

[DISCUSSION DRAFT]

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 2022”.

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. Authorization of appropriations.
- Sec. 207. Office of Space Commerce.
- Sec. 208. Study.
- Sec. 209. 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.

1 **TITLE I—NATIONAL OCEANIC**
2 **AND ATMOSPHERIC ADMINIS-**
3 **TRATION**

4 **SEC. 101. ESTABLISHMENT.**

5 (a) ESTABLISHMENT.—There is established in the ex-
6 ecutive branch an independent agency to be known as the
7 National Oceanic and Atmospheric Administration (in this
8 Act referred to as the “Administration”).

9 (b) ADMINISTRATOR.—

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

18 (2) AUTHORITY.—Any authority, power, or
19 function vested by law in the National Oceanic and
20 Atmospheric Administration, in the Under Secretary
21 of Commerce for Oceans and Atmosphere, or in any
22 officer, employee, or part of the National Oceanic
23 and Atmospheric Administration, or vested by law in
24 the Secretary of Commerce and delegated to the
25 Under Secretary of Commerce for Oceans and At-

1 mosphere, or their designee, is vested in, and may
2 be exercised by, the Administrator or their designee,
3 as appropriate.

4 (3) REFERENCES.—Any reference in law or
5 regulation to the “Under Secretary of Commerce for
6 Oceans and Atmosphere” shall be deemed to be a
7 reference to the Administrator.

8 (c) POSITIONS.—There shall be in the Administration
9 the following:

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

14 (2) An Associate Administrator for Environ-
15 mental Observation and Prediction, to be appointed
16 by the President with the advice and consent of the
17 Senate.

18 (3) A Chief Scientist, to be appointed by the
19 Administrator.

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

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

24 The Administrator shall—

25 (1) plan, direct, and conduct—

1 (A) atmospheric, oceanic, hydrologic, coast-
2 al, geodetic, geomagnetic, biological, and social
3 science and research, including monitoring,
4 analyses, education, research to operations, and
5 operations to research;

6 (B) Earth observations and space physics
7 operations, which include space-based observa-
8 tions of the earth and sun;

9 (C) ocean exploration, mapping, and char-
10 acterization;

11 (D) atmospheric, terrestrial and space
12 weather, climate, oceanic, hydrologic, and coast-
13 al forecasting;

14 (E) conservation, management, and protec-
15 tion of oceanic, hydrologic, and coastal re-
16 sources, and science, research, and analysis re-
17 lated to such resources;

18 (F) oceanic, hydrologic, and coastal re-
19 sponse and restoration;

20 (G) education, outreach, and associated ac-
21 tivities;

22 (H) other areas of research related to the
23 preceding items as determined appropriate by
24 the Administrator; and

1 (I) enforcement of any other provision of
2 Federal law that assigns enforcement authority
3 to the Administration;

4 (2) support the widest practicable participation
5 by the scientific community, including participants
6 in the private sector, academia, Federal, State, local,
7 Tribal, and territorial governmental entities, Indige-
8 nous peoples, and other appropriate domestic and
9 foreign governmental and non-governmental entities,
10 in carrying out the activities described in paragraph
11 (1), including through the acceptance by the Admin-
12 istration of private resources, which may include
13 data, models, vessels, aircraft, satellites, buoys, and
14 other related infrastructure, to carry out such activi-
15 ties;

16 (3) provide for full and open public dissemina-
17 tion of information regarding activities, initiatives,
18 methods, data, and results of the Administration, as
19 appropriate, and in compliance with applicable law,
20 including the acquisition of commercially-sourced
21 data; and

22 (4) establish and promote an inclusive culture
23 of scientific excellence and integrity.

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

2 (a) OFFICERS AND EMPLOYEES.—The Administrator
3 may appoint and fix the compensation of such officers and
4 employees as the Administrator determines appropriate,
5 within the guidelines established by the Office of Per-
6 sonnel Management.

