

109TH CONGRESS
1ST SESSION

H. R. 1584

To develop and maintain an integrated system of coastal and ocean observations for the Nation's coasts, oceans, and Great Lakes, to improve warnings of tsunamis and other natural hazards, to enhance homeland security, to support maritime operations, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 12, 2005

Mr. WELDON of Pennsylvania (for himself, Mr. ALLEN, Mr. SAXTON, Mr. INSLEE, Mrs. DRAKE, Mr. FARR, Mr. FITZPATRICK of Pennsylvania, Mr. MORAN of Virginia, Mr. SMITH of New Jersey, Mr. MENENDEZ, Mr. ROHRBACHER, Ms. ESHOO, Mr. HUNTER, Mr. CASE, Mr. MCINTYRE, Mr. McDERMOTT, Mr. FORTUÑO, Mr. BUTTERFIELD, Mr. KILDEE, and Ms. LEE) 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 develop and maintain an integrated system of coastal and ocean observations for the Nation's coasts, oceans, and Great Lakes, to improve warnings of tsunamis and other natural hazards, to enhance homeland security, to support maritime operations, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Ocean and Coastal
3 Observation System Act of 2005”.

4 **SEC. 2. FINDINGS AND PURPOSES.**

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

6 (1) Coastal and ocean observations provide vital
7 information for protecting human lives and property
8 from marine hazards, enhancing national and home-
9 land security, predicting weather and global climate
10 change, improving ocean health, and providing for
11 the protection, sustainable use, and enjoyment of the
12 resources of the Nation’s coasts, oceans, and Great
13 Lakes.

14 (2) The continuing and potentially devastating
15 threat posed by tsunamis, hurricanes, storm surges,
16 and other marine hazards requires immediate imple-
17 mentation of strengthened observation and commu-
18 nications systems to provide timely detection, assess-
19 ment, and warnings to the millions of people living
20 in coastal regions of the United States and through-
21 out the world.

22 (3) The 95,000-mile coastline of the United
23 States, including the Great Lakes, is vital to the Na-
24 tion’s prosperity, contributing over
25 \$117,000,000,000 to the national economy in 2000,
26 supporting jobs for more than 200,000,000 Ameri-

1 cans, handling \$700,000,000,000 in waterborne
2 commerce, and supporting commercial and sport
3 fisheries valued at more than \$50,000,000,000 an-
4 nually.

5 (4) Safeguarding homeland security, conducting
6 search and rescue operations, responding to natural
7 and manmade coastal hazards (such as oil spills and
8 harmful algal blooms), and managing fisheries and
9 other coastal activities each require improved moni-
10 toring of the Nation's waters and coastline, includ-
11 ing the ability to track vessels and to provide rapid
12 response teams with real-time environmental condi-
13 tions necessary for their work.

14 (5) While knowledge of the coastal and ocean
15 environment and processes is far from complete, ad-
16 vances in sensing technologies and scientific under-
17 standing have made possible long-term and contin-
18 uous observation from shore, space, and in situ of
19 coastal and ocean characteristics and conditions.

20 (6) Many elements of a coastal and ocean ob-
21 serving system are in place, but require national in-
22 vestment, consolidation, completion, and integration
23 at Federal, regional, State, and local levels.

24 (7) The Commission on Ocean Policy rec-
25 ommends a national commitment to a sustained and

1 integrated coastal and ocean observing system and
2 to coordinated research programs in order to assist
3 the Nation and the world in understanding the
4 oceans and the global climate system, enhancing
5 homeland security, improving weather and climate
6 forecasts, strengthening management of coastal and
7 ocean resources, improving the safety and efficiency
8 of maritime operations, and mitigating marine haz-
9 ards.

