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# National Oceanic and Atmospheric Administration (NOAA): Overview and Issues for Congress

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# National Oceanic and Atmospheric Administration (NOAA): Overview and Issues for Congress

The National Oceanic and Atmospheric Administration (NOAA), an agency within the Department of Commerce (DOC), is the principal federal agency tasked with understanding and predicting changes in climate, weather, ocean and coasts; sharing that knowledge and information with others; and conserving and managing coastal and marine ecosystems and resources.

The agency's history dates to 1807, when the Survey of the Coast—a precursor to NOAA—was established. In 1970, President Nixon created NOAA as part of a broader reorganization plan. As directed in the reorganization plan, NOAA is administered by the NOAA Administrator, also referred to as the Under Secretary of Commerce for Oceans and Atmosphere (hereinafter NOAA Administrator). The reorganization plan also established several other positions and their duties. Since 1970, NOAA's internal organizational structure has shifted in response to changes in executive and legislative priorities.

In its current form, NOAA's responsibilities or functions are divided among six subagencies, or line offices: National Environmental Satellite, Data, and Information Service (NESDIS); National Marine Fisheries Service (NMFS); National Ocean Service (NOS); National Weather Service (NWS); Office of Oceanic and Atmospheric Research (OAR); and Office of Marine and Aviation Operations (OMAO). The line offices are supported by cross-cutting administrative functions related to education, planning, information technology, human resources, and infrastructure, known as Mission Support. NOAA's internal organizational structure includes various line office programs, support offices, and centers staffed by federal employees and contractors. NOAA has staff in most U.S. states and territories, with the largest portion of employees located in the Washington, DC metro region. NOAA also provides competitive and noncompetitive funding and guidance to nonfederal staff of various NOAA-related entities.

Congress has shaped NOAA's responsibilities through numerous statutes, which have been codified in various titles of the *U.S. Code*. In some cases, Congress has addressed NOAA, the NOAA Administrator, or other NOAA leadership or programs specifically in legislation; in other cases, Congress has vested authorities in the Secretary of Commerce, who has then delegated authorities to the NOAA Administrator or others within NOAA for law implementation. In still other instances, Congress has vested authorities in multiple federal agencies, to include DOC or NOAA. CRS identified compilations of authorities that apply to NOAA but the lists contained differing sets of authorities.

Several congressional committees have jurisdiction over NOAA activities and appropriations. Although jurisdiction over NOAA activities is not stated explicitly in the standing rules of either chamber, in recent Congresses, responsibility for the work performed at the agency has generally rested with three House Committees: the Committees on Natural Resources; Science, Space, and Technology; and Transportation and Infrastructure. In the Senate, legislation affecting NOAA has generally been the responsibility of the Committee on Commerce, Science, and Transportation. Funding for the agency is a matter for the House and Senate Appropriations Committees and their Subcommittees on Commerce, Justice, Science and Related Agencies.

Congress has expressed interest in a range of issues at NOAA over time. Potential issues for Congress to consider for the agency as a whole include codifying, maintaining, or changing NOAA's functions and authorities; and maintaining the agency as part of DOC, moving it into another department, or establishing it as an independent agency.

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## Introduction

The National Oceanic and Atmospheric Administration (NOAA), an agency within the Department of Commerce (DOC), is the principal federal agency with a mission “to understand and predict changes in climate, weather, ocean and coasts; to share that knowledge and information with others; and to conserve and manage coastal and marine ecosystems and resources.”<sup>1</sup>

This report summarizes NOAA’s history, organizational structure, responsibilities (or functions), budget, and funding. The report also describes potential issues for Congress to consider, including codifying, maintaining, or changing NOAA’s functions and authorities; and maintaining NOAA as part of DOC, moving it into another department, or establishing it as an independent agency.

## NOAA’s Establishment

NOAA’s origins can be traced back to the 1800s, with the establishment of the Survey of the Coast in 1807 (the predecessor to the Weather Bureau, created in 1870) and the U.S. Commission of Fish and Fisheries in 1871.<sup>2</sup> Congress and several Administrations created additional agencies related to coasts, oceans, and the atmosphere in the following years. The following sections describe the establishment of NOAA from these entities.

The establishment of NOAA occurred over a span of less than a decade. In 1966, Congress passed the Marine Resources and Engineering Development Act.<sup>3</sup> The law, among other things, directed the President to establish the Commission on Marine Science, Engineering, and Resources and directed said commission to conduct a comprehensive investigation of marine science and provide recommendations on a program to meet present and future national needs.<sup>4</sup> In 1969, the commission recommended the creation of NOAA to serve as the principal agency “within the federal government for administration of the nation’s civil marine and atmospheric programs” from existing and new programs. The commission rejected the idea of consolidating all federal marine and atmospheric functions into one organization.<sup>5</sup>

In July 1970, President Richard M. Nixon sent Reorganization Plan No. 4 (hereinafter referred to as the *reorganization plan*) to Congress.<sup>6</sup> In the reorganization plan, President Nixon proposed the creation of NOAA to protect life and property from natural hazards, better understand the total environment, and explore and develop ways to use marine resources in a “coordinated way”

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<sup>1</sup> National Oceanic and Atmospheric Administration (NOAA), “About our agency,” at <https://www.noaa.gov/about-our-agency>.

<sup>2</sup> NOAA, “Foundations-The Early Years,” at <https://celebrating200years.noaa.gov/foundations/welcome.html>.

<sup>3</sup> Marine Resources and Engineering Development Act, P.L. 89-454.

<sup>4</sup> P.L. 89-454, §5. The commission was also known as the Stratton Commission as it was led by Chairman Julius A. Stratton.

<sup>5</sup> Commission on Marine Science, Engineering, and Resources, *Our Nation and The Sea: A Plan for National Action*, January 1969, pp. 231-232.

<sup>6</sup> For more information about the President’s authority to reorganize federal agencies, see CRS Report R44909, *Executive Branch Reorganization*, by Henry B. Hogue.

within DOC.<sup>7</sup> Most Members of the 91<sup>st</sup> Congress supported the reorganization plan.<sup>8</sup> Under the terms of the statutory authority under which the reorganization plan was submitted, the plan went into effect on October 3, 1970.<sup>9</sup>

Reorganization Plan No. 4, establishing NOAA in DOC, consolidated the following:

Already in the Commerce Department (requiring no transfer): the Environmental Science Services Administration, which includes the Weather Bureau, the Coast and Geodetic Survey, the Environmental Data Service, the National Environmental Satellite Center and research laboratories;

From the Interior Department: the Bureau of Commercial Fisheries (specifically excluding the Great Lakes Fisheries Commission, Missouri River Reservoir research programs, the Gulf Breeze Biological Laboratory in Florida, and trans-Alaskan pipeline investigations), the marine sports fishing program of the Bureau of Sports Fisheries and Wildlife, and the marine minerals technology program of the Bureau of Mines;

From the National Science Foundation: the Office of Sea Grant Programs;

From the [U.S.] Army Corps of Engineers: sections of the U.S. Lake Survey;

From the Navy Department: the National Oceanographic Data Center and the National Oceanographic Instrumentation Center; and

From the Department of Transportation: the U.S. Coast Guard's national data buoy program.<sup>10</sup>

## Leadership and Organizational Structure

Since 1970, Congress and NOAA have established and amended leadership roles and the agency's organizational structure in response to changes in legislative and executive priorities. As directed in the reorganization plan, NOAA is administered by the NOAA Administrator, who is also referred to as the Under Secretary of Commerce for Oceans and Atmosphere (hereinafter referred to as *NOAA Administrator*).<sup>11</sup> The reorganization plan, as amended, also establishes the Deputy Administrator, Chief Scientist, General Counsel, and five Assistant Administrator

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<sup>7</sup> U.S. Congress, House of Representatives, *Reorganization Plans Nos. 3 and 4 of 1970*, "Message from the President of the United States Relative to Reorganization Plans Nos. 3 and 4 of 1970," 91<sup>st</sup> Cong., 2<sup>nd</sup> sess., July 9, 1970, No. 91-366, p. 6. In the message, the President stated, "In formulating these reorganization plans, I have been greatly aided by the work of the President's Advisory Council on Executive Organization (the Ash Council), the Commission on Marine Science, Engineering and Resources (the Stratton Commission, appointed by President [Lyndon] Johnson), my special task force on oceanography headed by Dr. James Wakelin and by the information developed during both House and Senate hearings on proposed NOAA legislation."

<sup>8</sup> Some Members did not support the reorganization plan. For example, according to the *CQ Almanac*, Rep. John D. Dingell noted that the plan "would put the fox in charge of the chicken coop....I do not believe that we should be so foolish as to expect an agency constituted to serve the polluters, the industrial users and the exploiters is going to be concerned with...programs for long-range management and protection of resources" and that most conservation groups opposed the plan as well (*CQ Almanac*, "Congress Accepts Four Executive Reorganization Plans," 1971, at <https://library.cqpress.com/cqalmanac/document.php?id=cqal70-1293675>).

<sup>9</sup> 84 Stat. 2090; 15 U.S.C. §1511 note. In 1984, Congress passed legislation ratifying and affirming as law all reorganization plans that had gone into effect, including Reorganization Plan No. 4 of 1970. (P.L. 98-532).

