

108TH CONGRESS
2D SESSION

S. 2647

To establish a national ocean policy, to set forth the missions of the National Oceanic and Atmospheric Administration, to ensure effective interagency coordination, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 13, 2004

Mr. HOLLINGS (for himself, Mr. STEVENS, Mr. INOUE, and Mr. GREGG) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To establish a national ocean policy, to set forth the missions of the National Oceanic and Atmospheric Administration, to ensure effective interagency coordination, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Ocean Policy
5 and Leadership Act”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

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Sec. 310. No effect on other authorities.

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

3 (1) ADMINISTRATOR.—The term “Adminis-
4 trator” means the Administrator of NOAA.

5 (2) COASTAL REGION.—The term “coastal re-
6 gion” means the coastal zone as defined in section
7 304 of the Coastal Zone Management Act of 1972

1 (16 U.S.C. 1453) and coastal watershed areas that
2 have significant impact on such coastal zones.

3 (3) NOAA.—The term “NOAA” means the Na-
4 tional Oceanic and Atmospheric Administration.

5 (4) OCEANS.—The term “ocean” includes
6 coastal areas, the Great Lakes, the seabed, subsoil,
7 and waters of the territorial sea of the United
8 States, the waters of the exclusive economic zone of
9 the United States; the waters of the high seas; and
10 the seabed and subsoil of and beyond the Outer Con-
11 tinental Shelf marine environment, and the natural
12 resources therein.

13 (5) PERSON.—The term “person” has the
14 meaning given that term by section 1 of title 1,
15 United States Code, but also means any State, polit-
16 ical subdivision of a State, or agency or officer
17 thereof.

18 (6) STATE.—The term “State” means any
19 State of the United States, the District of Columbia,
20 the Commonwealth of Puerto Rico, the Virgin Is-
21 lands, Guam, American Samoa, or any other Com-
22 monwealth, territory, or possession of the United
23 States.

1 **TITLE I—NATIONAL OCEAN**
2 **POLICY**

3 **SEC. 101. FINDINGS.**

4 The Congress finds the following:

5 (1) Covering more than two-thirds of the
6 Earth's surface, the oceans play a critical role in the
7 global water cycle and in regulating climate, sustain
8 a large part of Earth's biodiversity, provide an im-
9 portant source of food and a wealth of other natural
10 products, act as a frontier for scientific exploration,
11 are critical to national and economic security, and
12 provide a vital means of transportation. The coastal
13 regions of the United States have remarkably high
14 biological productivity and contribute approximately
15 50 percent of the gross domestic product of the
16 United States.

17 (2) The oceans and the atmosphere are suscep-
18 tible to change as a direct and indirect result of
19 human activities, and such changes can significantly
20 impact the ability of the oceans and atmosphere to
21 provide the benefits upon which the Nation depends.
22 Changes in ocean and atmospheric processes could
23 affect global climate patterns, ecosystem produc-
24 tivity, health, and biodiversity, environmental qual-
25 ity, national security, economic competitiveness,

1 availability of energy, vulnerability to natural haz-
2 ards, and transportation safety and efficiency.

3 (3) Ocean resources are not infinite, and
4 human pressure on them is increasing. One half of
5 the Nation's population lives within 50 miles of the
6 coast. If population trends continue as expected,
7 coastal development and urbanization impacts, which
8 can be substantially greater than population impacts
9 alone, will present serious environmental, energy,
10 and water challenges and increase our vulnerability
11 to coastal hazards.

12 (4) Emissions of greenhouse gases and aerosols
13 due to human activities continue to alter the oceans
14 and atmosphere in ways that are expected to affect
15 the climate, with adverse impacts on human health
16 and the Nation's economic and environmental secu-
17 rity. In some coastal regions, air deposition contrib-
18 utes between 30–50 percent of pollutant loadings to
19 such areas. Improved understanding of such factors
20 and ideas for mitigating any adverse impacts are ur-
21 gently needed.

22 (5) There are enormous opportunities for
23 science and technology to uncover new sources of en-
24 ergy, food, and pharmaceuticals from the oceans,
25 and to increase general understanding of the planet

1 including its atmosphere and climate. Realization of
2 such benefits is jeopardized by a variety of activities
3 and practices that have reduced the health and pro-
4 ductivity of ocean and atmospheric systems, includ-
5 ing pollution, unsustainable harvesting practices, in-
6 creasing coastal development, and proliferation of
7 harmful and invasive marine species.

8 (6) Threats to the oceans and atmosphere are
9 exacerbated by the legal and geographic fragmenta-
10 tion of authority within the Federal government.
11 Over half of the existing 15 departments and several
12 independent agencies conduct activities and pro-
13 grams relating to ocean and atmosphere, including
14 climate change activities. Efforts to understand and
15 effectively address emerging ocean and atmospheric
16 problems, including through existing coordination
17 mechanisms, have not been adequate.

18 (7) Improving and coordinating Federal govern-
19 ance will require close partnerships with States, tak-
20 ing into account their public trust responsibilities,
21 economic and ecological interests in ocean resources,
22 and the role of State and local governments in im-
23 plementation of ocean policies, and managing use of
24 coastal lands and ocean resources.

1 (8) Effective enforcement of the laws to protect
2 and enhance the marine environment, coastal secu-
3 rity, and the Nation's natural resources, particularly
4 through marine safety, fisheries enforcement, aids to
5 navigation, and hazardous materials spill response
6 activities is needed to ensure achievement of man-
7 agement goals, and priority should be given to in-
8 creasing marine enforcement and compliance
9 through coordinated Federal and State actions.

10 (9) It is the continuing mission of the Federal
11 Government to create, foster, and maintain condi-
12 tions, incentives, and programs that will further and
13 assure the sustainable and effective conservation,
14 management, and protection of the oceans and at-
15 mosphere, in order to fulfill the responsibility of
16 each generation as trustee in protecting, and ensur-
17 ing that, such resources will be available to meet the
18 needs of future generations of Americans.

19 (10) This policy and mission can best be carried
20 out and realized by formal establishment of a
21 strengthened and expanded lead Federal civilian
22 agency dedicated to ocean and atmospheric matters,
23 and by undertaking the functions, programs, and ac-
24 tivities of the Federal Government with respect to
25 the conservation, management, and protection of the

1 oceans and atmosphere, including monitoring, fore-
2 casting, and assessment, in a coordinated manner
3 and in accordance with a national ocean policy.

4 **SEC. 102. PURPOSES.**

5 The purposes of this Act are—

6 (1) to set forth a national policy relating to
7 oceans and atmosphere, and, through an organic act,
8 formally to establish the National Oceanic and At-
9 mospheric Administration as the lead Federal agen-
10 cy concerned with ocean and atmospheric matters;

11 (2) to establish in the National Oceanic and At-
12 mospheric Administration, by statute, the authori-
13 ties, functions, and powers relating to the conserva-
14 tion, management, and protection of the oceans and
15 atmosphere which have previously been established
16 by statute or reorganization plan;

17 (3) to set forth the duties and responsibilities of
18 the Administration, and the principal officers of the
19 Administration;

20 (4) to establish a mechanism for Federal lead-
21 ership and coordinated action on national ocean and
22 atmospheric priorities that are essential to the eco-
23 nomic and environmental security of the Nation; and

24 (5) to enhance Federal partnerships with the
25 State and local governments with respect to ocean

1 activities, include management of ocean resources
2 and identification of appropriate opportunities for
3 policy-making and decision making at the State and
4 local level.

