

109TH CONGRESS
1ST SESSION

H. R. 1489

To authorize the Secretary of Commerce to establish a coastal ocean
observation system.

IN THE HOUSE OF REPRESENTATIVES

APRIL 6, 2005

Mr. GILCHREST 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 authorize the Secretary of Commerce to establish a
coastal ocean observation system.

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 “Coastal Ocean Obser-
5 vation System Integration and Implementation Act of
6 2005”.

7 **SEC. 2. PURPOSES.**

8 The purposes of this Act are the following:

1 (1) To gain a better understanding of the ma-
2 rine environment and marine processes important to
3 coastal and fishery management, marine operations,
4 environmental prediction, and other appropriate ac-
5 tivities.

6 (2) To authorize the establishment of an obser-
7 vation system to collect data on environmental vari-
8 ables in coastal ocean waters of the United States to
9 meet regional and national information requirements
10 and support an integrated national ocean observing
11 system.

12 (3) To more effectively predict and mitigate im-
13 pacts of natural hazards such as tsunamis, hurri-
14 canes, coastal erosion, and fluctuating water levels
15 in the Great Lakes, and conserve healthy and re-
16 store degraded coastal ecosystems.

17 (4) To enable the sustainable use of ocean and
18 coastal resources.

19 (5) To ensure that a broad-based multisector
20 constituency is included in the development of the
21 System, including local, State, tribal, and Federal
22 agencies, private companies, nongovernmental orga-
23 nizations, and academic institutions.

24 **SEC. 3. DEFINITIONS.**

25 In this Act:

1 (1) ADMINISTRATION.—The term “Administra-
2 tion” means the National Oceanic and Atmospheric
3 Administration.

4 (2) COASTAL WATERS OF THE UNITED
5 STATES.—The term “coastal waters of the United
6 States” means waters of coastal and estuarine areas
7 of United States, waters of the Great Lakes and the
8 exclusive economic zone of the United States, includ-
9 ing bays, lagoons, fjords, tidal wetlands, and other
10 semienclosed bodies of water that are connected to
11 ocean waters.

12 (3) COUNCIL.—The term “Council” means the
13 National Ocean Research Leadership Council.

14 (4) PANEL.—The term “Panel” means the
15 Ocean and Research Advisory Panel.

16 (5) SECRETARY.—The term “Secretary” means
17 the Secretary of Commerce, acting through the Ad-
18 ministration.

19 (6) SYSTEM.—The term “System” means the
20 Coastal Ocean Observation System established by
21 the Secretary under section 4.

22 **SEC. 4. ESTABLISHMENT OF COASTAL OCEAN OBSERVA-**
23 **TION SYSTEM.**

24 (a) REQUIREMENT.—The Secretary, in consultation
25 with the Council, shall establish within the Administration

1 a Coastal Ocean Observation System to support coastal
2 and fishery management activities and an integrated na-
3 tional ocean observation system.

4 (b) COMPONENTS AND FUNCTIONS.—The System
5 shall—

6 (1) consist of components of the Administration
7 and other Federal agencies and non-Federal entities
8 designated as units under section 5;

9 (2) transmit such data to users including, as
10 appropriate, in real time or near real time;

11 (3) produce forecasts and other appropriate
12 products representing ocean conditions and proc-
13 esses; and

14 (4) manage the collected data in accordance
15 with best practices for archiving and future use.

16 **SEC. 5. DESIGNATION OF UNITS AND STANDARDS.**

17 (a) IN GENERAL.—The Secretary may, in consulta-
18 tion with the Council, designate as a unit of the System
19 to carry out the purposes of this Act any Federal agency
20 or non-Federal entity that operates marine sensors and
21 other devices that collect remotely sensed and in situ ob-
22 servation data in the ocean and coastal waters of the
23 United States in a routine manner, including continuous
24 observations.

1 (b) CRITERIA FOR DESIGNATION.—The Secretary
2 may not designate an agency or other entity as a unit of
3 the System unless the Secretary certifies, in consultation
4 with the Council, that the entity has adequate technical
5 expertise to operate and sustain the technology in the unit,
6 and collect and distribute data in accordance with stand-
7 ards and protocols established under subsection (c).

8 (c) DATA STANDARDS, PROTOCOLS, AND SYSTEMS.—
9 The Secretary shall—

10 (1) establish, in consultation with the Council
11 and the Panel, standards, and protocols for the col-
12 lection, availability, and distribution by units of the
13 System of data regarding coastal waters of the
14 United States; and

15 (2) establish management, quality control, and
16 assessment systems for such data collection, avail-
17 ability, and distribution.

18 **SEC. 6. COORDINATION AND ACTIVITIES OF THE SYSTEM.**

19 (a) IN GENERAL.—The Secretary shall, in consulta-
20 tion with the Council, coordinate those observation activi-
21 ties of units of the System that are conducted with respect
22 to the coastal waters of the United States, as necessary
23 to collect data to carry out the purposes of this Act.