<sup>10</sup> *CQ Almanac*, "Congress Accepts Four Executive Reorganization Plans," 1971, at <https://library.cqpress.com/cqalmanac/document.php?id=cqal70-1293675>.

<sup>11</sup> Reorganization Plan No. 4 of 1970, §2 (5 U.S.C. Appendix). The Under Secretary rank for the Administrator dates to 1986 (P.L. 99-659; 15 U.S.C. §1503b).

positions and their duties. The Deputy Administrator also holds the title of Assistant Secretary of Commerce for Oceans and Atmosphere.<sup>12</sup>

DOC has issued guidance regarding NOAA's organizational structure and regarding duties and functions of positions and offices not explicitly provided for in the reorganization plan or statute. Such guidance is not always up to date. In 2015, DOC released a department organization order (2015 DOO; the most recent as of this report's publication) that includes descriptions of additional positions, including the Assistant Secretary for Conservation and Management, Assistant Secretary for Environmental Observations and Prediction, Deputy Assistant Secretary for International Fisheries, Deputy Under Secretary for Operations, and Chief of Staff.<sup>13</sup> The 2015 DOO also includes a depiction of the agency's organizational structure including major roles and offices. The 2015 DOO structure is different in certain ways from the structure depicted in the NOAA FY2024 budget congressional justification, shown in **Figure 1**.<sup>14</sup> According to NOAA, in June 2023, "the NOAA organizational chart found in NOAA's FY 2024 congressional justification represents the most up to date reflection of NOAA's organization based on Congressionally approved reorganizations since 2015. NOAA is currently working with the Department of Commerce to update the DOO 25-5 and corresponding organizational chart to ensure it also reflects these updates."<sup>15</sup>

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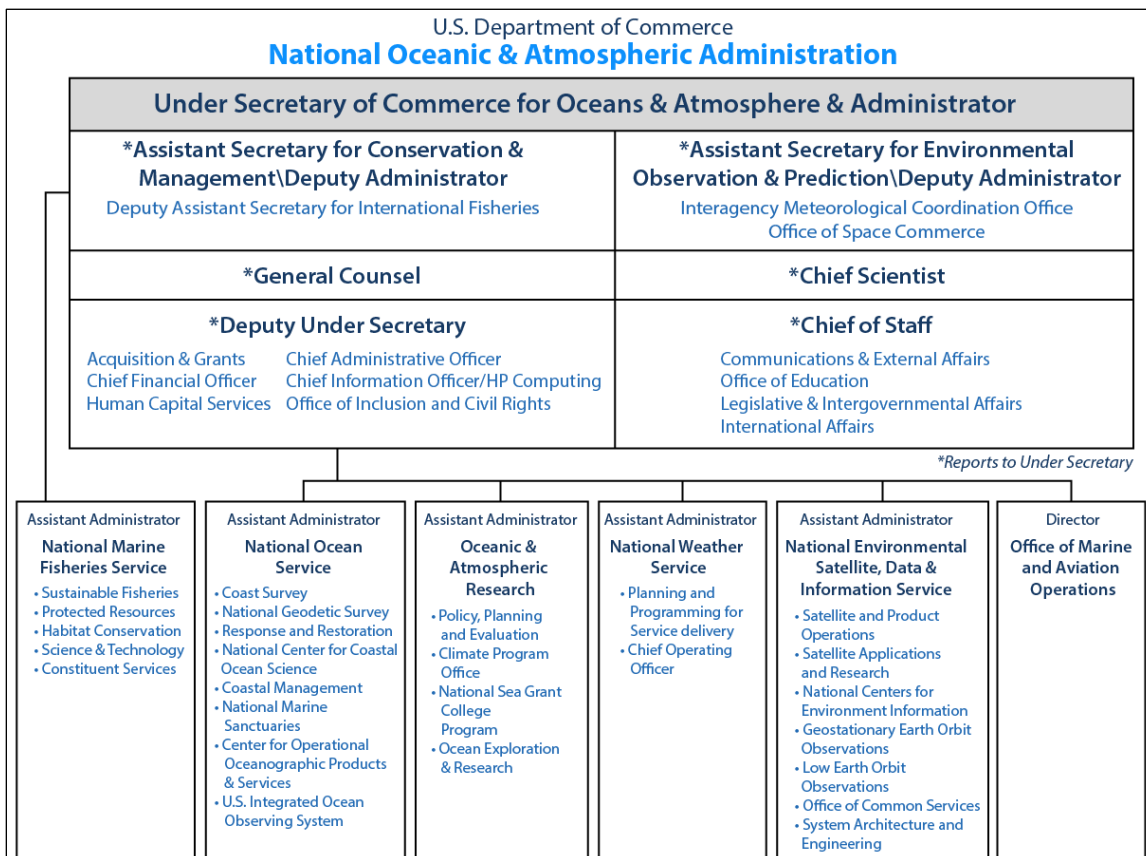
<sup>12</sup> P.L. 99-659; 15 U.S.C. §1507c.

<sup>13</sup> Department of Commerce (DOC), Office of Privacy and Open Government, "National Oceanic and Atmospheric Administration," Department Organization Order (DOO) 25-5, Effective May 4, 2015, at [https://osec.doc.gov/opog/dmp/doos/doo25\\_5.html](https://osec.doc.gov/opog/dmp/doos/doo25_5.html).

<sup>14</sup> For example, many of the programs and offices listed under the National Ocean Service and National Weather Service have different names between the two organizational charts.

<sup>15</sup> Email correspondence between CRS and NOAA Office of Legislative Affairs, June 27, 2023.

**Figure I. NOAA Organizational Structure**



**Source:** CRS from NOAA, *Budget Estimates Fiscal Year 2024, Congressional Submission*, April 2023, p. NOAA-15, at [https://www.noaa.gov/sites/default/files/2023-04/NOAA\\_FY24\\_CJ.pdf](https://www.noaa.gov/sites/default/files/2023-04/NOAA_FY24_CJ.pdf).

Note: The organizational structure above is slightly different than the structure depicted in Department of Commerce (DOC), Office of Privacy and Open Government, “National Oceanic and Atmospheric Administration,” Department Organization Order (DOO) 25-5, Effective May 4, 2015. Differences include the placement of the Office of Space Commerce and changes in office or program names under the National Ocean Service and National Weather Service, among others.

In its current form, NOAA’s functions are divided among six subagencies, or line offices, as shown in **Figure 1** and described in **Table 1**. The line offices are supported by administrative functions related to education, planning, information technology, human resources, and infrastructure, typically referred to as Mission Support in agency documents.<sup>16</sup>

<sup>16</sup> For example, see NOAA, *Budget Estimates Fiscal Year 2024, Congressional Submission*, April 2023, p. MS-1, at [https://www.noaa.gov/sites/default/files/2023-04/NOAA\\_FY24\\_CJ.pdf](https://www.noaa.gov/sites/default/files/2023-04/NOAA_FY24_CJ.pdf). Hereinafter, NOAA, *Budget Estimate FY2024*.

**Table I. National Oceanic and Atmospheric Administration (NOAA)  
Line Offices and Their Functions**

(line offices listed in alphabetical order)

Line Office	Summary of Line Office Programs
National Environmental Satellite, Data, and Information Service (NESDIS)	<ul style="list-style-type: none"> <li>NESDIS programs are to “provide the data, information, and services needed to support environmental studies and predictions, resource assessments, data archiving and dissemination, and satellite sensor and technology development.”</li> <li>NESDIS programs are to include “management services to develop and operate civilian satellite systems for observing land, ocean, atmospheric, and solar conditions required by governments, commerce, and the general public, and to support commercial space services.”</li> </ul>
National Marine Fisheries Service (NMFS)	<ul style="list-style-type: none"> <li>NMFS programs are to “promote the conservation, management, and sustainable use of living marine resources for commercial and recreational use.”</li> <li>NMFS programs are to include “services and products to support the administration of NOAA’s fisheries management operations; international fisheries management obligations; constituent services activities; protected resources and habitat conservation operations; enforcement operations; and the scientific and technical aspects of NOAA’s living marine resources programs.”</li> </ul>
National Ocean Service (NOS)	<ul style="list-style-type: none"> <li>NOS programs are to “provide ocean and coastal zone management services and information products to support national needs arising from increasing uses and opportunities of the oceans and estuaries.”</li> <li>NOS programs are to include “services and products to support development and appropriate use of the oceans, and the management of marine and coastal resources; promote improvements in marine and coastal commerce; and improve safety of marine operations and coastal activities.”</li> </ul>
National Weather Service (NWS)	<ul style="list-style-type: none"> <li>NWS programs are to “consist of monitoring and predicting the state of the atmospheric and hydrologic environment.”</li> <li>NWS programs are to “include the delivery of a variety of climatic, hydrologic, and meteorological services to government, industry, and the general public, including the preparation and delivery of weather warnings and predictions, and the exchange of data products and forecasts with international organizations.”</li> </ul>
Office of Oceanic and Atmospheric Research (OAR)	<ul style="list-style-type: none"> <li>OAR programs are to “plan, organize, manage, and conduct research and development to meet the needs of NOAA.”</li> <li>OAR programs are to “consist of laboratory and extramural research projects that are relevant to NOAA environmental information and resource management programs, and that will provide sound technological and scientific information or capabilities on which to base improvements in these services, products, or policies.”</li> </ul>
Office of Marine and Aviation Operations (OMAO)	<ul style="list-style-type: none"> <li>OMAO programs are to “develop plans and administer the use, operation, maintenance, and upgrade of NOAA ships, aircraft, small craft, and associated equipment and facilities in support of NOAA’s programs and other activities, and shall administer the NOAA Commissioned Officer Corps.”</li> </ul>

**Source:** Congressional Research Service (CRS) from Department of Commerce (DOC), Office of Privacy and Open Government, “National Oceanic and Atmospheric Administration,” Department Organization Order 25-5, Effective May 4, 2015, at [https://osec.doc.gov/opog/dmp/doos/doo25\\_5.html](https://osec.doc.gov/opog/dmp/doos/doo25_5.html).



