

DELEGATION OF AUTHORITY FROM  
THE UNDER SECRETARY OF COMMERCE FOR OCEANS AND ATMOSPHERE  
DELEGATIONS OF AUTHORITY

TYPE OF ACTION: Add X Change \_\_\_\_\_ Abolish \_\_\_\_\_

AUTHORITY DELEGATED TO:

Assistant Administrator for the National Ocean Service

TYPE OF AUTHORITY:

Statutory – National Oceans and Coastal Security Act, P.L. 114-113, 16 U.S.C.A § 75 01 et seq.

AUTHORITY TO DO WHAT:

To delegate authority from the NOAA Administrator to the Assistant Administrator for the National Ocean Service to administer Title IX National Oceans and Security Act, in the Consolidated Appropriations Act of 2016, which became Public Law 114-113.

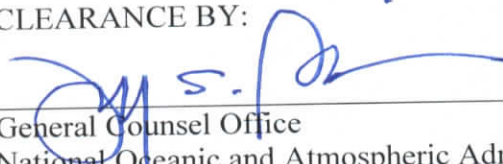
RESERVED AUTHORITY:

No.

EFFECT ON OTHER DELEGATIONS:

No.


CLEARANCE BY:

  
General Counsel Office  
National Oceanic and Atmospheric Administration

2-25-19

Date

APPROVING OFFICIAL:

  
Under Secretary of Commerce  
For Oceans and Atmosphere

MAR - 1 2019

Date

## Delegation of Authority Q&A

### **What are Delegations of Statutory Authority?**

A statutory delegation of authority is an administrative action to clarify the office and official with primary responsibility for administration and implementation of a law. Historically NOAA-related laws that name the Secretary of Commerce or NOAA Administrator as the lead agency official are routinely delegated and/or re-delegated to the appropriate Line Office.

### **Why would the NOAA Administrator want to delegate authority?**

A delegation's primary purposes are to promote efficiency, clarity, and accountability. *A delegation does not forfeit the Secretary or Administrator's ultimate accountability or impact their ability to oversee implementation of a law.* Rather, a delegation creates a formal decision of record and a clear point of responsibility for day-to-day implementation of a law. The delegating document also affords them discretion to retain certain authorities (called "reserved authorities"). A delegation can be revoked, revised, or reassigned at will.

### **What is NOAA's process?**

The process for delegating statutory authority within NOAA is codified in NOAA Administrative Order 200-1 and is administered by the Chief Administrative Office. NOAA delegations can be found on line at

[http://www.corporateservices.noaa.gov/ames/delegations\\_of\\_authority/](http://www.corporateservices.noaa.gov/ames/delegations_of_authority/)

### **If Authority is delegated, does that mean the Administrator has no role in implementing the law?**

Delegations do not divest the delegator of the authority to determine the appropriate means of implementing a law. Ultimate responsibility remains with the individual identified by statute. The delegation also allows the delegator to reserve authorities such as: a) delegating only certain functions required under a statute; b) requiring consultation with the delegator before undertaking certain actions; or c) limiting the ability to further re-delegate functions. Delegations may be withdrawn at any time (either for a particular project or entirely). Moreover, delegations do not alter the responsibility of agency officials to follow direction from NOAA leadership, including both broad and case-specific policy direction and administrative rules, procedures, or requirements governing review by the Administrator and other agency leaders, such as approval of budgets, grants, contracts, congressional reports, press releases, and other matters.

### **What authority is given to the NOAA Administrator in the National Oceans and Coastal Security act?**

The National Oceans and Coastal Security Act directs the NOAA Administrator and National Fish and Wildlife Foundation (NFWF) to establish a Fund to support programs and activities intended to better understand and utilize the oceans, coasts and Great Lakes of the United States, and ensure present and future generations will benefit from the full range of ecological, economic, social, and recreational opportunities, security and services of these resources, including baseline scientific research, ocean observing, and other programs and activities carried out in coordination with Federal and State departments or agencies. NFWF will use this Fund to administer a grant program, in consultation with NOAA.

### **Why is the National Ocean Service (NOS) the best line office to implement this law?**

First, NOS is the line office that received congressional appropriations in FY 2018 to implement this law and has already worked with NOAA leadership and NFWF to award funding under this law. Second, the programs within the National Ocean Service (NOS) align closely with the purpose of the Act – to better understand and utilize the oceans, coasts and Great Lakes and ensure present and future generations will benefit from the full range of ecological, economic, social, and recreational opportunities, security, and services these resources are capable of providing. NOS administers and supports the implementation of more than 20 statutory authorities including the Integrated Ocean and Coastal Observation Act and Coastal Zone Management Act. To fulfill this diversity of authorities and programs, NOS provides a broad range of scientific, technical, and management expertise.

