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SUMMARY

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National Oceanic and Atmospheric Administration (NOAA): Organization 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 led 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. 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.

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 the 117th and 118th 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 NOAA-related issues over time. Members of Congress, various stakeholders, and nongovernmental advocacy groups and think tanks, among others, have proposed a wide variety of ways to change NOAA's functions, structure, and placement in the executive branch. Potential issues for Congress as it considers the wide-ranging proposals for the agency include

- codifying, maintaining, or changing NOAA's functions and authorities and
- retaining 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."[1] Since its establishment, NOAA's organizational structure and functions have been of ongoing congressional legislative and oversight interest. NOAA does not have an *organic act* that describes the agency's overall mission and authorizes appropriations for the agency on a regular basis, although some refer to President Nixon's Reorganization Plan No. 4 as having some similarities to an organic act for NOAA. That plan provides for NOAA's major functions, relationship with the Department of Commerce, and leadership 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. Legislative proposals in Congresses related to NOAA and proposals by nongovernmental advocacy groups and think tanks, federally assembled ocean initiatives, and other stakeholders continue to inform ongoing discussions during the 119th Congress about the future of NOAA. This report summarizes NOAA's history, organizational structure, and responsibilities (or functions). The report also describes potential issues for Congress to consider, including codifying in statute, maintaining, or changing NOAA's functions and authorities and maintaining NOAA as part of DOC, moving it to 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.[2] 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.[3] 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.[4] 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.[5]

[1] National Oceanic and Atmospheric Administration (NOAA), "About our agency," https://www.noaa.gov/about-our-agency.

[2] NOAA, "Foundations-The Early Years," https://celebrating200years.noaa.gov/foundations/welcome.html.

[3] Marine Resources and Engineering Development Act, P.L. 89-454.

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

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

In July 1970, President Richard M. Nixon sent Reorganization Plan No. 4 (hereinafter referred to as the *reorganization plan*) to Congress.[6] 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" within DOC.[7] Most Members of the 91st Congress supported the reorganization plan.[8] Under the terms of the statutory authority under which the reorganization plan was submitted, the plan went into effect on October 3, 1970.[9]

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.[10]

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 led by the NOAA Administrator, who is also

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[6] For more information about the President's authority to reorganize federal agencies, see CRS Report R44909, *Executive Branch Reorganization*, by Henry B. Hogue.

[7] 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," 91st Cong., 2nd 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."

[8] 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, https://library.cqpress.com/cqalmanac/document.php?id=cqal70-1293675).

[9] 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).

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

referred to as the Under Secretary of Commerce for Oceans and Atmosphere (hereinafter referred to as *NOAA Administrator*).[11] The reorganization plan, as amended, also establishes the Deputy Administrator, Chief Scientist, General Counsel, and five Assistant Administrator positions and their duties. The Deputy Administrator also holds the title of Assistant Secretary of Commerce for Oceans and Atmosphere.[12]

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.[13] 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 FY2025 budget congressional justification, shown in **Figure 1**.[14] As of June 2023, NOAA was working with the Department of Commerce to update the DOO 25-5 and corresponding organizational chart."[15]

[11] 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).

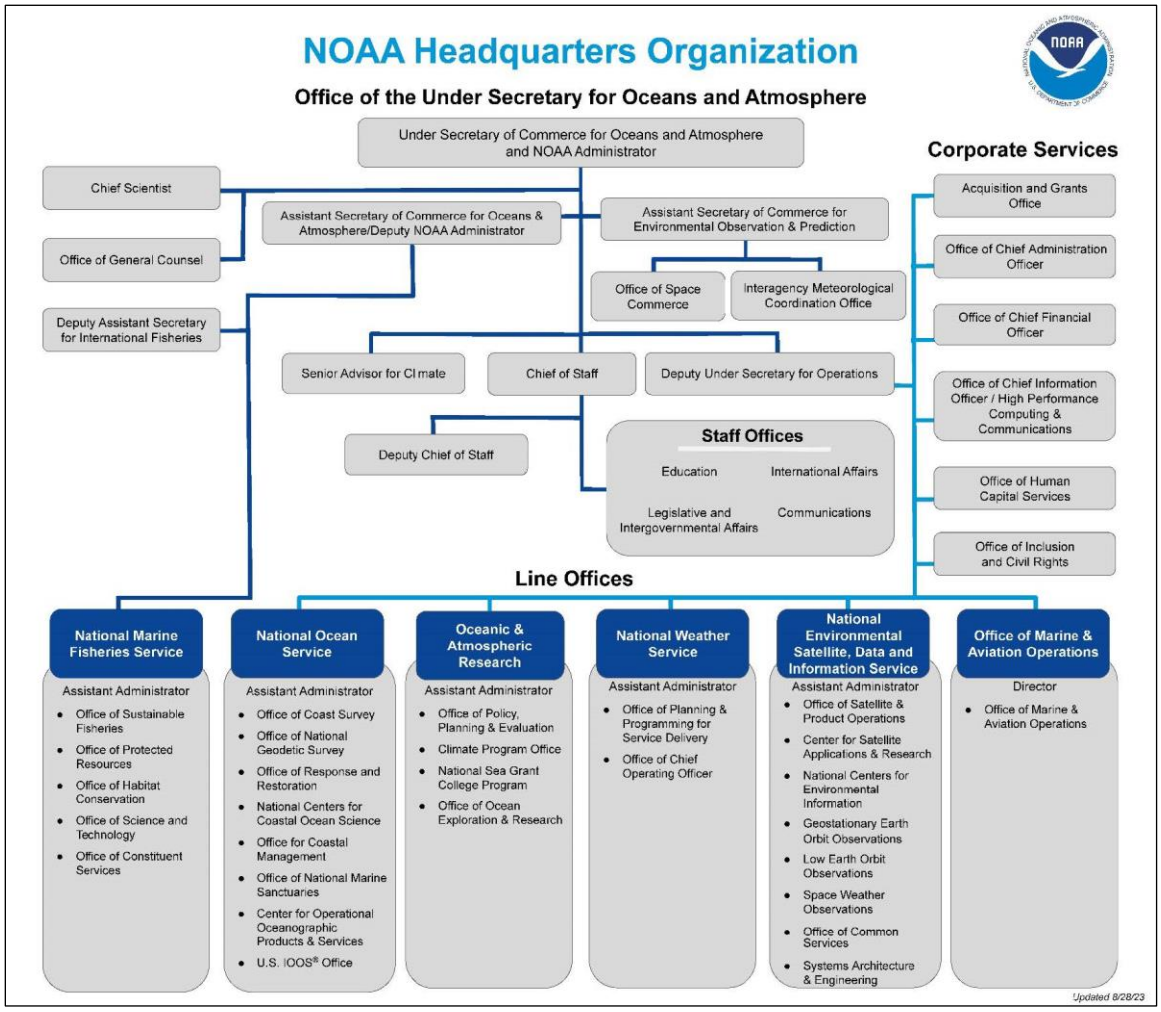
[12] P.L. 99-659; 15 U.S.C. §1507c.