NOAA's organizational structure includes various line office programs, support offices, and centers located across the United States. Some programs are national in scope, serving stakeholders across the country (e.g., the programs listed under each line office in **Figure 1**). Several programs have regional offices that carry out the agency's functions in accordance with localized needs. For example, NESDIS's six regional climate centers "provide tailored, comprehensive support to help address the unique challenges and vulnerabilities created by regional weather and climate conditions."<sup>17</sup> NMFS provides services at a regional scale through its five regional offices and six fisheries science centers.<sup>18</sup> NOAA subunits also provide services at the local level; for example, 122 NWS weather forecast offices issue local public, marine, aviation, fire, and hydrology forecasts for specific geographic areas of responsibility.<sup>19</sup>

NOAA's workforce comprises both federal employees and contractors.<sup>20</sup> As of September 2022, NOAA employed approximately 11,730 permanent and non-permanent employees.<sup>21</sup> In addition, the agency employed an estimated 7,300 contractors as of August 2022.<sup>22</sup> Federal employees and contractors and nonfederal staff supported by NOAA funding from various line offices and programs are often located together in physical offices around the country. While the largest portion of employees are located in the Washington, District of Columbia (DC) metro region (i.e., downtown Washington, DC and Silver Spring, MD), NOAA federal employees are located in 49 states and several territories.<sup>23</sup>

NOAA provides guidance and competitive and noncompetitive funding guidance to nonfederal staff supported by NOAA funding. For example, OAR supports 19 cooperative institutes and 11 laboratories, where groups of academic and non-profit research institutions work on topics such as tropical weather (Cooperative Institute for Marine and Atmospheric Studies) or severe storms (National Severe Storms Laboratory).<sup>24</sup> NOAA also provides funding for nonfederal entities that are a part of a national network. For example, 34 OAR Sea Grant programs are located in 33 states and territories and 30 NOS National Estuarine Research Reserves are located in 25 states and territories.<sup>25</sup>

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<sup>17</sup> NOAA National Centers for Environmental Information, "Regional Climate Services," at <https://www.ncei.noaa.gov/regional>.

<sup>18</sup> NOAA Fisheries, "Regional Offices," at <https://www.fisheries.noaa.gov/contact-directory/regional-offices> and NOAA Fisheries, "Science Centers," at <https://www.fisheries.noaa.gov/contact-directory/science-centers>.

<sup>19</sup> U.S. Census Bureau, "NOAA's National Weather Service (NWS) Weather Forecast Offices (WFOs), at <https://www.census.gov/topics/preparedness/related-sites/nws.html>.

<sup>20</sup> For a definition of federal employee, see 5 U.S.C. §2105.

<sup>21</sup> U.S. Office of Personnel Management (OPM), FedScope database, Employment cube, at <https://www.fedscope.opm.gov/employment.asp>. FedScope provides individual head counts at a particular time, rather than full-time equivalent position amounts.

<sup>22</sup> Email correspondence with NOAA Office of Legislative and Intergovernmental Affairs, August 12, 2022.

<sup>23</sup> The territories include American Samoa, Guam, and Puerto Rico (OPM, FedScope database, Employment cube, Location parameter set at "Location-All" and "U.S. Territories" at <https://www.fedscope.opm.gov/employment.asp> and OPM, "FedScope Data Definitions – Employment," at <https://www.fedscope.opm.gov/datadefn/index.asp>. NOAA does not have a federal employee in Delaware as of July 2023 (email correspondence with NOAA OLIA, July 13, 2023).

<sup>24</sup> NOAA Cooperative Institutes, "Locations," at <https://ci.noaa.gov/Locations>; and NOAA Cooperative Institutes, "NOAA Research Laboratories," at <https://ci.noaa.gov/Research-Themes/NOAA-Research-Laboratories>.

<sup>25</sup> NOAA Sea Grant, "Sea Grant Programs," at <https://seagrant.noaa.gov/> and NOAA Office of Coastal Management National Estuarine Research Reserves, "About National Estuarine Research Reserves," at <https://coast.noaa.gov/nerrs/>.

## NOAA Authorities and Committee Jurisdiction

Congress has shaped NOAA's responsibilities through numerous statutes, which are codified in various titles of the *U.S. Code*. For example, Vice Admiral Conrad Lautenbaucher Jr., NOAA Administrator, noted that the agency "relies on close to two hundred separate legislative authorities" as of May 19, 2005.<sup>26</sup> In some cases, Congress has addressed NOAA, the NOAA Administrator, or other NOAA leadership or programs specifically in legislation;<sup>27</sup> in other cases, Congress has vested authorities in the Secretary of Commerce, who has then delegated authorities to the NOAA Administrator or others within NOAA for law implementation.<sup>28</sup> In still other instances, Congress has vested authorities in multiple federal agencies, to include DOC or NOAA.<sup>29</sup> In addition to directives provided in statute, Congress has provided additional direction and guidance to NOAA regarding which agency activities to support in a given time period in the congressional reports or explanatory statements accompanying appropriations bills.<sup>30</sup> CRS identified compilations of authorities that apply to NOAA; the lists contained differing sets of authorities.<sup>31</sup>

Several congressional committees have jurisdiction over NOAA activities and appropriations. The legislative jurisdictions of House and Senate Committees are defined in the *standing rules* of each chamber (House Rule X and Senate Rule XXV) generally on the basis of broad policy subjects rather than specific agencies or departments of the federal government. Although jurisdiction over NOAA activities is not stated explicitly in the standing rules of either chamber, responsibility for the work performed at the agency has generally rested in the 117<sup>th</sup> and 118<sup>th</sup> Congresses with three House Committees: the Committees on Transportation and Infrastructure; Natural Resources; and Science, Space, and Technology. In the Senate, legislation affecting NOAA has been usually handled by the Committee on Commerce, Science, and Transportation. Relevant jurisdictional statements of the aforementioned committees applicable to the work of NOAA are presented below in **Table 2** as they appear in House Rule X or Senate Rule XXV. Funding for the agency is a matter for the House and Senate Appropriations Committees and their Subcommittees on Commerce, Justice, Science and Related Agencies.

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<sup>26</sup> Vice Admiral Conrad Lautenbaucher, Jr., NOAA Administrator, *Written Statement for Legislative Hearing on H.R. 50, the National Oceanic and Atmospheric Administration Act*, May 19, 2005, at <https://congressional.proquest.com/congressional/docview/t39.d40.bd22fb19000204d4>. Hereinafter Lautenbaucher, *Written Statement*, 2005.

<sup>27</sup> DOC Office of Privacy and Open Government, *Under Secretary of Commerce for Oceans and Atmosphere and Administrator of the National Oceanic and Atmospheric Administration*, DOO 10-15, Effective December 12, 2011, at [https://osec.doc.gov/opog/dmp/doors/doo10\\_15.html](https://osec.doc.gov/opog/dmp/doors/doo10_15.html). Hereinafter DOC, DOO 10-15, December 12, 2011. For example, DOC, DOO 10-15, §3 identifies 16 statutes where the NOAA Administrator has been directed to perform certain functions.

<sup>28</sup> For example, DOO 10-15, §3 identifies over 75 statutes where the Secretary of Commerce has delegated authority to the NOAA Administrator (DOC, DOO 10-15, December 12, 2011).

<sup>29</sup> For example, NOAA's FY2024 budget request identified the Grant Reporting Efficiency and Agreements Transparency Act of 2019 (P.L. 116-103) which applies to federal programs broadly (NOAA, *Budget Estimate FY2024*, p. AM-13).

<sup>30</sup> Congressional reports and explanatory statements accompanying appropriations law do not hold the force of law.

<sup>31</sup> Sources listing NOAA authorities include DOO 10-15, appropriation language and code citations included as a part of NOAA's annual budget request (e.g., NOAA, *Budget Estimates FY2024*, p. AM-1), the Congressional Budget Office's (CBO's) periodically released report on expired or expiring authorization of appropriations (e.g., CBO, *Expired and Expiring Authorizations of Appropriations for Fiscal Year 2023-Information for Legislation Enacted Through September 30, 2022*, January 13, 2023, at <https://www.cbo.gov/publication/58170>), and various documents posted on the public website for NOAA's Office of General Counsel (e.g., NOAA, *Legal Authorities for GCW*, at <https://www.gc.noaa.gov/documents/authorities-gcw07.pdf>). Some of the listed sources include authorities that other listed sources do not include.

