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

Mr. Lucas (for himself and [see attached list of cosponsors]) 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”.

(Original Signature of Member)
(b) TABLE OF CONTENTS.—The table of contents of 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. 203. Savings provision.
Sec. 204. Reorganization plan.
Sec. 206. Office of Space Commerce.
Sec. 207. Study.
Sec. 208. Effective date.

3 SEC. 2. PURPOSE.

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

TITLE I—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SEC. 101. ESTABLISHMENT.

(a) ESTABLISHMENT.—There is established in the executive branch an independent agency to be known as the
National Oceanic and Atmospheric Administration (in this Act referred to as the “Administration”).

(b) ADMINISTRATOR.—

(1) IN GENERAL.—The Administration shall be headed by an Administrator (in this Act referred to as the “Administrator”), who shall be appointed by the President with the advice and consent of the Senate. The Administrator shall carry out the functions described in section 102 and, in the performance of those functions, shall have the authorities described in section 103.

(2) AUTHORITY.—Any authority, power, or function vested by law in the National Oceanic and Atmospheric Administration, in the Under Secretary of Commerce for Oceans and Atmosphere, or in any officer, employee, or part of the National Oceanic and Atmospheric Administration, or vested by law in the Secretary of Commerce and delegated to the Under Secretary of Commerce for Oceans and Atmosphere, or their designee, is vested in, and may be exercised by, the Administrator or their designee, as appropriate.

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

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

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

(2) An Associate Administrator for Environmental Observation and Prediction, to be appointed by the President with the advice and consent of the Senate.

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

(4) A General Counsel, to be appointed in accordance with section 5316 of title 5, United States Code.

SEC. 102. FUNCTIONS OF THE ADMINISTRATOR.

The Administrator shall—

(1) plan, direct, and conduct—

(A) atmospheric, oceanic, hydrologic, Great Lakes, coastal, geodetic, geomagnetic, biological, and social science and research, including monitoring, analyses, education, research to operations, and operations to research;
(B) Earth observations and space physics operations, which include space-based observations of the earth and sun;

(C) ocean exploration, mapping, and characterization;

(D) atmospheric, terrestrial and space weather, climate, oceanic, hydrologic, Great Lakes, and coastal forecasting;

(E) conservation, management, and protection of oceanic, hydrologic, Great Lakes, and coastal resources, and science, research, and analysis related to such resources;

(F) oceanic, hydrologic, Great Lakes, and coastal response and restoration;

(G) education, outreach, and associated activities;

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

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

(2) support the widest practicable participation by the scientific community, including participants in the private sector, academia, Federal, State, local,
Tribal, and territorial governmental entities, Indigenous peoples, and other appropriate domestic and foreign governmental and non-governmental entities, in carrying out the activities described in paragraph (1), including through the acceptance by the Administration of private resources, which may include data, models, vessels, aircraft, satellites, buoys, and other related infrastructure, to carry out such activities;

(3) provide for full and open public dissemination of information regarding activities, initiatives, methods, data, and results of the Administration, as appropriate, and in compliance with applicable law, including the acquisition of commercially-sourced data; and

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

SEC. 103. AUTHORITY OF THE ADMINISTRATOR.

(a) Officers and Employees.—The Administrator, in accordance with title 5, United States Code, may appoint and fix the compensation of such officers and employees as the Administrator determines appropriate, within the regulations and guidelines established by the Office of Personnel Management.

(b) Property.—The Administrator may—
(1) procure, acquire, construct, improve, repair, operate, and maintain such laboratories, research and testing sites and facilities, equipment, vessels, aircraft, buoys, satellites, surface observing sites, other similar infrastructure, autonomous or unmanned vehicles, and office and educational facilities as the Administrator deems necessary;

(2) lease real and personal property;

(3) sell and otherwise dispose of real and personal property and reinvest any proceeds from such sale or disposition of property into recapitalization of property; and

(4) provide by contract or otherwise for necessary amenities for the welfare of employees and maintenance of property of the Administration.

(e) Gifts.—The Administrator may accept gifts or donations of services for the benefit of the agency, including money or property, whether real, personal, or mixed, and whether tangible or intangible.

(d) Contracts, Leases, and Agreements.—The Administrator may enter into and perform such contracts, leases, agreements (including cooperative agreements), or other transactions as may be necessary in the conduct of the work of the Administration.
(c) Cooperation with Federal Agencies and Others.—The Administrator—

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

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

(f) International Cooperation.—The Administration, under the foreign policy guidance of the President, may engage in a program of international cooperation in work done pursuant to the Act, and in the peaceful application of the results thereof, pursuant to agreements made by the President with the advice and consent of the Senate.