[13] Department of Commerce (DOC), Office of Privacy and Open Government, Department Organization Order (DOO) 25-5, Effective May 4, 2015, https://www.commerce.gov/node/5033.

[14] For example, differences include the presence of a Senior Advisor for Climate and Office of Human Capital Services within the FY2025 structure and differences in office or program names under the National Ocean Service, National Weather Service, National Environmental Satellite, Data, and Information Service, among others.

[15] Email correspondence between CRS and NOAA Office of Legislative Affairs, June 27, 2023.

Figure 1. NOAA Organizational Structure



Source: NOAA, *Budget Estimates Fiscal Year 2025, Congressional Submission,* March 2024, p. NOAA-15, https://www.noaa.gov/sites/default/files/2024-03/NOAA_FY25_Congressional_Justification.pdf.

Notes: The organizational structure above has some differences from 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, https://www.commerce.gov/node/5033. Differences include the presence of a Senior Advisor for Climate; an Office of Human Capital Services within the FY2025 structure; and differences in office or program names under the National Ocean Service, National Weather Service, National Environmental Satellite, Data, and Information Service, among others.

According to the FY2025 congressional budget justification, 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.[16]

[16] For example, see NOAA, *Budget Estimates Fiscal Year 2025, Congressional Submission,* March 2024, p. NOAA-15, https://www.noaa.gov/sites/default/files/2024-03/NOAA_FY25_Congressional_Justification.pdf.. Hereinafter, NOAA, *Budget Estimate FY2025.*

Table 1. 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)	• 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." • 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."
National Marine Fisheries Service (NMFS)	• NMFS programs are to "promote the conservation, management, and sustainable use of living marine resources for commercial and recreational use." • 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."
National Ocean Service (NOS)	• 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." • 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."
National Weather Service (NWS)	• NWS programs are to "consist of monitoring and predicting the state of the atmospheric and hydrologic environment." • 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."
Office of Oceanic and Atmospheric Research (OAR)	• OAR programs are to "plan, organize, manage, and conduct research and development to meet the needs of NOAA." • 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."
Office of Marine and Aviation Operations (OMAO)	• 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."

Source: Congressional Research Service (CRS) from Department of Commerce (DOC), Office of Privacy and Open Government, Department Organization Order 25-5, Effective May 4, 2015, https://www.commerce.gov/node/5033.

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."[17] NMFS provides services at a regional scale through its five regional offices and six fisheries science centers.[18] 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.[19]

NOAA's workforce comprises both federal employees and contractors.[20] As of September 2024, NOAA employed approximately 12,430 permanent and nonpermanent employees.[21] In February 2025, the Trump Administration fired "more than 800" NOAA employees, with an additional approximately 500 employees resigning under an Administration program, according to news reports.[22] The agency employed an estimated 7,300 contractors as of August 2022; updated estimates were not available at the time of this report.[23] 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.[24]

NOAA provides guidance and competitive and noncompetitive funding to nonfederal entities. For example, OAR supports 19 cooperative institutes and 11 laboratories, where groups of academic and nonprofit research institutions work on topics such as tropical weather (Cooperative Institute for Marine and Atmospheric Studies) or severe storms (National Severe Storms Laboratory).[25] NOAA also provides funding for nonfederal entities that are a part of a national network. For

[17] NOAA National Centers for Environmental Information, "Regional Climate Services," https://www.ncei.noaa.gov/regional.

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

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

[20] For a definition of federal employee, see 5 U.S.C. §2105.

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

[22] Valeria Volcovici, Rich McKay, and Leah Douglas, "Trump's Firings at U.S. Weather Agency Will Put Lives at Risk, Scientists Say," *Reuters,* February 28, 2025, https://www.reuters.com/world/us/trumps-firings-us-weather-agency-will-put-lives-risk-scientists-say-2025-02-28/; and Christopher Flavelle, Austyn Gaffney, and Camille Baker, "Hundreds Are Said to Quit NOAA in a New Round of Departures," February 28, 2025, *New York Times,* https://www.nytimes.com/2025/02/28/climate/noaa-trump-staff-cuts.html.

[23] Email correspondence with NOAA Office of Legislative and Intergovernmental Affairs, August 12, 2022. More recent information was not available as of the date of this report.

[24] According to OPM's Fedscope database, NOAA does not have a federal employee in Delaware as of September 2024. The territories include American Samoa, Guam, and Puerto Rico (OPM, FedScope database, Employment cube, Location parameter set at "Location-All" and "U.S. Territories," https://www.fedscope.opm.gov/employment.asp and OPM, "FedScope Data Definitions – Employment," https://www.fedscope.opm.gov/datadefn/index.asp.

[25] NOAA Cooperative Institutes, "Locations," https://ci.noaa.gov/Locations; and NOAA Cooperative Institutes, "NOAA Research Laboratories," https://ci.noaa.gov/research-themes/noaa-research-laboratories/.

example, 34 OAR Sea Grant programs are located in 35 states and territories and 30 NOS National Estuarine Research Reserves are located in 25 states and territories.[26]

NOAA Authorities and Committee Jurisdiction

Congress has shaped NOAA's responsibilities through numerous statutes, and when codified, these statutory provisions may appear in various titles of the *U.S. Code*. For example, Vice Admiral Conrad Lautenbacher Jr., when he was NOAA Administrator, noted that the agency "relies on close to two hundred separate legislative authorities" as of May 19, 2005.[27] In some cases, Congress has addressed NOAA, the NOAA Administrator, or other NOAA leadership or programs specifically in legislation;[28] 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.[29] In still other instances, Congress has vested authorities in multiple federal agencies, to include DOC or NOAA.[30] 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.[31] CRS identified compilations of authorities that apply to NOAA; the lists contained differing sets of authorities.[32]

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. The standing rules of neither chamber of the 119th Congress included wording explicitly referencing NOAA's activities, in their discussions of committee jurisdictions; in the 117th and 118th Congresses, responsibility for the work performed at the agency generally rested 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

[26] NOAA Sea Grant, "Sea Grant Programs," https://seagrant.noaa.gov/ and NOAA Office of Coastal Management National Estuarine Research Reserves, "About National Estuarine Research Reserves," https://coast.noaa.gov/nerrs/.

