

FORECAST FAILURE: WHY CONGRESS MUST REFORM THE NATIONAL WEATHER SERVICE ORGANIC ACT TO PREVENT THE EROSION AND PRIVATIZATION OF THE U.S. WEATHER SAFETY INFRASTRUCTURE

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ABSTRACT

The National Weather Service (NWS) is the backbone of the nation's weather forecast infrastructure, yet its governing statute, the National Weather Service Organic Act, codified at 15 U.S.C. § 313, has remained virtually unchanged since its enactment in 1890, despite the ever-increasing extreme weather events and our nation's advancements in weather technology. This outdated statute merely authorizes NWS to operate but imposes no enforceable obligation to maintain staffing, operational readiness, or nationwide coverage. Recent budget and staffing cuts to both NWS and its head agency, the National Oceanic and Atmospheric Administration (NOAA), reveal how vulnerable our weather forecast infrastructure is to hostile presidential administrations due to § 313's lack of forecast operation obligations. With policy proposals from think tanks calling for the privatization of NOAA and the commercialization of NWS, our weather forecast infrastructure is threatened with the risk of turning publicly available weather information into a market commodity.

This Comment argues that Congress should reform § 313 to enforce minimum preparedness standards and must preserve public access to foundational weather data by preventing the commercialization of our nation's federal forecasting infrastructure.

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TABLE OF CONTENTS

ABSTRACT	715
I. A SYSTEM AT RISK: THE FEDERAL RETREAT FROM PUBLIC WEATHER FORECASTING	717
II. THE NOAA AND NWS: STRUCTURE, MISSION, AND STATUTORY LIMITATIONS.....	720
A. <i>The Federal Forecasting Architecture</i>	722
B. <i>The National Weather Service Organic Act, 15 U.S.C. § 313</i>	724
III. THE CASE FOR REFORMING § 313	725
A. <i>The Lack of a NOAA Organic Act and the Need for § 313 Reform</i>	727
1. <i>Modeling § 313 Reform on the Clean Air Act's Minimum Standards</i>	729
2. <i>Congressional Pathways and Bipartisan Support for § 313 Reform</i>	733
B. <i>The Coordinated Push Toward Privatization and Its Dangers</i> ...	736
1. <i>Ideological and Policy Agendas Call for NOAA and NWS Dismantlement</i>	736
2. <i>NOAA Funding Cuts and the Risks of Commercialization</i>	739
C. <i>The Cost of Inaction: Forecasting as Public Safety Infrastructure</i>	742
IV. REBUILDING THE NATION'S FORECASTING INFRASTRUCTURE THROUGH STATUTORY RENEWAL.....	744

I. A SYSTEM AT RISK: THE FEDERAL RETREAT FROM PUBLIC WEATHER FORECASTING

Everyone and everything in the United States unconsciously depends on the National Weather Service (NWS).¹ Whether it be a farmer deciding when to irrigate or an entrepreneur evaluating the weather for upcoming construction, each relies—often unknowingly—on forecasts produced by NWS.² From the meteorologists on television to the private weather apps on your phone, it all traces back to NWS, which guides many decisions made by millions of Americans regardless of occupation, income, or political affiliation.³ Notably, the accuracy of weather forecasting has increased to such an extent that people likely forget it is still a public service whose credibility is based entirely on uninterrupted federal backing and protection.⁴

Despite this, in July 2025, a devastating flash flood struck the Texas Hill Country, including Camp Mystic, a youth camp located along the Guadalupe River in central Texas.⁵ Overnight, rapidly increasing rainfall led to the tragic loss of over 130 lives, countless injuries, and many homes swept away downstream.⁶ Hydrologists classify floods such as this one as a one-percent-probability event: rare, but not unforeseeable.⁷ Scientists at the National Oceanic and Atmospheric Administration (NOAA) and NWS warn that these hundred-year floods are becoming more frequent and destructive due to the impacts of climate change.⁸

Several days before the tragic event, NWS forecast offices had detected a high probability of flash flooding.⁹ Three to four hours before the storm struck, NWS issued formal notifications that included multiple alerts with “catastrophic and life-threatening” language.¹⁰ Those alerts were distributed nationwide through the Wireless Emergency Alert system, the same

1. See Rebecca Hersher, *Where Does Your Weather Forecast Come From?*, NPR (May 19, 2025, at 05:30 ET), <https://www.npr.org/2025/05/19/nx-s1-5389593/weather-forecast-radar-satellites-storms-noaa> [https://perma.cc/7SLX-XRPE].

2. *Id.*; NOAA Science, Observations and Services Support U.S. Farming and Forestry, NESDIS (July 25, 2024), <https://www.nesdis.noaa.gov/news/noaa-science-observations-and-services-support-us-farming-and-forestry> [https://perma.cc/X6H3-U3PH].

3. See Hersher, *supra* note 1 (noting how much the public relies on NWS).

4. *Id.*

5. Alex Sundby, *Texas Flooding Victims Include 27 Camp Mystic Campers and Counselors, Camp Confirms*, CBS NEWS (July 8, 2025, at 19:40 EDT), <https://www.cbsnews.com/news/camp-mystic-campers-counselors-killed-texas-flooding/> [https://perma.cc/BE3G-M67L].

6. Julia Jacobo, Daniel Peck & Kyle Reiman, *The History of ‘Flash Flood Alley,’ the Hilly Region in Texas Prone to Flooding Emergencies*, ABC NEWS (July 7, 2025, at 17:22 CST), <https://abcnews.com/US/history-flash-flood-alley-hilly-region-texas-prone/story?id=123531672> [https://perma.cc/SPA8-CEEM] (noting that the area is known as “Flash Flood Alley” and has had a history of severe flooding).

7. WASHINGTON JOURNAL, *Richard Spinrad on the Texas Floods and Disaster Preparedness*, at 01:25 (C-SPAN, July 9, 2025), <https://www.c-span.org/program/washington-journal/richard-spinrad-on-the-texas-floods-and-disaster-preparedness/662217> [hereinafter *Spinrad Interview*].

8. *Id.* at 01:50 (warning that severe weather events are likely going to increase).

9. *Id.* at 02:31.

10. *Id.* at 02:31.

technology that delivers Amber Alerts to cell phones.¹¹ Once NWS issues these warnings and alerts, the responsibility then shifts to the local emergency management communities, such as emergency managers, sheriffs, fire departments, and state disaster response agencies.¹²

Unfortunately, at the time of the flood, the local Texas NWS office was operating at roughly 80% of its normal capacity due to the Department of Government Efficiency (DOGE) urging early retirement and assigning probationary status to many employees.¹³ A crucial vacancy was the Warning Coordination Meteorologist (WCM) as that vacancy left local officials without immediate guidance on when and where to evacuate.¹⁴ A WCM is a trained meteorologist who serves as the real-time link between NWS forecasters and the local emergency managers.¹⁵ The Austin/San Antonio WCM position was vacant due to DOGE's push for early retirements, leaving the position that was previously held by Paul Yura—a WCM with more than thirty years of experience—difficult to fill or train to that standard.¹⁶ Although NWS forecasters fulfilled their duty to detect risks and issue warnings, the absence of coordination from the WCM likely delayed any lifesaving action and likely made the loss worse.¹⁷ The devastation at Camp Mystic sadly demonstrates that vacancies and cuts to NWS are, and will be, part of a much larger issue.¹⁸

For instance, this Trump Administration has gradually decreased federal support for NOAA, and by extension NWS, as part of a broader effort to fully privatize NOAA, consistent with *Project 2025*.¹⁹ For example, this Administration put forth a plan to decrease the funding for NOAA's research programs by almost \$100 million for the 2025 fiscal year, less than what

11. *Id.* at 03:21.

12. *Id.* at 03:54.

13. *Id.* at 08:00; see also WEATHER WEST, *Weather and Clime Office Hour 02/27/2025: Update on Mass Firings At NOAA/NWS*, at 01:23–03:50 (Feb. 27, 2025), <https://www.youtube.com/watch?v=W2Vv2p3CWXI> [<https://perma.cc/EZM7-H5YL>] (stating that the classification of a probationary employee is different for a federal employee. A federal employee is automatically classified as a probationary if they are either relatively recent hires in the federal government or have received a performance-based promotion. Meaning that NOAA and NWS have their most experienced employees as well as newly hired employees fired with one hour or less of notice) [hereinafter *Dr. Swain Statement*].

14. *Spinrad Interview*, *supra* note 7, at 08:42.

15. *Id.*

16. *Id.* at 09:35; Margaret Cooney & Cody Hankerson, *The Lasting Threat of Trump's Cuts to NOAA and NWS on American Communities*, CAP (July 10, 2025), <https://www.americanprogress.org/article/the-lasting-threat-of-trumps-cuts-to-noaa-and-nws-on-american-communities/> [<https://perma.cc/Y8SX-BMMX>].

17. See *Spinrad Interview*, *supra* note 7, at 02:31 (explaining the failures in communication but not due to NWS failures).

18. See Cooney & Hankerson, *supra* note 16 (discussing how recent cuts to NOAA and NWS will affect NWS's ability to adequately prepare and respond to extreme weather events); cf. Thomas F. Gilman, *Department of Commerce*, in MANDATE FOR LEADERSHIP: THE CONSERVATIVE PROMISE 663, 675 (Paul Dans & Steven Groves eds., 2023), https://static.heritage.org/project2025/2025_MandateForLeadership_FULLL.pdf [<https://perma.cc/9TFW-HPZ3>] [hereinafter *Project 2025*].