5 **SEC. 103. POLICY.**

6 It is the policy of the United States to establish and
7 maintain for the benefit of the Nation a coordinated, com-
8 prehensive, and long-range national program of ocean and
9 atmospheric research, conservation, management, edu-
10 cation, monitoring, and assessment that will—

11 (1) recognize the linkage of ocean, land, and at-
12 mospheric systems, including the linkage of those
13 systems with respect to climate change;

14 (2) protect life and property against natural
15 and manmade hazards, including protection through
16 weather and marine forecasts and warnings;

17 (3) protect, maintain, and restore the long-term
18 health, productivity, and diversity of the ocean envi-
19 ronment, including its natural resources and to pre-
20 vent pollution of the ocean environment;

21 (4) ensure responsible and sustainable use of
22 fishery resources and other ocean and coastal re-
23 sources held in the public trust, using ecosystem-
24 based management and a precautionary and adapt-
25 ive approach;

1 (5) assure sustainable coastal development
2 based on responsible State and community manage-
3 ment and planning, and reflecting the economic and
4 environmental values of ocean resources;

5 (6) develop improved scientific information and
6 use of the best scientific information available to
7 make decisions concerning natural, social, and eco-
8 nomic processes affecting ocean and atmospheric en-
9 vironments;

10 (7) enhance sustainable ocean-related and
11 coastal-dependent commerce and transportation, bal-
12 ancing multiple uses of the ocean environment;

13 (8) provide for continued investment in and im-
14 provement of technologies for use in ocean and cli-
15 mate-related activities, including investments and
16 technologies designed to promote national economic,
17 environmental, and food security;

18 (9) expand human knowledge of marine and at-
19 mospheric environments and ecosystems, including
20 the role of the oceans in climate and global environ-
21 mental change, the interrelationships of ocean health
22 and human health, and the advancement of edu-
23 cation and training in fields related to ocean, coast-
24 al, and climate-related activities;

1 (10) facilitate a collaborative approach that en-
2 encourages the participation of a diverse group of
3 stakeholders and the public in ocean and atmos-
4 pheric science and policy, including persons from
5 under-represented groups;

6 (11) promote close cooperation among all gov-
7 ernment agencies and departments, academia, non-
8 governmental organizations, private sector and
9 stakeholders based on this policy to ensure coherent,
10 accountable, and effective planning, regulation, and
11 management of activities affecting oceans and at-
12 mosphere, including climate;

13 (12) promote governance and management of
14 the nation's ocean resources through a partnership
15 of the Federal Government with States, territories,
16 and Commonwealths that reflects their public trust
17 responsibilities and interest in ocean environmental,
18 cultural, historic, and economic resources; and

19 (13) preserve the role of the United States as
20 a global leader in ocean, atmospheric, and climate-
21 related activities, and the cooperation in the national
22 interest by the United States with other nations and
23 international organizations in ocean and climate-re-
24 lated activities.

1 **TITLE II—NATIONAL OCEANIC**
2 **AND ATMOSPHERIC ADMINIS-**
3 **TRATION**

4 **SEC. 201. ESTABLISHMENT.**

5 There is established an agency which shall be known
6 as the National Oceanic and Atmospheric Administration,
7 which shall be the civilian agency principally responsible
8 for providing oceanic, weather, and atmospheric services
9 and supporting research, conservation, management, and
10 education to the nation. The National Oceanic and Atmos-
11 pheric Administration established under this Act shall suc-
12 ceed the National Oceanic and Atmospheric Administra-
13 tion established on October 3, 1970, in Reorganization
14 Plan No. 4 of 1970 and shall continue the activities of
15 that agency as it was in existence on the day before the
16 effective date of this Act.

17 **SEC. 202. FUNCTIONS AND PURPOSES.**

18 (a) IN GENERAL.—NOAA shall be responsible for the
19 following functions, through which it shall carry out the
20 policy of this Act in a coordinated, integrated, and eco-
21 system-based manner for the benefit of the Nation:

22 (1) Management, conservation, protection, and
23 restoration of ocean resources, including living ma-
24 rine resources, habitats and ocean ecosystems.

1 the Executive Schedule under section 5314 of title
2 5, United States Code.

3 (3) QUALIFICATIONS.—The Administrator shall
4 have a broad background, professional knowledge,
5 and substantial experience in oceanic or atmospheric
6 affairs, including any field relating to marine or at-
7 mospheric science and technology, biological
8 sciences, engineering, as well as education, econom-
9 ics, governmental affairs, planning, law, or inter-
10 national affairs.

11 (4) AUTHORITY.—The Administrator shall
12 carry out all functions transferred to the Adminis-
13 trator by this Act and shall have authority and con-
14 trol over all personnel, programs, and activities of
15 NOAA.

16 (b) DEPUTY ADMINISTRATOR.—There shall be a
17 Deputy Administrator, who shall be appointed by the
18 President, by and with the advice and consent of the Sen-
19 ate, based on the individual's professional qualifications
20 and without regard to political affiliation. The Deputy Ad-
21 ministrator shall have a broad background, professional
22 knowledge, and substantial experience in oceanic or atmos-
23 pheric policy or programs, including science, technology,
24 and education. The Deputy Administrator shall serve as
25 an adviser to the Administrator on program and policy

1 issues, including crosscutting program areas such as re-
2 search, technology, and education and shall perform such
3 functions and exercise such powers as the Administrator
4 may prescribe. The Deputy Administrator shall act as Ad-
5 ministrator during the absence or disability of the Admin-
6 istrator in the event of a vacancy in the office of Adminis-
7 trator. The Deputy Administrator shall be the Administra-
8 tor's first assistant for purposes of subchapter III of chap-
9 ter 33 of title 5, United States Code, and shall be com-
10 pensated at the rate provided for level IV of the Executive
11 Schedule under section 5315 of title 5, United States
12 Code.

13 (c) ASSOCIATE ADMINISTRATOR FOR OCEAN MAN-
14 AGEMENT AND OPERATIONS.—There shall be in NOAA an
15 Associate Administrator for Ocean Management and Op-
16 erations, who shall be appointed by the President, by and
17 with the advice and consent of the Senate. The Associate
18 Administrator for Ocean Management and Operations
19 shall have a broad background, professional knowledge,
20 and substantial experience in oceanic or atmospheric pol-
21 icy or programs, and shall perform such duties and exer-
22 cise such powers as the Administrator shall from time to
23 time designate. The Associate Administrator shall be com-
24 pensated at the rate provided for level V of the Executive

1 Schedule under section 5315 of title 5, United States
2 Code.

3 (d) ASSOCIATE ADMINISTRATOR FOR CLIMATE AND
4 ATMOSPHERE.— There shall be in NOAA an Associate
5 Administrator for Climate and Atmosphere, who shall be
6 appointed by the President, by and with the advice and
7 consent of the Senate. The Associate Administrator for
8 Climate and Atmosphere shall have a broad background,
9 professional knowledge, and substantial experience in oce-
10 anic or atmospheric policy or programs, and shall perform
11 such duties and exercise such powers as the Administrator
12 shall from time to time designate. The Associate Adminis-
13 trator shall be compensated at the rate provided for level
14 V of the Executive Schedule under section 5315 of title
15 5, United States Code.