7 (b) PROPERTY.—The Administrator may—

8 (1) procure, acquire, construct, improve, repair,
9 operate, and maintain such laboratories, research
10 and testing sites and facilities, equipment, vessels,
11 aircraft, buoys, satellites, surface observing sites,
12 other similar infrastructure, autonomous or un-
13 manned vehicles, and office and educational facilities
14 as the Administrator deems necessary;

15 (2) lease real and personal property;

16 (3) sell and otherwise dispose of real and per-
17 sonal property and reinvest any proceeds from such
18 sale or disposition of property into recapitalization of
19 property; and

20 (4) provide by contract or otherwise for nec-
21 essary amenities for the welfare of employees and
22 maintenance of property of the Administration.

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

1 (d) CONTRACTS, LEASES, AND AGREEMENTS.—The
2 Administrator may enter into and perform such contracts,
3 leases, agreements (including cooperative agreements), or
4 other transactions as may be necessary in the conduct of
5 the work of the Administration.

6 (e) COOPERATION WITH FEDERAL AGENCIES AND
7 OTHERS.—The Administrator—

8 (1) may use the services, equipment, personnel,
9 land, and facilities of Federal, State, local, Tribal,
10 and territorial governmental entities, Indigenous
11 peoples, and other appropriate domestic and foreign
12 governmental and non-governmental entities, with
13 consent and with or without reimbursement; and

14 (2) shall cooperate with such entities to permit
15 their use of Administration services, equipment,
16 land, and facilities in a manner consistent with the
17 Administration's mission.

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

1 (g) ADVISORY COMMITTEES.—The Administrator
2 may appoint such advisory committees as the Adminis-
3 trator considers appropriate to provide consultation and
4 advice.

5 (h) OFFICES AND PROCEDURES.—The Administrator
6 may establish within the Administration such offices and
7 procedures as may be appropriate to provide for the great-
8 est possible coordination of its activities with related pub-
9 lic and private agencies and entities.

10 **SEC. 104. SCIENCE ADVISORY BOARD.**

11 (a) IN GENERAL.—There shall be within the Admin-
12 istration a Science Advisory Board, which shall provide
13 such scientific advice as may be requested by the Adminis-
14 trator, the Committee on Science, Space, and Technology
15 of the House of Representatives, or the Committee on
16 Commerce, Science, and Transportation of the Senate.

17 (b) PURPOSE.—The purpose of the Science Advisory
18 Board is to advise the Administrator and Congress on
19 long-range and short-range strategies for research, edu-
20 cation, and the application of science to resource manage-
21 ment and environmental assessment, observation, and pre-
22 diction.

23 (c) MEMBERS.—

24 (1) IN GENERAL.—The Science Advisory Board
25 shall be composed of at least 15 members appointed

1 by the Administrator. Each member of the Board
2 shall be qualified by education, training, and experi-
3 ence to evaluate scientific and technical information
4 on matters referred to the Board under this section.

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

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

22 (4) APPOINTMENT.—Members of the Science
23 Advisory Board shall be appointed as special Gov-
24 ernment employees, within the meaning given such

1 term in section 202(a) of title 18, United States
2 Code.

3 (d) ADMINISTRATIVE PROVISIONS.—

4 (1) ADMINISTRATIVE SUPPORT.—The Adminis-
5 trator shall provide administrative support to the
6 Science Advisory Board.

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

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

17 (4) SUBCOMMITTEES.—The Science Advisory
18 Board may establish such subcommittees of its
19 members as may be necessary. The Science Advisory
20 Board may establish task forces and working groups
21 consisting of Board members and outside experts as
22 may be necessary.

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

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

7 (1) an assessment of the science and technology
8 needs of the Administration based on the Adminis-
9 tration’s operational requirements and on input pro-
10 vided by external stakeholders at the national, re-
11 gional, State, and local levels; and

12 (2) a strategic plan that assigns specific pro-
13 grams within the Administration the responsibility
14 to meet each need identified under paragraph (1)
15 and that describes the extent to which each need
16 identified in paragraph (1) will be addressed
17 through—

18 (A) intramural research;

19 (B) extramural, peer-reviewed, competitive
20 grant programs; and

21 (C) work done in cooperation with other
22 Federal agencies.

23 (g) NATIONAL ACADEMY OF SCIENCES REVIEW.—
24 The Administrator shall enter into an arrangement with

1 the National Academy of Sciences for a review of the plan
2 developed under subsection (f).

