

# NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION AUTHORIZATION ACT

*Acronym:* NOAA

*Citation:* 15 U.S.C. § 1511, Reorganization Plan NO. 4 of 1970 (2002).

*Legislative Purpose:*

The act establishes the organization and duties of NOAA.

*Summary:*

When it was enacted, the Act transferred to the Department of Commerce: 1) the functions of the Bureau of Commercial Fisheries, exclusive of several functions retained by the Department of Interior; 2) the duties of Interior with respect to migratory marine species of game fish; 3) functions vested in the Marine Minerals Technology Center of the Bureau of Mines; 4) functions relating to the charting of the northern and northwestern lakes and connecting waters; and 5) all other functions necessary to carry out the agency's responsibilities.

The NOAA administration consists of an Administrator, a Deputy Administrator, a Chief Scientist, a General Counsel, an Assistant Administrator for Coastal Zone Management, and an Assistant Administrator for Fisheries. The Act transfers to NOAA the personnel, property, records, unexpended balances of appropriations, allocations, and unexpended balances and funds of the Environmental Science Services Administration and the Commissioned Officer Corps of the Environmental Science Services Administration. The personnel, property, records, and unexpended funds of the Bureau of Commercial Fisheries are also transferred to NOAA.

The Environmental Science Services Administration and the Bureau of Commercial Fisheries are both abolished by the Act.

TITLE 15. COMMERCE AND TRADE

CHAPTER 40. DEPARTMENT OF COMMERCE

15 U.S.C. § 1511 (2002).

§ 1511. Bureaus in Department

The following named bureaus, administrations, services, offices, and programs of the public service, and all that pertains thereto, shall be under the jurisdiction and subject to the control of the Secretary of Commerce:

- (1) National Oceanic and Atmospheric Administration;
- (2) United States Travel Service [United States Travel and Tourism Administration];
- (3) National Bureau of Standards [National Institute of Standards and Technology];
- (4) United States Patent and Trademark Office
- (5) Bureau of the Census; and
- (6) such other bureaus or other organizational units as the Secretary of Commerce may from time to time establish in accordance with law.

HISTORY; ANCILLARY LAWS AND DIRECTIVES

Reorganization Plan No. 4 of 1970. Reorg. Plan No. 4, effective Oct. 3, 1970, *35 Fed. Reg. 15627*, 84 Stat. 2090; as amended Oct. 8, 1976, P.L. 94-461, § 4(c)(1), 90 Stat. 1969; Dec 28, 1977, P.L. 95-219, § 3(a)(1), 91 Stat. 1613, as amended Oct. 19, 1984, P.L. 98-498, Title III, Subtitle B, § 320(c)(3), 98 Stat. 2309, effective Dec. 28, 1977; Nov. 14, 1986, P.L. 99-659, Title IV, § 407(d), 100 Stat. 3741, provided:

"§ 1. Transfers to Secretary of Commerce

"The following are hereby transferred to the Secretary of Commerce:

"(a) All functions vested by law in the Bureau of Commercial Fisheries of the Department of the Interior or in its head, together with all functions vested by law in the Secretary of the Interior or the Department of the Interior which are administered through that Bureau or are primarily related to the Bureau, exclusive of functions with respect to (1) Great Lakes fishery research and activities related to the Great Lakes Fisheries Commission, (2) Missouri River Reservoir research, (3) the Gulf Breeze Biological Laboratory of the said Bureau at Gulf Breeze, Florida, and (4) Trans-Alaska pipeline investigations.

"(b) The functions vested in the Secretary of the Interior by the Act of September 22, 1959 (Public Law 86-359, 73 Stat. 642, *16 U.S.C. 760e-760g* [*16 USC §§ 760e-760g*]; relating to migratory marine species of game fish).

"(c) The functions vested by law in the Secretary of the Interior, or in the Department of the Interior or in any officer or instrumentality of that Department, which are administered through the Marine Minerals Technology Center of the Bureau of Mines.

"(d) All functions vested in the National Science Foundation by the National Sea Grant College and Program Act of 1966 (80 Stat. 998), as amended (*33 U.S.C. 1121 et seq.*) [*33 USC §§ 1121 et seq.*].