[27] Vice Admiral Conrad Lautenbacher Jr., NOAA Administrator, *Written Statement for Legislative Hearing on* H.R. 50, *the National Oceanic and Atmospheric Administration Act*, May 19, 2005, https://congressional.proquest.com/congressional/docview/t39.d40.bd22fb19000204d4. Hereinafter Lautenbacher, *Written Statement*, 2005.

[28] 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, https://www.commerce.gov/node/4830. 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.

[29] 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).

[30] For example, NOAA's FY2025 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 FY2025*, p. AM-13).

[31] Congressional reports and explanatory statements accompanying appropriations law do not hold the force of law.

[32] 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 FY2025*, 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 2024*, July 25, 2024, https://www.cbo.gov/publication/60390), and various documents posted on the website for NOAA's Office of General Counsel (e.g., NOAA, *Legal Authorities for GCW*, https://www.gc.noaa.gov/documents/authorities-gcw07.pdf). Some of the listed sources include authorities that other listed sources do not include.

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.

Table 2. Selected Authorizing Congressional Committees and Their Legislative Jurisdictions with Potential Relations to NOAA Activities

(119th Congress, listed in the order written in each document)

House Committees			Senate Committee
Natural Resources	**Science, Space, and Technology**	**Transportation and Infrastructure**	**Commerce, Science, and Transportation**
• Fisheries and wildlife, including research, restoration, refuges, and conservation • International fishing agreements • Marine affairs, including coastal zone management (except for measures relating to oil and other pollution of navigable waters) • Oceanography	• Environmental research and development • Marine research • National Weather Service • Science scholarships • Scientific research, development, and demonstration, and projects therefor	• Marine affairs, including coastal zone management, as they relate to oil and other pollution of navigable waters	• Coastal zone management • Marine and ocean navigation, safety, and transportation, including navigational aspects of deepwater ports • Marine fisheries • Oceans, weather, and atmospheric activities • Science, engineering, and technology research and development and policy • 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.

Source: U.S. Congress, House of Representatives, *Rules of the House of Representatives, One Hundred Nineteenth Congress*, prepared by Kevin F. McCumber, Clerk of the House of Representatives, January 16, 2025, pp. 8-9, https://rules.house.gov/sites/evo-subsites/rules.house.gov/files/documents/houserules119thupdated.pdf; and U.S. Congress, Senate, *Standing Rules of the Senate*, Revised to January 24, 2013, 113th Cong., 1st 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 117th and 118th 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. The House and Senate Parliamentarians Offices evaluate introduced bills to determine committee jurisdictions for purposes of committee referral.

Potential Considerations for Congress

Since its establishment, NOAA's organizational structure and functions have been of ongoing congressional legislative and oversight interest. Some Members of Congress and nongovernmental organizations continue to introduce and advocate in support of proposals to make changes to NOAA's functions, structure, and placement in the executive branch.

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.[33] 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 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. Some of the questions that Congress may face as it considers the various proposals and options discussed below include the following:

- Which of NOAA's activities are prescribed in statute, and which are discretionary activities performed under broad NOAA or DOC authorities? How might this distinction shape discussion of the future of NOAA's functions and structure?
- How would changes to NOAA's function and structure affect the efficiency and effectiveness of NOAA's current services and operations, including public access to information, in the near term and in the long term?
- What can be learned from past efforts related to changing NOAA's functions and structures when the 119th Congress is considering NOAA's future?
- What would be the implications for congressional authorization and appropriations and for congressional and executive branch oversight under the various options available for shaping NOAA's future?

NOAA's Functions and Structure

Stakeholders and some Members of Congress have proposed codifying NOAA's existing functions within one law (i.e., through an organic act), restructuring the agency, dividing its functions among multiple federal agencies, or eliminating/privatizing some functions altogether.

Codifying NOAA's Functions Within One Law

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."[34] Vice Admiral Conrad Lautenbacher Jr., then-NOAA Administrator, posited that an organic act would define NOAA's "overall missions and purposes" and "improve agency operations and performance" in 2005.[35] Others at the Center for Progressive Reform in 2010 argued that an

[33] The National Aeronautics and Space Administration was established by the National Aeronautics and Space Act of 1958 (P.L. 85-568).

[34] U.S. Commission on Ocean Policy (COP), *An Ocean Blueprint for the 21st Century*, 2004, p. 10, 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, https://cdn.ioos.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 of this report.

[35] Lautenbacher, *Written Statement*, 2005.

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."[36] Since 1970, various Members of Congress have introduced bills that could have served as organic acts for NOAA.[37] 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 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 109th 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. [38] 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."[39]

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."[40] 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.[41]

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."[42] In another instance, in remarks during the House Science Committee hearing on H.R. 50, then-NOAA Administrator Vice Admiral Lautenbacher 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. The NOAA Administrator 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

[36] Holly Doremus, "Time to Make NOAA Official," February 3, 2010, progressivereform.org/cpr-blog/time-to-make-noaa-official/.

[37] 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, https://aerospace.org/sites/default/files/2018-08/Hall-Kicza_Organic%20Act_08082018.pdf.

[38] H.R. 50 and H.R. 5450 in the 109th Congress.

[39] H.R. 50, §3(b) and H.R. 5450, §3(b).

[40] Rep. Vernon J. Ehlers, "Introducing the National Oceanic and Atmospheric Administration Act," Extension of Remarks, *Congressional Record*, daily edition, January 4, 2005, p. E12. Hereinafter Rep. Vernon J. Ehlers, "Introducing NOAA Act," January 2005.