### **What is the status of the National Oceans and Coastal Security Fund?**

NFWF and NOS/NOAA jointly established the National Oceans and Coastal Security Fund now named the National Coastal Resilience Fund and are jointly administering it. In its inaugural year, the Fund will be implemented as a national program focused on enhancing resilience of coastal ecosystems and communities across the United States, based on consideration of differing regional circumstances, needs, and priorities. The grant program will fund projects that restore or expand natural features, such as coastal marshes and wetlands, dune and beach systems, oyster and coral reefs, and barrier islands, which minimize the impacts of storms and other natural hazards on nearby communities. Restoration projects that help reduce regional threats are a key component of this program. In 2018, NFWF awarded \$28.9M in funding for 5 projects in 22 states and Puerto Rico.

### **What is the history of this Act?**

Senator Whitehouse (D-RI) introduced an earlier iteration of the National Oceans and Coastal Security Act in 2015 but it did not advance in Congress. This law is an updated version of the National Endowment for the Oceans, Coasts, and Great Lakes Act, first introduced in 2011.



10 000100  
UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL OCEAN SERVICE  
Silver Spring, Maryland 20910

DEC 21 2018

MEMORANDUM FOR: Rear Admiral Tim Gallaudet, Ph.D., USN Ret.  
Assistant Secretary of Commerce  
for Oceans and Atmosphere and  
Acting Under Secretary of Commerce  
for Oceans and Atmosphere

FROM:

Nicole R. LeBoeuf  
Acting Assistant Administrator

SUBJECT:

Delegation of Authority for the National Ocean and Coastal  
Security Act from the NOAA Administrator to the National  
Ocean Service

Name(s) of Person(s) Requesting Action/Correspondent:

- Jeffrey Payne, Director, Office for Coastal Management

Subject/Issues Raised by Person(s) Requesting Action(s)/Correspondent

- Requesting the Delegation of Authority for the National Ocean and Coastal Security Act from the NOAA Administrator to the National Ocean Service.

Major Points in the Response:

- The National Oceans and Coastal Security Act directs the NOAA Administrator and National Fish and Wildlife Foundation (NFWF) to establish a Fund to support programs and activities intended to better understand and utilize ocean and coastal resources and coastal infrastructure, including baseline scientific research, ocean observing, and other programs and activities carried out in coordination with Federal and State departments or agencies.
- Formally delegating authority for this Act to NOS will codify existing practice, e.g., In FY 18, Congress appropriated funding to NOS and NOS is the line office working with NFWF to administer grants under this Act. In 2018, NFWF awarded \$28.9M in funding for 5 projects in 22 states and Puerto Rico. Therefore, delegation to NOS will promote efficiency of operations and will represent the formal determination of the responsible line office to implement the law.
- The programs within NOS align closely with the purpose of the Act – to better understand and utilize the oceans, coasts and Great Lakes and ensure present and future generations will benefit from the full range of ecological, economic, social, and recreational opportunities, security, and services these resources are capable of providing.



**Potential Controversy:**

- None.

**Other Pertinent Information:**

- The Consolidated Appropriations Act of 2016, which became Public Law 114-113, included in Division O, Title IX, the National Oceans and Coastal Security Act. This new law grants certain authorities to the Under Secretary of Commerce for Oceans and Atmosphere and NOAA Administrator.

**Coordination: Other than GC coordination, indicate all NOAA Line/Staff Offices consulted:**

NMFS	NWS	NOS	OAR	NESDIS	PPI	NMAO	PA&E	PCIA	LA	IA	CFO	CAO	CIO	OED	AGO	WFMO	COS	DUS	AS	UNSEC
		X										X								

**Clearance Official(s)/Line Office(s)/Date of Clearance(s):**

- Jeffrey Payne, Director, Office for Coastal Management

**Contact Person:**

- Keelin Kuipers, Deputy Director, Office for Coastal Management

**Attachments**

- 1-National Oceans and Coastal Security Fund Delegation of Authority Form
- 2-NOAA Delegation of Authority Q&A



Exec Ecorr - NOAA Service Account &lt;exec.ecorr@noaa.gov&gt;

**Re: NOAA Headquarters Clearance Request: Delegation of Authority for the National Ocean and Coastal Security Act (Folder 18-062153)**

1 message

**NOS PCO - NOAA Service Account** <nos.pco@noaa.gov>

Tue, Jan 29, 2019 at 10:06 AM

To: Exec Ecorr - NOAA Service Account &lt;exec.ecorr@noaa.gov&gt;

