

[DISCUSSION DRAFT]

118TH CONGRESS
1ST SESSION

H. R. _____

To formally establish within statute an independent scientific research and development agency known as the National Oceanic and Atmospheric Administration, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

M. _____ introduced the following bill; which was referred to the
Committee on _____

A BILL

To formally establish within statute an independent scientific research and development agency known as the National Oceanic and Atmospheric Administration, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “National Oceanic and Atmospheric Administration Act of
6 2023”.

1 (b) TABLE OF CONTENTS.—The table of contents of
 2 this Act is as follows:

Sec. 1. Short title; table of contents.
 Sec. 2. Purpose.

TITLE I—NATIONAL OCEANIC AND ATMOSPHERIC
 ADMINISTRATION

Sec. 101. Establishment.
 Sec. 102. Functions of the Administrator.
 Sec. 103. Authority of the Administrator.
 Sec. 104. Science advisory board.

TITLE II—GENERAL PROVISIONS

Sec. 201. Recommendations to Congress.
 Sec. 202. Conforming repeals.
 Sec. 203. Savings provision.
 Sec. 204. Reorganization plan.
 Sec. 205. National Weather Service.
 Sec. 206. Office of Space Commerce.
 Sec. 207. Study.
 Sec. 208. Effective date.

3 **SEC. 2. PURPOSE.**

4 The purpose of this Act is to establish the National
 5 Oceanic and Atmospheric Administration as an inde-
 6 pendent scientific research and development agency with
 7 an overarching statutory framework that focuses on Earth
 8 system science, maintaining the Administration’s core
 9 mission and functions while allowing it to restructure and
 10 prioritize under an organic statute.

11 **TITLE I—NATIONAL OCEANIC**
 12 **AND ATMOSPHERIC ADMINIS-**
 13 **TRATION**

14 **SEC. 101. ESTABLISHMENT.**

15 (a) ESTABLISHMENT.—There is established in the ex-
 16 ecutive branch an independent agency to be known as the

1 National Oceanic and Atmospheric Administration (in this
2 Act referred to as the “Administration”).

3 (b) ADMINISTRATOR.—

4 (1) IN GENERAL.—The Administration shall be
5 headed by an Administrator (in this Act referred to
6 as the “Administrator”), who shall be appointed by
7 the President with the advice and consent of the
8 Senate. The Administrator shall carry out the func-
9 tions described in section 102 and, in the perform-
10 ance of those functions, shall have the authorities
11 described in section 103.

12 (2) AUTHORITY.—Any authority, power, or
13 function vested by law in the National Oceanic and
14 Atmospheric Administration, in the Under Secretary
15 of Commerce for Oceans and Atmosphere, or in any
16 officer, employee, or part of the National Oceanic
17 and Atmospheric Administration, or vested by law in
18 the Secretary of Commerce and delegated to the
19 Under Secretary of Commerce for Oceans and At-
20 mosphere, or their designee, is vested in, and may
21 be exercised by, the Administrator or their designee,
22 as appropriate.

23 (3) REFERENCES.—Any reference in law or
24 regulation to the “Under Secretary of Commerce for

1 Oceans and Atmosphere” shall be deemed to be a
2 reference to the Administrator.

3 (c) POSITIONS.—There shall be in the Administration
4 the following:

5 (1) A Deputy Administrator, to be appointed by
6 the President with the advice and consent of the
7 Senate, who shall carry out such duties as the Ad-
8 ministrator may prescribe.

9 (2) An Associate Administrator for Environ-
10 mental Observation and Prediction, to be appointed
11 by the President with the advice and consent of the
12 Senate.

13 (3) A Chief Scientist, to be appointed by the
14 Administrator.

15 (4) An Inspector General, to be appointed in
16 accordance with section 3(a) of the Inspector Gen-
17 eral Act of 1978 (5 U.S.C. App.).

18 **SEC. 102. FUNCTIONS OF THE ADMINISTRATOR.**

19 The Administrator shall—

20 (1) plan, direct, and conduct—

21 (A) atmospheric, oceanic, hydrologic, coast-
22 al, geodetic, geomagnetic, biological, and social
23 science and research, including monitoring,
24 analyses, education, research to operations, and
25 operations to research;

1 (B) Earth observations and space physics
2 operations, which include space-based observa-
3 tions of the earth and sun;

4 (C) ocean exploration, mapping, and char-
5 acterization;

6 (D) atmospheric, terrestrial and space
7 weather, climate, oceanic, hydrologic, and coast-
8 al forecasting;