16 (e) CHIEF OPERATING OFFICER.—There shall be a
17 Chief Operating Officer of NOAA, who shall assume the
18 responsibilities held by the Deputy Undersecretary of
19 Commerce prior to enactment of this Act. The Chief Oper-
20 ating Officer shall be responsible for ensuring the timely
21 and effective implementation of NOAA's purposes and au-
22 thorities and shall provide resource, budget, and manage-
23 ment support to the Office of the Administrator. The
24 Chief Operating Officer shall be responsible for all aspects
25 of NOAA operations and management, including budget,

1 financial operations, information services, facilities,
2 human resources, procurements, and associated services.
3 The Chief Operating Officer shall be a Senior Executive
4 Service position authorized under section 3133 of title 5,
5 United States Code.

6 (f) ASSISTANT ADMINISTRATORS.—There shall be in
7 NOAA at least 3, but no more than 4, Assistant Adminis-
8 trators. The Assistant Administrators shall perform such
9 programmatic and policy functions as the Administrator
10 shall from time to time assign or delegate, and shall have
11 background, professional knowledge, and substantial expe-
12 rience in 1 or more of the following aspects of ocean and
13 atmospheric affairs:

14 (1) Resource management, protection, and res-
15 toration.

16 (2) Operations, forecasting, and services (in-
17 cluding weather and climate).

18 (3) Science, technology, and education.

19 (g) GENERAL COUNSEL.—There shall be in NOAA
20 a General Counsel appointed by the President upon rec-
21 ommendation by the Administrator. The General Counsel
22 shall serve as the chief legal officer for all legal matters
23 which may arise in connection with the conduct of the
24 functions of NOAA.

25 (h) COMMISSIONED OFFICERS.—

1 (1) The Administrator shall designate an officer
2 or officers to be responsible for oversight of NOAA's
3 vessel and aircraft fleets and for the administration
4 of NOAA's commissioned officer corps under section
5 228 of the National Oceanic and Atmospheric Ad-
6 ministration Commissioned Officer Corps Act of
7 2002 (33 U.S.C. 3028).

8 (2) The Commissioned Officer Corps of the Na-
9 tional Oceanic and Atmospheric Administration es-
10 tablished by Reorganization Plan No. 4 of October
11 3, 1970, is the Commissioned Officer Corps of
12 NOAA established under this Act.

13 (3) All statutes that applied to officers of the
14 Commissioned Officers Corps of NOAA on the day
15 before the date of enactment of this Act apply to of-
16 ficers of the Corps on and after such date.

17 (4) There are authorized to be on the lineal list
18 of the Commissioned Officers Corps of NOAA at
19 least 350 officers, plus any additional officers nec-
20 essary to support NOAA's missions and the oper-
21 ation and maintenance of NOAA's ships and air-
22 craft.

23 (5) The President may appoint in NOAA, by
24 and with the advice and consent of the Senate, 2
25 commissioned officers to serve at any one time as

1 the designated heads of 2 principal constituent orga-
2 nizational entities of NOAA, or the President may
3 designate 1 such officer as the head of such an orga-
4 nizational entity and the other as the head of the
5 commissioned corps of NOAA. Any such designation
6 shall create a vacancy on the active list and the offi-
7 cer while serving under this subsection shall have
8 the rank, pay, and allowances of a rear admiral
9 (upper half).

10 (6) Any commissioned officer of NOAA who has
11 served under paragraph (5) and is retired while so
12 serving or is retired after the completion of such
13 service while serving in a lower rank or grade, shall
14 be retired with the rank, pay, and allowances au-
15 thorized by law for the highest grade and rank held
16 by him, but any such officer, upon termination of his
17 appointment in a rank above that of captain, shall,
18 unless appointed or assigned to some other position
19 for which a higher rank or grade is provided, revert
20 to the grade and number he would have occupied
21 had he not served in a rank above that of captain
22 and such officer shall be an extra number in that
23 grade.

24 (i) NAVAL DEPUTY.—The Secretary of the Navy may
25 detail a Naval Deputy to the Administrator. This position

1 shall be filled on an additional duty basis by the Oceanog-
2 rapher of the Navy. The Naval Deputy shall—

3 (1) act as a liaison between the Administrator
4 and the Secretary of the Navy in order to avoid du-
5 plication between Federal oceanographic and atmos-
6 pheric activities; and

7 (2) ensure coordination and joint planning by
8 NOAA and the Navy on research, meteorological,
9 oceanographic, and geospatial information services
10 and programs of mutual organizational interest.

11 **SEC. 204. RESPONSIBILITIES OF THE ADMINISTRATOR.**

12 In addition to administering and carrying out all ac-
13 tivities, programs, functions and duties, and exercising
14 those powers, that are assigned, delegated, or transferred
15 to the Administrator by this Act, any other statute, or
16 the President, the responsibilities of the Administrator in-
17 clude—

18 (1) management, conservation, protection, and
19 restoration of ocean resources, including—

20 (A) living marine resources (including fish-
21 eries, vulnerable species and habitats, and ma-
22 rine biodiversity);

23 (B) ocean areas (including marine sanc-
24 tuaries, estuarine reserves, and other managed
25 areas);

1 (C) marine aquaculture;

2 (D) protection of ocean environments from
3 threats to human and ecosystem health, includ-
4 ing pollution and invasive species;

5 (E) sustainable management, beneficial
6 use, protection, and development of coastal re-
7 gions; and

8 (F) mitigation of impacts of natural and
9 man-made hazards including climate change;

10 (2) partnering with and supporting State and
11 local communities in undertaking management, con-
12 servation, protection, and restoration of ocean re-
13 sources described in subsection (1);

14 (3) observation, analysis, processing, and com-
15 munication of comprehensive data and information
16 concerning the State of—

17 (A) the upper and lower atmosphere;

18 (B) the oceans and resources thereof; and

19 (C) the earth and near space environment;

20 (4) collection, storage, analysis, and provision of
21 reliable scientific information relating to weather (in-
22 cluding space weather), climate, air quality, water,
23 navigation, marine resources, and ecosystems that
24 can be used as a basis for sound management, pol-
25 icy, and public safety decisions;

1 (5) broadly based data, observing, monitoring,
2 and information activities, programs and systems re-
3 lating to oceanic and atmospheric monitoring and
4 prediction, weather forecasting, and storm warning,
5 including satellite-based and in-situ data collection
6 and associated services;

7 (6) weather forecasting, storm warnings, and
8 other responsibilities of the Secretary of Commerce
9 and the National Weather Service under Reorganiza-
10 tion Plan No. 2 of 1965, Reorganization Plan No.
11 4 of 1970, sections 3 and 4 of the Act of October
12 1, 1890 (15 U.S.C. 312 and 313) and the Weather
13 Service Modernization Act (15 U.S.C. 313 note),
14 and all other statutes, rules, plans, and orders in
15 pari materia;

16 (7) providing navigation and assessment oper-
17 ations and services, including maps and charts for
18 the safety of marine and air navigation, maintaining
19 a network of geographic reference coordinates for
20 geodetic control, and observing, charting, mapping,
21 and measuring the marine environment and ocean
22 resources;