Cc: \_NOAA Exec Sec Clearances &lt;noaa.hq.corrclearance@noaa.gov&gt;, Meg Oates - NOAA Affiliate &lt;Meg.Oates@noaa.gov&gt;, Janelle Smith - NOAA Federal &lt;janelle.smith@noaa.gov&gt;, Chris Hayes - NOAA Federal &lt;chris.hayes@noaa.gov&gt;, Michael Jarvis - NOAA Federal &lt;michael.jarvis@noaa.gov&gt;, Kelly Quickle &lt;kelly.quickle@noaa.gov&gt;, Edward J Vandenameele - NOAA Federal &lt;edward.j.vandenameele@noaa.gov&gt;, Michael Weiss - NOAA Federal &lt;michael.weiss@noaa.gov&gt;, Sheryl Peterson &lt;sheryl.a.peterson@noaa.gov&gt;, Michelle West &lt;michelle.b.west@noaa.gov&gt;, Denise Johnson &lt;denise.l.johnson@noaa.gov&gt;

NOS PCO clears.

Thanks,  
Erica

On Tue, Jan 29, 2019 at 9:52 AM Exec Ecorr - NOAA Service Account &lt;exec.ecorr@noaa.gov&gt; wrote:

Attached for your review and clearance is a Delegation of Authority for the National Ocean and Coastal Security Act from the NOAA Administrator to the National Ocean Service. This folder has a request of two signatures: 1) the Under Secretary and 2) General Counsel.

Clearance is due: 10:00 a.m., January 31. (Thursday)

Please remember to "reply all" to ensure others in the clearance process are able to see your clearance and/or comments.

Thank you

**Erica K. Towle, Ph.D.**

Program Coordination Officer

National Ocean Service

Lynker Technologies, supporting:

Office of the Undersecretary

**Office DC:** 202 482 2799**Office Silver Spring:** 240 533 0939**Cell:** 301 351 3999



Exec Ecorr - NOAA Service Account <exec.ecorr@noaa.gov>

## Re: NOAA Headquarters Clearance Request: Delegation of Authority for the National Ocean and Coastal Security Act (Folder 18-062153)

1 message

**Makeda Okolo - NOAA Federal** <makeda.okolo@noaa.gov>

Tue, Jan 29, 2019 at 10:48 AM

To: Brandon Elsner - NOAA Federal <brandon.elsner@noaa.gov>

Cc: NOS PCO - NOAA Service Account <nos.pco@noaa.gov>, Exec Ecorr - NOAA Service Account <exec.ecorr@noaa.gov>, NOAA Exec Sec Clearances <noaa.hq.corrclearance@noaa.gov>, Meg Oates - NOAA Affiliate <Meg.Oates@noaa.gov>, Janelle Smith - NOAA Federal <janelle.smith@noaa.gov>, Chris Hayes - NOAA Federal <chris.hayes@noaa.gov>, Michael Jarvis - NOAA Federal <michael.jarvis@noaa.gov>, Kelly Quickle <kelly.quickle@noaa.gov>, Edward J Vandenameele - NOAA Federal <edward.j.vandenameele@noaa.gov>, Michael Weiss - NOAA Federal <michael.weiss@noaa.gov>, Sheryl Peterson <sheryl.a.peterson@noaa.gov>, Michelle West <michelle.b.west@noaa.gov>, Denise Johnson <denise.l.johnson@noaa.gov>

Clearance from OLIA and DUSO.

On Tue, Jan 29, 2019 at 10:19 AM Brandon Elsner - NOAA Federal <brandon.elsner@noaa.gov> wrote:  
ASOA/Advisors clears.

Brandon

On Tue, Jan 29, 2019 at 10:06 AM NOS PCO - NOAA Service Account <nos.pco@noaa.gov> wrote:  
NOS PCO clears.

Thanks,  
Erica

On Tue, Jan 29, 2019 at 9:52 AM Exec Ecorr - NOAA Service Account <exec.ecorr@noaa.gov> wrote:

Attached for your review and clearance is a Delegation of Authority for the National Ocean and Coastal Security Act from the NOAA Administrator to the National Ocean Service. This folder has a request of two signatures: 1) the Under Secretary and 2) General Counsel.

Clearance is due: 10:00 a.m., January 31. (Thursday)

Please remember to "reply all" to ensure others in the clearance process are able to see your clearance and/or comments.

