

118TH CONGRESS
1ST SESSION

H. R. 3980

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

JUNE 9, 2023

Mr. LUCAS (for himself, Mr. WEBER of Texas, Mr. BABIN, Mr. BAIRD, Mr. MIKE GARCIA of California, Mrs. BICE, Mr. OBERNOLTE, Mr. FLEISCHMANN, Mr. ISSA, Mr. CRAWFORD, Ms. TENNEY, Mr. MILLER of Ohio, Mr. WILLIAMS of New York, and Mr. KEAN of New Jersey) introduced the following bill; which was referred to the Committee on Science, Space, and Technology, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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,*

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

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

5 (b) **TABLE OF CONTENTS.**—The table of contents of
 6 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.

7 **SEC. 2. PURPOSE.**

8 The purpose of this Act is to establish the National
 9 Oceanic and Atmospheric Administration as an inde-
 10 pendent scientific research and development agency with
 11 an overarching statutory framework that focuses on Earth
 12 system science, maintaining the Administration’s core
 13 mission and functions while allowing it to restructure and
 14 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) A General Counsel, to be appointed in ac-
21 cordance with section 5316 of title 5, United States
22 Code.

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

24 The Administrator shall—

25 (1) plan, direct, and conduct—

1 (A) atmospheric, oceanic, hydrologic, Great
2 Lakes, coastal, geodetic, geomagnetic, biologi-
3 cal, and social science and research, including
4 monitoring, analyses, education, research to op-
5 erations, and 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, Great
13 Lakes, and coastal forecasting;

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

18 (F) oceanic, hydrologic, Great Lakes, and
19 coastal response 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 Adminis-
3 trator, in accordance with title 5, United States Code, may
4 appoint and fix the compensation of such officers and em-
5 ployees as the Administrator determines appropriate,
6 within the regulations and guidelines established by the
7 Office of Personnel Management.

8 (b) PROPERTY.—The Administrator may—

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

16 (2) lease real and personal property;

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

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

24 (c) GIFTS.—The Administrator may accept gifts or
25 donations of services for the benefit of the agency, includ-

1 ing money or property, whether real, personal, or mixed,
2 and whether tangible or intangible.

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

8 (e) COOPERATION WITH FEDERAL AGENCIES AND
9 OTHERS.—The Administrator—

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

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

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

1 by the President with the advice and consent of the Sen-
2 ate.

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

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

12 **SEC. 104. SCIENCE ADVISORY BOARD.**

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

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

25 (c) **MEMBERS.**—

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

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

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

24 (4) APPOINTMENT.—Members of the Science
25 Advisory Board shall be appointed as special Gov-

1 ernment employees, within the meaning given such
2 term in section 202(a) of title 18, United States
3 Code.

4 (d) ADMINISTRATIVE PROVISIONS.—

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

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

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

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

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

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

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

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

21 (A) intramural research;

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

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

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

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

15 **TITLE II—GENERAL PROVISIONS**

16 **SEC. 201. RECOMMENDATIONS TO CONGRESS.**

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

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

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

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

9 **SEC. 202. CONFORMING REPEALS.**

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

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

16 **SEC. 203. SAVINGS PROVISION.**

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

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

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

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

1 (d) EXISTING AUTHORITIES UNDER LAW.—Nothing
2 in this Act shall be construed to modify any authority
3 under law existing immediately before the date of enact-
4 ment of this Act, except as explicitly provided herein, in-
5 cluding by—

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

8 (2) authorizing or prohibiting the transfer of
9 any program, function, or project from other Fed-
10 eral agencies to the Administration; or

11 (3) expanding, modifying, or superseding any
12 existing regulatory or other authority of the Admin-
13 istration.

14 (e) AUTHORITIES WITH RESPECT TO PUBLIC BUILD-
15 INGS.—

16 (1) IN GENERAL.—Nothing in this Act shall be
17 construed to grant the Administrator any authority
18 to construct, alter, repair, or acquire by any means
19 a public building (as defined in section 3301 of title
20 40, United States Code) or to grant any authority
21 to lease general purpose office or storage space in
22 any building.

23 (2) INTERACTION WITH OTHER SIMILAR AU-
24 THORITIES.—Nothing in this Act shall be construed
25 to diminish any authority the Administrator has im-

1 mediately before the date of enactment of this Act
2 to construct, alter, repair, or acquire by any means
3 a public building (as defined in section 3301 of title
4 40, United States Code) or to diminish any author-
5 ity the Administrator has immediately before the
6 date of enactment of this Act to lease general pur-
7 pose office or storage space in any building (regard-
8 less of whether those authorities are derived from
9 laws, executive orders, rules, regulations, or delega-
10 tions of authority from the Secretary of Commerce).

11 **SEC. 204. REORGANIZATION PLAN.**

12 (a) SCHEDULE.—

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

20 (2) REVISED PLAN.—Not later than 180 days
21 after the expiration date of the comment period de-
22 scribed in paragraph (1), the Administrator shall
23 transmit to Congress a revised version of the plan
24 that takes into account the comments received. The
25 Administrator shall also publish the revised plan in

1 the Federal Register. The Administrator shall trans-
2 mit and publish, along with the plan, an explanation
3 of how the Administrator dealt with significant
4 issues raised by the comments received.

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

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

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

13 (A) science and research;

14 (B) operations;

15 (C) predictions and forecasts;

16 (D) products and services;

17 (E) education and outreach;

18 (F) earth observations and space weather
19 observations;

20 (G) resource management; and

21 (H) enforcement;

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

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

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

10 **SEC. 205. NATIONAL WEATHER SERVICE.**

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

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

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

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

4 (c) FUNCTIONS.—The functions of the National
5 Weather Service shall include—

6 (1) maintaining a network of local weather fore-
7 cast offices, river forecast centers, and center weath-
8 er service units;

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

11 (3) operating national centers to deliver guid-
12 ance, forecasts, warnings, and analysis about weath-
13 er, water, climate, tsunami, and space weather phe-
14 nomena for the Administration and the public;

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

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

21 (6) other functions the Administrator deter-
22 mines to be necessary to serve the mission of the
23 National Weather Service described in subsection
24 (b).

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

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

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

6 “(1) IN GENERAL.—The Office shall be head-
7 ed”; and

8 (2) by adding at the end the following:

9 “(2) DIRECT REPORT.—The Director shall re-
10 port directly to the Secretary of Commerce.”.

11 **SEC. 207. STUDY.**

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

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

22 **SEC. 208. EFFECTIVE DATE.**

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

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