9 (E) conservation, management, and protec-
10 tion of oceanic, hydrologic, and coastal re-
11 sources, and science, research, and analysis re-
12 lated to such resources;

13 (F) oceanic, hydrologic, and coastal re-
14 sponse and restoration;

15 (G) education, outreach, and associated ac-
16 tivities;

17 (H) other areas of research related to the
18 preceding items as determined appropriate by
19 the Administrator; and

20 (I) enforcement of any other provision of
21 Federal law that assigns enforcement authority
22 to the Administration;

23 (2) support the widest practicable participation
24 by the scientific community, including participants
25 in the private sector, academia, Federal, State, local,

1 Tribal, and territorial governmental entities, Indige-
2 nous peoples, and other appropriate domestic and
3 foreign governmental and non-governmental entities,
4 in carrying out the activities described in paragraph
5 (1), including through the acceptance by the Admin-
6 istration of private resources, which may include
7 data, models, vessels, aircraft, satellites, buoys, and
8 other related infrastructure, to carry out such activi-
9 ties;

10 (3) provide for full and open public dissemina-
11 tion of information regarding activities, initiatives,
12 methods, data, and results of the Administration, as
13 appropriate, and in compliance with applicable law,
14 including the acquisition of commercially-sourced
15 data; and

16 (4) establish and promote an inclusive culture
17 of scientific excellence and integrity.

18 **SEC. 103. AUTHORITY OF THE ADMINISTRATOR.**

19 (a) OFFICERS AND EMPLOYEES.—The Administrator
20 may appoint and fix the compensation of such officers and
21 employees as the Administrator determines appropriate,
22 within the guidelines established by the Office of Per-
23 sonnel Management.

24 (b) PROPERTY.—The Administrator may—

1 (1) procure, acquire, construct, improve, repair,
2 operate, and maintain such laboratories, research
3 and testing sites and facilities, equipment, vessels,
4 aircraft, buoys, satellites, surface observing sites,
5 other similar infrastructure, autonomous or un-
6 manned vehicles, and office and educational facilities
7 as the Administrator deems necessary;

8 (2) lease real and personal property;

9 (3) sell and otherwise dispose of real and per-
10 sonal property and reinvest any proceeds from such
11 sale or disposition of property into recapitalization of
12 property; and

13 (4) provide by contract or otherwise for nec-
14 essary amenities for the welfare of employees and
15 maintenance of property of the Administration.

16 (c) GIFTS.—The Administrator may accept gifts or
17 donations of services for the benefit of the agency, includ-
18 ing money or property, whether real, personal, or mixed,
19 and whether tangible or intangible.

20 (d) CONTRACTS, LEASES, AND AGREEMENTS.—The
21 Administrator may enter into and perform such contracts,
22 leases, agreements (including cooperative agreements), or
23 other transactions as may be necessary in the conduct of
24 the work of the Administration.

1 (e) COOPERATION WITH FEDERAL AGENCIES AND
2 OTHERS.—The Administrator—

3 (1) may use the services, equipment, personnel,
4 land, and facilities of Federal, State, local, Tribal,
5 and territorial governmental entities, Indigenous
6 peoples, and other appropriate domestic and foreign
7 governmental and non-governmental entities, with
8 consent and with or without reimbursement; and

9 (2) shall cooperate with such entities to permit
10 their use of Administration services, equipment,
11 land, and facilities in a manner consistent with the
12 Administration's mission.

13 (f) INTERNATIONAL COOPERATION.—The Adminis-
14 tration, under the foreign policy guidance of the President,
15 may engage in a program of international cooperation in
16 work done pursuant to the Act, and in the peaceful appli-
17 cation of the results thereof, pursuant to agreements made
18 by the President with the advice and consent of the Sen-
19 ate.

20 (g) ADVISORY COMMITTEES.—The Administrator
21 may appoint such advisory committees as the Adminis-
22 trator considers appropriate to provide consultation and
23 advice.

24 (h) OFFICES AND PROCEDURES.—The Administrator
25 may establish within the Administration such offices and

1 procedures as may be appropriate to provide for the great-
2 est possible coordination of its activities with related pub-
3 lic and private agencies and entities.

4 **SEC. 104. SCIENCE ADVISORY BOARD.**

5 (a) IN GENERAL.—There shall be within the Admin-
6 istration a Science Advisory Board, which shall provide
7 such scientific advice as may be requested by the Adminis-
8 trator, the Committee on Science, Space, and Technology
9 of the House of Representatives, or the Committee on
10 Commerce, Science, and Transportation of the Senate.