[41] Rep. Vernon J. Ehlers, "Introducing NOAA Act," January 2005. The House Science Committee was renamed the House Science, Space, and Technology Committee in the 112th Congress. The House Resources Committee was renamed the House Natural Resources Committee in the 110th Congress.

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

divisions of responsibilities between NOAA and sister agencies."[43] 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.[44] While broadly supported by Members of both parties, some Members continued to express concerns with H.R. 5450. Some concerns focused on 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.[45] 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 (CST) Committee, but did not receive consideration in the Senate. It is the only proposed organic bill that has passed a chamber of Congress as of this report.

Legislation proposing a NOAA organic act was again introduced in the 118th Congress. In the 118th Congress, H.R. 3980 would have established 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."[46] The chair of the House SST Committee noted that authorization of NOAA was important to fund the agency in the future.[47] The chair, Representative Frank Lucas, 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."[48] 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."[49] Witnesses at the hearing noted the need to give NOAA "flexibility and autonomy to make the decisions on how [NOAA] execute[s] their mission."[50] During a Senate CST hearing on the nomination of the

[43] Lautenbaucher, *Written Statement*, 2005.

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

[45] 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.

[46] H.R. 3980 in the 118th Congress.

[47] Maxine Joselow, "This Republican Wants to Make NOAA an Independent Agency," January 27, 2023, *Washington Post*, https://www.washingtonpost.com/politics/2023/01/27/this-republican-wants-make-noaa-an-independent-agency/.

[48] 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, https://science.house.gov/2023/4/chairman-lucas-opening-statement-at-full-committee-hearing. Hereinafter House SST Committee, Chairman Lucas Opening Statement, April 2023.

[49] 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, https://congressional.proquest.com/congressional/docview/t39.d40.tr04180123.o18?. Hereinafter House SST Committee, Independent NOAA hearing, April 2023.

[50] House Science, Space, and Technology Committee, Independent NOAA hearing, April 2023.

Secretary of Commerce at the beginning of the 119th Congress, some Members again expressed interest in enacting an organic act.[51]

Some may argue that an organic act that is too broad or imprecise may provide the agency with an inappropriate amount of flexibility to determine its own structure and functions, leading to a potential misalignment between agency actions and congressional intentions. Changes to the agency's functions also may raise questions on what would occur to functions that are no longer within NOAA's purview or are excluded from an organic act and about how this would affect which congressional committees oversee the agency. At the same time, an organic act with provisions providing authorizations of appropriations for NOAA's activities broadly may resolve some Members' concerns regarding NOAA programs with expired or expiring authorizations of appropriations.[52]

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."[53] 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.[54]

The Secretary of Commerce may conduct internal agency reorganizations within certain restrictions and limitations; that is, the enabling statute for the Department of Commerce requires that congressional committees be informed prior to certain internal reorganization activities that involve reprogramming of funds.[55] Similarly, a recurring general provision included in the annual Commerce, Justice, Science, and Related Agencies Appropriations Act imposes notification requirements prior to administrative reorganization within the Department of Commerce.[56]

Congress has considered bills that would restructure NOAA in line with some stakeholder recommendations. For example, legislation reported by the Senate CST Committee in the 108th Congress would have established the agency in law and structured it in line with the three primary

[51] Verbal exchanges between Sen. Maria Cantwell and Mr. Howard Lutnick, *Nomination Hearing – U.S. Secretary of Commerce*, transcript, January 29, 2025, U.S. Senate Committee on Commerce, Science, and Transportation, https://congressional.proquest.com/congressional/docview/t39.d40.tr01290125.o04?accountid=12084.

[52] For a discussion of NOAA's authorizations of appropriations, see CRS Report R48157, *National Oceanic and Atmospheric Administration (NOAA) Budget and Funding: Overview and Issues for Congress*, by Eva Lipiec and Natalie Paris.

[53] U.S. COP, *Ocean Blueprint*, p. 111.

[54] Joint Ocean Commission Initiative, *From Sea to Shining Sea: Priorities for Ocean Policy Reform, Report to the United States Senate*, June 2006, p. 18, https://jointoceancommission.org/wp-content/uploads/sites/7/2019/09/2006-06-13_Sea_to_Shining_Sea_Report_to_Senate.pdf.

[55] 15 U.S.C. §1538. The House Committee on Merchant Marine and Fisheries was abolished and its jurisdiction was transferred to other committees by H.Res. 6 (104th Congress). P.L. 104-14, §1(b)(3) provides for the treatment of references to this and other committees abolished at that time.

[56] For example, P.L. 118-42, Division C, Title V, §505; 138 Stat. 167.

functions recommended by the U.S. COP. The proposed legislation would have established an associate administrator for each of the three primary functions.[57] Other bills introduced in the 110th and 111th Congresses also would have directed NOAA to support the three primary functions identified by the U.S. COP.[58] NOAA witnesses at hearings in the 110th Congress contended that "the agency must maintain its current flexibility in determining how best 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."[59]

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, some Congress Members argued for the creation of the National Climate Service.[60] 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.[61]

Even before this request, the proposal to create this line office had been controversial. One stakeholder representing the NWS Employees Organization argued the National Climate Service "would duplicate the historic and current mission, programs, and services of the National Weather Service."[62] The National Academies of Sciences, Engineering, and Medicine proposed that a National Climate Service take the form of a federal interagency partnership or other format.[63] Congress prohibited the use of appropriations for a NOAA Climate Service in the FY2011 appropriations law.[64] Congress again did not approve its establishment in the conference report accompanying the FY2012 appropriations law.[65] No Administrations have since advocated for the establishment of such a line office. Since then, some stakeholders have voiced renewed support

[57] S. 2647, Title II, in the 108th Congress. See also S.Rept. 108-407.

[58] For example, H.R. 21 in the 110th Congress and H.R. 2685 in the 111th Congress.

[59] 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 21st Century Act*, Oversight and Legislative Hearings, committee print, 110th Cong., 1st sess., March 29, 2007, Serial No. 110-10, pp. 29, 74.

[60] For example, see H.R. 4, §1345, or S. 1766, §1345, in the 107th Congress.

[61] NOAA, *Budget Estimates Fiscal Year 2012, Congressional Submission*, 2011, p. xviv.

