

108TH CONGRESS
2D SESSION

H. R. 5001

To establish a pilot program to develop a comprehensive system of ocean and coastal observations for the Nation's oceans, coasts, and Great Lakes, including enhanced security at United States ports, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 22, 2004

Mr. WELDON of Pennsylvania (for himself, Mr. ALLEN, and Mr. GREENWOOD) introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish a pilot program to develop a comprehensive system of ocean and coastal observations for the Nation's oceans, coasts, and Great Lakes, including enhanced security at United States ports, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Ocean and Coastal
5 Observation Systems Act of 2004".

1 **SEC. 2. FINDINGS AND PURPOSES.**

2 (a) FINDINGS.—Congress finds the following:

3 (1) The 95,000-mile coastline of the United
4 States is vital to the Nation's homeland security,
5 transportation, trade, environmental and human
6 health, recreation and tourism, food production, sci-
7 entific research and education, historical and cul-
8 tural heritage, and energy production.

9 (2) More than half of the Nation's population
10 lives and works in coastal communities that together
11 make up 11 percent of its land and its most eco-
12 logically and economically important regions. These
13 regions support approximately 190 seaports, contain
14 most of the Nation's largest cities, and provide ac-
15 cess to coastal waters rich in natural resources.

16 (3) The Nation's coastal waters and Great
17 Lakes provide tremendous value to the Nation's
18 economy. The Nation's ports handle goods valued at
19 more than \$700,000,000,000 annually and nearly
20 half of the goods, including energy products, contain
21 hazardous materials; the value of the fishing indus-
22 try exceeds \$28,000,000,000 annually; the value of
23 the recreational fishing industry is estimated at
24 \$20,000,000,000 annually; and the value of the off-
25 shore oil and gas industry is between
26 \$25,000,000,000 and \$40,000,000,000 annually.

1 (4) The rich biodiversity of marine organisms
2 provides society with essential food resources, a
3 promising source of marine products with commer-
4 cial and medical potential, and an important con-
5 tribution to the national economy.

6 (5) The oceans and the Great Lakes drive cli-
7 mate and weather factors causing severe weather
8 events and threatening the health of coastal eco-
9 systems and communities by creating or affecting
10 both natural and manmade coastal hazards such as
11 hurricanes, tsunamis, erosion, oil spills, harmful
12 algal blooms, and pollution, which can each pose
13 threats to human health and safety.

14 (6) Each year, the Coast Guard relies on ocean
15 information to save 4,380 people, conducts over
16 65,000 rescue missions, and carries out more than
17 11,680 environmental cleanups and responses to pol-
18 lution.

19 (7) Safeguarding homeland security requires
20 improved monitoring of the Nation's ports and
21 coastline, including the ability to track vessels and
22 to provide rapid response teams with real-time envi-
23 ronmental conditions necessary for their work.

24 (8) Advances in sensing technologies and sci-
25 entific understanding have made possible long-term

1 and continuous observation from shore, space, and
2 in situ of ocean and coastal characteristics and con-
3 ditions.

4 (9) Many elements of an ocean and coastal ob-
5 serving system are in place but require Federal in-
6 vestment to consolidate, complete, sustain, and inte-
7 grate.

8 (10) National investment in a sustained and in-
9 tegrated ocean and coastal observing system and in
10 coordinated programs of research would assist the
11 Nation and the world in understanding the oceans
12 and the global climate system, strengthen homeland
13 security, improve weather and climate forecasts,
14 strengthen management of marine resources, im-
15 prove the safety and efficiency of maritime oper-
16 ations, and mitigate coastal hazards.

17 (b) PURPOSES.—The purposes of this Act are to pro-
18 vide for—

19 (1) the development of an integrated ocean ob-
20 serving system that provides the data and informa-
21 tion required to ensure national security and the
22 quality of life, sustains economic development, sus-
23 tains and restores healthy marine ecosystems and
24 the resources they support, enables advances in sci-

1 entific understanding of the oceans, and strengthens
2 science education and communication;

3 (2) implementation of a research and develop-
4 ment program to better understand the oceans and
5 achieve the goals of an integrated ocean observing
6 system;

7 (3) implementation of a data and information
8 management system required by all components of
9 an integrated ocean and coastal observing system
10 and related research; and

11 (4) establishment of a system of regional ocean
12 and coastal observing systems to address local needs
13 for ocean information.

14 **SEC. 3. DEFINITIONS.**

15 In this Act, the following definitions apply:

16 (1) COUNCIL.—The term “Council” means the
17 National Ocean Research Leadership Council estab-
18 lished under section 7902(a) of title 10, United
19 States Code.

20 (2) IOOS.—The term “IOOS” means the inte-
21 grated ocean and coastal observing system to be es-
22 tablished by the Council under section 4(a).