3 (h) TRANSMITTAL TO CONGRESS.—Not later than 18
4 months after the date of enactment of this Act, the Ad-
5 ministrator shall transmit to the Committee on Science,
6 Space, and Technology of the House of Representatives
7 and the Committee on Commerce, Science, and Transpor-
8 tation of the Senate the initial strategic plan developed
9 under subsection (f) and the review prepared pursuant to
10 subsection (g). Subsequent strategic plans developed
11 under subsection (f) shall also be transmitted to those
12 committees upon completion.

13 **TITLE II—GENERAL PROVISIONS**

14 **SEC. 201. RECOMMENDATIONS TO CONGRESS.**

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

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

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

3 (b) CONSULTATION.—In developing any rec-
4 ommendations pursuant to subsection (a), the Adminis-
5 trator shall consult with the Office of the Law Revision
6 Counsel of the House of Representatives.

7 **SEC. 202. CONFORMING REPEALS.**

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

11 (b) NOAA OFFICERS.—Subsections (a) and (b) of
12 section 407 of Public Law 99-659 (15 U.S.C. 1503b;
13 1507c) are hereby repealed.

14 **SEC. 203. SAVINGS PROVISION.**

15 (a) EXISTING REQUIREMENTS.—All rules and regu-
16 lations, determinations, standards, policies, agreements,
17 contracts, including collective bargaining agreements, cer-
18 tifications, authorizations, appointments, delegations of
19 authority, results and findings of investigations, and other
20 decisions or actions duly issued, made, or taken pursuant
21 to or under the authority of any statute or executive order
22 which resulted in the assignment of functions or activities
23 to the National Oceanic and Atmospheric Administration,
24 the Under Secretary of Commerce for Oceans and Atmos-
25 phere, or to any officer, employee, or part of the National

1 Oceanic and Atmospheric Administration, or to the Sec-
2 retary of Commerce and delegated to the Under Secretary
3 of Commerce for Oceans and Atmosphere, or their des-
4 ignee, that are in effect immediately before the date of
5 enactment of this Act shall continue in full force and effect
6 after the effective date of this Act until modified or re-
7 scinded.

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

18 (c) DISCUSSION OF RESEARCH.—Nothing in this Act
19 shall be construed to limit the ability of an Administration
20 employee to discuss scientific research performed by that
21 employee in accordance with the Administration's sci-
22 entific integrity policies.

23 (d) EXISTING AUTHORITIES UNDER LAW.—Nothing
24 in this Act shall be construed to modify any authority
25 under law existing immediately before the date of enact-

1 ment of this Act, except as explicitly provided herein, in-
2 cluding by—

3 (1) altering the responsibilities or authorities of
4 any other Federal agency;

5 (2) authorizing or prohibiting the transfer of
6 any program, function, or project from other Fed-
7 eral agencies to the Administration; or

8 (3) expanding, modifying, or superseding any
9 existing regulatory or other authority of the Admin-
10 istration.

11 (e) AUTHORITIES WITH RESPECT TO PUBLIC BUILD-
12 INGS.—

13 (1) IN GENERAL.—Nothing in this Act shall be
14 construed to grant the Administrator any authority
15 to construct, alter, repair, or acquire by any means
16 a public building (as defined in section 3301 of title
17 40, United States Code) or to grant any authority
18 to lease general purpose office or storage space in
19 any building.

20 (2) INTERACTION WITH OTHER SIMILAR AU-
21 THORITIES.—Nothing in this Act shall be construed
22 to diminish any authority the Administrator has im-
23 mediately before the date of enactment of this Act
24 to construct, alter, repair, or acquire by any means
25 a public building (as defined in section 3301 of title

1 40, United States Code) or to diminish any author-
2 ity the Administrator has immediately before the
3 date of enactment of this Act to lease general pur-
4 pose office or storage space in any building (regard-
5 less of whether those authorities are derived from
6 laws, executive orders, rules, regulations, or delega-
7 tions of authority from the Secretary of Commerce).

8 **SEC. 204. REORGANIZATION PLAN.**

9 (a) SCHEDULE.—

10 (1) INITIAL PLAN.—Not later than 18 months
11 after the date of enactment of this Act, the Adminis-
12 trator shall develop a reorganization plan for the Ad-
13 ministration in accordance with this section and
14 shall publish the plan in the Federal Register. The
15 Federal Register notice shall solicit comments for a
16 period of at least 60 days.