23 (8) developing and improving geodetic and map-
24 ping methods and studies of geophysical phenomena

1 such as crustal movement, earth tides, and ocean
2 circulation, including estuarine areas;

3 (9) collecting, disseminating, and maintaining
4 on a continuing basis information relating to the
5 status, trends, health, use, and protection of the
6 oceans and the atmosphere, to all interested parties,
7 including through an integrated ocean observing sys-
8 tem and national and regional ecosystem-based in-
9 formation management systems;

10 (10) administering, operating, and maintaining
11 satellite and in-situ systems that can monitor global
12 and regional atmospheric weather conditions, climate
13 and related oceanic, solar, hydrological, and other
14 environmental conditions, collect information re-
15 quired for research on weather, climate, and related
16 environmental matters, and monitor the extent of
17 human-induced changes in the lower and upper at-
18 mosphere and the related environment;

19 (11) collecting, analyzing, and disseminating
20 environmental information, in support of environ-
21 mental research and development, including data in
22 the fields of climatology, atmospheric sciences,
23 oceanography, biology, geology, geophysics, solar-ter-
24 restrial relationships, and the relationship among
25 oceans, climate, and human health;

1 (12) undertaking a comprehensive, integrated,
2 and ecosystem-based program of ocean, climate, and
3 atmospheric research related to, and supportive of
4 the missions of NOAA and which uses research
5 products, new findings, and methodologies to develop
6 the most current scientific advice for ecosystem-
7 based management;

8 (13) conducting environmental research and de-
9 velopment activities that are necessary to advance
10 the Nation's ocean, atmospheric, engineering and
11 technology expertise, including the development and
12 operation of observing platforms such as ships, air-
13 craft, satellites, data buoys, manned or unmanned
14 research submersibles, underwater laboratories or
15 platforms, and improved instruments and calibration
16 methods, and the advancement of undersea diving
17 techniques;

18 (14) conducting a continuing program of ocean
19 exploration, discovery and conservation of significant
20 undersea resources, including cultural resources, to
21 benefit, inform, and inspire the American people, in-
22 cluding communication of such knowledge to policy-
23 makers and the public;

24 (15) developing and implementing, in coopera-
25 tion with other agencies and entities as appropriate,

1 national ocean and atmospheric education, technical
2 assistance, extension services, and outreach pro-
3 grams designed to increase literacy concerning ocean
4 and atmospheric issues, develop a diverse work force,
5 and enhance stewardship of ocean and atmospheric
6 resources and environments;

7 (16) ensuring the execution and implementation
8 of national ocean, atmospheric, and environmental
9 policy goals through a variety of ocean and atmos-
10 pheric programs;

11 (17) undertaking activities involving the inte-
12 gration of domestic and international policy relating
13 to the oceans and the atmosphere, including the pro-
14 vision of technical advice to the President on inter-
15 national negotiations involving ocean resources,
16 ocean technologies, and climate matters;

17 (18) providing for, encouraging, and assisting
18 public participation in the development and imple-
19 mentation of ocean and atmospheric policies and
20 programs;

21 (19) conducting, supporting, and coordinating
22 efforts to enhance public awareness of the National
23 Oceanic and Atmospheric Administration, its pur-
24 poses, programs, activities and the results thereof,

1 including education and outreach to the public,
2 teachers, students, and ocean resource managers;

3 (20) partnering with other government agen-
4 cies, States, academia, and the private sector, via co-
5 operative agreements or other formal or informal ar-
6 rangements, to improve the acquisition of data and
7 information and the implementation of management,
8 monitoring, research, exploration, education, and
9 other programs;

10 (21) partnering with other Federal agencies
11 and with States and communities to address the
12 issues of land-based activities and their impact on
13 the ocean environment; and

14 (22) coordination with other Federal agencies
15 having related responsibilities.

16 **SEC. 205. POWERS OF THE ADMINISTRATOR.**

17 (a) DELEGATION.—Unless otherwise prohibited by
18 law or reserved by the Secretary of Commerce, the respon-
19 sibilities of the Administrator may be delegated by the Ad-
20 ministrator to other officials in NOAA, and may be redele-
21 gated as authorized by the Administrator.

22 (b) REGULATIONS.—The Administrator is authorized
23 to issue, amend, and rescind such rules and regulations
24 as are necessary or appropriate to carry out the respon-
25 sibilities and functions of the Administrator. The promul-

1 gation of such rules and regulations shall be governed by
2 the provisions of chapter 5 of title 5, United States Code.

3 (c) CONTRACTS.—The Administrator is authorized,
4 without regard to section 3324(a) and (b) of title 31,
5 United States Code, to enter into and perform such con-
6 tracts, leases, grants, cooperative agreements, or other
7 transactions (without regard to chapter 63 of title 31,
8 United States Code), as may be necessary to carry out
9 NOAA’s purposes and authorities, on terms the Adminis-
10 trator deems appropriate, with Federal agencies, instru-
11 mentalities, and laboratories, State and local governments,
12 including territories or possessions, Native American tribes
13 and organizations, international organizations, foreign
14 governments, educational institutions, nonprofit organiza-
15 tions, commercial organizations, and other public and pri-
16 vate persons or entities.

17 (d) GIFTS AND DONATIONS.—

18 (1) IN GENERAL.—Notwithstanding section
19 1342 of title 31, United States Code, and subject to
20 such conditions and covenants the Administrator
21 deems appropriate, the Administrator is authorized
22 to accept, hold, administer, and utilize—

23 (A) gifts, bequests or donations of services,
24 money or property, real or personal (including

1 patents and rights thereunder), mixed, tangible
2 or intangible, or any interest therein;

3 (B) contributions of funds; and

4 (C) funds from Federal agencies, instru-
5 mentalities, and laboratories, State and local
6 governments, Native American tribes and orga-
7 nizations, international organizations, foreign
8 governments, educational institutions, nonprofit
9 organizations, commercial organizations, and
10 other public and private persons or entities.

11 (2) USE, OBLIGATION, AND EXPENDITURE.—

12 The Administrator may use property and services
13 accepted by NOAA under paragraph (1) to carry out
14 the mission and purposes of NOAA. Amounts ac-
15 cepted by NOAA under paragraph (1) shall be avail-
16 able for obligation by NOAA, and be available for
17 expenditure by NOAA to carry out mission and pur-
18 poses of NOAA.

19 (e) FACILITIES AND PERSONNEL.—The Adminis-
20 trator may use, with their consent, and with or without
21 reimbursement, the services, equipment, personnel, and
22 facilities of Federal agencies, instrumentalities and labora-
23 tories, State and local governments, Native American
24 tribes and organizations, international organizations, for-
25 eign governments, educational institutions, nonprofit orga-

1 nizations, commercial organizations, and other public and
2 private persons or entities.

3 (f) INFORMATION.—The Administrator shall provide
4 for the most practicable and widest appropriate dissemina-
5 tion of information concerning NOAA, its purposes, pro-
6 grams, activities and the results thereof, including author-
7 ity to conduct education, technical assistance and outreach
8 to the public, teachers, students, and ocean and coastal
9 resource managers.