23 (3) NATIONAL OCEANOGRAPHIC PARTNERSHIP
24 PROGRAM.—The term “National Oceanographic
25 Partnership Program” means the program estab-

1 lished under section 7901 of title 10, United States
2 Code.

3 (4) INTERAGENCY PROGRAM OFFICE.—The
4 term “interagency program office” means the office
5 established under section 4(d).

6 **SEC. 4. INTEGRATED OCEAN AND COASTAL OBSERVING**
7 **SYSTEM.**

8 (a) ESTABLISHMENT.—The President, acting
9 through the Council, shall carry out a pilot program to
10 establish an integrated ocean and coastal observing system
11 of monitoring, data communication and management,
12 analysis, modeling, and research designed to provide data
13 and information for the timely detection and prediction
14 of changes occurring in the marine and coastal environ-
15 ment that impact the Nation’s social, economic, and eco-
16 logical systems. The IOOS shall provide for continuous
17 and quality-controlled observations of the oceans and
18 coasts for the following purposes:

19 (1) Improving the health of the Nation’s
20 oceans, coasts, and Great Lakes.

21 (2) Protecting human lives and livelihoods from
22 hazards.

23 (3) Supporting national defense and homeland
24 security efforts.

1 (4) Understanding the effects of human activi-
2 ties and natural variability on the state of the ocean
3 and coasts and the Nation's socioeconomic well-
4 being.

5 (5) Measuring, explaining, and predicting envi-
6 ronmental changes.

7 (6) Providing for the sustainable use, protec-
8 tion, and enjoyment of ocean and coastal resources.

9 (7) Providing a scientific basis for implementa-
10 tion and refinement of ecosystem-based manage-
11 ment.

12 (8) Educating the public about the role and im-
13 portance of the oceans in daily life.

14 (9) Tracking and understanding climate change
15 and the ocean's and Great Lake's roles in it.

16 (10) Supplying important information to ma-
17 rine-related businesses such as marine transpor-
18 tation, aquaculture, fisheries, and offshore energy
19 production.

20 (b) SYSTEM ELEMENTS.—In order to fulfill the pur-
21 poses of this Act, the IOOS shall consist of the following
22 program elements:

23 (1) A national observation program to fulfill na-
24 tional priorities, including the Nation's contribution
25 to the Global Ocean Observing System.

1 (2) A network of regional associations to man-
2 age the regional ocean and coastal observing and in-
3 formation programs that collect, measure, and dis-
4 seminate data and information products to meet re-
5 gional needs.

6 (3) A data management and communication
7 system for the timely integration and dissemination
8 of data and information products from the national
9 and regional systems.

10 (4) A research and development program con-
11 ducted under the guidance of the Council and imple-
12 mented through the National Oceanographic Part-
13 nership Program.

14 (5) An outreach, education, and training pro-
15 gram that augments existing programs, such as the
16 National Sea Grant program and the Centers for
17 Ocean Science Education Excellence program, to en-
18 sure the use of the data and information for improv-
19 ing public education and awareness of the Nation's
20 oceans and building the technical expertise required
21 to operate and improve the IOOS.

22 (c) COUNCIL FUNCTIONS.—In carrying out respon-
23 sibilities under this section, the Council shall—

24 (1) serve as the oversight body for the design
25 and implementation of all aspects of the IOOS;

1 (2) adopt plans and budgets that are designed
2 and maintained by the interagency program office;

3 (3) coordinate the IOOS with other earth ob-
4 serving activities and the Global Ocean Observing
5 System;

6 (4) coordinate and administer a program of re-
7 search and development under the National Oceano-
8 graphic Partnership Program to support the oper-
9 ation of an integrated ocean and coastal observing
10 system and to advance the understanding of the
11 oceans;

12 (5) establish pilot projects to develop technology
13 and methods for advancing the development of the
14 IOOS;

15 (6) support the development of institutional
16 mechanisms to further the goals of the program and
17 provide for the capitalization of the required infra-
18 structure;

19 (7) provide, as appropriate, support for and
20 representation on United States delegations to inter-
21 national meetings on ocean and coastal observing
22 programs; and

23 (8) in consultation with the Secretary of State,
24 coordinate relevant Federal activities with those of
25 other nations.

1 (d) INTERAGENCY PROGRAM OFFICE.—

2 (1) ESTABLISHMENT.—There is established
3 under the Council an interagency program office to
4 be known as “OceanUS”.