Thank you

--  
**Erica K. Towle, Ph.D.**

Program Coordination Officer  
National Ocean Service  
Lynker Technologies, supporting:  
Office of the Undersecretary  
**Office DC:** 202 482 2799  
**Office Silver Spring:** 240 533 0939  
**Cell:** 301 351 3999

--  
Makeda M. Okolo  
Congressional Affairs Specialist  
Office of Legislative and Intergovernmental Affairs  
National Oceanic and Atmospheric Administration  
1401 Constitution Ave. NW, Floor 6, #62010FA



**Re: NOAA Headquarters Clearance Request: Delegation of Authority for the National Ocean and Coastal Security Act (Folder 18-062153)**

1 message

**Brandon Elsner - NOAA Federal** <brandon.elsner@noaa.gov>

Tue, Jan 29, 2019 at 10:19 AM

To: NOS PCO - NOAA Service Account <nos.pco@noaa.gov>

Cc: Exec Ecorr - NOAA Service Account <exec.ecorr@noaa.gov>, \_NOAA Exec Sec Clearances <noaa.hq.corrclearance@noaa.gov>, Meg Oates - NOAA Affiliate <Meg.Oates@noaa.gov>, Janelle Smith - NOAA Federal <janelle.smith@noaa.gov>, Chris Hayes - NOAA Federal <chris.hayes@noaa.gov>, Michael Jarvis - NOAA Federal <michael.jarvis@noaa.gov>, Kelly Quickle <kelly.quickle@noaa.gov>, Edward J Vandenameele - NOAA Federal <edward.j.vandenameele@noaa.gov>, Michael Weiss - NOAA Federal <michael.weiss@noaa.gov>, Sheryl Peterson <sheryl.a.peterson@noaa.gov>, Michelle West <michelle.b.west@noaa.gov>, Denise Johnson <denise.l.johnson@noaa.gov>

ASOA/Advisors clears.

Brandon

On Tue, Jan 29, 2019 at 10:06 AM NOS PCO - NOAA Service Account <nos.pco@noaa.gov> wrote:  
NOS PCO clears.

*Advisors*

Thanks,  
Erica

On Tue, Jan 29, 2019 at 9:52 AM Exec Ecorr - NOAA Service Account <exec.ecorr@noaa.gov> wrote:  
Attached for your review and clearance is a Delegation of Authority for the National Ocean and Coastal Security Act from the NOAA Administrator to the National Ocean Service. This folder has a request of two signatures: 1) the Under Secretary and 2) General Counsel.

Clearance is due: 10:00 a.m., January 31. (Thursday)

Please remember to "reply all" to ensure others in the clearance process are able to see your clearance and/or comments.

Thank you

--  
**Erica K. Towle, Ph.D.**

Program Coordination Officer  
National Ocean Service  
Lynker Technologies, supporting:  
Office of the Undersecretary  
**Office DC:** 202 482 2799  
**Office Silver Spring:** 240 533 0939  
**Cell:** 301 351 3999





Exec Ecorr - NOAA Service Account &lt;exec.ecorr@noaa.gov&gt;

**Re: NOAA Autopen Request: Delegation of Authority for National Ocean and Coastal Security Act (Folder 18-062153)**

1 message

**Michael Weiss - NOAA Federal** <michael.weiss@noaa.gov>

Fri, Mar 1, 2019 at 1:36 PM

To: Exec Ecorr - NOAA Service Account &lt;exec.ecorr@noaa.gov&gt;

Cc: \_NOAA HQ AUTOPEN &lt;noaa.hq.autopen@noaa.gov&gt;, Kelly Quickle &lt;kelly.quickle@noaa.gov&gt;, Edward J Vandenameele - NOAA Federal &lt;edward.j.vandenameele@noaa.gov&gt;, Sheryl Peterson &lt;sheryl.a.peterson@noaa.gov&gt;, Michelle West &lt;michelle.b.west@noaa.gov&gt;, Denise Johnson &lt;denise.l.johnson@noaa.gov&gt;, Benjamin LaCour - NOAA Service Account &lt;nos.pco@noaa.gov&gt;

Autopen approved.

On Tue, Feb 26, 2019 at 9:51 AM Exec Ecorr - NOAA Service Account &lt;exec.ecorr@noaa.gov&gt; wrote:

All clearances received: PCO, LA, DUS, Advisors (Brandon Elsner).

General Counsel has signed and no clearance necessary from Editor.

The Word documents are attached, along with GC signature.

Please provide Autopen approval at your earliest convenience.

Thank you

A handwritten signature in blue ink, appearing to read "W. Sec", with a long horizontal stroke extending to the right.

--

Michael Weiss  
Deputy Chief of Staff  
Office of the Under Secretary  
National Oceanic and Atmospheric Administration  
202-482-5958 (w)  
301-337-0684 (c)