of electromagnetic wave propagation conditions and warnings of disturbances in such conditions; research and analysis in the general field of telecommunications sciences in support of other Federal agencies; investigate nonionizing electromagnetic radiation and its uses; compile, evaluate and disseminate general scientific and technical data.

### *NESDIS User Fee Authority (special Line Office Authority)*

15 U.S.C. § 1534

Authority to assess fees for access to environmental data and information and products collected and/or archived by NOAA.

### *Cooperative Agreements to promote science and education*

15 U.S.C. § 1540

Authorizes Cooperative Agreements to promote scientific and educational activities to foster public understanding of NOAA or its programs; and solicit private donations to support such activities.

*15 U.S.C. § 1540 note* authorizes cooperative agreements with the Joint and Cooperative Institutes as designated by the Secretary of Commerce to use the personnel, services, or facilities of such organizations for research, education, training, and outreach.

### *National Climate Program Act*

15 U.S.C. § 2901 *et seq.*

Authorizes a National Climate Program. Grants authority to enter into contracts, grants or cooperative agreements for climate-related activities. These activities include assessments of the effect of climate on the natural environment, land and water resources and national security; basic and applied research to improve understanding of climate processes and climate change; methods for improving climate forecasts; global data collection and monitoring and analysis activities; systems for management and dissemination of climatological data; measures for increasing international cooperation in climate research, monitoring, analysis and data dissemination; mechanisms for intergovernmental climate-related studies and services incl. participation by universities; and experimental climate forecast centers.

***Global Change Research Act***

15 U.S.C. §§ 2931 *et seq.*

Authority for the development and coordination of a comprehensive and integrated United States research program.

***Land Remote Sensing Policy Act of 1992***

15 U.S.C. § 5601 *et seq.*

Authority to license private (commercial) remote sensing satellite space systems.

***Falsifying Weather (Criminal Statute)***

18 U.S.C. § 2074

Criminal Penalties for knowingly issuing or publishing counterfeit weather reports, falsely representing such to have been issued by the NWS or USG.

***Foreign Assistance Act***

22 U.S.C. §§ 2291 *et seq.*

**22 U.S.C. 2392(a):** Allocation and Transfer of Funds. Authorizes the President the discretionary authority “to allocate or transfer to any agency of the U.S. (*e.g.*, U.S. AID or U.S. TDA) any part of any funds available for carrying out the purposes of this Act, including any advance to the U.S. by any country or international organization for the procurement of commodities, defense articles, military education and training or services...”

**22 U.S.C. 2392( c):** Reimbursement for Commodities, Services and Facilities. Authorizes any agency of the U.S. carrying out the activities under the Foreign Assistance Act the authority to make reimbursement or payment to another agency of the USG from which any commodity, service, or facility was procured, as long as the funds are available. “Such reimbursement or payment shall be at replacement cost, or, if required by law, at actual cost, or...at any other price authorized by law and agreed to by the owning or disposing agency...”

***Flood Control/River Forecasting Authority***

33 U.S.C. § 706

Authorizes agency expenditures in support of flood control, rivers and harbors and related purposes, as well as for the establishment, operations, and maintenance by the NWS of the Hydroclimatic Network (information service on precipitation, flood forecasts and flood warnings.)

***Provision of Data for Navigation of Marine, Air Commerce and Research into Geophysical Sciences***

33 U.S.C. §§ 883a-e, & I

**33 U.S.C. § 883a:** Authority to provide charts and other related information, as well as to provide basic data for engineering, scientific, commercial and industrial needs, to conduct the following activities: hydrographic, topographic, tide/current, geodetic control, field surveys, and geomagnetic, seismological, gravity, and related geophysical measurements and investigations, and observations for the determination of variation in latitude and longitude.

**33 U.S.C. § 883b:** Authority to conduct the following activities: analysis and prediction of tide/current data; processing and publication of data, information, compilations, and reports; compilation/printing of nautical and aeronautical charts of the U.S., its territories and possessions, compilation of aeronautical charts covering international airways as are required primarily by U.S. civil aviation; distribution of aeronautical charts & related navigational publications required primarily by U.S. civil aviation; distribution of nautical charts and related navigational publications for the U.S.

**33 U.S.C. § 883c:** Authority to provide for the orderly collection of geomagnetic data from domestic/foreign sources, and to assure that such data shall be readily available to Federal and private agencies and individuals; authority to act as central depository of USG for geomagnetic data, as well as to collect, correlate and disseminate such data.

**33 U.S.C. § 883d:** In order to improve Agency efficiency and increase engineering and scientific knowledge, authority to conduct developmental work for improvement of surveying and cartographic methods, instruments, and equipment; and to conduct investigations/research in geophysical sciences (incl. geodesy, oceanography, seismology, and geomagnetism.)

**33 U.S.C. § 883e:** Authority to enter into cooperative agreements with, and to receive/expend funds made available by State/Federal agency, as well as any public or private organization or individual for purposes of surveying or mapping activities, including special purpose maps.

**33 U.S.C. § 883i:** Authority for appropriation of funds as may be necessary to acquire, construct, maintain and operate ships, stations, equipment and facilities and for such other expenditures, including personal services, as well as temporary observatory buildings and lease of sites as may be necessary.