**Table 2. Selected Authorizing Congressional Committees and Their Legislative Jurisdictions with Potential Relations to NOAA Activities**(118<sup>th</sup> Congress, listed in the order written in each document)

	House Committee		Senate Committee
<b>Natural Resources</b>	<b>Science, Space, and Technology</b>	<b>Transportation and Infrastructure</b>	<b>Commerce, Science, and Transportation</b>
<ul style="list-style-type: none"> <li>Fisheries and wildlife, including research, restoration, refuges, and conservation</li> <li>International fishing agreements</li> <li>Marine affairs, including coastal zone management (except for measures relating to oil and other pollution of navigable waters)</li> <li>Oceanography</li> </ul>	<ul style="list-style-type: none"> <li>Environmental research and development</li> <li>Marine research</li> <li>National Weather Service</li> <li>Science scholarships</li> <li>Scientific research, development, and demonstration, and projects therefor</li> </ul>	<ul style="list-style-type: none"> <li>Marine affairs, including coastal zone management, as they relate to oil and other pollution of navigable waters</li> </ul>	<ul style="list-style-type: none"> <li>Coastal zone management</li> <li>Marine and ocean navigation, safety, and transportation, including navigational aspects of deepwater ports</li> <li>Marine fisheries</li> <li>Oceans, weather, and atmospheric activities</li> <li>Science, engineering, and technology research and development and policy</li> <li>Such committee shall also study and review, on a comprehensive basis, all matters relating to science and technology, oceans policy, transportation, communications, and consumer affairs, and report thereon from time to time.</li> </ul>

**Source:** U.S. Congress, House of Representatives, *Rules of the House of Representatives, One Hundred Eighteenth Congress*, prepared by Cheryl L. Johnson, Clerk of the House of Representatives, January 10, 2023, pp. 8-9, at <https://rules.house.gov/sites/republicans.rules118.house.gov/files/documents/Rules%20and%20Resources/118-House-Rules-Clerk.pdf>; and U.S. Congress, Senate, *Standing Rules of the Senate*, Revised to January 24, 2013, 113<sup>th</sup> Cong., 1<sup>st</sup> sess., November 4, 2013, S.Doc. 113-18., pp. 21-22.

**Notes:** For this table, CRS identified potential committees of jurisdiction through a search of congress.gov for bills and resolutions introduced and referred in the 117<sup>th</sup> and 118<sup>th</sup> Congresses that contained the term *National Oceanic and Atmospheric Administration* (NOAA) in the bill text or bill title. CRS then inspected introduced and referred bills and their connection to the jurisdictional statements of House Rule X and Senate Rule XXV.

## Issues for Congress

Like some agencies, such as the Environmental Protection Agency, and unlike some other agencies, such as the National Aeronautics and Space Administration (NASA), NOAA does not have an *organic act* that describes the agency's overall mission and authorizes appropriations for the agency on a regular basis.<sup>32</sup> Some may argue that Reorganization Plan No. 4 functions equivalently to NOAA's organic act. It provides for NOAA's major functions, relationship with the Department of Commerce, and leadership structure. However, the provisions of the plan did not originate in, or undergo detailed consideration by, congressional committees, as is usually the case for statutes that establish federal agencies. In addition, the reorganization plan lacks some of the provisions discussed below that often are included in organic acts, particularly those

<sup>32</sup> The National Aeronautics and Space Administration was established by the National Aeronautics and Space Act of 1958 (P.L. 85-568).

pertaining to the agency's missions and purposes. The following sections discuss potential issues that Congress may consider regarding NOAA functions and its place in the Executive Branch.

## **NOAA's Functions**

Stakeholders and some Members of Congress have proposed codifying NOAA's existing functions, restructuring the agency, or dividing its functions among multiple federal agencies.

### **Codifying NOAA's Functions**

Various stakeholders have advocated for an organic act for NOAA. Some, such as federal working groups and the George W. Bush Administration, have contended that an organic act would "strengthen the agency and help ensure that its structure is consistent with three primary functions: management; assessment, prediction, and operations; and research and education."<sup>33</sup> Some have also posited that an organic act would define NOAA's "overall missions and purposes" and "improve agency operations and performance."<sup>34</sup> Others have argued that an organic act would "strengthen NOAA's hand within the Department of Commerce, reinforce its environmental protection and science mission, and help attract and retain employees dedicated to that mission."<sup>35</sup>

Since 1970, various Members of Congress have introduced bills that could have served as organic acts for NOAA.<sup>36</sup> Some proposals have included organic act language to support NOAA's activities as they existed at the time, whereas others would have made changes to the agency's existing responsibilities. Proposed bills would have established NOAA as an independent agency or as an agency within a broader department, among other things (for more, see "NOAA NOAA in the Executive Branch" below).

Several introduced bills that could have served as organic acts for NOAA have received committee or floor consideration. For example, in the 109<sup>th</sup> Congress, two bills (H.R. 50 and H.R. 5450) were reviewed and amended in committee; H.R. 5450 ultimately was considered and passed on the House floor.<sup>37</sup> The bills would have established NOAA with a mission to "understand the systems of the Earth's oceans and atmosphere and predict changes in the Earth's oceans and atmosphere and the effects of such changes on the land environment, to conserve and manage coastal, ocean, and Great Lakes ecosystems to meet national economic, social, and environmental needs, and to educate the public about these topics."<sup>38</sup>

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<sup>33</sup> U.S. Commission on Ocean Policy (COP), *An Ocean Blueprint for the 21<sup>st</sup> Century*, 2004, p. 10, at [https://govinfo.library.unt.edu/oceancommission/documents/full\\_color\\_rpt/000\\_ocean\\_full\\_report.pdf](https://govinfo.library.unt.edu/oceancommission/documents/full_color_rpt/000_ocean_full_report.pdf) (hereinafter U.S. COP, *Ocean Blueprint*). President George W. Bush released his U.S. Ocean Action Plan as a "response" to the commission in 2004; the plan encouraged the passage of a NOAA organic act (*U.S. Ocean Action Plan, The Bush Administration's Response to the U.S. COP*, December 2004, at [https://cdn.iios.noaa.gov/media/2017/12/US\\_ocean\\_action\\_plan.pdf](https://cdn.iios.noaa.gov/media/2017/12/US_ocean_action_plan.pdf)). For more information about the commission and George W. Bush Administration's plan, see CRS Report RL33603, *Ocean Commissions: Ocean Policy Review and Outlook*, by Harold F. Upton and Eugene H. Buck. For more information, congressional staff may contact the author.

<sup>34</sup> Lautenbaucher, *Written Statement*, 2005.

<sup>35</sup> Holly Doremus, "Time to Make NOAA Official," February 3, 2010, at [progressivereform.org/cpr-blog/time-to-make-noaa-official/](http://progressivereform.org/cpr-blog/time-to-make-noaa-official/).

<sup>36</sup> For some of these bills, see U.S. COP, *Ocean Blueprint*, pp. 116-118, and Tim Hall and Mary Kicza, "An Organic Act for NOAA to Formalize Its Purpose and Authorities," Aerospace Center for Space Policy & Strategy, August 2018, at [https://aerospace.org/sites/default/files/2018-08/Hall-Kicza\\_Organic%20Act\\_08082018.pdf](https://aerospace.org/sites/default/files/2018-08/Hall-Kicza_Organic%20Act_08082018.pdf).

<sup>37</sup> H.R. 50 and H.R. 5450 in the 109<sup>th</sup> Congress.

<sup>38</sup> H.R. 50, §3(b) and H.R. 5450, §3(b).

In introductory remarks, H.R. 50's sponsor, Representative Vernon J. Ehlers stated that it was "critical for NOAA's mission to be clearly defined so it can better fulfill its role in observing, managing, and protecting [the] nation's coastal, ocean and Great Lakes resources."<sup>39</sup> The Member acknowledged that the bill focused on NOAA activities under the jurisdiction of the House Science Committee, and did not reference activities under the jurisdiction of the House Resources Committee.<sup>40</sup>

Some news outlets reported that "members ha[d] not been able to agree on the best way to reorganize the agency" and "aides to the House Resources Committee and Senate Commerce Committee said that their committees have not yet decided how to proceed on the issue this year."<sup>41</sup> In another instance, in remarks during the House Science Committee hearing on H.R. 50, the NOAA Administrator shared the agency's concerns that the bill would not allow NOAA sufficient flexibility to make organizational and programmatic changes that may be needed in the future and would not "encompass the full spectrum of NOAA's responsibilities;" among other things. NOAA also commented that the bill should include a provision stating that the law would not affect or supersede other laws or responsibilities of other federal agencies to minimize the "risk of confusing long-standing divisions of responsibilities between NOAA and sister agencies."<sup>42</sup> The House Science Committee passed the bill via voice vote.

H.R. 5450 was introduced several months later; according to one Member, the only difference between H.R. 50 and H.R. 5450 was the inclusion of language that would make clear that NOAA would not have new authorities under the jurisdiction of the House Transportation and Infrastructure Committee.<sup>43</sup> While broadly supported by both Members of both parties, some Members continued to express concerns with H.R. 5450. Some concerns pertained to a potential transfer of responsibilities between agencies and the process by which the bill had been developed (e.g., without legislative action from the House Resources Committee, which had jurisdiction over certain NOAA activities), among other topics.<sup>44</sup> Despite those concerns, the bill passed the House Science Committee and the House floor via voice vote. The bill was received in the Senate and referred to the Senate Commerce, Science, and Transportation Committee, but did not receive consideration in the Senate. It is the only proposed organic bill that has passed a chamber of Congress.