10 (g) ACQUISITION AND CONSTRUCTION.—The Admin-
11 istrator may—

12 (1) acquire (by purchase, lease, condemnation,
13 or otherwise), lease, sell, or convey, services, money
14 or property, real or personal (including patents and
15 rights thereunder), mixed, tangible or intangible, or
16 any interest therein; and

17 (2) construct, improve, repair, operate, main-
18 tain or dispose of real or personal property, includ-
19 ing buildings, facilities, and land.

20 **SEC. 206. ENFORCEMENT.**

21 (a) AUTHORITY.—The Administrator shall have the
22 authority to enforce the applicable provisions of any Act,
23 the enforcement of which is, in whole or in part, assigned,
24 delegated, or transferred to the Administrator, and any
25 term of a license, permit, regulation, or order issued pur-

1 suant thereto. The Administrator may designate any per-
2 son, officer, or agency to exercise his authority under this
3 title.

4 (b) USE OF STATE PERSONNEL.—

5 (1) IN GENERAL.—The Administrator may—

6 (A) utilize by agreement, with or without
7 reimbursement, the personnel, services, and fa-
8 cilities of any State agency to the extent the
9 Administrator deems it necessary and appro-
10 priate for effective enforcement of any law for
11 which the Administrator has enforcement au-
12 thority; and

13 (B) designate such personnel to exercise
14 the enforcement authority of the Administrator
15 under subsection (a).

16 (2) STATUS AND POWERS.—Any personnel des-
17 igned by the Administrator under paragraph
18 (1)(B)—

19 (A) shall not be deemed to be Federal em-
20 ployees (except as provided in subparagraph
21 (D)) and shall not be subject to the provisions
22 of law relating to Federal employment, includ-
23 ing those relating to hours of work, competitive
24 examination, rates of compensation, and Fed-
25 eral employee benefits, but may be considered

1 to be eligible for compensation for work-related
2 injuries under subchapter III of chapter 81 of
3 title 5, United States Code, sustained while act-
4 ing pursuant to such designation;

5 (B) shall be considered to be investigative
6 or law enforcement officers of the United States
7 for purposes of the tort claim provisions of title
8 28, United States Code;

9 (C) may, to the extent specified by the Ad-
10 ministrator, search, seize, arrest, and exercise
11 any other law enforcement functions or authori-
12 ties described in this title where such authori-
13 ties are made applicable by this or other law to
14 employees, officers, or other persons designated
15 or employed by the Administrator; and

16 (D) shall be considered to be officers or
17 employees of the Department of Commerce for
18 purposes of sections 111 and 1114 of title 18,
19 United States Code.

20 (c) COOPERATIVE ENFORCEMENT AGREEMENTS.—

21 The Administrator may enter into cooperative agreements
22 with State authorities to ensure coordinated enforcement
23 of State and Federal laws and by such agreements assume
24 enforcement authority under State law when the Adminis-
25 trator and State authorities deem it to be appropriate.

1 When so authorized, the Administrator or the Administra-
2 tor's designee may function as a State law enforcement
3 officer within the scope of the delegation, except that Fed-
4 eral law shall control the resolution of any conflict con-
5 cerning the employee status of any Federal officer while
6 enforcing State law.

7 **SEC. 207. REGIONAL CAPABILITIES.**

8 The Administrator of The National Oceanic and At-
9 mospheric Administration shall—

10 (1) organize agency activities and programs
11 around common eco-regional boundaries identified
12 through a process established by the Council on
13 Ocean Stewardship, based upon recommendations of
14 the Report of the U.S. Commission on Ocean Policy,
15 so as to—

16 (A) enhance inter- and intra-agency co-
17 operation;

18 (B) maximize Federal capabilities in such
19 region;

20 (C) develop coordinated, ecosystem-based
21 management and research programs;

22 (D) develop research partnerships with
23 States and academia;

1 (E) substantially improve the ability of the
2 public to contact and work with all relevant fed-
3 eral agencies; and

4 (F) maximize opportunities to work in
5 partnership with States in order to facilitate
6 eco-regional management and enhance State
7 and local capacity to manage issues on an eco-
8 regional basis.

9 (2) work with other Federal agencies, including
10 the Environmental Protection Agency, the U.S. Fish
11 and Wildlife Service, U.S. Army Corps of Engineers,
12 and State agencies to—

13 (A) encourage similar eco-regional organi-
14 zation and, if appropriate, co-location of related
15 programs and facilities to achieve goals of para-
16 graph (1); and

17 (B) in planning and implementing eco-re-
18 gional activities to encourage early cooperation,
19 coordination, and integration across the Federal
20 agencies and with relevant State programs, and
21 to assure applicable Federal and State ocean
22 policies.

23 (3) NOAA shall in consultation with the States,
24 develop regional information programs as rec-

1 recommended by the U.S. Commission on Ocean Policy,
2 including—

3 (A) coordinated research strategies;

4 (B) integrated ocean and atmospheric
5 monitoring and observation activities; and

6 (C) establishment of service centers and
7 coordinators to support development of innova-
8 tive tools, technologies, training, and technical
9 assistance to facilitate the implementation of
10 ecosystem-based management.

11 **SEC. 208. INTERGOVERNMENTAL COORDINATION.**

12 (a) AVOIDANCE OF DUPLICATIVE REQUIREMENTS.—

13 In administering the provisions of this Act, the Adminis-
14 trator shall consult and coordinate with the head of any
15 Federal department or agency having authority to issue
16 any license, lease, or permit to engage in an activity rela-
17 tion to the functions of the Administrator for purposes
18 of assuring that inconsistent or duplicative requirements
19 are not imposed upon any applicant for or holder of any
20 such license, lease, or permit.

21 (b) AVOIDANCE OF INCONSISTENT AND CONFLICTING
22 ACTIVITIES AND POLICIES.—To identify and resolve in-
23 consistent or conflicting Federal oceanic and atmospheric
24 activities and policies, the Administrator shall—

1 (1) consult and coordinate with the head of any
2 Federal department or agency on the activities and
3 policies of that department or agency related to the
4 functions of the Administrator;

5 (2) request of the head of any Federal depart-
6 ment or agency clarification and justification of
7 those activities and policies that the Administrator
8 determines are inconsistent or conflicting with his
9 functions; and

10 (3) issue, as the Administrator deems appro-
11 priate, reports to the President, the Council on
12 Ocean Stewardship, the head of any Federal depart-
13 ment or agency, and to Congress concerning incon-
14 sistent or conflicting activities and policies of any
15 Federal department or agency relating to ocean and
16 atmospheric activities, including recommendations
17 on how to reconcile inconsistent and conflicting Fed-
18 eral oceanic and atmospheric activities and policies
19 throughout the Federal government.

20 (c) CONSULTATION WITH ADMINISTRATOR.—The
21 head of any Federal department or agency and all other
22 Federal officials having responsibilities related to the func-
23 tions of the Administrator shall consult with the Adminis-
24 trator when the subject matter of action or activities de-

1 scribed in this Act are directly involved, to assure that
2 all such activities are well coordinated.

3 (d) COORDINATION WITH STATES.— The Adminis-
4 trator shall ensure that NOAA programs work with the
5 States (including territories and possessions) to encourage
6 early cooperation, coordination, and integration of State
7 and Federal ocean and atmospheric programs, including
8 planning and implementing eco-regional activities.

9 (e) OFFICE OF INTERGOVERNMENTAL AFFAIRS.—
10 The Administrator shall establish an office of intergovern-
11 mental affairs to assist in implementing this section and
12 to facilitate planning of joint programs between NOAA
13 line offices and other Federal agencies, including the De-
14 partment of Defense.