19. See Cooney & Hankerson, *supra* note 16.

Congress approved for NOAA.²⁰ The reduction in NOAA's budget will not only cut back on fundamental research on weather, oceans, and climate, but would essentially, as claimed by NOAA staff, be a "down payment" on this Administration's goal to eliminate NOAA's research unit by 2026.²¹

NWS has already lost close to 600 employees, leaving approximately 40% of its local forecast offices to endure dire staffing shortages, compounding the potential for devastating consequences like what occurred in Texas.²² The staff shortages at NWS local offices already showcase the nation's fate, with local offices suspending weather balloon launches, scaling back overnight coverage, and stretching the remaining meteorologists to their limit.²³ After the loss of life and property following Camp Mystic, among other severe weather-related events, the President conceded by rehiring some pertinent NWS staff—an implication that earlier cuts were an irresponsible and costly decision.²⁴ However, NOAA officials who spoke anonymously to avoid retaliation warned that it may take months to rebuild the workforce.²⁵ Accordingly, fluctuations in NOAA staffing emphasize how easily presidencies can shift NOAA and NWS in their operational capacities, absent a statutory safeguard requiring a minimum standard within the agency, such as baseline forecasting capabilities or technologies that progress with science and technology.²⁶

Instead, NWS's antiquated governing statute, the National Weather Service Organic Act of 1890, now codified under 15 U.S.C. § 313, authorizes NWS to maintain "seacoast *telegraph* lines," report "temperature and rain-fall conditions for the *cotton* interests," and collect and distribute meteorological observations to record climate conditions in the United States.²⁷ NWS, under the Department of Commerce, operates at the direction of the Secretary of Commerce, who is appointed by the President.²⁸ By statute, the Secretary is charged with "forecasting [the] weather, issu[ing] storm warnings, . . . [and disseminating] weather and flood signals for the

20. Paul Voosen, *Trump Administration Pushes Ahead With NOAA Climate and Weather Cuts*, SCIENCE (Aug. 25, 2025, at 16:30 ET), <https://www.science.org/content/article/trump-administration-pushes-ahead-noaa-climate-and-weather-cuts> [https://perma.cc/6A2P-86HS].

21. *Id.*

22. Cooney & Hankerson, *supra* note 16 (stating the recent actions at the behest of DOGE).

23. Chase Cain, *NWS to Rehire Workers After Deep DOGE Cuts*, NBC NEWS (Aug. 7, 2025, at 16:21 CDT), <https://www.nbcnews.com/science/science-news/nws-rehire-workers-deep-doge-cuts-rcna-223684> [https://perma.cc/4WRQ-24M3].

24. *Id.*

25. *Id.*

26. *Id.*

27. 15 U.S.C. § 313 (emphasis added); NAT'L RESEARCH COUNCIL, FAIR WEATHER: EFFECTIVE PARTNERSHIP IN WEATHER AND CLIMATE SERVICES 57–58 (2003), <https://nap.nationalacademies.org/read/10610/chapter/6> [https://perma.cc/4P7G-BJ7R] [hereinafter FAIR WEATHER].

28. U.S. DEP'T OF COM., DOO 10-15, UNDER SECRETARY OF COMMERCE FOR OCEANS & ATMOSPHERE AND ADMINISTRATOR OF THE NATIONAL OCEANIC & ATMOSPHERIC ADMINISTRATION (2011).

benefit of agriculture, commerce, and navigation.”²⁹ In other words, § 313 directs NWS to serve sweeping and influential national interests such as agriculture, transportation, communication, and trade.³⁰

Nevertheless, § 313 lacks any meaningful statutory enforcement of weather forecast obligations.³¹ Section 313 did not incorporate any mechanism to ensure NWS maintains a set minimum operational capacity, thus permitting political administrations to dismantle NWS without facing any legal consequences.³² As climate change increases at unprecedented rates, and successive administrations permissively reduce staffing and research capacity, the gap between scientific necessity and statutory obligation widens, with deadly results.³³ To preserve the nation’s forecasting system, Congress should therefore reform § 313 to establish minimum performance and technological weather forecast requirements, modeled on the Clean Air Act, to ensure national preparedness and prevent the privatization of essential public forecasting functions.³⁴

This Comment analyzes the inadequate legal protection for the nation’s forecasting infrastructure and argues for Congress to reform § 313 to establish mandatory minimum operational standards and to preserve public control of NWS.³⁵ Part II explains the structure of NOAA, evaluating the weather forecast technology available, and examining NWS’s governing statute, § 313.³⁶ Part III argues that § 313 leaves NWS vulnerable to the hands of hostile administrations, and that budget and staff cuts, as well as Trump’s ideological goal to quietly privatize NOAA, threaten the nation’s public weather forecast infrastructure.³⁷ Part IV proposes that the only viable remedy is for Congress to reform § 313 before NWS’s forecasting capacity goes beyond repair.³⁸

II. THE NOAA AND NWS: STRUCTURE, MISSION, AND STATUTORY LIMITATIONS

The United States has faced an unmistakable increase in both the frequency and severity of extreme weather events in recent decades.³⁹

29. 15 U.S.C. § 313; Robert B. Loper, *Red Sky in the Morning, Forecasters Take Warning: The Liability of Meteorologists for Negligent Weather Forecasts*, 66 TEX. L. REV. 683, 684 (1988).

30. FAIR WEATHER, *supra* note 27 (detailing NWS’s role as an agency).

31. *See* 15 U.S.C. § 313.

32. *See id.*; Voosen, *supra* note 20.

33. *See* § 313; Spinrad Interview, *supra* note 7, at 01:50.

34. *See infra* Parts III–IV (explaining why § 313 needs reform and how it should be done).

35. *See infra* Parts III–IV (discussing the insufficient protection provided by § 313 and proffering a solution to this issue).

36. *See infra* Part II (explaining the NOAA, forecast technology, and NWS governing statute).

37. *See infra* Part III (arguing that § 313 should be changed).

38. *See infra* Part IV (suggesting that it is Congress’s role and duty to reform § 313).

39. *See* Rebecca L. Kihlslinger et al., *Extreme Weather and Climate Change*, 50 ENV’T L. REP. 10963, 10963 (2020).

NOAA, the agency entrusted to report and research the ocean, atmosphere, and coastal regions of the world, reported that in 2019 alone, fourteen extreme weather events each produced damages exceeding one billion dollars.⁴⁰ These extreme weather events, from hurricanes to the wildfires in California, collectively resulted in an estimated loss of forty-five billion dollars.⁴¹ This does not include the lives that were lost, persons that were seriously injured, and entire communities that were displaced or destabilized.⁴² Furthermore, 2019 marked the fifth consecutive year in which the United States had ten or more billion-dollar climate disasters, showcasing a troubling precedent in our nation's climate landscape.⁴³

Nevertheless, despite the ever-increasing volume of extreme weather events, this Administration continued to aggressively downsize the United States federal civilian workforce by way of massive budget cuts and firings across several government agencies, all under the direction of DOGE.⁴⁴ Reports indicate that nearly 200,000 federal employees either were terminated, accepted buyouts, or accepted positions that were designed for dismissal.⁴⁵ Among the agencies directly affected is NOAA, and by extension, its line office, NWS, which together form the backbone of America's weather and climate safety infrastructure.⁴⁶ NOAA alone released around 1,300 employees through a combination of layoffs and voluntary buyouts.⁴⁷ And even more positions are expected to be let go, equating to nearly one-fifth of NOAA's entire civilian workforce.⁴⁸ Scientists warn that shrinking NOAA and NWS not only threatens scientific progress within the weather industry but also harms the public's overall safety.⁴⁹

40. *See id.*

41. *See id.*

42. *See id.*

43. *See id.*

44. *How Hard Have Trump and Musk Layoffs Hit Agencies?*, REUTERS, Apr. 3, 2025, 2025 WL 993323 [hereinafter *How Hard Have Layoffs Hit Agencies?*]; Oliver Milman, 'Chaos': Trump Cuts to NOAA Disrupt Staffing and Weather Forecasts, THE GUARDIAN (Apr. 1, 2025, at 19:30 EDT), <https://www.theguardian.com/us-news/2025/apr/01/trump-cuts-noaa-spam-emails> [<https://perma.cc/UXE8-HXMP>].

45. *How Hard Have Layoffs Hit Agencies?*, *supra* note 44 (explaining that the practice of hiring new employees or giving unqualified persons promotions for the purpose of assigning them probationary status that leads to dismissal).

46. *How Hard Have Layoffs Hit Agencies?*, *supra* note 44; Milman, *supra* note 44 (discussing the effects on accurate weather forecasts due to Trump's cuts).

47. *How Hard Have Layoffs Hit Agencies?*, *supra* note 44; Milman, *supra* note 44.

48. *How Hard Have Layoffs Hit Agencies?*, *supra* note 44; Milman, *supra* note 44.

49. *See* Emily Mae Czachor, *Job Cuts at NOAA Drive Concerns About Extreme Weather Forecasts, as Climate Change Worsens Natural Disasters*, CBS NEWS (Mar. 13, 2025, at 11:52 EDT), <https://www.cbsnews.com/news/noaa-national-weather-service-job-cuts-forecast-climate-change-natural-disasters/> [<https://perma.cc/EG33-MFWB>]; Evan Bush, *NOAA Is Scrambling to Fill Forecasting Jobs After Cuts to the National Weather Service*, NBC NEWS (May 16, 2025, at 14:31 CDT), <https://www.nbcnews.com/science/environment/noaa-scrambling-fill-forecasting-jobs-cuts-national-weather-service-rcna207050> [<https://perma.cc/NP9J-LD9C>].