11 (b) PURPOSE.—The purpose of the Science Advisory
12 Board is to advise the Administrator and Congress on
13 long-range and short-range strategies for research, edu-
14 cation, and the application of science to resource manage-
15 ment and environmental assessment, observation, and pre-
16 diction.

17 (c) MEMBERS.—

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

24 (2) TERMS OF SERVICE.—Members shall be ap-
25 pointed for 3-year terms, renewable once, and shall

1 serve at the discretion of the Administrator. An indi-
2 vidual serving a term as a member of the Science
3 Advisory Board on the date of enactment of this Act
4 may complete that term, and may be reappointed
5 once for another term of 3 years unless the term
6 being served on such date of enactment is the second
7 term served by that individual. Vacancy appoint-
8 ments shall be for the remainder of the unexpired
9 term of the vacancy, and an individual so appointed
10 may subsequently be appointed for 2 full 3-year
11 terms if the remainder of the unexpired term is less
12 than 1 year.

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

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

21 (d) ADMINISTRATIVE PROVISIONS.—

22 (1) ADMINISTRATIVE SUPPORT.—The Adminis-
23 trator shall provide administrative support to the
24 Science Advisory Board.

1 (2) MEETINGS.—The Science Advisory Board
2 shall meet at least twice each year, and at other
3 times at the call of the Administrator or the Chair-
4 person.

5 (3) COMPENSATION AND EXPENSES.—A mem-
6 ber of the Science Advisory Board shall not be com-
7 pensated for service on such board, but may be al-
8 lowed travel expenses, including per diem in lieu of
9 subsistence, in accordance with subchapter I of
10 chapter 57 of title 5, United States Code.

11 (4) SUBCOMMITTEES.—The Science Advisory
12 Board may establish such subcommittees of its
13 members as may be necessary. The Science Advisory
14 Board may establish task forces and working groups
15 consisting of Board members and outside experts as
16 may be necessary.

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

20 (f) STRATEGIC PLAN FOR RESEARCH AND DEVELOP-
21 MENT.—Not later than 1 year after the date of enactment
22 of this Act, and once every 5 years thereafter, the Admin-
23 istrator shall consult with the Science Advisory board to
24 develop a strategic plan for research and development at
25 the Administration. The plan shall include—

1 (1) an assessment of the science and technology
2 needs of the Administration based on the Adminis-
3 tration's operational requirements and on input pro-
4 vided by external stakeholders at the national, re-
5 gional, State, and local levels; and

6 (2) a strategic plan that assigns specific pro-
7 grams within the Administration the responsibility
8 to meet each need identified under paragraph (1)
9 and that describes the extent to which each need
10 identified in paragraph (1) will be addressed
11 through—

12 (A) intramural research;

13 (B) extramural, peer-reviewed, competitive
14 grant programs; and

15 (C) work done in cooperation with other
16 Federal agencies.

17 (g) NATIONAL ACADEMY OF SCIENCES REVIEW.—
18 The Administrator shall enter into an arrangement with
19 the National Academy of Sciences for a review of the plan
20 developed under subsection (f).

21 (h) TRANSMITTAL TO CONGRESS.—Not later than 18
22 months after the date of enactment of this Act, the Ad-
23 ministrator shall transmit to the Committee on Science,
24 Space, and Technology of the House of Representatives
25 and the Committee on Commerce, Science, and Transpor-

1 tation of the Senate the initial strategic plan developed
2 under subsection (f) and the review prepared pursuant to
3 subsection (g). Subsequent strategic plans developed
4 under subsection (f) shall also be transmitted to those
5 committees upon completion.

6 **TITLE II—GENERAL PROVISIONS**

7 **SEC. 201. RECOMMENDATIONS TO CONGRESS.**

8 (a) IN GENERAL.—Not later than 1 year after the
9 date of the enactment of this Act, and at any appropriate
10 time thereafter, the Administrator shall provide to the
11 Committee on Science, Space, and Technology of the
12 House of Representatives, the Committee on Commerce,
13 Science, and Transportation of the Senate, and the Com-
14 mittee on Natural Resources of the House of Representa-
15 tives recommendations for technical, conforming, or other
16 amendments necessary—

17 (1) to assist the transition of the Administra-
18 tion to an independent agency; or

19 (2) to further the policy and purpose of this
20 Act.

21 (b) CONSULTATION.—In developing any rec-
22 ommendations pursuant to subsection (a), the Adminis-
23 trator shall consult with the Office of the Law Revision
24 Counsel of the House of Representatives.