Legislation regarding a NOAA organic act was again introduced in the 118<sup>th</sup> Congress. In the 118<sup>th</sup> Congress, H.R. 3980 would establish NOAA as a "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."<sup>45</sup> The chair of the House Science Committee noted that

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<sup>39</sup> Rep. Vernon J. Ehlers, "Introducing the National Oceanic and Atmospheric Administration Act," Extension of Remarks, *Congressional Record*, daily edition, January 4, 2005, p. E12.

<sup>40</sup> Ibid. The House Science Committee was renamed the House Science, Space, and Technology Committee in the 112<sup>th</sup> Congress. The House Resources Committee was renamed the House Natural Resources Committee in the 110<sup>th</sup> Congress.

<sup>41</sup> Mary Claire Jalonick and Liriel Higa, "NOAA, Manufacturing, Meth Lab Bills Win Subcommittee's Nod," *CQ Quarterly*, March 15, 2005, at <http://www.cq.com/doc/committees-2005031500170472>.

<sup>42</sup> Lautenbaucher, *Written Statement*, 2005.

<sup>43</sup> U.S. Congress, House Committee on Science, *National Oceanic and Atmospheric Administration Act: Report Together with Minority Views to Accompany H.R. 5450*, 109<sup>th</sup> Cong., 2<sup>nd</sup> sess., June 29, 2006, H.Rept. 109-545, p. 197. Hereinafter H.Rept. 109-545.

<sup>44</sup> For example, H.Rept. 109-545, pp. 49-53 and Rep. Frank Pallone, "National Oceanic and Atmospheric Administration Act," House Debate, *Congressional Record*, daily edition, September 20, 2006, p. H6764.

<sup>45</sup> H.R. 3980 in the 118<sup>th</sup> Congress.

authorization of NOAA was important to fund the agency in the future.<sup>46</sup> The chair argued, during a 2023 hearing on the draft version of H.R. 3980, that the legislation would allow Congress to engage in a level of oversight over NOAA that had not been possible due to the agency’s “unwieldy structure.”<sup>47</sup> The ranking member contended that some stakeholders were concerned with the prospect of too prescriptive legislation that could “diminish NOAA’s ability to pursue new programs or mission areas,” noting, however, that the ranking member was “not suggesting that the chairman’s proposal does this.”<sup>48</sup> Witnesses at the hearing noted the need to give NOAA “flexibility and autonomy to make the decisions on how [NOAA] execute[s] their mission.”<sup>49</sup>

## Restructuring NOAA

Other stakeholder and congressional discussions have centered on changing NOAA’s organizational structure to align certain activities within the agency. Some proposals have focused on restructuring NOAA as a whole or altering existing line offices. For example, in 2004, the U.S. Commission on Ocean Policy (U.S. COP), created by Congress to develop recommendations for a coordinated and comprehensive national ocean policy, recommended that NOAA’s structure be “consistent with the principles of ecosystem-based management and with its three primary functions of: assessment, prediction, and operations; management; and research and education.”<sup>50</sup> In 2006, the Joint Ocean Commission Initiative—a collaborative effort from the U.S. COP and Pew Oceans Commission, a group created by the Pew Charitable Trusts to develop policies to restore and protect living marine resources in U.S. waters—recommended restructuring NOAA based on three core missions: (1) assessment, prediction, and operations; (2) ecosystem-based management of ocean and coastal areas and resources; and (3) science, research, and education.<sup>51</sup>

Congress has considered bills that would restructure NOAA in line with some stakeholder recommendations. For example, legislation reported by the Senate Commerce Committee in the 108<sup>th</sup> Congress would have established the agency in law and structured it in line with the three primary functions recommended by the U.S. COP. The proposed legislation would have established an associate administrator for each of the three primary functions.<sup>52</sup> Other bills introduced in the 110<sup>th</sup> and 111<sup>th</sup> Congresses also would have directed NOAA to support the three primary functions identified by the U.S. COP.<sup>53</sup> NOAA witnesses at hearings in the 110<sup>th</sup> Congress contended that “the agency must maintain its current flexibility in determining how best

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<sup>46</sup> Maxine Joselow, “This Republican Wants to Make NOAA an Independent Agency,” January 27, 2023, *Washington Post*, at <https://www.washingtonpost.com/politics/2023/01/27/this-republican-wants-make-noaa-an-independent-agency/>.

<sup>47</sup> U.S. Congress, House Committee on Science, Space, and Technology, “Chairman Lucas Opening Statement at Full Committee Hearing on Establishing an Independent NOAA,” April 18, 2023, at <https://science.house.gov/2023/4/chairman-lucas-opening-statement-at-full-committee-hearing>. Hereinafter House Science, Space, and Technology Committee, Chairman Lucas Opening Statement, April 2023.

<sup>48</sup> U.S. Congress, House Science, Space, and Technology Committee, “House Science, Space and Technology Committee Holds Hearing on Establishing an Independent National Oceanic and Atmospheric Administration,” hearing transcript, April 18, 2023, at <https://congressional.proquest.com/congressional/docview/t39.d40.tr04180123.o18?>. Hereinafter House Science, Space, and Technology Committee, Independent NOAA hearing, April 2023.

<sup>49</sup> *Ibid.*

<sup>50</sup> U.S. COP, *Ocean Blueprint*, p. 111.

<sup>51</sup> Joint Ocean Commission Initiative, *From Sea to Shining Sea: Priorities for Ocean Policy Reform, Report to the United States Senate*, June 2006, p. 18, at [https://jointoceancommission.org/wp-content/uploads/sites/7/2019/09/2006-06-13\\_Sea\\_to\\_Shining\\_Sea\\_Report\\_to\\_Senate.pdf](https://jointoceancommission.org/wp-content/uploads/sites/7/2019/09/2006-06-13_Sea_to_Shining_Sea_Report_to_Senate.pdf).

<sup>52</sup> S. 2647, Title II, in the 108<sup>th</sup> Congress. See also S.Rept. 108-407.

<sup>53</sup> For example, H.R. 21 in the 110<sup>th</sup> Congress and H.R. 2685 in the 111<sup>th</sup> Congress.

to structure itself to address current and future needs” and that the proposed bill in question would “constrain the agency’s ability to best organize itself to meet current mission priorities.”<sup>54</sup>

Stakeholders and some Members of Congress also have considered adding a line office within NOAA to consolidate certain agency activities. For example, in the early 2000s, proponents argued for the creation of the National Climate Service.<sup>55</sup> The proposal gained the Obama Administration’s support, and NOAA requested the creation of the National Climate Service in its FY2012 budget request, stating,

NOAA’s existing framework for climate services crosses multiple line offices and is not optimal for climate service delivery in its current form. While NOAA built a suite of climate services within its existing framework, such as its leadership in the interagency approach to delivering drought information services, other services are currently fragmented and distributed across the agency, complicating internal management and confusing stakeholders.<sup>56</sup>

Even before this request, the proposal to create this line office had been controversial. Some stakeholders argued the National Climate Service “would duplicate the historic and current mission, programs, and services of the National Weather Service.”<sup>57</sup> Others proposed that a National Climate Service take the form of a federal interagency partnership or other format.<sup>58</sup> Congress did not approve the creation of the line office at NOAA for FY2012,<sup>59</sup> and prohibited the use of appropriations for it.<sup>60</sup>

More recently, some stakeholders have voiced renewed support for a federal climate service led by NOAA or another federal agency.<sup>61</sup> Witnesses at hearings in the 116<sup>th</sup> and 117<sup>th</sup> Congresses expressed their support for an expansion in federal climate services, although not specifically centered at NOAA.<sup>62</sup> In 2023, the Biden Administration noted that NOAA was organizing its climate service-related activities under a cross-cutting agency initiative known as Climate-Ready Nation rather than a new line office. The Administration also advocated for the U.S. Global

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<sup>54</sup> See U.S. Congress, House Committee on Natural Resources, Subcommittee on Fisheries, Wildlife, and Oceans, *Ocean Policy Priorities in the United States; and H.R. 21, Oceans Conservation, Education, and National Strategy for the 21<sup>st</sup> Century Act*, Oversight and Legislative Hearings, committee print, 110<sup>th</sup> Cong., 1<sup>st</sup> sess., March 29, 2007, Serial No. 110-10, pp. 29, 74.

<sup>55</sup> For example, see H.R. 4, §1345, or S. 1766, §1345, in the 107<sup>th</sup> Congress.

<sup>56</sup> NOAA, *Budget Estimates Fiscal Year 2012, Congressional Submission*, 2011, p. xviv.

<sup>57</sup> Sara Goodman, “National Climate Service Proposal Sparks Intra-agency Debate,” May 5, 2009, at <https://www.eenews.net/eenewspm/stories/77571>.