15 **SEC. 209. INTERNATIONAL CONSULTATION AND COOPERA-**
16 **TION.**

17 (a) COOPERATION WITH SECRETARY OF STATE.—
18 The Administrator shall cooperate to the fullest prac-
19 ticable extent with the Secretary of State in providing rep-
20 resentation at all meetings and conferences relating to ac-
21 tions or activities described in this Act in which represent-
22 atives of the United States and foreign countries partici-
23 pate.

24 (b) CONSULTATION WITH ADMINISTRATOR.—The
25 Secretary of State and all other officials having respon-

1 sibilities for agreements, treaties, or understanding with
2 foreign nations and international bodies shall consult with
3 the Administrator when the subject matter or activities
4 described in this Act are involved, with a view to assuring
5 that such interests are adequately represented.

6 **SEC. 210. REPORT ON OCEANIC AND ATMOSPHERIC CONDI-**
7 **TIONS AND TRENDS.**

8 Beginning not later than 12 months after the date
9 of enactment of this Act, the Administrator shall, in con-
10 sultation with relevant Federal and State agencies, submit
11 to the Congress a biennial report on:

12 (1) the status and condition of the Nation's
13 ocean and atmospheric environments (including with
14 respect to climate change);

15 (2) current and foreseeable trends in the qual-
16 ity, management and utilization of such environ-
17 ments; and

18 (3) the effects of those trends on the social,
19 economic, ecological, and other requirements of the
20 Nation.

21 **SEC. 211. CONFORMING AMENDMENTS AND REPEALS.**

22 (a) REORGANIZATION PLAN NO. 4.—Reorganization
23 Plan No. 4 of 1970 (5 U.S.C. App.) is repealed.

24 (b) REFERENCES TO NOAA.—Any reference to the
25 National Oceanic and Atmospheric Administration, the

1 Under Secretary of Commerce for Oceans and Atmosphere
2 (either by that title or by the title of the Administrator
3 of NOAA), or any other official of the National Oceanic
4 and Atmospheric Administration, in any law, rule, regula-
5 tion, certificate, directive, instruction, or other official
6 paper in force on the effective date of this Act shall be
7 deemed to refer and apply to the National Oceanic and
8 Atmospheric Administration established in this Act, or the
9 position of Administrator established in this Act, respec-
10 tively.

11 (c) REFERENCES TO NOAA AS WITHIN THE DE-
12 PARTMENT OF COMMERCE.—

13 (1) Section 407 of Public Law 99–659 (15
14 U.S.C. 1503b) is repealed.

15 (2) Section 12 of the Act of February 14, 1903
16 (15 U.S.C. 1511) is amended by striking paragraph
17 (1) and redesignating paragraphs (2) through (6) as
18 paragraphs (1) through (5), respectively.

19 (d) CONFORMING AMENDMENT TO TITLE 5.—Sec-
20 tion 5315 of title 5, United States Code, is amended by
21 striking “Assistant Secretaries of Commerce (11).” and
22 inserting “Assistant Secretaries of Commerce (10).”.

23 **SEC. 212. SAVINGS PROVISION.**

24 All rules and regulations, determinations, standards,
25 contracts, certifications, authorizations, appointments,

1 delegations, results and findings of investigations, or other
2 actions duly issued, made, or taken by or pursuant to or
3 under the authority of any statute which resulted in the
4 assignment of functions or activities to the Secretary, the
5 Department of Commerce, the Under Secretary, the Ad-
6 ministrator or any other officer of NOAA, in effect imme-
7 diately before the date of enactment of this Act shall con-
8 tinue in full force and effect after the date of enactment
9 of this Act until modified or rescinded.

10 **SEC. 213. TRANSITION.**

11 (a) **EFFECTIVE DATE.**—The provisions of title II of
12 this Act shall become effective 2 years from the date of
13 enactment of this Act.

14 (b) **REORGANIZATION.**—The Administrator of
15 NOAA, in consultation with the Assistant Administrator
16 for Program Planning and Integration, shall no later than
17 18 months after the date of enactment of this Act, submit
18 a plan and budget proposal to Congress setting forth a
19 proposal for program and agency reorganization that
20 will—

21 (1) meet the requirements of title II;

22 (2) reflect the recommendations of the U.S.
23 Commission on Ocean Policy, particularly with re-
24 spect to ecosystem-based science and management
25 and additional budgetary requirements; and

1 (3) provide integrated oceanic and atmospheric
2 programs and services for the benefit of the Nation.

3 **TITLE III—FEDERAL**
4 **COORDINATION AND ADVICE**

5 **SEC. 301. COUNCIL ON OCEAN STEWARDSHIP.**

6 There is established in the Executive Office of the
7 President a Council on Ocean Stewardship.

8 **SEC. 302. MEMBERSHIP.**

9 (a) MEMBERSHIP.—The Council shall be composed of
10 at least 3 but no more than 5 members who shall be ap-
11 pointed by the President to serve at the pleasure of the
12 President, by and with the advice and consent of the Sen-
13 ate.

14 (b) CHAIRMAN.—The President shall designate 1 of
15 the members of the Council to serve as Chairman.

16 (c) QUALIFICATIONS.—Each member shall be a per-
17 son who, as a result of training, experience, and attach-
18 ments, is exceptionally well qualified—

19 (1) to analyze and interpret ocean and atmos-
20 pheric trends and information of all kinds;

21 (2) to appraise programs and activities of the
22 Federal Government in the light of the policy set
23 forth in title I;

24 (3) to be conscious of and responsive to the sci-
25 entific, environmental, ecosystem, economic, social,

1 aesthetic and cultural needs and interests of the Na-
2 tion; and

3 (4) to formulate and recommend national poli-
4 cies to promote the improvement and the quality of
5 the ocean and atmospheric environments, including
6 as those environments relate to practices on land.

7 **SEC. 303. FUNCTIONS OF COUNCIL.**

8 (a) COORDINATION AND ADVICE.—The Council—

9 (1) shall coordinate ocean and atmospheric ac-
10 tivities among Federal agencies and departments,
11 particularly focusing on the policy set forth in title
12 I of this Act and national priorities identified in sec-
13 tion 304, while minimizing duplication, including en-
14 suring other ocean-related agencies work together at
15 the operation, program, and research levels in co-
16 operation with NOAA;

17 (2) shall provide a forum for improving Federal
18 interagency planning, budget and program coordina-
19 tion, administration, outreach, and cooperation on
20 such programs and activities;

21 (3) shall ensure that all Federal agencies en-
22 gaged in ocean and atmospheric activities adopt and
23 implement the principle of ecosystem-based manage-
24 ment and take necessary steps to improve regional

1 coordination and delivery of services around common
2 eco-regional boundaries;

3 (4) shall review and evaluate the various pro-
4 grams and activities of the Federal Government in
5 light of the policy set forth in title I of this Act and
6 national priorities identified in section 304 for the
7 purpose of determining the extent to which such pro-
8 grams and activities are effective and contributing to
9 the achievement of such policy and the overall health
10 of ocean and atmospheric environment, including
11 marine ecosystems;

