

AMENDMENT NO. \_\_\_\_\_ Ex. \_\_\_\_\_ Calendar No. 79

Purpose: To provide for the preservation and archiving of geological and geophysical data through establishment of a data archive system and for other purposes.

IN THE SENATE OF THE UNITED STATES

108th Cong., 1st Session

**AMENDMENT No. 1394**

To

By Bingaman - Domenici

r purposes..

To: S. 14

6

Page(s)

GPO: 2002 83-247(Mac)

Intended to be proposed by Mr. BINGAMAN (for himself and Mr. DOMENICI)

to the bill (S. 14) proposed by Mr. Domenici

Viz:

1 Strike the text starting on page 43, line 19, through page 49, line 19, and insert the following:

2 **“SEC. 112. PRESERVATION OF GEOLOGICAL AND GEOPHYSICAL DATA.**

3 “(a) SHORT TITLE.- This section may be cited as the ‘National Geological and Geophysical  
4 Data Preservation Program Act of 2003’.

5 “(b) PROGRAM.- The Secretary of the Interior shall carry out a National Geological and  
6 Geophysical Data Preservation Program in accordance with this section--

7 “(1) to archive geologic, geophysical, and engineering data, maps, well logs, and  
8 samples;

9 “(2) to provide a national catalog of such archival material; and

1           “(3) to provide technical and financial assistance related to the archival material.

2           “(c) PLAN.- Within 1 year after the date of the enactment of this section, the Secretary shall  
3           develop and submit to the Committee on Resources of the House of Representatives and the  
4           Committee on Energy and Natural Resources of the Senate a plan for the implementation of  
5           the Program.

6           “(d) DATA ARCHIVE SYSTEM.-

7           “(1) ESTABLISHMENT.- The Secretary shall establish, as a component of the  
8           Program, a data archive system, which shall provide for the storage, preservation, and  
9           archiving of subsurface, surface, geological, geophysical and engineering data and  
10          samples. The Secretary, in consultation with the Advisory Committee, shall develop  
11          guidelines relating to the data archive system, including the types of data and samples  
12          to be preserved.

13          “(2) SYSTEM COMPONENTS.- The system shall be comprised of State agencies  
14          which elect to be part of the system and agencies within the Department of the  
15          Interior that maintain geological and geophysical data and samples that are designated  
16          by the Secretary in accordance with this subsection. The Program shall provide for the  
17          storage of data and samples through data repositories operated by such agencies.

18          “(3) LIMITATION OF DESIGNATION.- The Secretary may not designate a State  
19          agency as a component of the data archive system unless it is the agency that acts as  
20          the geological survey in the State.

21          “(4) DATA FROM FEDERAL LANDS.- The data archive system shall provide for

1 the archiving of relevant subsurface data and samples obtained from Federal lands--

2 “(A) in the most appropriate repository designated under paragraph (2), with  
3 preference being given to archiving data in the State in which the data was  
4 collected; and

5 “(E) consistent with all applicable law and requirements relating to  
6 confidentiality and proprietary data.

7 “(e) NATIONAL CATALOG.-

8 “(1) IN GENERAL.- As soon as practicable after the date of the enactment of this  
9 section, the Secretary shall develop and maintain, as a component of the Program, a  
10 national catalog that identifies--

11 “(A) data and samples available in the data archive system established under  
12 subsection (d);

13 “(B) the repository for particular material in such system; and

14 “(C) the means of accessing the material.

15 “(2) AVAILABILITY.- The Secretary shall make the national catalog accessible to  
16 the public on the site of the Survey on the World Wide Web, consistent with all  
17 applicable requirements related to confidentiality and proprietary data.

18 “(f) ADVISORY COMMITTEE.-

19 “(1) IN GENERAL.- The Advisory Committee shall advise the Secretary on planning  
20 and implementation of the Program.

1 “(2) NEW DUTIES.- In addition to its duties under the National Geologic Mapping  
2 Act of 1992 (43 U.S.C. 31a et seq.), the Advisory Committee shall perform the  
3 following duties:

4 “(A) Advise the Secretary on developing guidelines and procedures for  
5 providing assistance for facilities in subsection (g)(1).

6 “(B) Review and critique the draft implementation plan prepared by the  
7 Secretary pursuant to subsection (c).

8 “(C) Identify useful studies of data archived under the Program that will  
9 advance understanding of the Nation's energy and mineral resources, geologic  
10 hazards, and engineering geology.

11 “(D) Review the progress of the Program in archiving significant data and  
12 preventing the loss of such data, and the scientific progress of the studies  
13 funded under the Program.

14 “(E) Include in the annual report to the Secretary required under section  
15 5(b)(3) of the National Geologic Mapping Act of 1992 (43 U.S.C. 31d(b)(3))  
16 an evaluation of the progress of the Program toward fulfilling the purposes of  
17 the Program under subsection (b).

18 “(g) FINANCIAL ASSISTANCE.-

19 “(1) ARCHIVE FACILITIES.- Subject to the availability of appropriations, the  
20 Secretary shall provide financial assistance to a State agency that is designated under  
21 subsection (d)(2), for providing facilities to archive energy material.

5

1 “(2) STUDIES AND TECHNICAL ASSISTANCE.- Subject to the availability of  
2 appropriations, the Secretary shall provide financial assistance to any State agency  
3 designated under subsection (d)(2) for studies and technical assistance activities that  
4 enhance understanding, interpretation, and use of materials archived in the data  
5 archive system established under subsection (d).

6 “(3) FEDERAL SHARE.- The Federal share of the cost of an activity carried out with  
7 assistance under this subsection shall be no more than 50 percent of the total cost of  
8 that activity.

9 “(4) PRIVATE CONTRIBUTIONS.- The Secretary shall apply to the non-Federal  
10 share of the cost of an activity carried out with assistance under this subsection the  
11 value of private contributions of property and services used for that activity.

12 “(h) REPORT.- The Secretary shall include in each report under section 8 of the National  
13 Geologic Mapping Act of 1992 (43 U.S.C. 31g)--

14 “(1) a description of the status of the Program;

15 “(2) an evaluation of the progress achieved in developing the Program during the  
16 period covered by the report; and

17 “(3) any recommendations for legislative or other action the Secretary considers  
18 necessary and appropriate to fulfill the purposes of the Program under subsection (b).

19 “(i) DEFINITIONS.- As used in this section:

20 “(1) ADVISORY COMMITTEE.- The term “Advisory Committee” means the

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13

advisory committee established under section 5 of the National Geologic Mapping Act of 1992 (43 U.S.C. 31d).

“(2) SECRETARY.- The term “Secretary” means the Secretary of the Interior acting through the Director of the United States Geological Survey.

“(3) PROGRAM.- The term “Program” means the National Geological and Geophysical Data Preservation Program carried out under this section.

“(4) SURVEY.- The term “Survey” means the United States Geological Survey.

“(j) MAINTENANCE OF STATE EFFORT.- It is the intent of the Congress that the States not use this section as an opportunity to reduce State resources applied to the activities that are the subject of the Program.

“(k) AUTHORIZATION OF APPROPRIATIONS.- There is authorized to be appropriated to the Secretary \$30,000,000 for each of fiscal years 2004 through 2008 for carrying out this section.”.