[62] U.S. Congress, House Science and Technology Committee, Energy and Environment Subcommittee, *Expanding Climate Services at the National Oceanic and Atmospheric Administration (NOAA): Developing the National Climate Service*, committee print, prepared by U.S. Government Printing Office, 111th Cong., 1st sess., May 5, 2009, Serial No. 111-24, p. 63.

[63] 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 (now known as the National Academies of Sciences, Engineering, and Medicine), *Restructuring Federal Climate Research to Meet the Challenges of Climate Change*, 2009, p. 116, https://www.nap.edu/catalog/12595/ restructuring-federal-climate-research-to-meet-the-challenges-of-climate-change.

[64] P.L. 112-10, §1348.

[65] 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, 112th Cong., 1st sess., November 11, 2011, H.Rept. 112-284, p. 218.

for a federal climate service led by NOAA or another federal agency.[66] Witnesses at hearings in the 116th and 117th Congresses expressed their support for an expansion in federal climate services, although not specifically centered at NOAA.[67] 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 Change Research Program to serve as the coordinating mechanism for federal climate services under a national framework.[68]

Shifting the Office of Space Commerce from NOAA to DOC

Stakeholders and some Members of Congress have proposed changes to the placement of certain offices within the National Oceanic and Atmospheric Administration (NOAA) or the Department of Commerce (DOC). One such example pertaining to the Office of Space Commerce (OSC) illustrates the complex interplay between Congress and an Administration when it comes to NOAA reorganization. The office serves as the "principal unit for space commerce policy activities" within DOC, under the NOAA Assistant Secretary of Commerce for Environmental Observation and Prediction (**Figure 1**). Its responsibilities include regulating nongovernment remote sensing capabilities through a licensing process. In 2018, the first Trump Administration proposed changing the name and functions of the office and elevating it to a bureau within DOC. The first Trump Administration again proposed a transfer of OSC to DOC for FY2020 and FY2021; the Biden Administration alternatively advocated for a relocation of OSC within NOAA, from the National Environmental Satellite, Data, and Information Service (NESDIS) to the Mission Support line office for FY2023.

As of February 2025, Congress had not agreed to the transfer of OSC out of NOAA. In the conference report accompanying the FY2019 appropriations law, Congress instructed DOC to "work with appropriations and authorizing committees on any future implementation" of the 2018 proposal and further stated that "the [appropriations] recommendation does not include the transfer of [OSC] to the Office of the Secretary" for FY2020. Congress also directed the DOC Secretary to work with the National Academy of Public Administration to conduct an independent review of the proposal with certain elements. The resulting study recommended that the DOC Secretary elevate OSC into the Office of the Secretary, as "an important signal of senior level Departmental support" for the space situational awareness and space traffic management missions. In FY2023, Congress approved the agency's transfer of OSC from NESDIS to the Mission Support line office within NOAA.

Some stakeholders, such as the Heritage Foundation, have continued to advocate for OSC's placement in the DOC Office of the Secretary since 2018, stating the office must "link directly to all the bureaus and other organizations within the department" where it could serve as a coordinating entity for government commercial space policy. Some Members of Congress have introduced legislation to establish OSC as a DOC bureau or shift OSC into the Office of the Secretary since 2018 (e.g., H.R. 3610 and S. 4827 in the 116th Congress; H.R. 3980, H.R. 6131, H.R. 6385, and S. 3658 in the 118th Congress; and S. 428 in the 119th Congress. H.R. 4521 and S. 1260 in the 117th Congress stated that "elevating the Office of Space Commerce within [DOC] may enhance" the office's abilities but would not have made changes to DOC or NOAA's structure). For more information, see CRS Report R45416, *Commercial Space: Federal Regulation, Oversight, and Utilization*, by Rachel Lindbergh.

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NOAA Office of Space Commerce, "Commercial Remote Sensing Regulatory Affairs," https://www.space.commerce.gov/regulations/commercial-remote-sensing-regulatory-affairs/.

[66] 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, https://www.forbes.com/sites/marshallshepherd/2021/06/11/is-it-time-for-a-national-climate-service.

[67] U.S. Congress, House Select Committee on Climate Crisis, *Creating a Climate Resilient America: Reducing Risk and Costs*, 116th Cong., 1st 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*, 117th Cong., 1st sess., April 21, 2021.

[68] 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, https://www.bidenwhitehouse.gov/wp-content/uploads/2023/03/FTAC_Report_03222023_508.pdf.

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NOAA, *Budget Estimates Fiscal Year 2023, Congressional Submission,* April 2022, p. NESDIS-12, https://www.noaa.gov/sites/default/files/2022-04/FY23_NOAAPresidents_Budget_508Compliant.pdf.

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U.S. Congress, House Appropriations Committee, *Commerce, Justice, Science, and Related Agencies Appropriations Bill, 2020*, Report together with Minority Views to Accompany H.R. 3055, 116th Cong., 1st sess., June 3, 2019, H.Rept. 116-101, p. 40. Referred to in "Explanatory Statement Submitted by Rep. Nita Lowey, Chairwoman of the House Committee on Appropriations Regarding H.R. 1158, Consolidated Appropriations Act, 2020," *Congressional Record*, daily edition, vol. 165, part 2 (December 17, 2019), p. H10961.

U.S. Congress, Senate Appropriations Committee, *Departments of Commerce and Justice, Science, and Related Agencies Appropriations Bill, 2020*, Report to Accompany S. 2584, 116th Cong., 1st sess., September 26, 2019, S.Rept. 116-127, p. 67. Referred to in "Explanatory Statement Submitted by Rep. Nita Lowey, Chairwoman of the House Committee on Appropriations Regarding H.R. 1158, Consolidated Appropriations Act, 2020," *Congressional Record*, daily edition, vol. 165, part 2 (December 17, 2019), p. H10961.

National Academy of Public Administration, *Space Traffic Management*, August 2020, p. 103, https://s3.us-west-2.amazonaws.com/napa-2021/studies/united-states-department-of-commerce-office-of-space-commerce/NAPA_OSC_Final_Report.pdf.

"Explanatory Statement Submitted by Sen. Patrick Leahy, Chair of the Senate Committee on Appropriations, Regarding H.R. 2617, Consolidated Appropriations Act, 2023," *Congressional Record*, vol. 168 (December 20, 2022), p. S7913.