1 **SEC. 202. CONFORMING REPEALS.**

2 (a) EFFECT OF REORGANIZATION PLAN.—Reorga-
3 nization Plan No. 4 of 1970 shall have no further force
4 and effect.

5 (b) NOAA OFFICERS.—Subsections (a) and (b) of
6 section 407 of Public Law 99-659 (15 U.S.C. 1503b;
7 1507c) are hereby repealed.

8 **SEC. 203. SAVINGS PROVISION.**

9 (a) EXISTING REQUIREMENTS.—All rules and regu-
10 lations, determinations, standards, policies, agreements,
11 contracts, including collective bargaining agreements, cer-
12 tifications, authorizations, appointments, delegations of
13 authority, results and findings of investigations, and other
14 decisions or actions duly issued, made, or taken pursuant
15 to or under the authority of any statute or executive order
16 which resulted in the assignment of functions or activities
17 to the National Oceanic and Atmospheric Administration,
18 the Under Secretary of Commerce for Oceans and Atmos-
19 phere, or to any officer, employee, or part of the National
20 Oceanic and Atmospheric Administration, or to the Sec-
21 retary of Commerce and delegated to the Under Secretary
22 of Commerce for Oceans and Atmosphere, or their des-
23 ignee, that are in effect immediately before the date of
24 enactment of this Act shall continue in full force and effect
25 after the effective date of this Act until modified or re-
26 scinded.

1 (b) SUITS, APPEALS, JUDGMENTS.—In the case of
2 any action or proceeding relating to the functions or activi-
3 ties described in subsection (a) pending on the date of en-
4 actment of this Act, the rights of the parties at issue in
5 such proceeding shall, to the maximum extent practicable,
6 be undisturbed by this Act. For purposes of any such ac-
7 tion or proceeding, the provisions of Reorganization Plan
8 No. 4 of 1970 and subsections (a) and (b) of section 407
9 of Public Law 99-659 as in effect on the day before such
10 date of enactment shall apply.

11 (c) DISCUSSION OF RESEARCH.—Nothing in this Act
12 shall be construed to limit the ability of an Administration
13 employee to discuss scientific research performed by that
14 employee in accordance with the Administration’s sci-
15 entific integrity policies.

16 (d) EXISTING AUTHORITIES UNDER LAW.—Nothing
17 in this Act shall be construed to modify any authority
18 under law existing immediately before the date of enact-
19 ment of this Act, except as explicitly provided herein, in-
20 cluding by—

21 (1) altering the responsibilities or authorities of
22 any other Federal agency;

23 (2) authorizing or prohibiting the transfer of
24 any program, function, or project from other Fed-
25 eral agencies to the Administration; or

1 (3) expanding, modifying, or superseding any
2 existing regulatory or other authority of the Admin-
3 istration.

4 (e) AUTHORITIES WITH RESPECT TO PUBLIC BUILD-
5 INGS.—

6 (1) IN GENERAL.—Nothing in this Act shall be
7 construed to grant the Administrator any authority
8 to construct, alter, repair, or acquire by any means
9 a public building (as defined in section 3301 of title
10 40, United States Code) or to grant any authority
11 to lease general purpose office or storage space in
12 any building.

13 (2) INTERACTION WITH OTHER SIMILAR AU-
14 THORITIES.—Nothing in this Act shall be construed
15 to diminish any authority the Administrator has im-
16 mediately before the date of enactment of this Act
17 to construct, alter, repair, or acquire by any means
18 a public building (as defined in section 3301 of title
19 40, United States Code) or to diminish any author-
20 ity the Administrator has immediately before the
21 date of enactment of this Act to lease general pur-
22 pose office or storage space in any building (regard-
23 less of whether those authorities are derived from
24 laws, executive orders, rules, regulations, or delega-
25 tions of authority from the Secretary of Commerce).

1 **SEC. 204. REORGANIZATION PLAN.**

2 (a) SCHEDULE.—

3 (1) INITIAL PLAN.—Not later than 18 months
4 after the date of enactment of this Act, the Adminis-
5 trator shall develop a reorganization plan for the Ad-
6 ministration in accordance with this section and
7 shall publish the plan in the Federal Register. The
8 Federal Register notice shall solicit comments for a
9 period of at least 60 days.

10 (2) REVISED PLAN.—Not later than 180 days
11 after the expiration date of the comment period de-
12 scribed in paragraph (1), the Administrator shall
13 transmit to Congress a revised version of the plan
14 that takes into account the comments received. The
15 Administrator shall also publish the revised plan in
16 the Federal Register. The Administrator shall trans-
17 mit and publish, along with the plan, an explanation
18 of how the Administrator dealt with significant
19 issues raised by the comments received.