***National Sea Grant College Program Act***

33 U.S.C. § 1121 *et seq.*

Authorizes NOAA to issue grants in support of solving coastal problems and developing marine resources.

***Great Lakes Environmental Research Laboratory***

33 U.S.C. § 1268

Authorizes research and monitoring activities which address priority issues and current needs relating to the Great Lakes.

***Tsunami Warning and Education Act***

33 U.S.C. §§ 3201 *et seq.*

Authority to operate a Tsunami Forecasting and Warning Program. The Program is charged with providing tsunami detection, forecasting and adequate warnings. This Program includes: operational tsunami detection technology; tsunami forecasting capability; management of data quality systems; cooperative efforts with the USGS and NSF; capability for disseminating warnings to at-risk States and tsunami communities; as well as integration of tsunami detection technologies with other environmental observing technologies.

Authority to establish Tsunami Warning Centers which shall continuously monitor pertinent data, evaluate earthquakes as well as deep-ocean buoy data and tidal monitoring stations; disseminate forecasts and tsunami warning bulletins to Federal, State and Local government officials and the public; coordinate with the tsunami hazard mitigation program; and make relevant data available to researchers.

Authority to integrate the tsunami forecast system with other U.S. and global ocean and coastal observations systems, the global earth observing system, global seismic networks, and the Advanced National Seismic System. Authority to conduct a community-based Tsunami Hazard Mitigation Program to improve tsunami preparedness in the U.S. and its territories; maintain a Tsunami Research Program to develop detection, forecast, communications and mitigation science technology, including advanced data collection analysis and assessment techniques; and provide technical assistance and training as part of a Global Tsunami Warning and Mitigation Network; and operate an International Tsunami Information Center in cooperation with the IOC.

***National Acid Precipitation Program Act***

42 U.S.C. §§ 8901 *et seq.*

Authorizes establishment of a comprehensive ten-year program to carry out research activities involving acid precipitation resulting from other than natural sources and authorizes implementation of this Program under the formation of the Acid Precipitation Task Force; also authorizes the NOAA Administrator to serve as the director of the research program.

***America COMPETES Act***

33 U.S.C. §§ 893, 893a & 893b

NOAA education authority. Authorizes establishment of a coordinated program (in consultation with NSF & NASA) of ocean, coastal, Great Lakes, and atmospheric research and development in collaboration with academic institutions and other non-governmental entities. Further authorizes formal and informal educational activities to enhance public awareness and understanding.

***Meteorological Services to Support Aviation***

FAA Authorities in 49 U.S.C.

**49 U.S.C. 44720:** Authority to provide and support international aviation meteorological services. Programmatic authority to promote the safety and efficiency of air navigation by making observations, measurements, and studies of weather conditions, including storms and lightning strikes.

**49 U.S.C. 48105:** Reimbursement for Weather Reporting Services. Authority for the Secretary of Transportation to reimburse Secretary of Commerce for meteorological services provided in support of aviation.

**Relevant Non-NOAA Specific Authorities**

***National Aeronautics and Space Act (NASA), as amended***

42 U.S.C. §§ 2471 *et seq.*

**42 U.S.C. § 2473(c)(5):** Authority to provide NASA with services, equipment, personnel, and facilities, with or without reimbursement.

**42 U.S.C. 2473(c)(6):** Authority under which NASA has authority “to use, with their consent, the services, equipment, personnel, and facilities of other Federal agencies, with or without reimbursement, and on a similar basis to cooperate with other public and private agencies and instrumentalities in the use of services, equipment and facilities. Each department and agency of the Federal Government shall cooperate fully with [NASA] in making its services, equipment, personnel, and facilities available to [NASA].”

***Disaster Preparedness and Mitigation Assistance; Disaster Warnings***

42 U.S.C. § 5132

Authority for the President to ensure all appropriate Federal agencies are prepared to issue warnings of disasters to State and local officials. Federal agencies may be directed to provide technical assistance to State and local governments to ensure timely and effective disaster warning is provided. Any Federal communications system may be utilized for the purpose of providing warning to governmental authorities and the civilian population in areas endangered by disasters, as well as authority to enter into agreements with the officers or agents of private or commercial communications systems who volunteer use of their systems on a reimbursable or nonreimbursable basis for the purpose of providing such warnings.

***Emergency Preparedness; Federal Emergency Response Plans and Programs*** 42 U.S.C. § 5196

Authority for delegation to Federal agencies appropriate emergency preparedness responsibilities, which include coordination of such activities with other Federal agencies as well as with the activities of the States and neighboring countries. Authority for provisions for necessary emergency preparedness communications and for dissemination of warnings of a hazard to the civilian population. Authority for research and studies as to the best methods of treating the effects of hazards; training programs for emergency preparedness, and public dissemination of emergency preparedness information by all appropriate means.

***Federal Technology Transfer Act***

15 U.S.C. § 3710a

Technology transfer authority. Authorizes Federal laboratories to enter into cooperative research and development agreements and to negotiate licensing agreements.

***FAA Authority***

49 U.S.C. § 106(m)

Authority to provide goods and services to the FAA with or without reimbursement. FAA has authority under this provision to transfer funds to reimburse agencies for costs in supplying a service. Agencies are also authorized to receive goods or services from FAA without reimbursement to FAA.