The Heritage Foundation, *Mandate for Leadership: The Conservative Promise, Project 2025*, 2024, p. 677, https://static.project2025.org/2025_MandateForLeadership_FULL.pdf.

Distributing NOAA's Functions Among Multiple Agencies or Eliminating Functions

Some stakeholders (including nongovernmental advocacy groups and think tanks) and Members of Congress have advocated for distributing all or some of NOAA's functions to other federal agencies or transitioning some activities to the private sector. Their rationale for making changes has included concerns with the size and scope of the executive branch and potential for duplication of some activities across agencies.

To address concerns of the size and scope of the executive branch, some stakeholders have recommended breaking up NOAA and reassigning its functions and, in some cases, eliminating functions entirely. One 2017 proposal by the Competitive Enterprise Institute would (1) make NWS an independent agency, to be eventually privatized; (2) convert some line offices and programs (e.g., National Hurricane Center, NESDIS, marine sanctuaries, fisheries, OAR laboratories) into charitable trusts or other private entities; (3) transfer NOS survey functions to the U.S. Coast Guard (USCG) and the U.S. Geological Survey (USGS); and (4) assign OMAO assets to new NOAA entities or other agencies.[69] Remaining NOAA functions would be transferred to EPA or NASA. A 2024 Heritage Foundation proposal would limit NWS's activities

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

to "data-gathering services," "commercialize its forecasting operations," and "downsize" OAR with an aim of "consolidation and reduction of bloat."[70] It also would transfer NOS survey functions to USCG and USGS and eliminate OMAO, assigning its assets to the General Services Administration or other agencies, similar to previous suggestions.[71] The 2024 proposal does not address the disposition of the remaining NOAA functions.

Other stakeholders, including former NOAA Administrator Rick Spinrad, have opposed the proposal, stating that "eliminating NOAA, or even just splitting up its parts, or arbitrability firing employees, and conducting what amounts to a fire sale" would lead to federal budget reductions and "kill a few thousand Americans every year, put our economy further into debt, and guarantee the loss of real property around the country."[72] Some stakeholders have countered aspects of the proposals. For instance, Chief Executive Officer Steven R. Smith at AccuWeather, a private weather forecasting company mentioned in the 2024 Heritage Foundation proposal, stated that "AccuWeather does not agree with the view ... that the National Weather Service (NWS) should fully commercialize its operations."[73]

Some Members of Congress have introduced legislation to transfer certain NOAA responsibilities to other agencies several times since 1970.[74] For example, H.R. 1756 introduced in the 104th 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).[75] When the bill was considered in the House Science, Space, and Technology (SST) 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."[76] 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."[77]

In another instance, S. 1226 in the 105th 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).[78] The bill also would have abolished OMAO,

[70] Heritage Foundation, *Project 2025*, 2024, p. 676.

[71] Heritage Foundation, *Project 2025*, 2024, pp. 676-677.

[72] Rick Spinrad, Ph.D., "Opinion: Save a Nickel, Kill a Thousand – The Pennies-Wise, Lives-Foolish Effort to Eliminate NOAA," February 20, 2025, *Offshore Engineer*, https://www.oedigital.com/news/522607-opinion-save-a-nickel-kill-a-thousand-the-pennies-wise-lives-foolish-effort-to-eliminate-noaa.

[73] AccuWeather, "AccuWeather Does Not Support Project 2025 Plan to Fully Commercializing NWS Operations; NOAA has Critical Role in American Weather Enterprise," July 10, 2024, *Special Weather Statement*, https://www.accuweather.com/en/press/accuweather-does-not-support-project-2025-plan-to-fully-commercializing-nws-operations-noaa-has-critical-role-in-american-weather-enterprise/1670156.

[74] For example, H.R. 1756 in the 104th Congress; H.R. 2667, S. 1226, and S. 1316 in the 105th Congress; and H.R. 2452 in the 106th Congress.

[75] H.R. 1756 in the 104th Congress.

[76] U.S. Congress, House Committee on Science, H.R. 1756, *The Department of Commerce Dismantling Act*, committee print, Markup Before the Committee on Science, 104th Cong., 1st sess., September 14, 1995, p. 1. Hereinafter House Committee on Science, H.R. 1756 Markup, September 1995.

[77] House Committee on Science, H.R. 1756 Markup, September 1995., p. 2.

[78] See S. 1226 in the 105th Congress.

including the NOAA Corps of Commissioned Officers. Some of the themes of S. 1226 resurfaced in the 108th Congress in H.R. 4368. At a House Resources Committee hearing considering H.R. 4368 a representative for the Management Association for Private Photogrammetric Surveyors 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 witness also advocated for NOAA Corps to be moved into the military personnel system already in place in the U.S. Army.[79]

Since the 108th Congress, some Members of Congress have expressed concern with the goals of changing, transferring, and eliminating functions at NOAA as proposed. In a 2025 Senate CST Committee hearing to consider nominee Howard Lutnick as Secretary of Commerce, one Member asked the then-nominee whether he believed in "keeping NOAA together and its responsibilities together."[80] Lutnick responded "yes," stating that he had "no interest in separating it." Members of Congress asked similar questions in follow-up questions for the record. Lutnick responded stating that it was premature to discuss specific recommendations or policy commitments before speaking with DOC, NOAA, and the President but that he supported "NWS to continue providing its forecasts for the protection of life and property," did not intend to "move services outside of NOAA and into other agencies," and had "no plans to dissolve NOAA."[81] In a 2025 letter to Lutnick, other Members also expressed concern with reported attempts by the Trump Administration to "break up NOAA" and move its functions into DOI.[82]

In other cases, some stakeholders and Members of Congress have expressed concern with duplication of federal agency responsibilities related to certain living marine resource laws and advocated for or considered transferring these responsibilities from NOAA to DOI. In 2013, the U.S. Government Accountability Office (GAO) captured representative official and stakeholder views regarding the potential benefits and drawbacks of merging NMFS and DOI's U.S. Fish and Wildlife Service (FWS). Some officials and stakeholders noted that the move could improve the efficiency of ESA implementation, although they recognized that the ESA process would be time consuming regardless of whether one or two agencies completed it.[83]

Some also expressed concern that DOI might "emphasize conserving fish populations more and consider the economic effects of management decisions on fishing communities less than NMFS

[79] 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, 108th Cong., 2nd sess., September 30, 2004, Serial No. 108-108, p. 41. Hereinafter House Science Committee, *Legislative Hearing on H.R. 4368*, September 2004.