12 (5) shall conduct an annual review and analysis
13 of funding proposed for ocean and atmospheric re-
14 search and management in all Federal agency budg-
15 ets, and provide budget recommendations to the
16 President, the agencies, and the Office of Manage-
17 ment and Budget that will achieve the policies set
18 forth in title I and address the national priorities
19 identified in section 304, improve coordination, co-
20 operation, and effectiveness of such activities, elimi-
21 nate unnecessary overlap, and identify areas of high-
22 est priority for funding and support;

23 (6) shall identify progress made by Federal
24 ocean and atmospheric programs toward achieving
25 the goals of—

1 (A) providing more effective protection and
2 restoration of marine ecosystems;

3 (B) improving predictions of climate
4 change and variability (weather), including their
5 effects on coastal communities and the nation;

6 (C) improving the safety and efficiency of
7 marine operations;

8 (D) more effectively mitigating the effects
9 of natural hazards;

10 (E) reducing public health risks from
11 ocean and atmospheric sources;

12 (F) ensuring sustainable use of resources;
13 and

14 (G) improving national and homeland secu-
15 rity;

16 (7) shall promote efforts to increase and en-
17 hance partnerships with coastal and Great Lakes
18 States and other non-federal entities to support en-
19 hanced regional research, resource and hazards man-
20 agement, education and outreach, and marine eco-
21 system protection, maintenance, and restoration;

22 (8) shall identify statutory and regulatory
23 redundancies or omissions and develop strategies to
24 resolve conflicts, fill gaps, and address new and

1 emerging ocean and atmospheric issues for national
2 and regional benefit;

3 (9) shall emphasize the development and sup-
4 port of partnerships among government agencies
5 and nongovernmental organizations, academia, and
6 the private sector including regional partnerships;

7 (10) shall expand research, education, and out-
8 reach efforts by all Federal agencies undertaking
9 ocean and atmospheric activities; and

10 (11) may establish a Federal Coordinating
11 Committee on Oceans, chaired by the Council chair-
12 man, to carry out the coordination of ocean and at-
13 mospheric programs and priorities required under
14 this Act.

15 (b) CONSULTATION.—In exercising its powers, func-
16 tions, and duties under this Act, the Council shall—

17 (1) consult with the Administrator and with the
18 Presidential Panel of Advisers on Oceans and Cli-
19 mate established under this Act to ensure input from
20 potentially affected States, territories, and Common-
21 wealths, the public and other stakeholders;

22 (2) work in close consultation and cooperation
23 with the Council on Environmental Quality, the Of-
24 fice of Science and Technology Policy, the Council of

1 Economic Advisers, and other offices within the Ex-
2 ecutive Office of the President;

3 (3) utilize the expertise and coordinating capa-
4 bilities of the National Ocean Science Committee
5 (and any ocean-related committees formed under the
6 Council) with respect to ocean and atmospheric
7 science, technology, and education matters, including
8 development of a national research strategy; and

9 (4) utilize, to the fullest extent possible, the
10 services, facilities, and information (including statis-
11 tical information) of public and private agencies and
12 organization, and individuals, in order that duplica-
13 tion of effort and expense may be avoided, thus as-
14 suring that the Council's activities will not unneces-
15 sarily overlap or conflict with similar activities au-
16 thorized by law and performed by NOAA and other
17 established agencies.

18 (c) REVIEWS AND REPORTS.—The Council shall—

19 (1) prepare the biennial report required by sec-
20 tion 306 of this title; and

21 (2) make and furnish such studies, reports
22 thereon, and recommendations with respect to mat-
23 ters of policy and legislation as the President may
24 request.

1 **SEC. 304. NATIONAL PRIORITIES FOR COORDINATION.**

2 The Council, in coordination with the National Ocean
3 Science Committee, shall ensure that the Federal agencies
4 conducting ocean and atmospheric activities give the fol-
5 lowing areas priority attention and develop coordinated
6 Federal budgets, programs, and operations that will mini-
7 mize duplication and foster improved services and other
8 benefits to the Nation:

9 (1) Prevention, management and control of
10 nonpoint source pollution including regional or wa-
11 tershed strategies.

12 (2) An integrated ocean and coastal observing
13 system and an associated earth observing system.

14 (3) Ecosystem-based management, protection,
15 and restoration of ocean and atmospheric resources
16 and environments, including management-oriented
17 research, technical assistance and organization of
18 programs and activities along common eco-regional
19 boundaries.

20 (4) Ocean education and outreach.

21 (5) Regionally-based coastal land protection,
22 conservation, maintenance, and restoration.

23 (6) Enhanced research and technology develop-
24 ment on crosscutting areas, including—

25 (A) oceans and human health;

26 (B) social science and economics;

1 (C) atmospheric monitoring and climate
2 change;

3 (D) marine ecosystems, marine biodiver-
4 sity, and ocean exploration;

5 (E) marine and atmospheric hazards, in-
6 cluding sea level rise and geological events; and

7 (F) marine aquaculture.

8 (7) Characterization and mapping of the coastal
9 zone, coastal State waters, the territorial sea, the
10 Exclusive Economic Zone and outer continental
11 shelf, including ocean resources.

12 **SEC. 305. EMPLOYEES.**

13 (a) ASSISTANCE FROM FEDERAL AGENCIES.—

14 (1) IN GENERAL.—For the purpose of carrying
15 out the functions of the Council, each Federal agen-
16 cy or department that conducts oceanic or atmos-
17 pheric activities shall furnish any assistance re-
18 quested by the Council.

19 (2) FORMS OF ASSISTANCE.—Assistance fur-
20 nished by Federal agencies and departments under
21 paragraph (1) may include—

22 (A) detailing employees to the Council to
23 perform such functions, consistent with the pur-
24 poses of this section, as the Chairman of the
25 Council may assign to them; and

1 (B) undertaking, upon request of the
2 Chairman of the Council, such special studies
3 for the Council as are necessary to carry out its
4 functions.

5 (3) PERSONNEL MANAGEMENT.—The Chairman
6 of the Council shall have the authority to make per-
7 sonnel decisions regarding any employees detailed to
8 the Council.

9 (b) EMPLOYMENT OF PERSONNEL, EXPERTS, AND
10 CONSULTANTS.—The Council may—

11 (1) employ such officers and employees as may
12 be necessary to carry out its functions under this
13 title;

14 (2) employ and fix the compensation of such ex-
15 perts and consultants as may be necessary for the
16 carrying out of its functions under this chapter, in
17 accordance with section 3109 of title 5, United
18 States Code, (without regard to the last sentence
19 thereof); and

20 (3) accept and employ voluntary and uncompen-
21 sated services in furtherance of the purposes of the
22 Council notwithstanding section 1342 of title 31,
23 United States Code.

