

107TH CONGRESS
2D SESSION

H. R. 4966

To improve the conservation and management of coastal and ocean resources by reenacting and clarifying provisions of a reorganization plan authorizing the National Oceanic and Atmospheric Administration.

IN THE HOUSE OF REPRESENTATIVES

JUNE 19, 2002

Mr. GILCHREST introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committee on Science, 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 improve the conservation and management of coastal and ocean resources by reenacting and clarifying provisions of a reorganization plan authorizing the National Oceanic and Atmospheric Administration.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Oceanic and
5 Atmospheric Administration Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) ADMINISTRATION.—The term “Administra-
2 tion” means the National Oceanic and Atmospheric
3 Administration.

4 (2) FUNCTION.—The term “function” includes
5 any duty, obligation, power, authority, responsibility,
6 right, privilege, activity, or program.

7 (3) OFFICE.—The term “office” includes any
8 office, institute, council, unit, organizational entity,
9 or component thereof.

10 (4) SECRETARY.—The term “Secretary” means
11 the Secretary of Commerce.

12 (5) UNDER SECRETARY.—The term “Under
13 Secretary” means the Under Secretary of Commerce
14 for Oceans and Atmosphere appointed under section
15 102.

16 **SEC. 3. ORGANIZATION OF ADMINISTRATION.**

17 (a) IN GENERAL.—There shall be in the Department
18 of Commerce an agency known as the National Oceanic
19 and Atmospheric Administration.

20 (b) PRIMARY MISSIONS.—The primary missions of
21 the Administration are the following:

22 (1) The provision and certification of hydro-
23 graphic and geodetic products and data.

24 (2) The conservation and management of the
25 Nation’s coastal and marine resources.

1 (3) The exploration of the oceans.

2 (4) To further human understanding of—

3 (A) the oceans;

4 (B) the earth's atmosphere; and

5 (C) the functional relationship of the
6 oceans and the atmosphere.

7 (c) COMPONENTS.—The Secretary shall maintain
8 within the Administration the following components:

9 (1) The National Coastal and Ocean Service.

10 (2) The National Oceanic and Atmospheric Re-
11 search Service.

12 (3) The National Marine Fisheries Service.

13 (4) The National Weather Service.

14 (5) The National Environmental Satellite and
15 Data Information Service.

16 (6) The Office of Marine and Aviation Oper-
17 ations.

18 (7) Such other components as the Secretary
19 considers necessary.

20 (d) FUNCTIONS.—The Administration shall perform
21 such functions as were vested in the Administration or any
22 officer, employee, or office of the Administration imme-
23 diately before the enactment of this Act, except as may
24 be provided otherwise by law or by a redelegation of au-
25 thority after that date by the President, the Secretary of

1 Commerce, or any other officer of the United States who
2 delegated such function to the Administration before that
3 date or who is otherwise authorized to make such a redele-
4 gation.

5 **SEC. 4. UNDER SECRETARY FOR OCEANS AND ATMOS-**
6 **PHERE.**

7 (a) IN GENERAL.—There shall be at the head of the
8 Administration the Under Secretary of Commerce for
9 Oceans and Atmosphere. The Under Secretary shall be ap-
10 pointed by the President, by and with the advice and con-
11 sent of the Senate. The Under Secretary shall be paid at
12 the rate of basic pay for level III of the Executive Sched-
13 ule.

14 (b) FUNCTIONS.—Subject to the authority, direction,
15 and control of the Secretary, the Under Secretary shall
16 perform such functions and exercise such powers with re-
17 spect to the Administration as the Secretary may pre-
18 scribe, including the following:

19 (1) Serve as the Administrator of the National
20 Oceanic and Atmospheric Administration.

21 (2) General management.

22 (3) Policy development and guidance.

23 (4) Budget formulation, guidance, and execu-
24 tion, and other financial matters.

1 (5) Resource requirements determination and
2 allocation.

3 (6) Program management and direction.

4 (7) Environment, safety, and health operations.

5 (8) Administration of contracts.

6 (9) Personnel, including the selection, appoint-
7 ment, distribution, supervision, establishing of com-
8 pensation, and separation of personnel.

9 (10) Procurement of services of experts and
10 consultants in accordance with section 3109 of title
11 5, United States Code.

12 (11) External affairs, including legal, legisla-
13 tive, and public affairs, and serving as liaison with
14 other elements of the Department of Commerce and
15 with other Federal agencies, State, tribal, and local
16 governments, and the public.

17 **SEC. 5. ASSISTANT SECRETARY FOR OCEANS AND ATMOS-**
18 **PHERE.**

19 (a) IN GENERAL.—There shall be in the Administra-
20 tion an Assistant Secretary of Commerce for Oceans and
21 Atmosphere. The Assistant Secretary shall be appointed
22 by the President, by and with the advice and consent of
23 the Senate. The Assistant Secretary shall be paid at the
24 rate of basic pay for level IV of the Executive Schedule.