[80] Verbal exchanges between Sen. Maria Cantwell and Mr. Howard Lutnick, and Senator Brian Schatz and Mr. Howard Lutnick, *Nomination Hearing – U.S. Secretary of Commerce*, transcript, January 29, 2025, U.S. Senate Committee on Commerce, Science, and Transportation, https://congressional.proquest.com/congressional/docview/t39.d40.tr01290125.o04?accountid=12084.

[81] Questions 76 and 92 from Sen. Maria Cantwell and question 26 from Sen. Edward Markey and responses from Mr. Howard Lutnick, *Senate Committee on Commerce, Science, and Transportation, Full Committee Nomination Heating, Democratic Questions for the Record, Mr. Howard Lutnick*, January 29, 2025, https://www.documentcloud.org/documents/25514926-senate-commerce-committee-democratic-questions-for-the-record-for-commerce-secretary-nominee-howard-lutnick/?q=NOAA&mode=document.

[82] Letter from Rep. Jamie Raskin, Sen. Chris Van Hollen, and Sen. Angela D. Alsobrooks, et al. to Secretary-Designate Howard Lutnick and Acting Secretary Jeremy Pelter, February 6, 2025, https://raskin.house.gov/_cache/files/3/b/3bd3f0bc-1617-4a8f-b149-c2d8e8b409be/80E47262DC105E84435EA242619F0094.md-congressional-letter-to-sec-designate-lutnick-re-doge-at-noaa-2.6.25.pdf.

[83] 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.

does."[84] Others disagreed, stating that DOI would appropriately balance the two responsibilities, as required under statute.[85] In 2018, the Trump Administration revived the proposal to merge NMFS with FWS, noting it would "consolidate the administration of the [ESA] and [MMPA] in one agency and combine the [federal agencies'] science and management capacity, resulting in more consistent Federal fisheries and wildlife policy and improved service to stakeholders and the public, particularly on infrastructure permitting."[86] A 2024 Heritage Foundation proposal recommends the goals of the two agencies "should be streamlined."[87]

Some Members of Congress have introduced bills that would have implemented some stakeholder proposals. For example, H.R. 4335 in the 105th Congress would have transferred NOAA functions under the Endangered Species Act (ESA) to DOI.[88] 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." During the 118th Congress, a draft version of H.R. 3980 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.[89] During a 118th Congress House SST Committee 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."[90] Other Members had concerns with the draft legislation, questioning its intent and whether NAPA is the appropriate entity to conduct such a study.[91] In June 2023, the introduced version of H.R. 3980 would have directed 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."[92] In questions for the record related to the 2025 Senate CST Committee hearing to consider nominee Howard Lutnick as Secretary of Commerce, some Members of Congress asked the nominee whether he was considering moving NMFS out of NOAA or allowing NOAA endangered species or protected species authorities, functions, or activities to be moved to DOI. He responded stating "no" and that he would "continue to support collaboration between NOAA and Interior when necessary on ESA activities as they currently do."[93]

[84] GAO-13-248, p. 29.

[85] GAO-13-248, pp. 30-31.

[86] Executive Office of the President, Trump Administration, *Delivering Government Solutions in the 21st Century: Reform Plan and Reorganization Recommendations*, undated, p. 37, https://trumpadministration.archives.performance.gov/GovReform/Reform-and-Reorg-Plan-Final.pdf.

[87] Heritage Foundation, *Project 2025*, 2024, p. 676.

[88] See H.R. 4335 introduced the 105th Congress. The bill was not considered in committee or the House floor.

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

[90] House Science, Space, and Technology Committee, Independent NOAA hearing, April 2023.

[91] House Science, Space, and Technology Committee, Independent NOAA hearing, April 2023.

[92] House Science, Space, and Technology Committee, unnumbered bill, §207, introduced June 9, 2023.

[93] Questions 81 and 83 from Sen. Maria Cantwell and responses from Mr. Howard Lutnick, *Senate Committee on Commerce, Science, and Transportation, Full Committee Nomination Heating, Democratic Questions for the Record, Mr. Howard Lutnick,* January 29, 2025, https://www.documentcloud.org/documents/25514926-senate-commerce-committee-democratic-questions-for-the-record-for-commerce-secretary-nominee-howard-lutnick/?q=NOAA&mode=document.

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.[94] 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.[95]

Congressional committee jurisdiction over NOAA's activities may or may not 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.[96] They have argued that keeping the agency in DOC is the least-costly and most straightforward action.[97]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.[98] Other observers, such as those from the Natural Resources Defense Council, 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.[99]

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.[100] 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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[94] 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).

[95] 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).

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

[97] House Science Committee, *Legislative Hearing on H.R. 4368*, September 2004, p. 59.

[98] Juliet Eilperin, "NOAA's Proposed Move Raises Questions About Its Role, January 22, 2012, *Washington Post*, https://www.washingtonpost.com/national/health-science/noaas-proposed-move-raises-questions-about-its-role/2012/01/20/gIQANNPYJQ_story.html.

[99] 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, https://www.nrdc.org/bio/david-goldston/between-devil-and-deep-blue-sea-why-noaa-shouldnt-be-moved-interior-department.

[100] For example, 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, 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.[101] 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.[102] H.R. 4900 (108th 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.[103] High-ranking officials from NOAA, USGS, NASA, and other agencies advocated for the creation of the Earth Systems Science Agency composed of NOAA and USGS in 2008, contending that the President and Congress should "realign federal Earth sciences R&D programs."[104] Some observers continued to advocate for the creation of new department in 2021, in this case the Department of Science and Technology, with NOAA, EPA, and USGS a part of a Climate and Environmental Sciences Bureau. They argued that the "priorities of the 21st century must reflect the overarching role of science and technology in our daily lives."[105] Some challenges to such an endeavor may include whether or how to incorporate the agency's regulatory authorities in a science-focused department and potential resistance to change from NOAA, DOC, and congressional committees with current jurisdiction over the agency and department.