20 (3) IMPLEMENTATION.—The Administrator
21 shall implement the plan not later than 180 days
22 after the plan has been transmitted to the Congress.

23 (b) CONTENT.—The plan, to the greatest extent prac-
24 ticable, shall—

1 (1) consistent with the other provisions of this
2 Act, maximize the efficiency with which the Adminis-
3 tration carries out the core functions of—

4 (A) science and research;

5 (B) operations;

6 (C) predictions and forecasts;

7 (D) products and services;

8 (E) education and outreach;

9 (F) earth observations and space weather
10 observations;

11 (G) resource management; and

12 (H) enforcement;

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

16 (3) minimize duplication of effort or overlap-
17 ping efforts and promote coordination among offices.

18 (c) CONSULTATION.—In developing the plan, the Ad-
19 ministrator shall consult with interested parties, including
20 other Federal, State, local, Tribal, and territorial govern-
21 mental entities, Indigenous peoples, and other appropriate
22 domestic and foreign governmental and non-governmental
23 entities, academia, industry, and Administration employ-
24 ees, contractors, and grantees.

1 **SEC. 205. NATIONAL WEATHER SERVICE.**

2 (a) IN GENERAL.—The Administrator shall maintain
3 within the Administration the National Weather Service.

4 (b) MISSION.—The mission of the National Weather
5 Service is to provide weather, water, climate, tsunami, and
6 space weather forecasts and warnings for the United
7 States, its territories, adjacent waters, and ocean areas for
8 the protection of life and property and the enhancement
9 of the national economy. In carrying out the mission of
10 the National Weather Service, the Administrator shall en-
11 sure that the National Weather Service—

12 (1) provides timely and accurate weather,
13 water, climate, tsunami, and space weather fore-
14 casts; and

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

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

20 (1) maintaining a network of local weather fore-
21 cast offices;

22 (2) maintaining a network of observation sys-
23 tems to collect weather and climate data;

24 (3) operating national centers to deliver guid-
25 ance, forecasts, warnings, and analysis about weath-

1 er, water, climate, tsunami, and space weather phe-
2 nomena for the Administration and the public;

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

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

9 (6) other functions the Administrator deter-
10 mines to be necessary to serve the mission of the
11 National Weather Service described in subsection
12 (b).

13 **SEC. 206. OFFICE OF SPACE COMMERCE.**

14 Section 50702 of title 51, United States Code, is
15 amended—

16 (1) in subsection (a), by adding at the end be-
17 fore the period “, which shall be located in the prin-
18 cipal physical location of the Office of the Secretary
19 of Commerce”;

20 (2) in subsection (b), by striking “a senior exec-
21 utive and shall be compensated at a level in the Sen-
22 ior Executive Service under section 5382 of title 5
23 as determined by the Secretary of Commerce” and
24 inserting “appointed by the President and confirmed
25 by the Senate. The Director shall be the Assistant

1 Secretary of Commerce for Space Commerce and
2 shall report directly to the Secretary of Commerce”;
3 and

4 (3) in subsection (c)—

5 (A) in paragraph (4), by striking “and” at
6 the end;

7 (B) in paragraph (5), by striking the pe-
8 riod at the end and inserting a semicolon; and

9 (C) by adding at the end the following:

10 “(6) to authorize and supervise the operations
11 of United States nongovernmental entities in outer
12 space;

13 “(7) to authorize and supervise the operations
14 of space-based remote sensing systems; and

15 “(8) to facilitate and promote the development
16 of best practices among operators of space objects
17 and space-based remote sensing systems under this
18 subtitle to address substantial risks to the physical
19 safety of Federal Government space objects, includ-
20 ing the risk of on-orbit collisions.”.

21 **SEC. 207. STUDY.**

22 (a) IN GENERAL.—The Administrator shall contract
23 with the National Academy of Public Administration to
24 conduct a study examining the feasibility of transferring
25 part or all of the Endangered Species Act (ESA) and Ma-

1 rine Mammal Protection Act (MMPA) management func-
2 tions within Protected Resources to the Department of the
3 Interior.

4 (b) REPORT.—Not later than 1 year after the date
5 of enactment of this Act, the Administrator shall submit
6 to Congress a report on the results of the study conducted
7 under subsection (a).

8 **SEC. 208. EFFECTIVE DATE.**

9 The provisions of this Act shall take effect on the
10 date that is 6 months after the date of the enactment of
11 this Act.

DRAFT