

**DEPARTMENT OF DEFENSE - DEPARTMENT OF COMMERCE REGULATIONS
GOVERNING COOPERATION OF THE NATIONAL OCEANIC AND ATMOSPHERIC
ADMINISTRATION WITH THE DEPARTMENT OF DEFENSE**

1. Authority. Section 16 of the Act of May 22, 1917, Chapter 20 (40 Stat. 88) as amended by PL 89-657, October 14, 1966 (80 Stat. 907) authorizes the President, whenever in his judgment a sufficient national emergency exists, to transfer commissioned officers, vessels (hereafter referred to as ships), stations, and equipment of the National Oceanic & Atmospheric Administration (NOAA) to the military departments. The section, as amended, also provides that the Secretary of Defense and the Secretary of Commerce shall jointly prescribe regulations governing wartime duties of the National Oceanic & Atmospheric Administration and peacetime cooperation of the National Oceanic & Atmospheric Administration with the military departments in preparation for its wartime duties. The following regulations are prescribed jointly by the Secretary of Defense and the Secretary of Commerce, effective 1 November 1971. All regulations previously issued under this authority are hereby revoked.
2. Definition. The term Department of Defense, as used in these regulations includes the Secretary of Defense and his office, the Defense agencies, the Joint Chiefs of Staff, the Joint Staff and joint agencies, and the Departments of the Army, Navy, and Air Force.
3. National Oceanic & Atmospheric Administration Mission Responsibilities.
 - a. In time of peace, the National Oceanic & Atmospheric Administration shall, in addition to its normal activities, to the extent deemed feasible by the Secretary of Commerce:
 - (1) coordinate its programs with the programs of the Department of Defense in connection with planning for wartime duties of the National Oceanic & Atmospheric Administration, and provide assistance in matters relating to national defense consistent with its resources and facilities;
 - (2) undertake such training programs as may be considered desirable by the Department of Defense to prepare its personnel for effective service in time of national emergency; and
 - (3) maintain liaison with the Department of Defense, as necessary, to assure prompt and orderly utilization of its facilities and personnel in support of national defense in time of national emergency.
 - b. In time of national emergency declared by the Congress or the President, the National Oceanic & Atmospheric Administration shall:

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- (1) continue its normal activities, subject to the provisions of clauses (2) and (3) below;
- (2) implement, as requested by the Secretary of Defense, existing memoranda of understanding regarding utilization of its facilities and personnel for purposes of national defense; and
- (3) promptly effect such transfers of ships, aircraft, equipment, stations, and
- (4) commissioned officers to the service and jurisdiction of the military departments as the President, by Executive Order, may direct.

4. Personnel

- a. Whenever the President determines that a sufficient national emergency exists, commissioned officers of the National Oceanic and Atmospheric Administration shall be transferred by Executive Order to the service and jurisdiction of the military departments.
- b. Whenever the Secretaries concerned consider it to be in the national interest, the Secretary of Commerce shall assign commissioned officers to serve with military departments in such capacities as the Secretaries determine will contribute to the wartime readiness of the National Oceanic and Atmospheric Administration.
- c. Officers assigned to and serving with military departments pursuant to law, whether under subsection (a) or (b) above, shall be subject to the Uniform Code of Military Justice under the cognizance of the Secretary of the department concerned in accordance with Article 2 of the UCMJ.

5. Property. The President, when he determines that a sufficient national emergency exists, may transfer ships, aircraft, equipment, and stations of the National Oceanic & Atmospheric Administration to the service and jurisdiction of the military departments. Transfer and return of such property shall be pursuant to Executive Order.

- a. Any ship, aircraft, station, or equipment transferred to a military department shall be returned to the National Oceanic & Atmospheric Administration in as good condition as when transferred, ordinary wear and tear excepted, or replaced in kind, to the satisfaction of the National Oceanic & Atmospheric Administration. All expenses necessary to alter a ship, an aircraft, a station, or equipment to fit it for the service required by the receiving military department and to replace it or return it to its condition at the time of transfer shall be borne by the military department to which transferred.