This current Administration also proposed an almost \$100 million reduction to NOAA's 2026 research funding budget—targeting some of NOAA's most foundational programs in atmospheric and climate science research.⁵⁰ In firing approximately 600 NWS employees, beyond those previously fired or reinstated due to public and scientific backlash, DOGE has left NWS local forecast offices to deal with an overwhelming number of staff vacancies.⁵¹ Consequently, these overall cuts have already affected NWS data collection activity as it has had to reduce the number of weather balloons it is able to release across six locations in the United States that are crucial for providing data for the nation's weather forecasts.⁵²

Former NOAA directors described the execution of these cuts as chaotic and poorly coordinated.⁵³ Employees who were responsible for tracking hurricanes were fired, only for a portion of that very same staff to be rehired by DOGE or asked to “disregard their terminations” weeks after the public backlash.⁵⁴ A former NOAA deputy director stated, “A year from now[,] people will notice things are missing that used to be there and D[OGE] and others promoting this will say: ‘See, told you government can’t do things,’ rather than: ‘We broke it and it got worse.’”⁵⁵ And per the legislative director of NWS Employees Organization, these widespread staff shortages are unprecedented for NWS, an agency that operates twenty-four-seven to provide continuous weather forecasting to the nation, and directly warned: “if cuts like this continue . . . people will die.”⁵⁶

A. The Federal Forecasting Architecture

The Department of Commerce established NOAA in 1970 when it merged entities formerly known as the United States Weather Bureau, the National Marine Fisheries Service, and the National Geodetic Survey to combine environmental service with economic development.⁵⁷ Today, NOAA's six line offices in its structure are known as: (i) NWS, (ii) National Ocean Service, (iii) National Marine Fisheries Service, (iv) Office of Oceanic

50. Timothy Cama, *Bill to Bolster Weather Forecasting Clears Committee*, POLITICO: E&E NEWS (Sep. 11, 2025, at 06:34 EDT), <https://www.eenews.net/articles/bill-to-bolster-weather-forecasting-clears-committee/> [https://perma.cc/E6K3-UYKW].

51. Cooney & Hankerson, *supra* note 16 (quantifying the recent firings at DOGE's discretion).

52. Milman, *supra* note 44 (demonstrating the effects of Trump's cuts to NOAA).

53. *Id.*

54. *Id.*

55. *Id.*

56. Bush, *supra* note 49 (warning of the potential consequences of the unprecedented cuts to NOAA and NWS by the Trump Administration).

57. Nat'l Geographic Soc'y, *National Oceanic and Atmospheric Administration (NOAA)*, NAT'L GEOGRAPHIC (Oct. 19, 2023), <https://education.nationalgeographic.org/resource/national-oceanic-and-atmospheric-administration-noaa/> [https://perma.cc/CA8R-ACMF]; see *Spinrad Interview*, *supra* note 7, at 00:22 (noting NOAA's role as an agency).

and Atmospheric Research, (v) National Environmental Satellite, Data, and Information Service, and (vi) Office of Marine and Aviation Operations.⁵⁸

Congress, in unifying the federal government's atmospheric and oceanic programs to form NOAA, neglected to enact an organic act—a statute that delineates its legal powers and responsibilities—that would clarify NOAA's overall statutory authority as head agency.⁵⁹ And still, as a whole, NOAA conducts environmental research, manages coastal and marine resources, and delivers real-time climate and weather information essential to national safety and commerce.⁶⁰

NOAA's reach extends throughout the United States and its territories to collect, interpret, and disseminate environmental data about the atmosphere, oceans, and inland waters.⁶¹ NWS is responsible for converting this data into forecasts and warnings.⁶² In practice, NWS provides the scientific foundation that state and local agencies rely on when determining how to respond to emergencies and protect the public.⁶³ Together, NOAA, NWS, and emergency management agencies ensure that critical life-saving information moves efficiently from scientists to policymakers and, finally, to the public.⁶⁴

Through the work of NWS, the United States has been able to produce weather forecasts that are among the most accurate in the world.⁶⁵ NWS issues over 1.5 million forecasts and thousands of severe weather event alerts—from hurricanes to flash floods—every year.⁶⁶ Such forecasts are based on six fundamental components of weather—temperature, atmospheric pressure, wind, humidity, precipitation, and cloudiness—that depict the state of the atmosphere at any given time.⁶⁷ When analyzed with the knowledge of atmospheric processes, these components allow meteorologists to forecast future weather.⁶⁸ NWS forecasts are a combination of radar towers, upper-air

58. *Id.*

59. See Tim Hall & Mary Kicza, *An Organic Act For NOAA To Formalize Its Purpose and Authorities*, AEROSPACE CTR. FOR SPACE POL'Y & STRATEGY, at 1 (Aug. 2018), https://aerospace.org/sites/default/files/2018-08/Hall-Kicza_Organic%20Act_08082018.pdf [<https://perma.cc/HL3J-U23V>].

60. *National Oceanic and Atmospheric Administration (NOAA)*, *supra* note 57 (explaining the foundation of NOAA as an agency).

61. *Id.*

62. *Id.*

63. *Spinrad Interview*, *supra* note 7, at 03:54 (explaining how NWS works with local officials to transmit urgent weather information).

64. *Id.*

65. Louis W. Uccellini, *Restructuring the National Weather Service*, 76 PUB. ADMIN. REV. 842, 842 (2016).

66. Nat'l Geographic Soc'y, *The National Weather Service*, NAT'L GEOGRAPHIC (Oct. 18, 2024), <https://education.nationalgeographic.org/resource/national-weather-service-and-how-it-impacts-our-lives/> [<https://perma.cc/7WZ4-7X2M>].

67. Kim Rutledge et al., *Weather*, NAT'L GEOGRAPHIC (Oct. 19, 2023), <https://education.nationalgeographic.org/resource/weather/> [<https://perma.cc/3853-G3LA>].

68. Rutledge et al., *supra* note 67 (noting meteorologists are scientists who study weather); *The National Weather Service*, *supra* note 66.

observations from radiosondes, Earth-orbiting satellites, and supercomputers that synthesize vast datasets on atmospheric temperature, pressure, humidity, and wind patterns.⁶⁹ For instance, twice each day, radiosonde balloons are launched from nearly 1,000 local weather stations worldwide, including more than ninety NWS stations in the United States.⁷⁰

Since the 1960s, weather satellites have become indispensable to meteorologists, providing continuous imaging that reveals not only cloud and wind speeds but “can [also] see fires, volcanoes, city lights, dust storms, the effects of pollution, boundaries of ocean currents, and other environmental information . . . [providing] more accurate [forecasts], especially in the remote areas of the world that [do not] have other ways to get information about the weather.”⁷¹ Radar technology, particularly Doppler radar, adds another layer of precision by allowing meteorologists to detect precipitation intensity and storm rotation, allowing for early warnings of tornadoes, hurricanes, and other rapidly developing weather hazards.⁷²

In all, NWS’s technological advances have evolved dramatically since § 313 was enacted in 1890.⁷³ Weather forecasting tools such as radar, radiosondes, weather satellites, and high-speed computers that monitor and model atmospheric conditions in real time, upon which both public and private forecasts depend, are crucial to timely forecasts in our new norm of increased severe weather events.⁷⁴ With NWS meteorologists working twenty-four-seven, transmitting uninterrupted reports of visibility, barometric pressure, precipitation, and wind to the public at large, the need to reevaluate § 313’s antiquated and lack of baseline minimum standards is necessary in light of today’s realities.⁷⁵

B. The National Weather Service Organic Act, 15 U.S.C. § 313

Section 313 is merely a single paragraph long and grants NWS the authority to issue and distribute warnings of weather conditions in the United States, among other responsibilities, including maintaining century-old

69. Greg Rosalsky, *Should We Invest More in Weather Forecasting? It May Save Your Life*, NPR (July 11, 2023, at 06:30 ET), <https://www.npr.org/sections/money/2023/07/11/1186458991/should-we-invest-more-in-weather-forecasting-it-may-save-your-life> [<https://perma.cc/25TR-SRBH>] (stating radiosondes are attached to weather balloons and float through the upper stratosphere, gathering data on temperature, humidity, air pressure, wind speed and direction; satellites circle the earth, beaming in valuable imagery and data).

70. Rutledge et al., *supra* note 67.

71. *Id.*

72. *Id.*

73. See 15 U.S.C. § 313; Harold Taft, *Availability and Use of Weather Data*, 40 J. AIR L. & COM. 459, 465 (1974).

74. See Taft, *supra* note 73, at 461–66.

75. *Id.* at 463, 465 (noting information is then archived at the National Centers for Environmental Information, the nation’s permanent climatic record).

technology and national interests.⁷⁶ Under § 313, the Secretary of Commerce is charged with ensuring that weather forecasts are made and that alerts or signals are disseminated to the public when there is a risk of severe weather or flooding but lacks any minimum baseline in these operations or specificity requiring so.⁷⁷ Specifically, § 313 provides:

The Secretary of Commerce shall have charge of the forecasting of weather, the issue of storm warnings, the display of weather and flood signals for the benefit of agriculture, commerce, and navigation, the gauging and reporting of rivers, the maintenance and operation of seacoast telegraph lines and the collection and transmission of marine intelligence for the benefit of commerce and navigation, the reporting of temperature and rain-fall conditions for the cotton interests, the display of frost and cold-wave signals, the distribution of meteorological information in the interests of agriculture and commerce, and the taking of such meteorological observations as may be necessary to establish and record the climatic conditions of the United States, or as are essential for the proper execution of the foregoing duties.⁷⁸

Operating under § 313's broad mandate, NWS collects and publicly distributes weather information to protect life and property, and "to create and disseminate forecasts and other weather information for the benefit of a wide range of weather-sensitive businesses and activities."⁷⁹ Yet, § 313 no longer provides any adequate legal protection for the nation's forecasting infrastructure, and the recent NOAA and NWS attacks from this current Administration demonstrate that.⁸⁰ Section 313 only permissively authorizes the Secretary to ensure NWS is forecasting the weather and distributing this information, but nowhere does it mention the minimum threshold the Secretary cannot go under in operational capacity.⁸¹ Therefore, Congress must reform the statute to impose enforceable minimum preparedness standards and prevent the quiet privatization of a core public safety agency.⁸²

III. THE CASE FOR REFORMING § 313

The dramatic improvement of weather forecasting accuracy over the past several decades emphasizes both the capability and vulnerability of the

76. 15 U.S.C. § 313.

77. Loper, *supra* note 29, at 684.

78. 15 U.S.C. § 313.

79. FAIR WEATHER, *supra* note 27, at 58 (stating NWS cooperates with the National Climatic Data Center, which archives NWS data under the Federal Records Act, 44 U.S.C. §§ 3101–3107).

