

✖ Cross posted at [CPRBlog](#).

The National Oceanic and Atmospheric Administration has existed since 1970, but it has never had the direct imprimatur of Congress. According to Congressional Daily, Rep. [Bart Gordon](#) (D-TN), chair of the [House Committee on Science and Technology](#) has announced that an organic act for NOAA is one of his committee's priorities for this year. NOAA authorization has been proposed many times over the past 40 years. Its time to finally get it done.

Why does it matter? NOAA's existence does not depend on Congressional authorization, nor would an organic act necessarily change its substantive authority. But it could 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.

NOAA was created in 1970 by President Richard Nixon, through a document known as [Reorganization Plan No. 4](#). There's nothing wrong with that method of creation. Indeed, EPA was created the very same day in the very same way, through [Reorganization Plan No. 3](#). NOAA's problem is not really that it has never had Congressional authorization, but that unlike EPA it was not created as an independent agency, and its mission has steadily diverged from that of its parent Department of Commerce.

Reorganization Plan No. 4 put NOAA in the Department of Commerce in part because the existing Environmental Science Services Administration within Commerce was the single biggest element of the new entity, and in part because Commerce won a turf war with the Department of Interior, which at the time was targeted by some in the Administration for elimination in favor of a new Department of Natural Resources. At the time of its creation, NOAA was essentially a research science agency, with units focused on marine fisheries, weather and climate, and the marine physical environment. Within just a few years, however, the new agency acquired significant regulatory duties under the new wave of environmental laws, including the Endangered Species Act, Marine Mammal Protection Act, and Magnuson-Stevens Fishery Conservation and Management Act, all of which post-date NOAA's birth. Today, NOAA's core functions are often in significant tension with the [Department's self-described mission](#) "to foster, serve, and promote the Nation's economic development and technological advancement."

Ideally, NOAA would be removed from Commerce and allowed to stand on its own. That seems not to be on the table, however. An organic act spelling out NOAA's conservation mission would be a helpful second best. The mission statement in H.R. 300, one of the NOAA authorization bills currently pending, is an excellent start. It would declare that

NOAA's mission is:

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.

Of course, a NOAA Organic Act could do much more than merely distinguish NOAA's mission from that of the Department of Commerce. It could, for example, be a vehicle for establishing and implementing a national ocean policy. Another pending bill, H.R. 21, would do precisely that. But if that's too much to bite off in this era of legislative gridlock, a bare mission statement emphasizing conservation over development would be a big help. That alone would help re-orient NOAA's approach to regulating activities like [marine aquaculture](#), where the emphasis so far has been much more on supporting development of a robust industry than on ensuring that industrial fish production does not irreparably damage the environment.