5 (2) RESPONSIBILITIES.—The interagency pro-
6 gram office shall be responsible for program plan-
7 ning and coordination of the IOOS. The interagency
8 program office shall—

9 (A) prepare annual and long-term plans
10 for consideration by the Council for the design
11 and implementation of the IOOS that promote
12 collaboration among Federal agencies and re-
13 gional associations in developing the global and
14 national observing systems, including identifica-
15 tion and refinement of a core set of variables to
16 be measured by all systems;

17 (B) coordinate the development of agency
18 budgets for implementation of the IOOS, in-
19 cluding budgets for the regional associations;

20 (C) establish standards and protocols for
21 data management and communications, includ-
22 ing quality standards, in consultation with par-
23 ticipating Federal agencies and regional asso-
24 ciations;

1 (D) certify the regional associations and
2 establish a process for their periodic review and
3 recertification; and

4 (E) establish an external technical com-
5 mittee to provide biannual review of the IOOS.

6 (e) LEAD FEDERAL AGENCY.—The National Oceanic
7 and Atmospheric Administration shall be the lead Federal
8 agency for implementation and operation of the IOOS.
9 Based on the plans prepared by the interagency program
10 office and adopted by the Council, the Administrator of
11 the National Oceanic and Atmospheric Administration
12 shall—

13 (1) coordinate implementation, operation, and
14 improvement of the IOOS;

15 (2) establish efficient and effective administra-
16 tive procedures to allocate funds to other Federal
17 agencies and regional associations in a timely man-
18 ner and according to the budget adopted by the
19 Council; and

20 (3) implement and maintain the appropriate
21 elements of the IOOS.

22 (f) REGIONAL OCEAN AND COASTAL OBSERVING
23 SYSTEMS.—Regional associations shall be responsible for
24 the development and operation of regional ocean and
25 coastal observing systems to meet the information needs

1 of the users groups in the region while adhering to na-
2 tional standards. A regional association shall—

3 (1) demonstrate an organizational structure ca-
4 pable of supporting and integrating all aspects of a
5 regional ocean and coastal observing and informa-
6 tion program within a region;

7 (2) prepare and have approved by the inter-
8 agency program office a strategic operations plan
9 that ensures the operation and support of regional
10 ocean and coastal observing systems pursuant to the
11 standards established by the Council; and

12 (3) provide information products for multiple
13 users in the region.

14 (g) CIVIL LIABILITY.—For purposes of section
15 1346(b)(1) and chapter 171 of title 28, United States
16 Code, any regional ocean and coastal observing system
17 that is designated part of a regional association under this
18 section shall, in carrying out the purposes of this Act, be
19 deemed to be part of the National Oceanic and Atmos-
20 pheric Administration, and any employee of such system,
21 while acting within the scope of his or her employment
22 in carrying out such purposes, shall be deemed to be an
23 employee of the Government.

1 **SEC. 5. INTERAGENCY FINANCING.**

2 The departments and agencies represented on the
3 Council are authorized to participate in interagency fi-
4 nancing and share, transfer, receive, obligate, and expend
5 funds appropriated to any member of the Council for the
6 purposes of carrying out any administrative or pro-
7 grammatic project or activity under this Act or under the
8 National Oceanographic Partnership Program, including
9 support for the interagency program office, a common in-
10 frastructure, and system integration for an ocean and
11 coastal observing system. Funds may be transferred
12 among such departments and agencies through an appro-
13 priate instrument that specifies the goods, services, or
14 space being acquired from another Council member and
15 the costs of the same.

16 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

17 (a) OBSERVING SYSTEM AUTHORIZATION.—For de-
18 velopment and implementation of an integrated ocean and
19 coastal observing system under section 4, including finan-
20 cial assistance to the interagency program office, to the
21 regional associations for the implementation of regional
22 ocean and coastal observing systems, and to the depart-
23 ments and agencies represented on the Council, there are
24 authorized, in addition to any amounts previously author-
25 ized, to be appropriated to the National Oceanic and At-

1 mospheric Administration \$100,000,000 for fiscal year
2 2006.

3 (b) REGIONAL OCEAN AND COASTAL OBSERVING
4 SYSTEMS.—

5 (1) IN GENERAL.—Based on guidelines formu-
6 lated by the interagency program office and ap-
7 proved by the Council, the Administrator of the Na-
8 tional Oceanic and Atmospheric Administration shall
9 provide funding to certified regional associations to
10 design, implement, operate, and improve regional
11 ocean and coastal observing and information sys-
12 tems.

13 (2) FUNDING.—To carry out paragraph (1), the
14 Administrator shall set aside from amounts appro-
15 priated pursuant to subsection (a) \$50,000,000 for
16 fiscal year 2006.

17 (c) AVAILABILITY.—Sums appropriated pursuant to
18 this section shall remain available until expended.

19 **SEC. 7. REPORTING REQUIREMENT.**

20 Not later than March 31, 2006, the President, acting
21 through the Council, shall transmit to Congress a report
22 on the pilot program established under section 4. The re-
23 port shall include a description of activities carried out
24 under the program, an evaluation of the effectiveness of
25 the program, and recommendations concerning reauthor-

- 1 ization of the program and funding levels for the program
- 2 in succeeding fiscal years.