(g) Advisory Committees.—The Administrator may appoint such advisory committees as the Administrator considers appropriate to provide consultation and advice.

(h) Offices and Procedures.—The Administrator may establish within the Administration such offices and
procedures as may be appropriate to provide for the greatest possible coordination of its activities with related public and private agencies and entities.

4 SEC. 104. SCIENCE ADVISORY BOARD.

(a) In General.—There shall be within the Administration a Science Advisory Board, which shall provide such scientific advice as may be requested by the Administrator, the Committee on Science, Space, and Technology of the House of Representatives, or the Committee on Commerce, Science, and Transportation of the Senate.

(b) Purpose.—The purpose of the Science Advisory Board is to advise the Administrator and Congress on long-range and short-range strategies for research, education, and the application of science to resource management and environmental assessment, observation, and prediction.

(c) Members.—

(1) In General.—The Science Advisory Board shall be composed of at least 15 members appointed by the Administrator. Each member of the Board shall be qualified by education, training, and experience to evaluate scientific and technical information on matters referred to the Board under this section.

(2) Terms of Service.—Members shall be appointed for 3-year terms, renewable once, and shall
serve at the discretion of the Administrator. An individual serving a term as a member of the Science Advisory Board on the date of enactment of this Act may complete that term, and may be reappointed once for another term of 3 years unless the term being served on such date of enactment is the second term served by that individual. Vacancy appointments shall be for the remainder of the unexpired term of the vacancy, and an individual so appointed may subsequently be appointed for 2 full 3-year terms if the remainder of the unexpired term is less than 1 year.

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

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

(d) ADMINISTRATIVE PROVISIONS.—

(1) ADMINISTRATIVE SUPPORT.—The Administrator shall provide administrative support to the Science Advisory Board.
(2) MEETINGS.—The Science Advisory Board shall meet at least twice each year, and at other times at the call of the Administrator or the Chairperson.

(3) COMPENSATION AND EXPENSES.—A member of the Science Advisory Board shall not be compensated for service on such board, but may be allowed travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

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

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

(f) Strategic Plan for Research and Development.—Not later than 1 year after the date of enactment of this Act, and once every 5 years thereafter, the Administrator shall consult with the Science Advisory board to develop a strategic plan for research and development at the Administration. The plan shall include—
(1) an assessment of the science and technology
needs of the Administration based on the Adminis-
tration’s operational requirements and on input pro-
vided by external stakeholders at the national, re-

gional, State, and local levels; and

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

(A) intramural research;

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

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

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

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

TITLE II—GENERAL PROVISIONS

SEC. 201. RECOMMENDATIONS TO CONGRESS.

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

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

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

(b) CONSULTATION.—In developing any rec-
ommendations pursuant to subsection (a), the Adminis-
trator shall consult with the Office of the Law Revision
Counsel of the House of Representatives.
SEC. 202. CONFORMING REPEALS.

(a) Effect of Reorganization Plan.—Reorganization Plan No. 4 of 1970 shall have no further force and effect.

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

SEC. 203. SAVINGS PROVISION.

(a) Existing Requirements.—All rules and regulations, determinations, standards, policies, agreements, contracts, including collective bargaining agreements, certifications, authorizations, appointments, delegations of authority, results and findings of investigations, and other decisions or actions duly issued, made, or taken pursuant to or under the authority of any statute or executive order which resulted in the assignment of functions or activities to the National Oceanic and Atmospheric Administration, the Under Secretary of Commerce for Oceans and Atmosphere, or to any officer, employee, or part of the National Oceanic and Atmospheric Administration, or to the Secretary of Commerce and delegated to the Under Secretary of Commerce for Oceans and Atmosphere, or their designee, that are in effect immediately before the date of enactment of this Act shall continue in full force and effect after the effective date of this Act until modified or rescinded.
(b) Suits, Appeals, Judgments.—In the case of any action or proceeding relating to the functions or activities described in subsection (a) pending on the date of enactment of this Act, the rights of the parties at issue in such proceeding shall, to the maximum extent practicable, be undisturbed by this Act. For purposes of any such action or proceeding, the provisions of Reorganization Plan No. 4 of 1970 and subsections (a) and (b) of section 407 of Public Law 99-659 as in effect on the day before such date of enactment shall apply.