80. See Rosalsky, *supra* note 69 (detailing the technological advances in weather forecast infrastructure).

81. *Id.*

82. See *infra* Section III.B and accompanying text (discussing the quiet privatization of NOAA).

nation's forecasting system.⁸³ Sustained public investment has transformed NWS from a basic observation network into a sophisticated scientific enterprise capable of saving thousands of lives and billions of dollars each year.⁸⁴ Today, five-day forecasts are as reliable as one-day forecasts were in 1980; hurricane track predictions are 50% more accurate than they were a generation ago; and two-day rainfall forecasts now match the precision of same-day projections from the mid-1990s.⁸⁵ These weather forecast advancements are often taken for granted in everyday life, yet they provide immense economic and societal value.⁸⁶

In spite of the nation's advancements in forecast accuracy, the governing NWS statutory framework under § 313 has not kept up.⁸⁷ The NWS's power rests almost entirely on administrative discretion rather than on progression and emerging technologies in the weather forecast industry.⁸⁸ For instance, between 2005 and 2007, NWS achieved a 30% improvement in forecast accuracy, the result of continued federal investment in skilled researchers, scientists, and meteorologists, yet this progress can easily be halted by budgetary or staffing cuts.⁸⁹ Even emerging tools such as artificial intelligence and machine learning that promise significant improvement in predictive capability, § 313 does not guarantee integration despite its growing relevance and use around the world.⁹⁰

In addition, the need to incorporate national minimum standards for forecast and warning reliability is demonstrated by economists who estimate that even small improvements in forecast accuracy have major societal benefits.⁹¹ For example, a 50% improvement in forecast accuracy could save more than 2,200 lives per year.⁹² Moreover, the need for weather forecast accuracy is critical as climate change increases both the frequency and the severity of weather events.⁹³ The ability to predict extreme weather events such as severe storms and heat waves in advance in a hotter world is essential for protecting lives, property, and the national economy.⁹⁴

Put simply, advances in forecasting highlight how far the nation has progressed since § 313's enactment nearly 140 years ago and how urgently § 313 must establish a minimum operational standard of continued federal

83. See Rosalsky, *supra* note 69 (detailing how far NWS has come from its inception until now).

84. *Id.*

85. *Id.*

86. See *id.*

87. See *id.*; 15 U.S.C. § 313.

88. See Rosalsky, *supra* note 69; 15 U.S.C. § 313 (stating "[t]he Secretary of Commerce shall have charge of the forecasting of weather . . . as *may* be necessary." (emphasis added)).

89. See Rosalsky, *supra* note 69.

90. See *id.*; 15 U.S.C. § 313.

91. See Rosalsky, *supra* note 69 (discussing NWS's technological weather forecasting advancements and the importance of accurate weather forecasts due to climate change).

92. See *id.*

93. See *id.*

94. See *id.*

support—one that cannot be reduced at the discretion of any administration.⁹⁵ Natural disasters are not a matter of if, but when, and modern forecasting is the critical tool for mitigating their impacts.⁹⁶ Without robust funding and statutory support, NWS’s progress risks stagnation or reversal at precisely the era it is needed the most.⁹⁷

A. The Lack of a NOAA Organic Act and the Need for § 313 Reform

The structural weaknesses of NOAA and NWS highlight the need for NWS § 313 reform, despite the attacks on both NWS and NOAA.⁹⁸ The reason for reforming § 313 alone is that NOAA operates under a fragmented structure of nearly 200 statutory authorities, most enacted at different times for different reasons.⁹⁹ This patchwork of legislation leaves senior NOAA leadership with limited power to coordinate policy or allocate resources in the most efficient manner across its six line offices.¹⁰⁰ Rather, NOAA finds unity in its mission statement to “understand and predict changes in climate, weather, ocean[s], and coasts.”¹⁰¹ As a result, NOAA’s lack of an organic act causes its line offices to operate in a relatively isolated manner, creating gaps in governance that undermine NOAA’s unity.¹⁰²

The issue of NOAA’s lack of an organic act has been recognized by Congress.¹⁰³ Since NOAA’s creation, members of Congress have proposed fifteen bills for an NOAA organic act, but each one has repeatedly failed to become law.¹⁰⁴ For instance, a debate surrounded the proposed NOAA organic act bill, House Bill 5450.¹⁰⁵ House Bill 5450 ultimately failed over concerns that the bill would improperly shift responsibilities amongst other federal agencies and that it improperly bypassed House committees with jurisdiction over NOAA functions—particularly the House Resources Committee.¹⁰⁶

The chair of the House Science, Space, and Technology Committee argued in favor of another proposed NOAA organic act bill, House Bill

95. *See id.*

96. *See id.*

97. *See id.*

98. *See* Hall & Kicza, *supra* note 59, at 1 (detailing Congress’s failure to enact a NOAA organic act).

99. *Id.*

100. *Id.* (discussing NOAA’s limited ability to implement policies across its line offices).

101. *About Our Agency*, NAT’L OCEANIC AND ATMOSPHERIC ADMIN., (Mar. 5, 2025) <https://www.noaa.gov/about-our-agency> [<https://perma.cc/9FC2-NAU7>].

102. *See* Hall & Kicza, *supra* note 59, at 1–2.

103. *See id.* at 2.

104. *See id.* Out of the fifteen proposed NOAA organic act bills, fourteen were introduced in the House of Representatives, and one was introduced in the Senate. *Id.* Only House Bill 5450 ever passed the House, but “no further action was taken . . . by the Senate.” *Id.*

105. EVA LIPIEC, CONG. RSCH. SERV., R47636 NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA): ORGANIZATION OVERVIEW AND ISSUES FOR CONGRESS 11 (2025).

106. *Id.*

3980.¹⁰⁷ House Bill 3980 would have turned NOAA into a scientific research and development agency focused on Earth-system science.¹⁰⁸ The ranking member, although supportive of the bill, declined to advance it out of concern that some stakeholders would not welcome a narrowly tailored statute.¹⁰⁹ Proponents of the bill claimed codification would bring clarity to NOAA's authority and role, facilitate coordination, and enhance public trust; whereas, opponents cautioned that such legislation could consume political capital and restrict the flexibility of individual line offices in pursuing new missions or research initiatives.¹¹⁰

Altogether, considering the history of legislative inaction concerning a comprehensive NOAA organic act, the most practical remedy is to reform the *already existing* NWS Organic Act, § 313.¹¹¹ Reforming § 313, as opposed to a NOAA-wide reorganization, would directly address the statutory inadequacies that undermine national forecasting capacity while avoiding the structural controversies that resulted in the failure to pass previously proposed NOAA organic acts.¹¹²

Although NWS functions as the federal government's most public and operationally essential forecast agency, § 313 remains virtually unchanged since its enactment in 1890, despite major advancements in weather forecasting.¹¹³ The entirety of § 313 forms one long, sweeping, vague paragraph written for a pre-radar, pre-satellite, pre-supercomputing era operating as an enabling statute, not a regulatory one.¹¹⁴ In practice, § 313 delegates authority to the Secretary of Commerce, who in turn delegates operational control to the NOAA Administrator, who delegates to the NWS Director, but § 313 imposes no enforceable duty to maintain forecasting accuracy, ensure nationwide coverage, or preserve adequate staffing.¹¹⁵ Section 313 not only contains outdated statutory language—referencing “telegraph lines” and “cotton interests”—but it also fails to account for modern realities, including the effects of climate change.¹¹⁶

107. *Id.*

108. *See id.*

109. *See id.*

110. Hall & Kicza, *supra* note 59, at 3–4 (discussing the potential motivations and challenges from stakeholders in passing a NOAA organic act).

111. *See* 15 U.S.C. § 313.

112. *See* LIPIEC, *supra* note 105, at 11 (detailing the scope and reason for failure of rejected proposed bills for a NOAA organic act).

113. *See NOAA Observation Systems*, NAT'L WEATHER SERV., <https://www.weather.gov/about/observation-equipment#:~:text=ASOS,most:%20within%20airport%20runway%20environments> [<https://perma.cc/NVC3-RZD3>] (last visited Apr. 17, 2026); § 313 (noting antiquated weather forecast technology language).

114. *See* 15 U.S.C. § 313.

115. *See id.*

116. *See id.*

In essence, § 313 merely empowers NWS to operate, but it does *not* require a statutory floor of operational capacity or forecasting accuracy.¹¹⁷ Section 313's lack of obligatory language consequently allowed this Administration to arbitrarily cut roughly \$100 million from NOAA's research funding.¹¹⁸ By diminishing NOAA's capacity to conduct essential research amidst staff vacancies, these cuts directly affect foundational programs in climate science and weather forecasting.¹¹⁹ As a result, forecast offices across the nation now face reduced coverage, and with NWS staff facing increased workloads, the monumental progress achieved through decades of federal investment is threatened.¹²⁰

Furthermore, these cuts directly contradict § 313's directive that the Secretary of Commerce undertake "such meteorological observations as may be necessary to establish and record the climatic conditions of the United States."¹²¹ Nevertheless, given § 313's vague language, courts may interpret § 313 to grant broad administrative discretion, leaving no judicial mechanism to hold the agency accountable even when their failures contribute to preventable loss of life.¹²²

Reforming § 313 to include a minimum forecasting capacity standard and a scheduled reassessment of those standards would close this discretionary gap.¹²³ A modernized statute would transform § 313 from a permissive framework into a genuine legal mandate, one that ensures national forecasting capacity cannot be dismantled by shifting political priorities and that the federal government fulfills its duty to protect life and property in an era of escalating climate risk.¹²⁴ It would reflect the scientific advancements of the past 140 years, recognizing that reductions in forecasting capacity threaten not only continued progress but also national safety and resilience in the face of *now unprecedented* extreme weather.¹²⁵

1. Modeling § 313 Reform on the Clean Air Act's Minimum Standards

The Clean Air Act (CAA) provides an analogous model for reforming § 313, particularly by insulating NWS from the political pendulum by

117. *See id.*

118. *See* Cama, *supra* note 50.