"(e) Those functions vested in the Secretary of Defense or in any officer, employee, or organizational

entity of the Department of Defense by the provision of Public Law 91-144, 83 Stat. 326 [unclassified], under the heading "Operation and maintenance, general" with respect to "surveys and charting of northern and northwestern lakes and connecting waters," or by other law, which come under the mission assigned as of July 1, 1969, to the United States Army Engineer District, Lake Survey, Corps of Engineers, Department of the Army and relate to (1) the conduct of hydrographic surveys of the Great Lakes and their outflow rivers, Lake Champlain, New York State Barge Canals, and the Minnesota-Ontario border lakes, and the compilation and publication of navigation charts, including recreational aspects, and the Great Lakes Pilot for the benefit and use of the public, (2) the conception, planning, and conduct of basic research and development in the fields of water motion, water characteristics, water quantity, and ice and snow, and (3) the publication of data and the results of research projects in forms useful to the Corps of Engineers and the public, and the operation of a Regional Data Center for the collection, coordination, analysis, and the furnishing to interested agencies of data relating to water resources of the Great Lakes.

"(f) So much of the functions of the transferor officers and agencies referred to in or affected by the foregoing provisions of this section as is incidental to or necessary for the performance by or under the Secretary of Commerce of the functions transferred by those provisions or relates primarily to those functions. The transfers to the Secretary of Commerce made by this section shall be deemed to include the transfer of authority, provided by law, to prescribe regulations relating primarily to the transferred functions.

"§ 2. Establishment of Administration

"(a) There is hereby established in the Department of Commerce an agency which shall be known as the National Oceanic and Atmospheric Administration, hereinafter referred to as the "Administration."

"(b) There shall be at the head of the Administration the Administrator of the National Oceanic and Atmospheric Administration, hereinafter referred to as the "Administrator." The Administrator shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate now or hereafter provided for Level III of the Executive Schedule Pay Rates (*5 U.S.C. 5314*) [*5 USC § 5314*].

"(c) There shall be in the Administration a Deputy Administrator of the National Oceanic and Atmospheric Administration who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate now or hereafter provided for Level IV of the Executive Schedule Pay Rates (*5 U.S.C. 5315*) [*5 USC § 5315*]. The Deputy Administrator shall perform such functions as the Administrator shall from time to time assign or delegate, and shall act as Administrator during the absence or disability of the administrator or in the event of a vacancy in the office of Administrator.

"(d) There shall be in the Administration a Chief Scientist of the National Oceanic and Atmospheric Administration who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate now or hereafter provided for Level V of the Executive Schedule Pay Rates (*5 U.S.C. 5316*). The Chief Scientist shall be the principal scientific adviser to the Administrator, and shall perform such other duties as the Administrator may direct. The Chief Scientist shall be an individual who is, by reason of scientific education and experience, knowledgeable in the principles of oceanic, atmospheric, or other scientific disciplines important to the work of the Administration.

"(e)

(1) There shall be in the Administration a General Counsel and five Assistant Administrators, one of whom shall be the Assistant Administrator for Coastal Zone Management and one of whom shall be the Assistant Administrator for Fisheries. The General Counsel and each Assistant Administrator shall be

appointed by the Secretary, subject to approval of the President, and shall be compensated at a rate now or hereafter provided for level V of the Executive Schedule Pay Rates (5 U.S.C. 5316) [5 USC § 5316].

"(2) The General Counsel shall serve as the chief legal officer for all legal matters which may arise in connection with the conduct of the functions of the Administration.

"(3) The Assistant Administrator for Coastal Zone Management shall be an individual who is, by reason of background and experience, especially qualified to direct the implementation and administration of the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.) [16 USC §§ 1451 et seq.].

"(4) The Assistant Administrator for Fisheries shall be responsible for all matters related to living marine resources which may arise in connection with the conduct of the functions of the Administration.

"(f) The President may appoint in the Administration, by and with the advice and consent of the Senate, two commissioned officers to serve at any one time as the designated heads of two principal constituent organizational entities of the Administration, or the President may designate one such officer as the head of such an organizational entity and the other as head of the commissioned corps of the Administration. Any such designation shall create a vacancy on the active list and the officer while serving under this subsection shall have the rank, pay, and allowances of a rear admiral (upper half).