<sup>58</sup> For example, E.L. Miles et al., “An Approach to Designing a National Climate Service,” *Proceedings of the National Academy of Sciences*, vol. 103, no. 52 (October 2006), pp. 19616-19623; and National Research Council, *Restructuring Federal Climate Research to Meet the Challenges of Climate Change*, 2009, p. 116, at <https://www.nap.edu/catalog/12595/restructuring-federal-climate-research-to-meet-the-challenges-of-climate-change>.

<sup>59</sup> U.S. Congress, House Committee on Appropriations, *Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Programs for the Fiscal Year Ending September 30, 2012, and for Other Purposes*, conference report to accompany H.R. 2112, 112<sup>th</sup> Cong., 1<sup>st</sup> sess., November 11, 2011, H.Rept. 112-284, p. 218.

<sup>60</sup> For example, see P.L. 112-10, §1348.

<sup>61</sup> For example, Chelsea Harvey, “A National Climate Service? Interest Builds Under Biden,” July 6, 2021, at <https://www.eenews.net/articles/a-national-climate-service-interest-builds-under-biden/>; and Marshall Shepherd, “Is It Time for a National Climate Service?,” *Forbes*, June 11, 2021, at <https://www.forbes.com/sites/marshallshepherd/2021/06/11/is-it-time-for-a-national-climate-service>.

<sup>62</sup> U.S. Congress, House Select Committee on Climate Crisis, *Creating a Climate Resilient America: Reducing Risk and Costs*, 116<sup>th</sup> Cong., 1<sup>st</sup> sess., November 20, 2019; and U.S. Congress, House Committee on Science, Space, and Technology, Subcommittee on Environment, *Working Towards Climate Equity: The Case for a Federal Climate Service*, 117<sup>th</sup> Cong., 1<sup>st</sup> sess., April 21, 2021.

Change Research Program to serve as the coordinating mechanism for federal climate services under a national framework.<sup>63</sup>

## Distributing NOAA's Functions Among Multiple Agencies

Some stakeholders and Members of Congress have advocated for distributing all or some of NOAA's functions to other federal agencies. Their rationale for making changes has included concerns with the size and scope of the Executive Branch and duplication of some activities across agencies.

To address concerns of the size and scope of the Executive Branch, some stakeholders have recommended breaking up DOC, including NOAA by (1) making NWS an independent agency, (2) converting some line offices and programs (e.g., National Hurricane Center, NESDIS, marine sanctuaries, fisheries, OAR laboratories) into charitable trusts or other private entities, (3) transferring NOS to the U.S. Coast Guard and the U.S. Geological Survey, and (4) assigning OMAO assets to new NOAA entities or other agencies.<sup>64</sup> Some Members of Congress have introduced legislation to transfer certain NOAA responsibilities to other agencies several times since 1970.<sup>65</sup> For example, H.R. 1756 introduced in the 104<sup>th</sup> Congress and considered and reported out of multiple committees would have terminated or transferred most of NOAA's functions to other agencies. This bill would have transferred weather research and satellites, fisheries, geodesy, and marine sanctuaries to the Department of the Interior (DOI); nautical charting to the Defense Mapping Agency; fisheries law enforcement to the Secretary of Transportation; and seafood inspection to the U.S. Department of Agriculture (USDA).<sup>66</sup> When the bill was considered in the House Science, Space, and Technology Committee, some Members described the markup of the bill as “an important step in the process of beginning to restructure the Executive Branch of government to be a more rational, forward looking and streamlined institution.”<sup>67</sup> Others stated that “the idea of selling off some of our most important research laboratories, dissolving NOAA, and so on borders on lunacy” and contended such actions would be based on a “faulty premise that we have something that is broken and needs fixing.”<sup>68</sup>

In another instance, S. 1226 in the 105<sup>th</sup> Congress would have made NOAA an independent agency and transferred some NOAA responsibilities, such as mapping, charting, and geodesy, to the U.S. Army Corps of Engineers (USACE).<sup>69</sup> The bill also would have abolished OMAO, including the NOAA Corps of Commissioned Officers. Some of the themes of S. 1226 resurfaced in the 108<sup>th</sup> Congress in H.R. 4368. At a hearing considering H.R. 4368 a witness noted that USACE was the “most experienced and talented procurer of mapping, charting and geodesy services” in the federal government and should assume NOAA's functions in those areas; the

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<sup>63</sup> National Science and Technology Council Fast Track Action Committee on Climate Services, *A Federal Framework and Action Plan for Climate Services*, March 2023, pp. 26, 33, at [https://www.whitehouse.gov/wp-content/uploads/2023/03/FTAC\\_Report\\_03222023\\_508.pdf](https://www.whitehouse.gov/wp-content/uploads/2023/03/FTAC_Report_03222023_508.pdf).

<sup>64</sup> Competitive Enterprise Institute, *Shrinking Government Bureaucracy: Proposals for Reorganizing the Executive Branch to Boost Economic Growth and Freedom*, September 2017, pp. 11-13, at <https://cei.org/wp-content/uploads/2017/09/Shrinking-Government-Bureaucracy.pdf>.

<sup>65</sup> For example, H.R. 1756 in the 104<sup>th</sup> Congress; H.R. 2667, S. 1226, and S. 1316 in the 105<sup>th</sup> Congress; and H.R. 2452 in the 106<sup>th</sup> Congress.

<sup>66</sup> H.R. 1756 in the 104<sup>th</sup> Congress.

<sup>67</sup> U.S. Congress, House Committee on Science, H.R. 1756, *The Department of Commerce Dismantling Act*, committee print, Markup Before the Committee on Science, 104<sup>th</sup> Cong., 1<sup>st</sup> sess., September 14, 1995, p. 1.

<sup>68</sup> *Ibid.*, p. 2.

<sup>69</sup> See S. 1226 in the 105<sup>th</sup> Congress.



witness also advocated for NOAA Corps to be moved into the military personnel system already in place in the U.S. Army.<sup>70</sup>

In other cases, some Members of Congress and stakeholders have expressed concern with duplication of federal agency responsibilities related to certain living marine resource laws and considered transferring these responsibilities from NOAA to DOI. For example, H.R. 4335 in the 105<sup>th</sup> Congress would have transferred NOAA functions under the Endangered Species Act (ESA) to DOI.<sup>71</sup> In sponsor remarks for the bill, Representative Don Young stated “having two agencies with overlapping responsibility is a waste of taxpayer funding and takes away resources that can be spent directly on species recovery.” In 2013, the U.S. Government Accountability Office (GAO) analyzed the potential benefits and drawbacks of merging NMFS and DOI’s U.S. Fish and Wildlife Service, and considered various views from officials and stakeholders. In terms of benefits, GAO found that the move could improve the implementation of ESA,<sup>72</sup> although stakeholders recognized that the ESA process would be time consuming regardless of whether one or two agencies completed it.<sup>73</sup> In terms of drawbacks, some believed that DOI might “emphasize conserving fish populations more and consider the economic effects of management decisions on fishing communities less than NMFS does.”<sup>74</sup> Others disagreed, stating that DOI would appropriately balance the two responsibilities, as required under statute.<sup>75</sup>

More recently, a draft version of H.R. 3980 released in 2022 would have directed NOAA to work with the National Academy of Public Administration (NAPA) to conduct a study examining “the feasibility of transferring part or all of [ESA] and Marine Mammal Protection Act (MMPA) management functions within Protected Resources” to DOI.<sup>76</sup> During a 118<sup>th</sup> Congress House hearing on the draft legislation, some Members and witnesses expressed support for the transfer of ESA responsibilities to DOI, stating that the move would “accelerate the recovery of America’s imperiled marine species.”<sup>77</sup> Other Members had concerns with the draft legislation, questioning its intent and whether NAPA is the appropriate entity to conduct such a study.<sup>78</sup> In June 2023, the Chair of the House Science Committee introduced H.R. 3980, which would now direct NAPA to conduct a study examining “the feasibility and merits of transferring part or all of the [ESA] and [MMPA] management functions into a single agency or department.”<sup>79</sup>

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<sup>70</sup> U.S. Congress, House Committee on Resources, Subcommittee on Fisheries Conservation, Wildlife, and Oceans, *H.R. 4368, A Bill to Transfer the National Oceanic and Atmospheric Administration to the Department of the Interior*, Legislative Hearing, committee print, 108<sup>th</sup> Cong., 2<sup>nd</sup> sess., September 30, 2004, Serial No. 108-108, p. 41. Hereinafter House Science Committee, *Legislative Hearing on H.R. 4368*.

<sup>71</sup> See H.R. 4335 introduced the 105<sup>th</sup> Congress. The bill was not considered in committee or the House floor.

<sup>72</sup> P.L. 93-205; 16 U.S.C. §§1531 et seq.

<sup>73</sup> U.S. Government Accountability Office (GAO), *Government Reorganization: Potential Benefits and Drawbacks of Merging the National Marine Fisheries Service into the Fish and Wildlife Service*, GAO-13-248, February 2013, p. 1. Hereinafter GAO-13-248.

<sup>74</sup> *Ibid.*, p. 29.

<sup>75</sup> *Ibid.*, pp. 30-31.