17 (2) REVISED PLAN.—Not later than 180 days
18 after the expiration date of the comment period de-
19 scribed in paragraph (1), the Administrator shall
20 transmit to Congress a revised version of the plan
21 that takes into account the comments received. The
22 Administrator shall also publish the revised plan in
23 the Federal Register. The Administrator shall trans-
24 mit and publish, along with the plan, an explanation

1 of how the Administrator dealt with significant
2 issues raised by the comments received.

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

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

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

11 (A) science and research;

12 (B) operations;

13 (C) predictions and forecasts;

14 (D) products and services;

15 (E) education and outreach;

16 (F) earth observations and space weather
17 observations;

18 (G) resource management; and

19 (H) enforcement;

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

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

1 (c) CONSULTATION.—In developing the plan, the Ad-
2 ministrator shall consult with interested parties, including
3 other Federal, State, local, Tribal, and territorial govern-
4 mental entities, Indigenous peoples, and other appropriate
5 domestic and foreign governmental and non-governmental
6 entities, academia, industry, and Administration employ-
7 ees, contractors, and grantees.

8 **SEC. 205. NATIONAL WEATHER SERVICE.**

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

11 (b) MISSION.—The mission of the National Weather
12 Service is to provide weather, water, climate, tsunami, and
13 space weather forecasts and warnings for the United
14 States, its territories, adjacent waters, and ocean areas for
15 the protection of life and property and the enhancement
16 of the national economy. In carrying out the mission of
17 the National Weather Service, the Administrator shall en-
18 sure that the National Weather Service—

19 (1) provides timely and accurate weather,
20 water, climate, tsunami, and space weather fore-
21 casts; and

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

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

3 (1) maintaining a network of local weather fore-
4 cast offices;

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

7 (3) operating national centers to deliver guid-
8 ance, forecasts, warnings, and analysis about weath-
9 er, water, climate, tsunami, and space weather phe-
10 nomena for the Administration and the public;

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

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

17 (6) other functions the Administrator deter-
18 mines to be necessary to serve the mission of the
19 National Weather Service described in subsection
20 (b).

21 **SEC. 206. AUTHORIZATION OF APPROPRIATIONS.**

22 There are hereby authorized to be appropriated such
23 sums as may be necessary to carry out this Act, except
24 that nothing in this Act shall authorize the appropriation
25 of any amount for—

1 (1) the acquisition or condemnation of any real
2 property; or

3 (2) any other item of a capital nature (such as
4 plant or facility acquisition, construction, or expan-
5 sion) which exceeds \$250,000.

6 Sums appropriated pursuant to this section for the con-
7 struction of facilities, or for research and development ac-
8 tivities, shall remain available until expended.

9 **SEC. 207. OFFICE OF SPACE COMMERCE.**

10 Section 50702 of title 51, United States Code, is
11 amended—

12 (1) in subsection (a), by adding at the end be-
13 fore the period “, which shall be located in the prin-
14 cipal physical location of the Office of the Secretary
15 of Commerce”;

16 (2) in subsection (b), by striking “a senior execu-
17 tive and shall be compensated at a level in the Sen-
18 ior Executive Service under section 5382 of title 5
19 as determined by the Secretary of Commerce” and
20 inserting “appointed by the President and confirmed
21 by the Senate. The Director shall be the Assistant
22 Secretary of Commerce for Space Commerce and
23 shall report directly to the Secretary of Commerce”;
24 and

25 (3) in subsection (c)—

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

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

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

6 “(6) to authorize and supervise the operations
7 of United States nongovernmental entities in outer
8 space;

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

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

17 **SEC. 208. STUDY.**

18 (a) IN GENERAL.—The Administrator shall contract
19 with the National Academy of Public Administration to
20 conduct a study examining the feasibility of transferring
21 part or all of the Endangered Species Act (ESA) and Ma-
22 rine Mammal Protection Act (MMPA) management func-
23 tions within Protected Resources to the Department of the
24 Interior.

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

5 **SEC. 209. EFFECTIVE DATE.**

6 The provisions of this Act shall take effect on the
7 date that is 6 months after the date of the enactment of
8 this Act.

Draft