119. *See id.*

120. *See id.*

121. Michael B. Gerrard, *Trump Attacks on Climate Science May Violate Numerous Federal Laws*, N.Y.L.J., MAY 21, 2025, at 6 *reprinted in* COLUM. L. SCH. SCHOLARSHIP ARCHIVE (2025) https://scholarship.law.columbia.edu/cgi/viewcontent.cgi?article=5658&context=faculty_scholarship&utm_perma.cc/7BRW-KFZM (quoting 15 U.S.C. § 313).

122. *See id.*

123. *See id.*

124. *See* Cooney & Hankerson, *supra* note 16 (urging NOAA and NWS's importance in light of climate change and its result of increased extreme weather events).

125. *See* Gerrard, *supra* note 121, at 1 ("[T]he second Trump [A]dministration has launched an unprecedented rollback of efforts to fight climate change.").

borrowing the structural choices that have made the CAA resistant to administrative weakening.¹²⁶ Congress achieved that stability in the CAA by converting key responsibilities into non-discretionary duties—certain tasks the agency must perform on fixed timelines regardless of who occupies the White House.¹²⁷ Section 109, codified at 42 U.S.C. § 7409, of the CAA is the clearest example: it requires the Environmental Protection Agency (EPA) to set national air-quality standards for harmful air pollutants and to revisit those standards at regular five-year intervals.¹²⁸ Because these commands are *mandatory* rather than permissive, that is the reason why courts have repeatedly compelled EPA action when the agency missed the deadlines to attain air-quality standards.¹²⁹ Applying this structure to § 313 would involve adding baseline forecasting and operational requirements that the Secretary of Commerce *must* maintain, shifting § 313 from merely authorizing NWS *permission* to do its work but obligating non-discretionary responsibilities.¹³⁰

For instance, the CAA is voluminously codified at 42 U.S.C. §§ 7401–7671.¹³¹ Section 101, the “[c]ongressional findings and declaration of purpose,” codified at § 7401, directs the EPA to establish National Ambient Air Quality Standards (NAAQS) that protect public health and welfare and then assigns states the responsibility of implementing those standards through state plans.¹³² Areas that fail to meet those minimum standards, referred to as “nonattainment areas,” must adopt additional protective measures.¹³³ In other words, Congress set a national baseline and requires states to take whatever steps necessary to reach it.¹³⁴

The CAA’s current framework emerged from several amendments, notably the 1970 amendments, which marked a turning point: Congress moved beyond research and technical assistance and gave the EPA responsibility to set binding federal standards, impose technology-based limits on new sources, and enforce compliance.¹³⁵ Congress again strengthened that 1970 framework in 1977 and 1990 by adjusting deadlines for attaining air quality standards, expanding protections for cleaner-than-required air, and giving the EPA sharper enforcement tools—amendments made in response to evolving realities that are similarly relevant to § 313’s long-overdue reform.¹³⁶

126. See 42 U.S.C. § 7401.

127. See *id.*

128. JAMES E. MCCARTHY & CLAUDIA COPELAND, CONG. RSCH. SERV., RL30853, *Clean Air Act: A Summary of the Act and Its Major Requirements* 3 (2013).

129. See *id.*

130. See 42 U.S.C. § 7401.

131. See RICHARD K. LATTANZIO, CONG. RSCH. SERV., RL 30853, *Clean Air Act: A Summary of the Act and Its Major Requirements* (2022).

132. MCCARTHY & COPELAND, *supra* note 128, at 1–4 (explaining the CAA framework).

133. See *id.*

134. See *id.*

135. See *id.*

136. See *id.*

Section 109 of the CAA, codified at § 7409, is the provision most directly relevant to § 313's reform.¹³⁷ It requires the EPA to establish NAAQS that "review [] scientific data upon which the standards are based every five years, and revise the standards, if necessary."¹³⁸ Further, § 7409(b)(1) requires that NAAQS "shall be . . . based on such criteria and allowing an adequate margin of safety, are requisite to protect the public health."¹³⁹ Thus, § 7409(b)(1)'s language transforms the duty to meet NAAQS into a non-discretionary obligation.¹⁴⁰

Subsection (d)(1) then prescribes the built-in review cycle: "at five-year intervals thereafter, the Administrator shall complete a thorough review . . . and shall make such revisions . . . as may be appropriate."¹⁴¹ Congress also required under § 7409(d)(2)(A) that "[t]he Administrator shall appoint an independent scientific review committee" to advise the EPA, ensuring that standard-setting remains tethered to expertise, strengthening procedural safeguards around standard-setting.¹⁴²

Section 7409 applied to § 313 reform would require the Secretary of Commerce to maintain a minimum operational forecasting capacity designed by essential-weather infrastructure, such as radar coverage, upper-air soundings, satellite inputs, and adequately staffed forecast offices.¹⁴³ These standards would function as the statutory equivalent of the NAAQS's baseline: an assurance that nationwide forecasting capacity cannot fall below the minimum necessary to protect life and property, regardless of political alignment.¹⁴⁴ Just as § 7409 requires the EPA to maintain NAAQS at a non-discretionary minimum level, § 313 would also then require the Secretary to maintain a minimum NWS forecasting capacity.¹⁴⁵

Additionally, for § 313, Congress could ensure NWS's forecasting capacity remains nationally uniform as meteorological science, observing systems, and high-performance computing evolve with a mandatory scheduled review, like § 7409(d)(1)'s five-year cycle.¹⁴⁶

The CAA further demonstrates how Congress establishes national baselines through uniform standards and federal backstops.¹⁴⁷ Under Section 110, codified at 42 U.S.C. § 7410, the EPA sets the standards that state emissions must meet; if not met, the EPA must impose sanctions and may

137. See 42 U.S.C. § 7409.

138. MCCARTHY & COPELAND, *supra* note 128, at 3 (explaining the obligatory periodic review for CAA).

139. 42 U.S.C. § 7409(b)(1)(a).

140. See *id.*

141. *Id.* § 7409(d)(1).

142. *Id.* § 7409(d)(2)(A).

143. See § 7409.

144. See *id.*

145. See *id.*

146. See § 7409(d)(1).

147. See §§ 7410–11.

ultimately replace deficient state plans with a federal implementation plan.¹⁴⁸ Section 111, codified at 42 U.S.C. § 7411, reinforces this approach by adopting a uniform technology-based standard for new industrial facilities called New Source Performance Standards (NSPS).¹⁴⁹ Section 7411 prevents states from weakening standards to compete within the industry, while §§ 7413–7414, the Act’s enforcement provisions, ensure that both the EPA and states can compel compliance.¹⁵⁰

Together, these provisions demonstrate why the CAA serves as a clear model for reforming § 313: Congress created non-discretionary national minimums, mandatory scientific review, federal backstops when states or agencies fail, and an enforcement mechanism that prevents the erosion of standards.¹⁵¹ Congress can adapt those same design choices to routine, life-saving weather forecasting, an area where the stakes are no less immediate.¹⁵²

Adding scheduled review to § 313, coupled with § 7411’s role in preventing states from competitively weakening the industry, would make it more difficult for political administrations to deteriorate forecasting capacity below statutory requirements while still allowing NWS to incorporate emerging technologies without further amendments to § 313.¹⁵³

Although critics may argue that § 313’s current breadth preserves flexibility—because it imposes almost no specific duties, allowing NWS to expand or reshape its forecasting mission without waiting for Congress to revise the law each time technology changes—that flexibility has proven to be a vulnerability.¹⁵⁴ Administrations hostile to climate or research funding can cut essential programs, eliminate research lines, or leave staffing shortages unaddressed—all without violating any statutory requirement.¹⁵⁵ A minimum standard framework would allow NWS to innovate and expand its capabilities without falling below the baseline necessary for national safety and readiness.¹⁵⁶

Another critique is that establishing specific requirements could limit the Secretary’s discretion to lead NWS, but a minimum standards reform would avoid those concerns.¹⁵⁷ Minimum statutory obligations do not restrict the Secretary’s ability to expand forecasting services, collaborate with private

148. MCCARTHY & COPELAND, *supra* note 128, at 4 (describing state implementation plans and nonattainment requirements).

149. *Id.* at 12.

150. *See id.*

151. *See id.*

152. *See id.*

153. *See* 42 U.S.C. § 7411(d).

154. *See* 15 U.S.C. § 313; 42 U.S.C. § 7409(d).

155. *See infra* Section III.B (discussing the negative effects of budget cuts and increased privatization of weather services).

156. *See* MCCARTHY & COPELAND, *supra* note 128, at 12 (discussing the CAA’s ability to “require[] EPA to establish nationally uniform, technology-based standards”).

157. *See id.*

partners, or introduce new forms of data dissemination; they simply prevent the kind of downward manipulation that has risked public health and safety.¹⁵⁸ Requiring the agency to meet statutory minimums would insulate scientists from political pressure by ensuring that the Secretary cannot lawfully reduce coverage, accuracy, or staffing below a certain capacity.¹⁵⁹ Mirroring the CAA's technological review cycle would also resolve a related concern that implementing statutory standards could inhibit NWS from adapting to technological innovation.¹⁶⁰

Ultimately, § 7409 exemplifies how Congress can embed durable standards into statute.¹⁶¹ It requires periodic scientific review and mandatory revision every five years; when the EPA has taken longer than five years to review, courts have not hesitated to order the EPA to complete overdue reviews because Congress made those deadlines mandatory.¹⁶² The combination of mandatory baseline standards, periodic scientific review, independent advice, and clear deadlines makes § 7409 of the CAA an instructive blueprint for structuring § 313 reform.¹⁶³

The purpose of reforming § 313 is to ensure that no administration can dismantle or degrade it.¹⁶⁴ Congress has long recognized that forecasting capabilities are fundamental to public safety and that baseline statutory protections are necessary.¹⁶⁵ Because the CAA is a proven model, applying a similar statutory framework to § 313 would help to ensure NWS's essential role in weather forecasting in an era where extreme weather is more frequent.¹⁶⁶

2. Congressional Pathways and Bipartisan Support for § 313 Reform

With the goal of reforming § 313, the legislative process often depends on political priorities and timing.¹⁶⁷ Substantive policy work takes place in the standing committees, where panels of members develop and refine legislation in specific subject areas.¹⁶⁸ Jurisdiction for a proposal to reform

158. *See id.*

159. *See id.*

160. *See* 42 U.S.C. § 7409(d).