<sup>76</sup> House Science, Space, and Technology Committee, draft bill, §208, 2022, at [https://republicans-science.house.gov/\\_cache/files/3/c/3ced2fd1-25b8-471f-8a2e-22ce0356053c/01402C7A6DA94B9FDD8180671D243289.discussion-draft-noaa-organic-act.pdf](https://republicans-science.house.gov/_cache/files/3/c/3ced2fd1-25b8-471f-8a2e-22ce0356053c/01402C7A6DA94B9FDD8180671D243289.discussion-draft-noaa-organic-act.pdf).

<sup>77</sup> House Science, Space, and Technology Committee, Independent NOAA hearing, April 2023.

<sup>78</sup> *Ibid.*

<sup>79</sup> House Science, Space, and Technology Committee, unnumbered bill, §207, introduced June 9, 2023.

## NOAA in the Executive Branch

Some stakeholders have argued that NOAA should remain a part of DOC, that it should be part of a different federal department, or that the agency should be an independent federal entity. In 2004, the U.S. COP identified 23 different congressional, presidential, and federal working group proposals regarding NOAA's position in the Executive Branch between 1971 and 2001.<sup>80</sup> NOAA's mission and activities would change under some of these proposals. In 2013, GAO reported that certain agency officials who served in the George W. Bush and Obama Administrations wished to make "some kind of an organizational change," but there was no consensus among them on what the best structure would be.<sup>81</sup>

Finally, congressional committee jurisdiction over NOAA's activities may change if NOAA is moved to a different position in the Executive Branch.

## NOAA as Part of Department of Commerce

Some stakeholders and Members of Congress have advocated for retaining NOAA as a part of DOC. Various Members of Congress have introduced multiple bills that would codify the agency's placement in DOC since 1970.<sup>82</sup> They have argued that keeping the agency in DOC is the least-costly and most straightforward action.<sup>83</sup> Others have added that NOAA "has been able to play a relatively high profile and independent role from its Commerce perch," with little to be gained from moving NOAA.<sup>84</sup> Some Members expressed concerns with how much attention the agency would get if it became a part of a department with more agencies or bureaus.<sup>85</sup>

## NOAA as Part of a Different Department

Various Members of Congress and stakeholders have advocated for the creation of a new, natural resources or oceans-focused department since 1970, in efforts to consolidate such activities from across multiple agencies.<sup>86</sup> Some Members introduced legislation in the 1970s to establish new departments, such as the Department of Natural Resources, Department of Energy and Natural

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<sup>80</sup> U.S. COP, *Ocean Blueprint*, p. 109. The U.S. COP expired in December 2004, as provided under the terms of the Oceans Act of 2000 (P.L. 106-256).

<sup>81</sup> GAO-13-248, p. 41. Interviewed heads of departments and agencies included the Secretaries of DOC and DOI, the NOAA Administrators, the FWS Directors, and the NOAA Assistant Administrators for Fisheries for the George W. Bush and Obama Administrations (GAO-13-248, p. 44).

<sup>82</sup> For example, S. 2224 and H.R. 9708 in the 95<sup>th</sup> Congress; H.R. 5347 in the 96<sup>th</sup> Congress; H.R. 4966 in the 107<sup>th</sup> Congress; S. 2647, H.R. 984, H.R. 4546, H.R. 4607 and H.R. 4900 in the 108<sup>th</sup> Congress; H.R. 50, H.R. 2939, H.R. 5450 in the 109<sup>th</sup> Congress; H.R. 21 and H.R. 250 in the 110<sup>th</sup> Congress; and H.R. 21 and H.R. 300 in the 111<sup>th</sup> Congress.

<sup>83</sup> House Science Committee, *Legislative Hearing on*, p. 59.

<sup>84</sup> David Goldston, "Between the Devil and the Deep Blue Sea: Why NOAA Shouldn't Be Moved to the Interior Department," NRDC, *Expert Blog*, January 15, 2012, at <https://www.nrdc.org/bio/david-goldston/between-devil-and-deep-blue-sea-why-noaa-shouldnt-be-moved-interior-department>.

<sup>85</sup> Juliet Eilperin, "NOAA's Proposed Move Raises Questions About Its Role, January 22, 2012, *Washington Post*, at [https://www.washingtonpost.com/national/health-science/noaas-proposed-move-raises-questions-about-its-role/2012/01/20/gIQANPYJQ\\_story.html](https://www.washingtonpost.com/national/health-science/noaas-proposed-move-raises-questions-about-its-role/2012/01/20/gIQANPYJQ_story.html).

<sup>86</sup> For examples, see U.S. COP, *Ocean Blueprint*, pp. 116-117, and Pew Oceans Commission, *America's Living Oceans: Charting a Course for Sea Change, A Report to the Nation Recommendations for a New Ocean Policy*, May 2003, at [https://www.pewtrusts.org/-/media/assets/2003/06/02/full\\_report.pdf](https://www.pewtrusts.org/-/media/assets/2003/06/02/full_report.pdf) (hereinafter Pew, *Recommendations for New Ocean Policy*).

Resources, and Department of the Environment and Oceans.<sup>87</sup> In 2003 and 2004, U.S. COP and the Pew Commission suggested the establishment of a national oceans agency or natural resources department, encompassing NOAA as an agency and other agency ocean-related functions.<sup>88</sup> H.R. 4900 proposed in the 108<sup>th</sup> Congress would have directed the President to submit recommendations for reorganizing the functions of existing agencies, including NOAA, for the purposes of establishing a Department of Natural Resources.<sup>89</sup>

Other proposals would have moved NOAA into an existing department to address concerns regarding conflicting mandates and duplication of activities across agencies. For example, some Members of Congress have introduced legislation that would have moved NOAA to DOI.<sup>90</sup> During a subcommittee hearing on H.R. 4368 in the 108<sup>th</sup> Congress to transfer NOAA to DOI, some Members argued that the move to DOI could eliminate potential conflict between NOAA's roles to promote commerce and conserve natural resources, for example, in regard to fisheries management. They also contended that NOAA's and DOI's natural resource management functions aligned.<sup>91</sup> In contrast, one Member argued the transfer would not address "the history of failures associated with our protection of marine natural resources."<sup>92</sup> The hearing witnesses broadly disagreed with the introduced proposal and offered some concerns and alternatives. One witness, the Deputy Assistant Secretary of Commerce for Oceans and Atmosphere, stated that the transfer would "not provide for better integration of ocean policy or coordination of ocean and coastal activities," as several other agencies with roles in these policy areas would not be affected by the legislation.<sup>93</sup> Several witnesses noted that "ocean issues would be lost at Interior" or become a "non-entity in the bureaucratic maze" and argued the move would "not address ...[NOAA's] fundamental problems which are more the result of inappropriate and ambiguous policies and mandates" than the agency's placement.<sup>94</sup> Another witness on the panel noted challenges with integrating specific NOAA functions, such as mapping and charting, NOAA Corps, and NESDIS, into DOI.<sup>95</sup> Still others advocated for the wholistic consideration of ocean science and policy in the federal government as recommended by the U.S. COP rather than moving NOAA into DOI or another department.<sup>96</sup>

In 2012, President Obama proposed moving NOAA into DOI, without changing NOAA's authorities or structure.<sup>97</sup> According to Administration officials, consolidating NOAA into DOI would "enhance scientific resources and strengthen our stewardship and conservation efforts."<sup>98</sup>

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<sup>87</sup> For example, S. 27, S. 2135, H.R. 3249, H.R. 9090, and H.R. 12733 in the 93<sup>rd</sup> Congress; S. 27, S. 2726, S. 3339, and S. 3889 in the 94<sup>th</sup> Congress; and S. 591 and S. 1481 in the 95<sup>th</sup> Congress.

<sup>88</sup> Pew, *Recommendations for New Ocean Policy*, p. 54, and U.S. COP, *Ocean Blueprint*, p. 115.

<sup>89</sup> H.R. 4900 in the 108<sup>th</sup> Congress.

<sup>90</sup> Congress last held hearings regarding moving NOAA into DOI in its consideration of H.R. 4368 in the 108<sup>th</sup> Congress.

<sup>91</sup> For example, House Science Committee, *Legislative Hearing on H.R. 4368*, pp. 5-7.

<sup>92</sup> *Ibid.*, p. 10.

<sup>93</sup> *Ibid.*, p. 14.

<sup>94</sup> *Ibid.*, pp. 54, 59.

<sup>95</sup> *Ibid.*, p. 37.

<sup>96</sup> *Ibid.*, pp. 42, 51

<sup>97</sup> White House, "Press Gaggle by Press Secretary Jay Carney and OMB Deputy Director for Management Jeff Zients," press release, January 13, 2012, at <https://obamawhitehouse.archives.gov/the-press-office/2012/01/13/press-gaggle-press-secretary-jay-carney-and-omb-deputy-director-manageme>.

<sup>98</sup> Charles S. Clark, "NOAA Grapples with Uncertainty over Obama Reorganization Plan," February 7, 2012, *Government Executive*, at <https://www.govexec.com/management/2012/02/noaa-grapples-uncertainty-over-obama-reorganization-plan/41118/>. Hereinafter, Clark, "NOAA Grapples."

