

DELEGATION OF AUTHORITY
FROM THE NOAA GENERAL COUNSEL
DELEGATIONS OF AUTHORITY

TYPE OF ACTION: Add ___ Change **X** Abolish ___

AUTHORITY DELEGATED TO: Deputy General Counsels
Section Chiefs

TYPE OF AUTHORITY: Statutory, Regulatory, Administration

SOURCE OF AUTHORITY: Reorganization Plan No. 4 of 1970, as amended;
Department Organizational Order 10-15;
Redelegation from the Under Secretary of Oceans and
Atmosphere to the NOAA General Counsel (Feb. 22, 2013)
(Transmittal #81); The Case-Zablocki Act, 1 U.S.C. §
112b, and implementing regulations, 22 C.F.R. Pt. 181;
Department Administrative Order 218-4 (Jan. 14, 1992), as
amended by Memorandum from Department of Commerce
General Counsel Theodore W. Kassinger (Nov. 12, 2002)
and Memorandum from Department of Commerce General
Counsel Cameron Kerry (May 26, 2011); The
Department's *Touhy* regulations, 15 C.F.R. Subpart B.

AUTHORITY TO DO WHAT: *Note:* The paragraph lettering below is in accordance with
parallel lettering in Transmittal #82, which Transmittal is
being modified, in part, by this delegation. A new
paragraph (“J”) is also added.

B. Enforcement Actions Each Deputy General Counsel
and the Chief of the Enforcement Section is authorized to
approve enforcement actions and settlements or resolutions
of enforcement actions, consistent with the Procedures for
Prior Approval of All Enforcement Actions established by
the NOAA General Counsel in a memorandum dated
January 4, 2017, and any superseding guidance.
Enforcement actions delegated through this paragraph
include all administrative/civil enforcement actions
(including written warnings), proposed referrals for
criminal enforcement actions, proposed referrals to state,
local, Tribal, or foreign governments for disposition, and
referrals for civil forfeiture actions. Each Deputy General
Counsel is authorized to review and decide appeals of any

written warning. The Chief of the Oceans and Coasts Section is authorized to review and decide appeals of written warnings issued by an authorized officer under NOAA authorities.

D. Actions under 15 C.F.R. Subpart B (Department's *Touhy* regulations). Each Deputy General Counsel and each Section Chief is authorized to act for the NOAA General Counsel under 15 C.F.R. Subpart B (referred to as the Department's *Touhy* regulations) with respect to subpoenas served upon, and other demands for testimony or documents made to, NOAA or its current or former employees.

J. Actions under 22 C.F.R. Pt. 181 (*Case Zablocki* determinations). For determinations made pursuant to the Case-Zablocki Act, 1 U.S.C. § 112b, and implementing regulations, 22 C.F.R. Pt. 181; Department Administrative Order 218-4 (Jan. 14, 1992), as amended by Memorandum from Department of Commerce General Counsel Theodore W. Kassinger (Nov. 12, 2002) and Memorandum from Department of Commerce General Counsel Cameron Kerry (May 26, 2011), each Deputy General Counsel and the Section Chiefs for the International, Oceans and Coasts, and Satellite Weather and Research Sections are authorized to carry out the responsibilities of the NOAA Office of the General Counsel under DAO 218-4, as amended, for matters involving a transfer of funds of no more than \$1 million and that do not raise significant policy or diplomatic concerns. Each determinations made pursuant to this delegation shall be recorded in a shared electronic repository, as specified by the NOAA General Counsel.

RESERVED AUTHORITY:

The above authorities may not be further delegated without written concurrence of the NOAA General Counsel. Any further delegation shall not be effective unless it is in writing and included in the collection of official delegations maintained by the NOAA Chief Administrator (and posted on the official NOAA webpage for agency delegations).

Nothing in this Delegation shall preclude the NOAA General Counsel from exercising any of the authority so delegated.

EFFECT ON OTHER DELEGATIONS: This Delegation modifies and supersedes non-conforming portions of sections B and D of Transmittal #82 (Feb. 22, 2013), pertaining to enforcement actions and *Touhy* requests, but does not affect any other section of Transmittal #82, nor any other delegation.

APPROVING OFFICIAL:

John Luce
NOAA General Counsel

EFFECTIVE DATE:

January 14, 2021