161. *See id.*

162. MCCARTHY & COPELAND, *supra* note 128, at 3 (describing CAA's periodic review to revise its standards as needed).

163. *See* 42 U.S.C. § 7409(d).

164. *See supra* Part I (discussing the recent NOAA staff and budget cuts).

165. *See* H.R. 5089, 119th Cong. (2025) (noting that the bill is designed to promote public safety with accurate forecasts).

166. *See* MCCARTHY & COPELAND, *supra* note 128, at 3 (describing CAA's NAAQS framework).

167. *See* VALERIE HEITSHUSEN, CONG. RSCH. SERV., R42843, *Introduction to the Legislative Process in the U.S. Congress*, at 5–6 (2025) (noting when advancing legislation, House leaders generally exercise greater control over procedure than their Senate counterparts, yet the leadership in both chambers controls much of what reaches the floor).

168. *See id.*

§ 313 would almost certainly lie with the House Committee on Science, Space, and Technology (House SST), which oversees NWS, or with the Senate Committee on Commerce, Science, and Transportation, which has jurisdiction over the “[o]ceans, weather, and atmospheric activities.”¹⁶⁹

These committees oversee NOAA’s operations and possess the technical expertise to evaluate the fiscal, operational, and national security implications of a § 313 reform; this would avoid the concerns of previous proposed bills, such as House Bill 5450, which ultimately failed because committees with jurisdiction over NOAA’s activities did not develop the bills.¹⁷⁰ Further, reforming an already existing codified organic act, § 313, would help alleviate committee members’ concerns about limiting NWS’s ability to pursue new programs, because decisions made under § 313 would not affect other NOAA line offices.¹⁷¹ Section 313 governs only NWS’s operational duties, while the other line offices operate under their own distinct statutory authorities.¹⁷²

Furthermore, the current House SST, led by a Republican chair, recently advanced the Weather Act Reauthorization Act of 2025, House Bill 3816, with unanimous support.¹⁷³ That outcome demonstrates the promise that a reformed § 313 may have.¹⁷⁴ House Bill 3816 seeks to renew NOAA programs and improve its weather forecasting research, data dissemination, and public communication.¹⁷⁵ The committee’s bipartisan support to strengthen NOAA operations demonstrates § 313’s feasibility despite this Administration’s alignment of *Project 2025* plans to weaken NOAA with the current firings and budget cuts.¹⁷⁶

Additionally, § 313’s reform would go further than House Bill 3816.¹⁷⁷ In contrast to House Bill 3816, § 313 would not simply renew existing NWS programs but would enforce a statutory minimum standard for forecast performance and staffing requirements, among other things.¹⁷⁸ Moreover,

169. See LIPIEC, *supra* note 105 at 8–11; see Weather Act Reauthorization Act of 2025, H.R. 3816, 119th Cong. (2025).

170. See HEITSHUSEN, *supra* note 167, at 3 (describing the process for advancing a bill); see also LIPIEC, *supra* note 105, at 11 (detailing how House Bill 5450 failed to pass).

171. See LIPIEC, *supra* note 105, at 11 (stating that House Bill 5450 failed due to stakeholder concerns regarding the potential transfer of responsibilities between line offices).

172. See *id.*

173. See Cama, *supra* note 50; H.R. 3816.

174. See H.R. 3816. Note that this House Bill is different from this Comment’s proposed legislation because it is a reauthorization bill—updating programs, authorizing appropriations, and refining governance—rather than a suggested reform of § 313 to impose minimum standards or alter the fundamental approach. *Id.*; see *supra* Part III (discussing how Congress should amend § 313).

175. See *id.*

176. See *id.*; see also *Project 2025*, *supra* note 18, at 674–75 (discussing plans to dissolve NOAA).

177. Compare H.R. 3816 (seeking to renew existing NOAA programs), with *supra* Section III.A.1 (proposing reform of § 313 that establishes mandatory standards modeled after the Clean Air Act).

178. See *supra* Section III.A.1 (detailing the proposal to establish a statutory floor for operational capacity, including specific requirements for staffing and nationwide radar coverage modeled after the Clean Air Act).

House Bill 3816 is limited to research support, while a § 313 reform would aim to establish enforceable standards for consistency and agency accountability.¹⁷⁹

Given the unanimous support for House Bill 3816, a § 313 reform is possible, despite the current partisan balance, because this reform would be framed in a way that extends beyond party lines.¹⁸⁰ As it becomes more apparent that members across party lines share an interest in protecting their constituents from the increasingly costly disasters, the proposed reform—emphasizing public safety and economic continuity rather than framing it as a climate change initiative, a divisive stance for this Administration—could attract bipartisan support.¹⁸¹ Positioning the reform as a component of disaster-readiness policy aligns with Congress’s current emphasis on improving weather forecasting and would appeal to the House committee within NWS’s jurisdiction that supported House Bill 3816.¹⁸²

Ultimately, the most viable path for reforming § 313 would be for the House SST, which has jurisdiction over NWS, to develop and sponsor it, backed by industries that rely on the agency’s ability to produce accurate and timely forecasts.¹⁸³ The potential industries may include: insurance, agriculture, aviation, energy, or emergency management agencies, as well as support from scientists, researchers, and the public who have felt the devastation of extreme weather events.¹⁸⁴ And to increase the probability of getting § 313 reformed, including it as a rider to a larger appropriation or disaster-relief bill may allow it to move through Congress without becoming torn apart by partisan climate debates.¹⁸⁵

179. See *supra* Section III.A.1 (explaining how transitioning the Secretary of Commerce’s duties to non-discretionary mandates ensures agency accountability).

180. See *infra* Section III.C (framing weather forecasting as essential public safety infrastructure).

181. See *supra* Part I (detailing the tragic human toll resulting from NWS operation failures such as the Camp Mystic flood, which serves as non-partisan cause for reform).

182. See *id.*

183. See generally *Jurisdiction Rules*, COMM. ON SCI. SPACE & TECH., <https://science.house.gov/jurisdiction-and-rules> [<https://perma.cc/J22J-9TJ2>] (last visited Apr. 17, 2026) (stating the Committee has jurisdiction over NWS).

184. See generally *NOAA’s Contribution to the Economy: Powering America’s Economy and Protecting Americans*, NOAA (2018) <https://www.noaa.gov/sites/default/files/legacy/document/2019/Nov/NOAA-Contribution-to-the-Economy-Final.pdf> [<https://perma.cc/3K8M-4Y25>] (detailing how NOAA’s forecasting and data services support multiple industries).

185. See generally David W. Case, *The Lost Generation: Environmental Regulatory Reform in the Era of Congressional Abdication*, 25 DUKE ENV’T L. & POL’Y F. 49 (2014) (explaining how partisan climate debates gridlock environmental reform).

B. The Coordinated Push Toward Privatization and Its Dangers

Looming underneath the recent NOAA staff and budget cuts is the danger of NOAA and NWS becoming privatized.¹⁸⁶ Because when the federal government diminishes the operational capacity of NOAA and NWS's public infrastructure, through funding cuts and workforce reductions, it does more than weaken their effectiveness; it shifts the burden of critical weather prediction to private entities that have neither the mandate nor the accountability to protect life and property.¹⁸⁷ Such retrenchment amounts to quiet privatization of a quintessential public function.¹⁸⁸

During the devastating Camp Mystic flash flood, the NWS local field office that was responsible for the affected region was operating at only 22% of its normal staffing capacity.¹⁸⁹ Even though NWS's remaining staff performed to standard under severe constraints, the tragedy stressed a stark reality: depleted staffing—like the vacant WCM local position in the Camp Mystic region—is crucial to timely and accurate local weather warnings, and wears down the public's ability to prepare and respond to such weather events.¹⁹⁰

1. Ideological and Policy Agendas Call for NOAA and NWS Dismantlement

Private weather companies depend on NWS data to produce their own forecasts.¹⁹¹ Private weather companies do not independently collect the necessary raw atmospheric data; rather, these companies depend on federally maintained radar networks, satellites, and data repositories.¹⁹² The National Climatic Data Center, housed within NOAA, archives NWS's weather data for long-term analysis, supporting not only the private sector but also diverse sectors such as aviation, transportation, utilities, insurance, and agriculture.¹⁹³ As a result, NWS effectively anchors the nation's weather economy, ensuring both public and private weather companies operate on a foundation of accurate, publicly available information.¹⁹⁴

186. See Jeff Masters, *Cuts to NOAA Increase the Risk of Deadly Weather Tragedies*, YALE CLIMATE CONNECTIONS (July 7, 2025), <https://yaleclimateconnections.org/2025/07/cuts-to-noaa-increase-the-risk-of-deadly-weather-tragedies/> [<https://perma.cc/2HJQ-RAQS>].

187. See *id.*

188. See *id.*

189. See *id.*

190. See *id.*; *Spinrad Interview*, *supra* note 7, at 03:54 (explaining the process in which NWS communicates weather information to NWS local officials); Cooney & Hankerson, *supra* note 16 (highlighting that the position was vacant due to this Administration's push for early retirement).

191. See Masters, *supra* note 186 (discussing how companies rely on federal data); *Spinrad Interview*, *supra* note 7, at 03:54 (noting reliance on NWS from the public and private sector).