"(g) Any commissioned officer of the Administration who has served under (d) or (f) and is retired while so serving or is retired after the completion of such service while serving in a lower rank or grade, shall be retired with the rank, pay, and allowances authorized by law for the highest grade and rank held by him; but any such officer, upon termination of his appointment in a rank above that of captain, shall, unless appointed or assigned to some other position for which a higher rank or grade is provided, revert to the grade and number he would have occupied had he not served in a rank above that of captain and such officer shall be an extra number in that grade.

"§ 3. Performance of transferred functions

"The provisions of sections 2 and 4 of Reorganization Plan No. 5 of 1950 (64 Stat. 1263) shall be applicable to the functions transferred hereunder to the Secretary of Commerce.

"§ 4. Incidental transfers

"(a) So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with the functions transferred to the Secretary of Commerce by this reorganization plan as the Director of the Office of Management and Budget shall determine shall be transferred to the Department of Commerce at such time or times as the Director shall direct.

"(b) Such further measures and dispositions as the Director of the Office of Management and Budget shall deem to be necessary in order to effectuate the transfers referred to in subsection (a) of this section shall be carried out in such manner as he shall direct and by such agencies as he shall designate.

"(c) The personnel, property, records, and unexpended balances of appropriations, allocations, and other funds of the Environmental Science Services Administration shall become personnel, property, records, and unexpended balances of the National Oceanic and Atmospheric Administration or of such other organizational entity or entities of the Department of Commerce as the Secretary of Commerce shall determine.

"(d) The Commissioned Officer Corps of the Environmental Science Services Administration shall become the Commissioned Officer Corps of the National Oceanic and Atmospheric Administration, Members of the Corps, including those appointed hereafter, shall be entitled to all rights, privileges, and benefits heretofore available under any law to commissioned officers of the Environmental Science Services

Administration, including those rights, privileges, and benefits heretofore accorded by law to commissioned officers of the former Coast and Geodetic Survey.

"(e) Any personnel, property, records, and unexpended balances of appropriations, allocations, and other funds of the Bureau of Commercial Fisheries not otherwise transferred shall become personnel, property, records, and unexpended balances of such organizational entity or entities of the Department of the Interior as the Secretary of the Interior shall determine.

"§ 5. Interim officers

"(a) The President may authorize any person who immediately prior to the effective date of this reorganization plan held a position in the executive branch of the Government to act as Administrator until the office of Administrator is for the first time filled pursuant to provisions of this reorganization plan or by recess appointment, as the case may be.

"(b) The President may similarly authorize any such person to act as Deputy Administrator and authorize any such person to act as Associate Administrator.

"(c) The President may similarly authorize a member of the former Commissioned Officer Corps of the Environmental Science Services Administration to act as the head of one principal constituent organizational entity of the Administration.

"(d) The President may authorize any person who serves in an acting capacity under the foregoing provisions of this section to receive the compensation attached to the office in respect of which he so serves. Such compensation, if authorized, shall be in lieu of, but not in addition to, other compensation from the United States to which such person may be entitled.

"§ 6. Abolitions

"(a) Subject to the provisions of this reorganization plan, the following, exclusive of any functions, are hereby abolished:

"(1) The Environmental Science Services Administration in the Department of Commerce (established by Reorganization Plan No. 2 of 1965, 79 Stat. 1318), including the offices of Administrator of the Environmental Science Administration and Deputy Administrator of the Environmental Science Services Administration.

"(2) The Bureau of Commercial Fisheries in the Department of the Interior (*16 U.S.C. 742b*) [*16 USC § 742b*], including the office of Director of the Bureau of Commercial Fisheries.

"(b) Such provisions as may be necessary with respect to terminating any outstanding affairs shall be made by the Secretary of Commerce in the case of the Environmental Science Services Administration and by the Secretary of the Interior in the case of the Bureau of Commercial Fisheries."

Pay rates; domestic and International Business Administration. Ex. Or. No. 11759 of Jan. 15, 1974, *39 Fed. Reg. 2077*, which formerly appeared as a note to this section, was superseded by Ex. Or. No. 12096 of Nov. 2, 1978, *43 Fed. Reg. 51597*.

Compensation of certain officials in Industry and Trade Administration of Department of Commerce Ex. Or. No. 12096 of Nov. 2, 1978, *43 Fed. Reg. 51597*, was revoked by Section 1-105 of Ex. Or. No. 12188 of Jan. 2, 1980, *45 Fed. Reg. 989*, which is set out as an other provisions note to *19 USC § 2171*.