1 **SEC. 306. BIENNIAL REPORT TO CONGRESS.**

2 (a) IN GENERAL.—Beginning not later than 18
3 months after the date of enactment of this Act, the Presi-
4 dent, through the Council, shall submit to the Congress
5 a biennial report on Federal ocean and atmospheric pro-
6 grams, priorities, and accomplishments which shall in-
7 clude—

8 (1) a comprehensive description of the ocean
9 and atmospheric programs and accomplishments of
10 all agencies and departments of the United States;

11 (2) an evaluation of such programs and accom-
12 plishments in terms of the national ocean policy set
13 forth in this Act and the national priorities identi-
14 fied in section 304, specifying progress made with
15 respect to the goals set forth in section 303(c)(3);

16 (3) a report on progress in improving Federal
17 and State coordination on ocean and atmospheric ac-
18 tivities, including coordination efforts required in
19 this Act;

20 (4) an analysis of the Federal budget allocated
21 to such programs including estimates of the funding
22 requirements of each such agency or department for
23 such programs during the succeeding 5-to-10 fiscal
24 years;

25 (5) recommendations for remedying deficiencies,
26 and for improving organization, effectiveness, and

1 outreach of Federal ocean and atmospheric pro-
2 grams and services, on a regional and national basis,
3 including support for State and local efforts that le-
4 verage public, nongovernmental, and private sector
5 involvement; and

6 (6) recommendations for legislative or other ac-
7 tion.

8 (b) **PRESIDENTIAL TRANSMITTAL.**—The President
9 shall transmit the biennial report pursuant to this section
10 to the Speaker of the House of Representatives and the
11 President of the Senate not later than December 31 of
12 the year in which it is due.

13 (c) **AGENCY COOPERATION.**—Each Federal agency
14 and department shall cooperate by providing such data
15 and information without cost as may be requested by the
16 Council for the purpose of this section. Each Federal
17 agency and department shall provide services and per-
18 sonnel on a cost reimbursable basis at the request of the
19 Chairman of the Council for the purpose of accomplishing
20 the requirements of this section.

21 **SEC. 307. PRESIDENTIAL PANEL OF ADVISERS ON OCEANS**
22 **AND CLIMATE.**

23 (a) **ESTABLISHMENT; PURPOSE.**—The President
24 shall establish a Presidential Panel of Advisers on Oceans

1 and Climate. The purpose of the Presidential Panel shall
2 be—

3 (1) to advise and assist the President and the
4 Chairman of the Ocean Stewardship Council in iden-
5 tifying and fostering policies to protect, manage, and
6 restore ocean and atmospheric environments and re-
7 sources, both on a regional and national basis; and

8 (2) to undertake a continuing review, on a se-
9 lective basis, of priority issues relating to national
10 ocean and atmospheric policy (including climate
11 change), conservation and management of ocean en-
12 vironments and resources, and the status of the
13 ocean and atmospheric science and service programs
14 of the United States.

15 (b) MEMBERSHIP.—

16 (1) IN GENERAL.—The Presidential Panel shall
17 consist of not more than 25 members, one of whom
18 shall be the Chairman of the Council on Ocean
19 Stewardship, and 24 of whom shall be nonfederal
20 members appointed by the President, including at
21 least one representative nominated by a Governor
22 from each of the coastal regions identified in the Re-
23 port of the U.S. Commission on Ocean Policy and
24 representatives of the States and various stake-
25 holders.

1 (2) CHAIR.—The Chairman of the Council on
2 Ocean Stewardship shall co-chair the Presidential
3 Panel with a nonfederal member designated by the
4 President.

5 (c) APPOINTMENT AND QUALIFICATIONS.—The
6 members of the Presidential Panel shall be appointed by
7 the President for 3-year terms from among individuals
8 with diverse perspectives and expertise in 1 or more of
9 the disciplines or fields associated with ocean and atmos-
10 pheric policy, including—

11 (1) marine-related State and local government
12 functions;

13 (2) ocean and coastal resource conservation and
14 management;

15 (3) atmospheric or ocean science, engineering,
16 and technology;

17 (4) the marine industry (including recreation
18 and tourism);

19 (5) climate change;

20 (6) atmospheric or coastal hazards; and

21 (7) other fields appropriate for consideration of
22 matters of oceanic or atmospheric policy.

23 (d) VACANCIES.—An individual appointed to fill a va-
24 cancy occurring before the expiration of the term for which
25 his or her predecessor was appointed shall be appointed

1 only for the remainder of such term. No individual may
2 be reappointed to the Presidential Panel for more than
3 1 additional 3-year term. A member may serve after the
4 date of the expiration of the term of office for which ap-
5 pointed until his or her successor has taken office.

6 (e) COMPENSATION.—Each member of the Presi-
7 dential Panel shall, while serving on business of the Com-
8 mission, be entitled to receive compensation at a rate not
9 to exceed a daily rate to be determined by the President
10 consistent with other Federal advisory boards. Federal
11 and State officials serving on the Commission and serving
12 in their official capacity shall not receive compensation in
13 addition to their Federal or State salaries for their time
14 on the Commission. Members of the Presidential Panel
15 may be compensated for reasonable travel expenses while
16 performing their duties as members.

17 (f) MEETINGS.—The Presidential Panel shall meet at
18 least twice per year, or as prescribed by the President.

19 (g) REPORTS.—

20 (1) IN GENERAL.—The Presidential Panel shall
21 submit an annual report to the President and to the
22 Congress setting forth an assessment, on a selective
23 basis, of the status of the Nation's ocean activities,
24 and shall submit such other reports as may from
25 time to time be requested by the President or the

1 Congress. The Presidential Panel shall submit its
2 annual report on or before June 30 of each year, be-
3 ginning 2 years after the date of enactment of this
4 Act.

5 (2) COMMENT AND REVIEW BY COUNCIL.—
6 Each annual report shall also be submitted to the
7 Chairman of the Council on Ocean Stewardship who
8 shall, in consultation with the Administrator of the
9 National Oceanic and Atmospheric Administration
10 within 60 days after receipt thereof, transmit his or
11 her comments and recommendations to the Presi-
12 dent and to the Congress.

13 **SEC. 308. FEDERAL PROGRAM RECOMMENDATIONS.**

14 Not later than 3 years after the issuance of the final
15 report of the Commission on Ocean Policy established by
16 section 3 of the Oceans Act of 2000, the President, in
17 consultation with the Administrator, and considering the
18 recommendations of the Commission on Ocean Policy, the
19 Ocean Stewardship Council, and the Presidential Panel of
20 Advisers on Oceans and Coasts, shall submit to the Con-
21 gress recommendations—

22 (1) for the transfer of relevant oceanic or at-
23 mospheric programs, functions, services, and associ-
24 ated resources to the National Oceanic and Atmos-

1 pheric Administration from any other Federal agen-
2 cy;

3 (2) for consolidation or elimination of oceanic
4 or atmospheric programs, functions, services, or re-
5 sources within or among Federal agencies if their
6 consolidation or elimination would not undermine
7 policy goals set forth in this Act; and

8 (3) regarding Federal reorganization, including
9 elevation of NOAA to departmental status or the es-
10 tablishment of a new department that would provide
11 increased national attention and resources to oceanic
12 and atmospheric needs and priorities.

13 **SEC. 309. IMPLEMENTATION.**

14 Not later than 18 months after the date of enactment
15 of this Act, the Administrator shall—

16 (1) promulgate such regulations as may be nec-
17 essary or appropriate to implement this title; and

18 (2) submit to the Congress detailed rec-
19 ommendations on technical and conforming amend-
20 ments to Federal law necessary to carry out this
21 title and the amendments made by this title.

22 **SEC. 310. NO EFFECT ON OTHER AUTHORITIES.**

23 Except as explicitly provided in this Act, nothing in
24 this Act or the amendments made by this Act shall be

- 1 construed to modify the authority of the Administrator
- 2 under any other provision of law.

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