192. See Masters, *supra* note 186 (warning of the implications of this Administration's cuts to NOAA).

193. See Taft, *supra* note 73, at 465–66 (discussing the benefits of archiving data).

194. See *id.*

Despite public and private reliance on NWS data, probationary employees were terminated, and early retirements were encouraged by DOGE's directives, resulting in eight of the nation's 122 local NWS offices unable to sustain continuous operations.¹⁹⁵ These reductions have real consequences such as forecasters being forced to scale back or cancel daily weather balloon launches, and depriving numerical models of crucial upper-atmospheric data.¹⁹⁶ In May alone, 17% of scheduled launches were missed, depreciating the accuracy of severe weather predictions nationwide.¹⁹⁷

This Administration's effort to commercialize NWS did not begin with the Trump Administration's second term, but in the President's first term in 2017.¹⁹⁸ A proposal by the Competitive Enterprise Institute and the 2024 Heritage Foundation had called for transforming NWS from a public safety institution into a commercial enterprise.¹⁹⁹ In its second term, this Administration is following through with the premise that weather forecasting is a market commodity, rather than a public safety function, by mirroring the Heritage Foundation's *Project 2025* proposal to "Break Up NOAA."²⁰⁰ In this document, the Heritage Foundation asserts that NOAA and its line offices serve as instruments for climate change alarmists and urges for their dismantling and substantial downsizing.²⁰¹ The proposal further claims that NWS weather forecasting should be fully privatized, arguing that competition in the private sector would yield lower costs and superior forecasts.²⁰²

However, NWS is housed within the Department of Commerce precisely because commerce relies upon accurate and timely weather information, which NWS has proven it provides with the advancements over the past several decades.²⁰³ Further, *Project 2025* itself acknowledges that "Americans rely on weather forecasts and warnings provided by local radio stations and colleges," yet still wrongly claims that these forecasts originate from private weather companies, rather than NWS.²⁰⁴

Additionally, one of the proofs of the "superiority" of private weather companies, cited in *Project 2025*, is a 2020 ForecastWatch study that

195. See Masters, *supra* note 186 (demonstrating the effects of the cuts to NOAA and how NWS has already been impacted).

196. See *id.*

197. See *id.*

198. See LIPIEC, *supra* note 105, at 15.

199. See *id.* at 16.

200. See *Project 2025*, *supra* note 18, at 674–75.

201. *Id.* at 675.

202. *Id.*

203. See *id.*

204. *Id.*

compared forecast accuracy among several private weather companies.²⁰⁵ However, the study—posted on PR Newswire, a paid corporate news platform—did not compare private weather forecasts to those of NWS.²⁰⁶ Instead, it merely evaluated competing private weather companies.²⁰⁷

More importantly, in a 2025 global report, ForecastWatch ranked The Weather Channel as the most accurate private forecaster, well ahead of sixth-ranked AccuWeather.²⁰⁸ Again, these results excluded NWS, rightfully so, as NWS is not designed to compete commercially; rather, it operates as the public foundation upon which all private forecasts depend and rely on.²⁰⁹

Nearly every United States private weather forecast provider, notably AccuWeather and The Weather Channel, completely relies on the publicly available weather data collected by NOAA and NWS.²¹⁰ Section 313 importantly directs NWS to collect and publicly distribute weather information useful to sectors of the nation’s agriculture, communications, commerce, and navigation interests, so if that statutory mandate were curtailed, the resulting loss of publicly available, government-produced data would not only endanger public safety but also undermine the very private weather forecasting companies *Project 2025* purports to empower.²¹¹

In fact, AccuWeather rejected the *Project 2025* privatization agenda.²¹² In 2024, the Chief Operating Officer of AccuWeather, Steven R. Smith, publicly rejected *Project 2025*’s claim after *Project 2025* had specifically named AccuWeather as *the* example of private weather forecasting superiority.²¹³ Smith stated, “AccuWeather does not agree with the view, and AccuWeather has not suggested, that the National Weather Service (NWS) should fully commercialize its operations.”²¹⁴ Smith’s statement went on to

205. See *id.*; AccuWeather, *Latest Study of 120 Million Forecasts Proves AccuWeather Forecasts Are Most Accurate*, PR NEWswire (Jan. 14, 2020, at 13:42 ET), <https://www.prnewswire.com/news-releases/latest-study-of-120-million-forecasts-proves-accuweather-forecasts-are-most-accurate-300986848.html> [<https://perma.cc/X9NZ-JWDZ>] [hereinafter AccuWeather].

206. See AccuWeather, *supra* note 205.

207. See *id.*

208. *Global and Regional Weather Forecast Accuracy Overview: 2021–2024*, FORECASTWATCH, at 21 (June 9, 2025), https://forecastwatch.com/wp-content/uploads/Global_and_Regional_Weather_Forecast_Accuracy_Overview_2021-2024.pdf [<https://perma.cc/J9B8-ELCN>].

209. See *id.* at 14–15.

210. *Trump Administration Layoffs Targets NOAA, National Weather Service*, NBC NEWS NOW (Feb. 27, 2025), <https://www.nbcnews.com/now/video/trump-administration-layoffs-targets-noaa-national-weather-service-233120837948> [<https://perma.cc/X7Z3-U2TT>].

211. See FAIR WEATHER, *supra* note 27, at 58 (detailing the role of NWS to publicly distribute weather data it gathers); *Project 2025*, *supra* note 18, at 674.

212. See *AccuWeather Does Not Support Project 2025 Plan to Fully Commercializing NWS Operations; NOAA Has Critical Role in American Weather Enterprise*, ACCUWEATHER (July 10, 2024, at 08:33 CDT), <https://www.accuweather.com/en/press/accuweather-does-not-support-project-2025-plan-to-fully-commercializing-nws-operations-noaa-has-critical-role-in-american-weather-enterprise/> 1670156 [<https://perma.cc/8Z2F-5GW9>] [hereinafter *AccuWeather Does Not Support Project 2025*].

213. *Id.*; see also *Project 2025*, *supra* note 18, at 675 (detailing widespread reliance on AccuWeather).

214. *AccuWeather Does Not Support Project 2025*, *supra* note 212.

say that *Project 2025* used AccuWeather’s name as an example “without the[ir] knowledge or permission.”²¹⁵ Further, Smith maintained that the United States must preserve NOAA and NWS to ensure equitable public access to weather data and to maintain the government’s capacity to issue life-saving warnings during severe weather events.²¹⁶

AccuWeather relies on NOAA’s datasets for its forecasts and rebroadcasts NOAA’s weather alerts on its network in real time, providing data to its consumer base at no cost, and demonstrating that private weather providers succeed because of, not in spite of, a strong public foundation.²¹⁷ Smith ended this public statement that AccuWeather was never intended to be the sole provider of weather, implying that NWS is the most reliable source to collect and disseminate weather information.²¹⁸

Arguments to dismantle or privatize NWS are driven less by empirical evidence than by ideological opposition to climate science.²¹⁹ The dissolution or significant weakening of NOAA and NWS would de facto silence the nation’s most credible and scientific reporting on climate change trends.²²⁰ In short, privatization is not a strategy for efficiency but a tool for political control over publicly accessible climate information.²²¹

Therefore, the push for privatization would not increase efficiency or innovation; it would destabilize the entire national weather enterprise.²²² The NWS’s public mission—to provide equal access to life-saving information—is not replicable in a profit-driven model.²²³ Hence, legislative reform of § 313 to secure, and require the Secretary to maintain, baseline operational standards would explicitly protect NWS’s public character against ideological or commercial dismantling.²²⁴

2. NOAA Funding Cuts and the Risks of Commercialization

According to this Administration’s 2026 fiscal budget proposal for NOAA, the agency would face more than \$1.3 billion in funding cuts, likely resulting in the closure of all NOAA laboratories.²²⁵ For example, the

215. *Id.*

216. *Id.*

217. *See id.*

218. *Id.*; *see also* FAIR WEATHER, *supra* note 27, at 64 (detailing NWS’s role to publicly disseminate the weather data it gathers).

219. *See* Gerrard, *supra* note 121, at 1–2 (detailing how this Administration has inhibited scientific research).

220. *See id.*

221. *See id.*

222. *See* FAIR WEATHER, *supra* note 27, at 64 (“NWS is and must be the primary collector of weather data in the United States”).

223. *Id.*

224. *Id.*

225. *See* Masters, *supra* note 186 (warning of the implications of this Administration’s cuts to NOAA and how NWS has been impacted already).

released budget plan would close the National Severe Storms Laboratory (NSSL), which established the Flooded Locations and Simulated Hydrographs (FLASH) model that is a key research tool for flash flood forecasts.²²⁶ Federal investment in public science is the reason for the existence of such programs.²²⁷ Their success demonstrates that innovations in weather forecasting depend on open data and collective benefit rather than proprietary competition.²²⁸ If the federal government retreats from this role, the public will bear the cost through preventable loss of life and a weather economy dominated by private intermediaries that inherently rely on public data while the source, NWS, deteriorates.²²⁹

These cuts reflect not fiscal restraint but a quiet strategy of privatization.²³⁰ NWS's statutory purpose is to provide equitable, life-saving information for all—a mission fundamentally incompatible with commercialization.²³¹ Yet this Administration's 2026 budget would eliminate \$1.3 billion in funding, cut 17% of NOAA's workforce, and reduce full-time employment from 12,000 to 10,000 positions.²³² The correlation between these reductions and the Heritage Foundation's *Project 2025*—whose principal architect, Russell Vought, now leads the Office of Management and Budget—indicates a deliberate policy trajectory toward commercialization of NOAA and NWS.²³³

Even after the catastrophic Kerrville flood, this Administration continues to target critical research offices like the Office of Oceanic and Atmospheric Research (OAR) and NSSL, which generate essential data for flash flood and precipitation warnings that protect communities during extreme weather events.²³⁴ Further, the cuts combined with this Administration's "One Big Beautiful Bill Act," caused a reduction of NWS funding that was previously authorized by the Biden Administration to strengthen research, forecasting, and public communication during hazardous weather events.²³⁵ As NOAA's former Administrator warned, "As we cut the research capability, what that basically translates [to is that] you are guaranteeing that you will never get any better [weather] service than what you currently have right now."²³⁶

226. *See id.*

227. *See id.*

228. *See id.*

229. *See id.*

230. *See id.*

231. *See id.*

232. *See Spinrad Interview, supra* note 7, at 10:24 (noting the effects of this current Administration's attack on NOAA and NWS).