Environmental groups lauded efforts to streamline government but stated that such a move would fail to eliminate conflicts arising from dueling mandates and “do nothing to promote a better functioning executive branch.”<sup>99</sup> Further, they contended, the proposal would “erode the capabilities and mute the voice of the government’s primary agency for protecting our oceans and the ecosystems and economies that depend on them.”<sup>100</sup> Other stakeholders voiced concerns over how certain responsibilities that were not a part of DOI’s responsibilities, such as satellite systems, marine fisheries management, and tornado forecasting, would fare under a move.<sup>101</sup> Members of Congress had mixed reactions to the Obama proposal—some supported the plan, others expressed concern with the proposal, and still others disagreed with the idea, stating that they were “not sure burying NOAA in an already overburdened Interior [was] a good idea”<sup>102</sup>

During this time, some Members of Congress introduced legislation that would have moved NOAA into DOI and additionally would have transferred NMFS into the U.S. Fish and Wildlife Service.<sup>103</sup> The bill’s sponsor noted that S. 1116 in the 112<sup>th</sup> Congress would advance the 2012 Obama proposal, consolidate duplicative programs, and provide cost savings.<sup>104</sup> Congress did not pass the legislation, nor did it allow President Obama to implement the proposed departmental reorganization. In a 2013 report, GAO found that “moving all of NOAA into Interior could better integrate natural resource management by bringing many aspects of federal land and ocean management under the same department, but it could diminish attention to ocean issues.” According to GAO, interviewed federal officials and stakeholders generally noted that the reorganization’s drawbacks outweighed the benefits.<sup>105</sup>

Some stakeholders have advocated for transferring NOAA to departments other than DOI. For example, some Members introduced legislation in the 101<sup>st</sup> Congress to transfer NOAA to the Environmental Protection Agency, as a product of reorganizing DOC more broadly.<sup>106</sup>

## NOAA as an Independent Agency

Some stakeholders have advocated for the establishment of NOAA as an independent agency. Some proposals would codify NOAA’s functions as they existed at the time, whereas others would potentially expand or otherwise change the agency’s functions (see “NOAA’s Functions”). Some stakeholders have argued that an independent NOAA would have “increased visibility” in

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<sup>99</sup> Dan Flynn, “OMB says Food Agency Merger Is Next,” January 14, 2012, at <https://www.foodsafetynews.com/2012/01/omb-says-food-agency-consolidation-is-next/>.

<sup>100</sup> NRDC, “Obama’s Reorganization Plan Could Erode NOAA’s Capabilities,” January 13, 2012, press release, at <https://www.nrdc.org/press-releases/obamas-reorganization-plan-could-erode-noaas-capabilities>.

<sup>101</sup> Clark, “NOAA Grapples.”

<sup>102</sup> Senator Lisa Murkowski, “Op-Ed: NOAA: A Fish out of Water in U.S. Commerce Department,” May 1, 2012, at <https://www.murkowski.senate.gov/press/op-ed/op-ed-noaa-a-fish-out-of-water-in-us-commerce-department>; “Fish Wraps,” *Alaska Journal of Commerce*, January 19, 2012, at <https://www.alaskajournal.com/automotive/2012-01-19/fish-wraps>; and Clark, “NOAA Grapples.”

<sup>103</sup> S. 1116, §202, in the 112<sup>th</sup> Congress. Senator Burr introduced the measure again as S. 1836, §202, in the 113<sup>th</sup> Congress.

<sup>104</sup> Senator Burr, “Burr Cuts Wasteful Spending, Improves Efficiency by Combining Dept. of Labor and Commerce,” press release, May 26, 2011, at [https://web.archive.org/web/20141206053501/http://burr.senate.gov/public/index.cfm?FuseAction=PressOffice.PressReleases&ContentRecord\\_id=2dfd03e6-802a-23ad-4a5f-ca3cc92a21ea&Region\\_id=&Issue\\_id=](https://web.archive.org/web/20141206053501/http://burr.senate.gov/public/index.cfm?FuseAction=PressOffice.PressReleases&ContentRecord_id=2dfd03e6-802a-23ad-4a5f-ca3cc92a21ea&Region_id=&Issue_id=).

<sup>105</sup> GAO-13-248, pp. 36-38 and 41.

<sup>106</sup> For example, Titles III in H.R. 3833 and S. 1978 in the 101<sup>st</sup> Congress. See U.S. Congress, Senate Committee on Governmental Affairs, *Trade and Technology Promotion Act*, Hearing on S. 1978, 101<sup>st</sup> Cong., 2<sup>nd</sup> sess., June 12, 1990, S. Hrg. 101-913, pp. 9-10, 55, and 207 for a discussion of the potential concerns with moving NOAA to the Environmental Protection Agency.

the government and would allow for more direct communications with the Office of Management Budget (OMB), the White House, and Congress.<sup>107</sup> By contrast, others have expressed concerns that an independent NOAA may be vulnerable to questions of ability, jurisdiction, and budgets, because it likely would remain smaller in size and funding than other independent agencies.<sup>108</sup>

Various Members of Congress have introduced multiple bills since 1970 that would establish NOAA as an independent agency.<sup>109</sup> For example, the reported version of S. 929 in the 104<sup>th</sup> Congress would have established NOAA as an independent agency to “provide a focus for ocean, coastal, and atmospheric activities.”<sup>110</sup> The Senate Governmental Affairs Committee report accompanying S. 929 in the 104<sup>th</sup> Congress argued that “NOAA should be kept whole and independent” pending broader restructuring of the government’s natural resources functions and that proposals to “dismember” NOAA were “shortsighted and potentially too disruptive to services.”<sup>111</sup> In a 109<sup>th</sup> Congress House hearing to consider legislation that would have provided NOAA an organic act, one Member noted that NOAA, as a part of DOC, does not “have the same kind of clout in Congress that other independent agencies have.”<sup>112</sup>

In a 118<sup>th</sup> Congress House hearing on draft legislation that would have established NOAA as an independent agency, some Members argued that an independent NOAA would “elevate NOAA within the executive branch to an appropriate level alongside similar science agencies like NASA and National Science Foundation.”<sup>113</sup> Other Members argued that removing NOAA from DOC could “diminish its ability to direct and influence critical policy decisions” and its ability to maintain reliable funding.<sup>114</sup> Some witnesses at the same hearing asserted that establishing NOAA as an independent agency would eliminate “chronic conflict” between NOAA and DOC in terms of budget and management and could improve some relationships between NOAA and stakeholders.<sup>115</sup>

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<sup>107</sup> Robert G. Fleagle, “The Case for a New NOAA Charter,” November 1987, *Bulletin of the American Meteorological Society*, vol. 68, no. 11, p. 1422, at <https://www.jstor.org/stable/26226088>.

<sup>108</sup> *Ibid.*

<sup>109</sup> For example, S. 121, H.R. 3355, H.R. 3381, and H.R. 4862 in the 98<sup>th</sup> Congress; S. 1365 and H.R. 1928 in the 99<sup>th</sup> Congress; S. 330, S. 821, H.R. 2135, and H.R. 5070 in the 100<sup>th</sup> Congress; H.R. 1274 and H.R. 3833 in the 101<sup>st</sup> Congress; S. 3329 in the 102<sup>nd</sup> Congress; S. 580 and H.R. 2973 in the 103<sup>rd</sup> Congress; S. 929 in the 104<sup>th</sup> Congress; S. 1226, S. 131, and H.R. 2667 in the 105<sup>th</sup> Congress; H.R. 2452 in the 106<sup>th</sup> Congress; H.R. 375 in the 107<sup>th</sup> Congress; S. 1224 in the 109<sup>th</sup> Congress; S. 3314 in the 110<sup>th</sup> Congress; S. 858 in the 111<sup>th</sup> Congress; and H.R. 3980 in the 118<sup>th</sup> Congress.

<sup>110</sup> S. 929, §302, the version reported to the Senate, in the 104<sup>th</sup> Congress. The version introduced in the Senate would have eliminated DOC and NOAA and transferred its functions to other agencies.

<sup>111</sup> U.S. Congress, Senate Committee on Governmental Affairs, *Commerce Department Termination and Government Reorganization Act of 1995, Report Together with Additional and Minority Views to accompany S. 929*, 104<sup>th</sup> Cong., 1<sup>st</sup> sess., October 20, 1995, S.Rept. 104-164, p. 14. The Senate Committee maintained that NOAA should become an independent agency “pending broader restructuring of the government’s natural resources functions.”

<sup>112</sup> U.S. Congress, House Committee on Science, *National Oceanic and Atmospheric Administration Act, Report together with Minority Views to Accompany H.R. 5450*, 109<sup>th</sup> Cong., 2<sup>nd</sup> sess., June 29, 2006, H.Rept. 109-545, Part 1, p. 212.

<sup>113</sup> House Science, Space, and Technology Committee, Chairman Lucas Opening Statement, April 2023. The draft legislation was introduced as H.R. 3980 in 2023.

<sup>114</sup> House Science, Space, and Technology Committee, Independent NOAA hearing, April 2023.

<sup>115</sup> Written testimony by Rear Admiral Tim Gallaudet, CEO, Ocean STL Consulting, LLC, and Former Acting NOAA Administrator, Assistant Secretary of Commerce for Oceans and Atmosphere, and Deputy Administrator of NOAA, in U.S. Congress, House Committee on Science, Space, and Technology, *Hearing on the Future of the National Oceanic and Atmospheric Administration (NOAA) as an Independent Scientific Agency in Statute*, hearing, April 18, 2023.

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