

STATEMENT OF  
THE HONORABLE VERNON J. EHLERS  
CHAIRMAN  
SUBCOMMITTEE ON ENVIRONMENT, TECHNOLOGY AND STANDARDS  
COMMITTEE ON SCIENCE  
U.S. HOUSE OF REPRESENTATIVES

For the Subcommittee on Fisheries Conservation, Wildlife, and Oceans

Legislative Hearing on H.R. 50,  
National Oceanic and Atmospheric Administration Act

May 19, 2005

Chairman Gilchrest, Ranking Member Pallone and Members of the Subcommittee, thank you for holding today's hearing on H. R. 50, the National Oceanic and Atmospheric Administration Act. I appreciate the opportunity to explain my bill.

H.R. 50 is an organic act for NOAA. Many people have asked me, "What is an organic act and why does NOAA need one?" As you know, NOAA was created in 1970 by President Nixon through an Executive Order based on recommendations from the Stratton Commission. This executive order took pieces of other agencies and put them under the new NOAA. There was no specific overarching mission and functions of this new agency – no heart and soul if you will.

While I have been working on creating an organic act for NOAA for two years, Congress has been at it for more than 20 years. It seems that differences of opinion between the House and Senate, or between various groups or other unrelated circumstances have prevented its enactment. But, I am optimistic and excited that H.R. 50, which passed the Science Committee earlier this week, has the potential to succeed where others have failed.

So what does H.R. 50 actually do? H.R. 50 states that NOAA's mission is to:

- understand and predict changes in the systems of the Earth's oceans and atmosphere;
- conserve and manage coastal, oceans and Great Lakes ecosystems to meet national economic, social, and environmental needs; and
- educate the public about these topics.

H.R. 50 describes some of the basic functions that NOAA needs to do to fulfill its mission, such as issuing weather forecasts and warnings and conducting research, and it lays out a senior leadership structure for NOAA using the current model.

The Ocean Commission, NOAA officials themselves and other experts have expressed concerns that the current line-office structure of NOAA is stove-piped and not able to efficiently respond to today's challenges. H.R. 50 requires NOAA to reorganize within two years, after consultation with outside stakeholders. While there is significant flexibility in how NOAA should reorganize, H.R.50 suggests NOAA examine the general themes provided by the Ocean Commission report: research and education, operations and services, and resource management. The only caveat is that we want NOAA to maintain the National Weather Service for public safety reasons.

I think there are some misconceptions about H.R. 50, so I would like to set the record straight. H.R. 50 is not the Administration's version of a NOAA organic act. H.R. 50 is the continuation of legislation that I introduced last Congress. Some have been confused because Chairman Gilchrest and I, as a courtesy, introduced the Administration's proposal last Congress. But make no mistake, there are significant differences in the Administration's proposal for a NOAA organic act and H.R. 50. The Administration's proposal, while well intentioned, only provides NOAA with a short mission statement and then a laundry list of specific authorities it would like, such as laying phone cables and using NOAA funds to pay for receptions. Please note that all of these authorities, it already has through the Department of Commerce.

Also, the Administration and some others have complained that H.R. 50 is not comprehensive because it does not include NOAA's fisheries or resource management activities. As I have said many times in both public and private, I purposely left out those functions of NOAA because they are the jurisdiction of the Resources Committee, and this Subcommittee in particular. I have been very open that after passing the Science Committee, H.R. 50 would come to you and the Resources Committee to add those important pieces and then and only then would the bill move to the House floor.

I strongly believe that H.R.50 should be the first, but by no means the only, Congressional action in response to the U. S. Commission on Ocean Policy. Before we can proceed with many of the other 200 recommendations in that report, we must strengthen NOAA and provide clear direction about its mission and functions. H.R. 50 does just that and will set NOAA on the right path for the future.

Let me conclude by stating why I am optimistic and excited about our chances for finally passing a NOAA organic act. The Ocean Commission provided a clear and strong message to Congress: pass an organic act. The Administration has provided a clear and strong message to Congress: pass an organic act. And I have worked with many Members of the House and Senate who care deeply about these issues, and we are in general agreement that Congress must pass an organic act. The time is right and the time for action is now!

Mr. Chairman, I look forward to working with you and other Members of the Resources Committee to further improve the bill and add your items under your jurisdiction. We can then complete the NOAA organic act and move it another step on its journey.

## Section by Section Analysis of H.R.50

### National Oceanic and Atmospheric Administration Act,

as passed by the Committee on Science

May 17, 2005

#### Section 1. Short Title.

“National Oceanic and Atmospheric Administration Act”

#### Section 2. Definitions.

Defines terms used in the Act.

#### Section 3. National Oceanic and Atmospheric Administration.

Establishes the National Oceanic and Atmospheric Administration (NOAA) within the Department of Commerce and describes the mission and functions of NOAA.

#### Section 4. Administration Leadership.

Describes the leadership structure of NOAA, including a new position of a Deputy Assistant Secretary for Science, Technology, Education and Outreach, who shall be responsible for coordinating and managing all research activities across the agency, and which must be a career position. Also, this section designates the Deputy Undersecretary for Oceans and Atmosphere as the Chief Operating Officer of the Administration, responsible for the day-to-day aspects of the Administration's operations and management.

#### Section 5. National Weather Service.

Directs the Secretary of Commerce to maintain the National Weather Service within NOAA.

#### Section 6. Operations and Services.

Directs the Secretary to maintain programs within NOAA to support operational and service functions. This section does not name any organizational units of NOAA, but the functions listed include all the activities of NOAA's National Environmental Satellite Data and Information Service (NESDIS) and the mapping and charting activities of the National Ocean Service.

## Section 7. Research and Education.

Directs the Secretary to maintain programs within NOAA to conduct and support research and education functions.

## Section 8. Science Advisory Board.

Establishes a Science Advisory Board for NOAA, which would provide scientific advice to the Administrator and to Congress on issues affecting NOAA.

## Section 9. Reports.

Requires two reports from the Secretary. Each report is to be delivered to Congress within 18 months of the date of enactment of the Act. One report, by the National Academy of Sciences should assess the adequacy of the environmental data and information systems of NOAA and provide a strategic plan to address any deficiencies in those systems. The other report is strategic plan for research at NOAA.

## Section 10. Public-Private Partnerships

Requires NOAA to review its policy on public-private partnerships once every five years. Clarifies the no changes in NOAA's current policy are required.

## Section 11. Effect of Reorganization Plan.

Repeals the Executive Order that established NOAA in 1970.

## Section 12. Savings Provision.

Provides that the Act does not change the legal status of any NOAA rule, regulation or other legal matter.

## Section 13. Reorganization Plan.

Requires NOAA to submit a reorganization plan to Congress not less than 18 months after enactment of this Act.

## Section 14. Facility Evaluation Process.

Provides that NOAA cannot expend funds to close or transfer certain facilities without a public comment period, review by the Science Advisory Board (if appropriate), analysis of anticipated costs and savings and impact on NOAA services, and notification to Congress.

## Section 15. Budget Reprogramming.

Requires NOAA to submit to the Science Committee a copy of any reprogramming requests submitted to Appropriations Committees.

## Section 16. Satellite Notification.

Requires NOAA to notify Congress when NOAA starts new satellite programs, encounters serious problems with, or makes major changes to existing satellite programs.

## Section 17. Limitations on Off-Shore Performance of Contracts for the Procurement of Goods and Services.

Prohibits the Administrator from contracting for Administration activities or procurement of goods or services that are performed outside the United States except in cases that are necessary for national security, the good and services are only available outside the United States, or the prohibition is inconsistent with international agreements.