233. *See* Gerrard, *supra* note 121.

234. *See* Cooney & Hankerson, *supra* note 16 (discussing the tragedy at Camp Mystic and the continuing impact of cuts to NOAA and NWS under the Trump Administration); Masters, *supra* note 186.

235. *See* Gerrard, *supra* note 121.

236. *Spinrad Interview, supra* note 7, at 10:58 (warning the consequences of this Administration's cuts to NOAA).

As economists have long noted, “not all government functions can be privatized because of their cost structure and/or public good properties.”²³⁷ Weather information exemplifies a classic public good: it is non-excludable as scientific integrity demands open access to data and non-rivalrous because one person’s use of weather information does not reduce its availability to others.²³⁸ NWS has both the infrastructure and funding to collect and process these data, and the marginal cost of disseminating them is negligible.²³⁹ By contrast, if private forecast companies were to bear the costs of data collection, synthesis, and distribution themselves, these companies would have to impose user fees or subscription models, effectively charging Americans for access to information that is currently available to all.²⁴⁰

Privatization would also incentivize the creation of “value-added products”—premium forecasts or specialized services behind paywalls—generating profits for forecast services that are currently publicly available under NWS.²⁴¹ On one hand, these value-added products may generate profits; on the other hand, they would undermine equitable access to vital safety information.²⁴² If NWS were privatized, the risk that other providers could exclude another private weather provider and deny it critical weather information due to an inability to pay for these premium value-added products puts vulnerable populations at risk, particularly in rural or low-income areas.²⁴³ Therefore, public dissemination of meteorological data must remain a governmental responsibility to maintain accuracy, equity, and universal accessibility; thus, § 313 reform is crucial to ensure the agency satisfies its statutorily mandated duties.²⁴⁴

Ultimately, the dangers of politicizing science further amplify the risks of privatization.²⁴⁵ A privately held forecasting system, subject to market incentives and political influence, would blur the line between scientific integrity and ideology.²⁴⁶ The second Trump Administration has already taken unprecedented steps to suppress climate-related research, including shutting down EPA programs, removing climate datasets and mapping tools from public websites, and restricting NOAA scientists’ ability to collaborate internationally.²⁴⁷ For instance, in early 2025, the Administration ordered NOAA staff to stop “all international engagements” and communications

237. FAIR WEATHER, *supra* note 27, at 63 (stating reasons why NWS should remain the United States’ primary collector of weather data).

238. *Id.*

239. *Id.*

240. *Id.* at 64.

241. *Id.*

242. *Id.*

243. *See id.* at 64.

244. *See id.*

245. *See* Gerrard, *supra* note 121, at 1–8.

246. *See id.*

247. *Id.*

with foreign colleagues, i.e., a policy that has already produced a domino effect of disruptions in the global climate cooperation.²⁴⁸

These developments make it clear that dismantling NOAA's research capacity is not an incidental byproduct of fiscal policy, but rather an intentional reduction of the federal government's scientific role.²⁴⁹ By conflating weather forecasting with ideology, this Administration effectively converted a constitutionally grounded public safety function into a privatized, market-driven enterprise.²⁵⁰ A § 313 reform is critical, not just to impose enforceable minimum operational standards, but also to preserve forecasting as a public good with protection from political manipulation and commercial exploitation.²⁵¹

C. The Cost of Inaction: Forecasting as Public Safety Infrastructure

The cost of legislative inaction will affect the nation across the board.²⁵² Legislators across the political spectrum recognize that communities and businesses rely on accurate and timely weather information to protect lives and property.²⁵³ For instance, the insurance industry loses billions of dollars each year due to damages caused in part by the increase and severity of extreme weather events, and delayed or inaccurate weather alerts will only exacerbate that.²⁵⁴ Further, the aviation and agriculture industries rely on NWS to provide twenty-four-seven coverage to operate day-to-day, and further staffing cuts will only lead to longer delays at the airport or costly destruction of crops.²⁵⁵ Local emergency management officials feel it firsthand when vacancies cause a lack of direct communication with NWS employees who are crucial to evacuation or shelter alerts reaching the public.²⁵⁶ These provide a few examples of possible real-life consequences unless § 313 is reformed to require a baseline of key operational duties that the Secretary is prohibited from falling under.²⁵⁷

Critics of this reform may argue that it should be up to the states to ensure they maintain adequate forecast capacity, but § 313's reform would be no different than cooperative federalism models that currently exist

248. *Id.*

249. *See id.*

250. *See id.*

251. *See supra* Section III.A (analyzing the need for reform of the NOAA).

252. *See supra* Part II (analyzing the consequences of legislative inaction).

253. *See supra* Part II (arguing how lawmakers are aware of the need for accurate public weather services).

254. *See Insurance and Reinsurance*, NAT'L CTRS. ENV'T INFO., <https://www.ncei.noaa.gov/about/our-impact/insurance-reinsurance> [<https://perma.cc/TH94-B3N9>] (last visited Apr. 18, 2026).

255. *See supra* Part I (explaining how critical industries in the United States depend on NWS for daily operations).

256. *Spinrad Interview*, *supra* note 7, at 03:54 (explaining the necessary link in communication between NWS and NWS local officials).

257. *See* 15 U.S.C. § 313.

throughout federal law, such as the CAA, therefore allowing states to decide whether to participate through conditional spending.²⁵⁸ Further, arguments about political accountability fare no better because forecasting does not divide voters along ideological lines; it is deeply woven into daily life.²⁵⁹ Whether an individual commutes to work, manages a farm, prepares for wildfire season, or operates a commercial aircraft, their safety depends on credible, continuous forecasts.²⁶⁰

Additionally, critics will argue that natural disasters are unpreventable and no amount of preparedness will likely stop these disasters in their path to destruction. While true, that reason is not what meteorologists have claimed.²⁶¹ Meteorologists do not claim that weather events can be stopped, but they do claim that when forecasters have the staff, tools, and lead time necessary to anticipate the magnitude and timing of these extreme weather events, the loss of life and property is lessened.²⁶² Further, when lead time increases, the public has more time to respond to alerts. In essence, the way individuals react to alerts is just as important as the weather forecast itself.²⁶³ Thus, when NWS is eroded, the problem is not the inevitability of natural hazards but the avoidable human toll that follows.²⁶⁴ A preventable failure in federal capacity is not an act of God—it is a policy choice.

Amid this Administration's attack on NOAA and NWS, Dr. Daniel Swain, a climate scientist, released a statement expressing serious concerns about the continuity of national forecasting operations.²⁶⁵ Dr. Swain emphasized that the dismissal of NOAA employees has immediate operational consequences: the scientists who were let go are the same ones responsible for issuing red flag warnings, such as the critically issued wildfire warnings in California, and maintaining predictive weather models on which the entire forecast infrastructure depends.²⁶⁶ Dr. Swain warned that local field offices had already been understaffed before the cuts rolled out and now will not have the personnel available to "protect life and property during extreme weather events."²⁶⁷ Therefore, with more vacancies on the way, local offices' ability to accurately and timely put out weather forecasts may deteriorate.²⁶⁸

Lastly, Dr. Swain alerted that future staffing cuts could reduce NOAA and NWS's federal civilian workforce by thirty to fifty percent, resulting in

258. MCCARTHY & COPELAND, *supra* note 128, at 1.

259. *See* Hersher, *supra* note 1 (showcasing how much the public inconspicuously relies on NWS).

260. *See id.*

261. *See The National Weather Service*, *supra* note 66.

262. *See id.*

263. *See Spinrad Interview*, *supra* note 7, at 03:54 (explaining how the public response to NWS alerts is a critical point of discussion).

264. *See id.*

265. *Dr. Swain Statement*, *supra* note 13.

266. *Id.* at 9:25–11:13.

267. *Id.* at 11:17–11:46.

268. *Id.*

NWS “ceasing to function; we would no longer have a functioning weather service.”²⁶⁹ Given that NWS serves as a backbone to commerce in the United States, without the ability for NWS to continue operating twenty-four-seven to provide up-to-date weather coverage, these industries and Americans are at severe risk.²⁷⁰ Dr. Swain concluded his statement with a warning to the current Administration that a temporary interruption of NWS’s operational capacity would cause cascading effects, particularly during severe weather events where continuous, minute-by-minute forecasting is dire.²⁷¹

IV. REBUILDING THE NATION’S FORECASTING INFRASTRUCTURE THROUGH STATUTORY RENEWAL

The NWS’s Organic Act needs urgent reform. Section 313 is over 140 years old, and recognizing how hostile administrations can, with ease, diminish NWS’s ability to operate efficiently, it is crucial that our nation does not regress in its ability to accurately and timely provide weather information.²⁷² NWS has advanced significantly in weather forecast technology, and with the rapidly increasing use of artificial intelligence, the accuracy of forecasts could only progress, but only with the necessary federal backing.²⁷³ Section 313 should be reformed to ensure NWS operates at a minimum baseline capacity, thereby protecting it from privatization, especially given that both public and private forecast providers depend on NWS’s data information.²⁷⁴ With the now-precedented severe weather events costing lives and billions of dollars in property damage, Congress must act to ensure that NWS continues to be a federal agency that Americans, and our national economy, can rely on.²⁷⁵

269. *Id.* at 12:08–13:18.

270. *See id.* at 44:20–45:32.

271. *See id.* at 40:30–40:55.

272. *See supra* Part II (explaining how NOAA’s operational ability can be affected by administrations without statutory protections).

273. *See supra* Part II (arguing how additional federal funding may be used to increase weather forecasting accuracy).

274. *See supra* Part II (arguing for congressional action to ensure NWS remains a public rather than private service).

275. *See supra* Part II (explaining the nation’s dependence on NWS).