24 (b) INCLUDED ACTIVITIES.—The Secretary shall, in
25 consultation with the Council, ensure that—

1 (1) data collection activities of the System in-
2 clude all of the relevant coastal ocean observations
3 necessary to carry out the purposes of this Act; and

4 (2) data collected through the System is useful
5 for developing forecast models to support coastal
6 and fishery management, safe and efficient marine
7 navigation, weather and climate prediction, and
8 other appropriate activities.

9 (c) PREVENTION COMPETITION WITH PRIVATE SEC-
10 TOR AND DUPLICATION OF EFFORT.—The Secretary shall
11 ensure that data collection activities conducted through
12 the System—

13 (1) do not compete with private sector activi-
14 ties; and

15 (2) minimize duplication of effort.

16 **SEC. 7. CIVIL LIABILITY.**

17 For purposes of determining civil liability under sec-
18 tion 2671 of title 28, United States Code, any unit of the
19 System that is designated by the Secretary under section
20 5, and any employee thereof, shall be treated as an instru-
21 mentality of the United States with respect to any act or
22 omission committed by any such unit or employee in ful-
23 filling the purposes of this Act.

24 **SEC. 8. DATA AVAILABILITY AND PRODUCTS.**

25 The Secretary shall—

1 (1) work with the Panel and user groups to en-
2 sure the development of viable end-use products of
3 the System to support coastal and fishery manage-
4 ment activities and other appropriate activities;

5 (2) in consultation with the Council, develop a
6 data management and communication system by
7 which all data collected by the System regarding
8 coastal waters of the United States are integrated
9 and available; and

10 (3) in conjunction with Federal, State, and
11 local agencies, and academic institutions, use data
12 collected by the System to develop forecast models to
13 support and improve coastal and fishery manage-
14 ment, safe and efficient marine navigation, weather
15 and climate prediction, and other appropriate activi-
16 ties.

17 **SEC. 9. PILOT PROJECTS.**

18 (a) REQUIREMENT.—The Secretary, in consultation
19 with the Council, shall carry out pilot projects to deter-
20 mine the effectiveness of collecting and integrating coastal
21 ocean observation data to support the Coastal Ocean Ob-
22 servation System established under this Act.

23 (b) INCLUDED PROJECTS.—The pilot projects shall—

24 (1) test the integration of data among multiple
25 Federal agencies and non-Federal entities that oper-

1 ate marine sensors and other devices to collect or
2 use coastal ocean observation data;

3 (2) produce operational applications relevant to
4 the purposes of this Act;

5 (3) demonstrate potential economic and societal
6 benefits of the System; and

7 (4) advance research and development of useful
8 technologies and applications.

9 **SEC. 10. PROCESS FOR TRANSITION FROM RESEARCH TO**
10 **OPERATION.**

11 The Secretary, in consultation with the Council, shall
12 formulate a process by which—

13 (1) funding is made available for research on
14 new technologies for collecting data regarding coast-
15 al waters of the United States;

16 (2) such technologies are tested in pilot
17 projects, including—

18 (A) accelerated research into biological and
19 chemical sensing techniques and satellite sen-
20 sors for collecting such data; and

21 (B) developing technologies to improve all
22 aspects of the System, especially the timeliness
23 and accuracy of its predictive models and the
24 usefulness of its information products; and

1 (3) technology that has been demonstrated to
2 be useful for the System is incorporated into use by
3 the System.

4 **SEC. 11. CONTRACTS AND GRANTS.**

5 The Secretary may enter into contracts or cooperative
6 agreements with, or make grants to, units of the System
7 to carry out observation activities with respect to coastal
8 waters of the United States.

9 **SEC. 12. IMPLEMENTATION PLAN.**

10 Not later than 12 months after the date of the enact-
11 ment of this Act, the Secretary shall submit to the Con-
12 gress and the Council a plan for implementation of this
13 Act, including for—

14 (1) coordinating activities of the Secretary
15 under this Act with other Federal agencies; and

16 (2) distributing, to units of the System, funds
17 available to carry out this Act.

18 **SEC. 13. REPORT TO CONGRESS.**

19 (a) REQUIREMENT.—Not later than two years after
20 the date of the enactment of this Act and every two years
21 thereafter, the Secretary shall transmit to the Congress
22 a report on progress made in implementing this Act.

23 (b) CONTENTS.—The report shall include the fol-
24 lowing:

1 (1) A description of activities carried out under
2 this Act.

3 (2) An evaluation of the effectiveness of the
4 System.

5 (3) Benefits of the System to users of data
6 products resulting from the System (including the
7 general public, industry, scientists, resource man-
8 agers, emergency responders, policy makers, and
9 educators).

10 (4) Recommendations concerning—

11 (A) modifications to the System; and

12 (B) funding levels for the System in subse-
13 quent fiscal years.

14 **SEC. 14. AUTHORIZATION OF APPROPRIATIONS.**

15 To carry out this Act there are authorized to be ap-
16 propriated to the Secretary—

17 (1) \$25,000,000 for fiscal year 2005;

18 (2) \$30,000,000 for fiscal year 2006;

19 (3) \$35,000,000 for fiscal year 2007; and

20 (4) \$40,000,000 for fiscal year 2008.

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