(c) Discussion of Research.—Nothing in this Act shall be construed to limit the ability of an Administration employee to discuss scientific research performed by that employee in accordance with the Administration’s scientific integrity policies.

(d) Existing Authorities Under Law.—Nothing in this Act shall be construed to modify any authority under law existing immediately before the date of enactment of this Act, except as explicitly provided herein, including by—

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

(2) authorizing or prohibiting the transfer of any program, function, or project from other Federal agencies to the Administration; or
(3) expanding, modifying, or superseding any existing regulatory or other authority of the Administration.

(e) Authorities With Respect to Public Buildings.—

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

(2) Interaction with other similar authorities.—Nothing in this Act shall be construed to diminish any authority the Administrator has immediately before the date of enactment of this Act to construct, alter, repair, or acquire by any means a public building (as defined in section 3301 of title 40, United States Code) or to diminish any authority the Administrator has immediately before the date of enactment of this Act to lease general purpose office or storage space in any building (regardless of whether those authorities are derived from laws, executive orders, rules, regulations, or delegations of authority from the Secretary of Commerce).
SEC. 204. REORGANIZATION PLAN.

(a) SCHEDULE.—

(1) INITIAL PLAN.—Not later than 18 months after the date of enactment of this Act, the Administrator shall develop a reorganization plan for the Administration in accordance with this section and shall publish the plan in the Federal Register. The Federal Register notice shall solicit comments for a period of at least 60 days.

(2) REVISED PLAN.—Not later than 180 days after the expiration date of the comment period described in paragraph (1), the Administrator shall transmit to Congress a revised version of the plan that takes into account the comments received. The Administrator shall also publish the revised plan in the Federal Register. The Administrator shall transmit and publish, along with the plan, an explanation of how the Administrator dealt with significant issues raised by the comments received.

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

(b) CONTENT.—The plan, to the greatest extent practicable, shall—
(1) consistent with the other provisions of this Act, maximize the efficiency with which the Administration carries out the core functions of—

(A) science and research;

(B) operations;

(C) predictions and forecasts;

(D) products and services;

(E) education and outreach;

(F) earth observations and space weather observations;

(G) resource management; and

(H) enforcement;

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

(3) minimize duplication of effort or overlapping efforts and promote coordination among offices.

(c) CONSULTATION.—In developing the plan, the Administrator shall consult with interested parties, including other Federal, State, local, Tribal, and territorial governmental entities, Indigenous peoples, and other appropriate domestic and foreign governmental and non-governmental entities, academia, industry, and Administration employees, contractors, and grantees.
SEC. 205. NATIONAL WEATHER SERVICE.

(a) In General.—The Administrator shall maintain within the Administration the National Weather Service.

(b) Mission.—The mission of the National Weather Service is to provide weather, water, climate, tsunami, and space weather forecasts and warnings for the United States, its territories, adjacent waters, and ocean areas for the protection of life and property and the enhancement of the national economy. In carrying out the mission of the National Weather Service, the Administrator shall ensure that the National Weather Service—

(1) provides timely and accurate weather, water, climate, tsunami, and space weather forecasts; and

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

(c) Functions.—The functions of the National Weather Service shall include—

(1) maintaining a network of local weather forecast offices, river forecast centers, and center weather service units;

(2) maintaining a network of observation systems to collect weather and climate data;

(3) operating national centers to deliver guidance, forecasts, warnings, and analysis about weather-
er, water, climate, tsunami, and space weather phenomena for the Administration and the public;

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

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

(6) other functions the Administrator determines to be necessary to serve the mission of the National Weather Service described in subsection (b).

SEC. 206. OFFICE OF SPACE COMMERCE.

Subsection (b) of section 50702 of title 51, United States Code, is amended—

(1) by striking “The Office shall be headed” and inserting the following:

“(1) IN GENERAL.—The Office shall be headed”; and

(2) by adding at the end the following:

“(2) DIRECT REPORT.—The Director shall report directly to the Secretary of Commerce.”.

SEC. 207. STUDY.

(a) IN GENERAL.—The Administrator shall contract with the National Academy of Public Administration to
conduct a study examining the feasibility and merits of transferring parts or all of the Endangered Species Act (ESA) and Marine Mammal Protection Act (MMPA) management functions into a single agency or department.

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

SEC. 208. EFFECTIVE DATE.

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