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.[106] During a subcommittee hearing on H.R. 4368 in the 108th 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.[107] In contrast, one Member argued the transfer would not address "the history of failures associated with our protection of marine natural resources."[108] The hearing witnesses broadly disagreed with the introduced proposal and offered some concerns and alternatives. One witness, Timothy R. E. Keeney, 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.[109] Witnesses, such as a representative from the nonprofit Center for SeaChange, 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.[110] Another witness on the panel, a representative from the Management Association for Private Photogrammetric Surveyors, noted challenges with

[101] For example, S. 27, S. 2135, H.R. 3249, H.R. 9090, and H.R. 12733 in the 93rd Congress; S. 27, S. 2726, S. 3339, and S. 3889 in the 94th Congress; and S. 591 and S. 1481 in the 95th Congress.

[102] Pew, *Recommendations for New Ocean Policy*, p. 54, and U.S. COP, *Ocean Blueprint*, p. 115.

[103] H.R. 4900 in the 108th Congress.

[104] Mark Schaefer, D. James Baker, John H. Gibbons, et al., "An Earth Systems Science Agency," Science eLetters, Vol. 321, Issue 5885, July 4, 2008, https://www.science.org/doi/10.1126/science.1160192.

[105] Ronald Kline, "The U.S. Needs a Federal Department of Science and Technology," February 20, 2021, *Scientific American*, https://www.scientificamerican.com/article/the-u-s-needs-a-federal-department-of-science-and-technology/.

[106] Congress last held hearings regarding moving NOAA into DOI in its consideration of H.R. 4368 in the 108th Congress.

[107] For example, House Science Committee, *Legislative Hearing on* H.R. 4368, September 2004, pp. 5-7.

[108] House Science Committee, *Legislative Hearing on* H.R. 4368, September 2004, p. 10.

[109] House Science Committee, *Legislative Hearing on* H.R. 4368, September 2004, p. 14.

[110] House Science Committee, *Legislative Hearing on* H.R. 4368, September 2004, pp. 54 and59.

integrating specific NOAA functions, such as mapping and charting, NOAA Corps, and NESDIS, into DOI.[111] Still others, from U.S. COP and the Coastal Conservation Association, 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.[112]

In 2012, President Obama proposed moving NOAA into DOI, without changing NOAA's authorities or structure.[113] According to Obama Administration officials, consolidating NOAA into DOI would "enhance scientific resources and strengthen our stewardship and conservation efforts."[114] 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."[115] 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."[116]

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"[117] 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.[118] The bill's sponsor noted that S. 1116 in the 112th Congress would advance the 2012 Obama proposal, consolidate duplicative programs, and provide cost savings.[119] 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.[120]

[111] House Science Committee, *Legislative Hearing on* H.R. 4368, September 2004, p. 37.

[112] House Science Committee, *Legislative Hearing on* H.R. 4368, September 2004, pp. 42 and51

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

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

[115] Dan Flynn, "OMB says Food Agency Merger Is Next," January 14, 2012, https://www.foodsafetynews.com/2012/01/omb-says-food-agency-consolidation-is-next/.

[116] NRDC, "Obama's Reorganization Plan Could Erode NOAA's Capabilities," January 13, 2012, press release, https://www.nrdc.org/press-releases/obamas-reorganization-plan-could-erode-noaas-capabilities.

[117] Senator Lisa Murkowski, "Op-Ed: NOAA: A Fish out of Water in U.S. Commerce Department," May 1, 2012, 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, https://research.ebsco.com/c/cncs2l/viewer/html/wcmhakzqbf; and Clark, "NOAA Grapples," February 2012.

[118] S. 1116, §202, in the 112th Congress. Senator Burr introduced the measure again as S. 1836, §202, in the 113th Congress.

[119] Sen. Richard Burr, "Burr Cuts Wasteful Spending, Improves Efficiency by Combining Dept. of Labor and Commerce," press release, May 26, 2011, https://web.archive.org/web/20110601222933/http://burr.senate.gov/public/index.cfm?FuseAction=PressOffice.PressReleases&ContentRecord_id=2dfd03e6-802a-23ad-4a5f-ca3cc92a21ea&Region_id=&Issue_id=

[120] GAO-13-248, pp. 36-38 and 41.

Some have advocated for transferring NOAA to departments other than DOI. For example, some Members introduced legislation in the 101st Congress to transfer NOAA to the Environmental Protection Agency, as a product of reorganizing DOC more broadly.[121]

NOAA as an Independent Agency

Some stakeholders have advocated for the establishment of NOAA as an independent agency. Some proposals would codify in statute 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"). In the late 1980s, some observers argued that an independent NOAA would have "increased visibility" in the government and would allow for more direct communications with the Office of Management Budget (OMB), the White House, and Congress.[122] By contrast, they also 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.[123]

Various Members of Congress have introduced multiple bills since 1970 that would establish NOAA as an independent agency.[124] For example, the reported version of S. 929 in the 104th Congress would have established NOAA as an independent agency to "provide a focus for ocean, coastal, and atmospheric activities."[125] The Senate Governmental Affairs Committee report accompanying S. 929 in the 104th 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."[126] In a 109th Congress House Science Committee 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."[127]

[121] For example, Titles III in H.R. 3833 and S. 1978 in the 101st Congress. See U.S. Congress, Senate Committee on Governmental Affairs, *Trade and Technology Promotion Act*, Hearing on S. 1978, 101st Cong., 2nd 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.

[122] Robert G. Fleagle, "The Case for a New NOAA Charter," November 1987, *Bulletin of the American Meteorological Society*, vol. 68, no. 11, p. 1422, https://doi.org/10.1175/1520-0477(1987)068<1417:TCFANN>2.0.CO;2. Hereinafter Robert G. Fleagle, "New NOAA Charter," November 1987.

[123] Robert G. Fleagle, "New NOAA Charter," November 1987.

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

[125] S. 929, §302, the version reported to the Senate, in the 104th Congress. The version introduced in the Senate would have eliminated DOC and NOAA and transferred its functions to other agencies.

[126] 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*, 104th Cong., 1st 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."

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

In the 118th Congress, during a 2023 House SST Committee 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."[128] 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.[129] One witness, former Acting NOAA Administrator Rear Admiral Tim Gallaudet, 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.[130]

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[128] House SST Committee, Chairman Lucas Opening Statement, April 2023. The draft legislation was introduced as H.R. 3980 in 2023.

[129] House SST Committee, Independent NOAA hearing, April 2023.

[130] 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.