- b. A complete inventory of all property conveyed as the result of any transfer shall be prepared by the National Oceanic & Atmospheric Administration, and an authorized agent of the receiving military department shall provide a receipt therefore.
6. Interdepartmental Board. There shall exist an Interdepartmental Board for the Cooperation of the National Oceanic & Atmospheric Administration with the Department of Defense in connection with planning for the wartime duties of the National Oceanic & Atmospheric Administration.
 - a. **Organization:** The Board shall consist of two members, one appointed by the Secretary of Commerce, and the other appointed by the Secretary of Defense. The Board shall be responsible for coordinating wartime planning dealing with mapping, charting, and geodetic sciences, and with operational services in meteorology, climatology, oceanography, aeronomy, weather satellites, and related elements of the terrestrial environment. Each member, as appropriate, may be assisted by experts. The member appointed by the Secretary of Commerce shall be Chairman of the Board and preside at all of its meetings. A recorder, appointed by the Chairman, shall keep minutes of all Board meetings and assist in the preparation of documents and correspondence of the Board. The Board shall be empowered to establish ad hoc groups to assist in performing its duties. The Board shall meet annually, and at such other times as may be required, at the call of the Chairman.
 - b. **Duties.**
 - (1) In time of peace, the Board shall consider how the National Oceanic & Atmospheric Administration and the Department of Defense can cooperate to prepare the National Oceanic & Atmospheric Administration for timely and efficient discharge of its duties in time of national emergency. The Board shall submit for the approval of the Secretaries:
 - (a) recommendations as to how to better utilize the products, facilities, and services of the National Oceanic & Atmospheric Administration for national defense purposes;
 - (b) recommendations as to training or participating in programs of mutual interest;
 - (c) recommendations and relative priorities for continuing, in time of national emergency, selected peacetime reimbursable programs performed by the National Oceanic & Atmospheric Administration in support of the Department of Defense; and

- (d) recommendations as to memorandums of understanding between the National Oceanic & Atmospheric Administration and the Department of Defense concerning actions to be taken during national emergency.
 - (2) In time of national emergency declared by Congress or the President, the Board shall consider the needs of the Department of Defense for the products, facilities, and services of the National Oceanic & Atmospheric Administration and shall submit for the approval of the Secretaries:
 - (a) recommendations as to the transfer of commissioned officers, ships, aircraft, equipment, and stations of the National Oceanic & Atmospheric Administration to and from the service and jurisdiction of the military departments;
 - (b) recommendations as to the modification of the normal activities of the National Oceanic & Atmospheric Administration in order to correlate them with military requirements;
 - (c) recommendations as to new activities to be undertaken by the National Oceanic & Atmospheric Administration in the interest of national defense; and
 - (d) recommendations as to new, or changes to standing memoranda of understanding between the Department of Commerce and the Department of Defense with respect to actions by the National Oceanic & Atmospheric Administration in the interest of national defense.
 - c. Communications: Direct communications between appropriate representatives of the Department of Defense, including the military departments, and the Department of Commerce, including the National Oceanic & Atmospheric Administration, is authorized on matters concerning the implementation of memoranda of understanding or other agreements which carry out the provisions of the Act of 22 May 1917, as amended, and of these regulations.
- 7. Miscellaneous.
 - a. Date of Transfer: The date on which the appropriate military department assumes authority over and responsibility for personnel, ships, aircraft, equipment, or stations, and the date on which the National Oceanic & Atmospheric Administration relinquishes authority and responsibility shall be the date the actual transfer is effected unless the Executive Order directing the transfer otherwise provides.

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- b. Appropriations: After the date of transfer of any ship, aircraft, station, equipment, or personnel of the National Oceanic & Atmospheric Administration to a military department, all expenses connected therewith shall be defrayed out of the appropriations for the Department to which transfer is made. The cost of pay and allowance support for National Oceanic & Atmospheric Administration commissioned officers assigned to the Department of Defense in accordance with paragraph 4b above shall be borne by the Department of Commerce.

- c. Reports: Personnel records and correspondence necessary to preserve the continuity of administrative records of the National Oceanic & Atmospheric Administration shall be furnished to the National Oceanic & Atmospheric Administration by the military departments.

/S/ David Packard/Oct 19 1971

Secretary of Defense

/S/ Maurice H. Stans/Nov 11 1971

Secretary of Commerce