25 (b) FUNCTIONS.—The Assistant Secretary—

1 (1) shall perform such functions and exercise
2 such powers as the Secretary or Under Secretary
3 may prescribe; and

4 (2) shall act as Under Secretary during the ab-
5 sence or disability of the Under Secretary or in the
6 event of a vacancy in the office of Under Secretary.

7 **SEC. 6. DEPUTY UNDER SECRETARY.**

8 (a) IN GENERAL.—There shall be in the Administra-
9 tion a Deputy Under Secretary for Oceans and Atmos-
10 phere. The Deputy Under Secretary shall be appointed by
11 the Secretary. The Deputy Under Secretary shall be paid
12 at the rate of basic pay for level IV of the Executive
13 Schedule.

14 (b) FUNCTIONS.—Subject to the authority, direction,
15 and control of the Secretary and the Under Secretary, the
16 Deputy Under Secretary—

17 (1) shall serve as an advisor to the Under Sec-
18 retary and to the Assistant Secretary on all program
19 and policy issues;

20 (2) shall be responsible for ensuring the timely
21 and effective implementation of the Administration
22 policies and objectives; and

23 (3) in the absence or disability of the Under
24 Secretary or Assistant Secretary, or in the event of

1 a vacancy in either such position, the Deputy Under
2 Secretary shall act in that position.

3 **SEC. 7. GENERAL COUNSEL.**

4 (a) IN GENERAL.—There shall be in the Administra-
5 tion a General Counsel. The General Counsel shall be ap-
6 pointed by the Secretary, subject to approval of the Presi-
7 dent. The General Counsel shall be paid at the rate of
8 basic pay for level V of the Executive Schedule.

9 (b) FUNCTIONS.—Subject to the authority, direction,
10 and control of the Secretary and the Under Secretary, the
11 General Counsel—

12 (1) shall serve as the chief legal officer of the
13 Administration for all legal matters that arise in
14 connection with the conduct of the functions of the
15 Administration; and

16 (2) shall perform such other functions and exer-
17 cise such powers as the Secretary or Under Sec-
18 retary may prescribe.

19 **SEC. 8. ASSISTANT ADMINISTRATORS.**

20 (a) IN GENERAL.—There shall be in the Administra-
21 tion the following:

22 (1) An Assistant Administrator for Coastal and
23 Ocean Services.

24 (2) An Assistant Administrator for Oceanic and
25 Atmospheric Research and Chief Scientist.

1 (3) An Assistant Administrator for Fisheries.

2 (4) An Assistant Administrator for Weather.

3 (5) An Assistant Administrator for Environ-
4 mental Satellite Data and Information.

5 (6) A Director of Marine and Aviation Oper-
6 ations and the Commissioned Officer Corps.

7 (b) APPOINTMENT.—Each Assistant Administrator
8 and the Director referred to in subsection (a) shall be ap-
9 pointed by the Secretary.

10 (c) QUALIFICATIONS.—Each Assistant Administrator
11 and the Director referred to in subsection (a) shall be an
12 individual who is qualified by reason of background and
13 experience to direct the implementation and administra-
14 tion of the functions for which they are responsible.

15 (d) FUNCTIONS.—Each Assistant Administrator and
16 the Director referred to in subsection (a), under the au-
17 thority, direction, and control of the Under Secretary,
18 shall perform such functions and exercise such powers as
19 the Under Secretary may prescribe.

20 **SEC. 9. PROGRAM SUPPORT.**

21 For each fiscal year 2003 through 2007, there is au-
22 thorized to be appropriated to the Secretary the following:

23 (1) For corporate services provided by the
24 Under Secretary's office, \$80,000,000.

1 (2) For facilities maintenance, repairs, and
2 safety, \$13,000,000.

3 (3) For environmental compliance, in addition
4 to amounts authorized under section 3 of Public
5 Law 104–91, \$2,000,000.

6 (4) For energy management, \$550,000.

7 (5) For marine services, \$75,000,000.

8 (6) For fleet planning and maintenance,
9 \$13,027,000.

10 **SEC. 10. CONTINUATION OF SERVICE.**

11 Any individual serving on the date of the enactment
12 of this Act in a position provided for in this Act may con-
13 tinue to serve in that position until a successor is ap-
14 pointed under this Act.

15 **SEC. 11. CONFORMING AMENDMENTS AND REPEALS.**

16 (a) PAY RATE OF DEPUTY UNDER SECRETARY.—
17 Section 5315 of title 5, United States Code, is amended
18 by adding at the end the following:

19 “Deputy Under Secretary of Commerce for
20 Oceans and Atmosphere.”.

21 (b) REORGANIZATION PLAN NUMBER 4 OF 1970.—

22 (1) REPEAL.—Reorganization Plan Number 4
23 of 1970 (5 App. U.S.C.) is repealed.

1 (2) RELATIONSHIP TO ADMINISTRATION FUNC-
2 TIONS.—Paragraph (1) shall not affect the functions
3 of the Administration under section 3(d).

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