10 (8) In 2003, the United States led more than
11 50 nations in affirming the vital importance of time-
12 ly, quality, long-term global observations as a basis
13 for sound decisionmaking, recognizing the contribu-
14 tion of observation systems to meet national, re-
15 gional, and global needs, and calling for strength-
16 ened cooperation and coordination in establishing a
17 Global Earth Observation System of Systems, of
18 which an integrated coastal and ocean observing sys-
19 tem is an essential part.

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

22 (1) the development and maintenance of an in-
23 tegrated coastal and ocean observing system that
24 provides data and information to ensure national se-
25 curity and public safety, support economic develop-

1 ment, sustain and restore healthy marine ecosystems
2 and the resources they support, enable advances in
3 scientific understanding of the oceans, and strength-
4 en science education and communication;

5 (2) implementation of research and development
6 and education programs to improve understanding
7 of the oceans and Great Lakes and to achieve the
8 full national benefits of an integrated coastal and
9 ocean observing system;

10 (3) implementation of a data and information
11 management system required by all components of
12 an integrated coastal and ocean observing system
13 and related research to develop early warning sys-
14 tems; and

15 (4) establishment of a system of regional coast-
16 al and ocean observing systems to address local
17 needs for ocean information.

18 **SEC. 3. DEFINITIONS.**

19 In this Act, the following definitions apply:

20 (1) COMMITTEE.—The term “Committee”
21 means the Committee on Ocean Policy established
22 under Executive Order 13366 (69 Fed. Reg. 76591).

23 (2) COUNCIL.—The term “Council” means the
24 National Ocean Research Leadership Council estab-

1 lished under section 7902(a) of title 10, United
2 States Code.

3 (3) OBSERVING SYSTEM.—The term “observing
4 system” means the integrated coastal, ocean, and
5 Great Lakes observing system to be established by
6 the Committee under section 4(a).

7 (4) NATIONAL OCEANOGRAPHIC PARTNERSHIP
8 PROGRAM.—The term “National Oceanographic
9 Partnership Program” means the program estab-
10 lished under section 7901 of title 10, United States
11 Code.

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

15 **SEC. 4. INTEGRATED COASTAL AND OCEAN OBSERVING**
16 **SYSTEM.**

17 (a) ESTABLISHMENT.—The Committee, acting
18 through the Council, shall establish and maintain an inte-
19 grated system of coastal and ocean observations, data
20 communication and management, analysis, modeling, re-
21 search, and education designed to provide data and infor-
22 mation for the timely detection and prediction of changes
23 occurring in the coastal and ocean environment that im-
24 pact the Nation’s social, economic, and ecological systems.
25 The observing system shall provide for long-term, contin-

uous, and quality-controlled observations of the Nation's
coasts, oceans, and Great Lakes for the following pur-
poses:

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

(2) Protecting human lives and livelihoods from
hazards such as tsunamis, hurricanes, coastal ero-
sion, and fluctuating Great Lakes water levels.

(3) Supporting national defense and homeland
security efforts.

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

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

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

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

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

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

1 (10) Supplying critical information to marine-
2 related businesses such as marine transportation,
3 aquaculture, fisheries, and offshore energy produc-
4 tion.

5 (11) Supporting research and development to
6 ensure continuous improvement to coastal and ocean
7 observation measurements and to enhance under-
8 standing of the Nation's coastal and ocean re-
9 sources.

10 (b) SYSTEM ELEMENTS.—In order to fulfill the pur-
11 poses of this Act, the observing system shall consist of the
12 following program elements:

13 (1) A national program to fulfill national obser-
14 vation priorities, including the Nation's ocean con-
15 tribution to the Global Earth Observation System of
16 Systems and the Global Ocean Observing System.

17 (2) A network of regional associations to man-
18 age the regional coastal and ocean observing and in-
19 formation programs that collect, measure, and dis-
20 seminate data and information products to meet re-
21 gional needs.

22 (3) A data management and communication
23 system for the timely integration and dissemination
24 of data and information products from the national
25 and regional systems.

1 (4) A research and development program con-
2 ducted under the guidance of the Council.

3 (5) An outreach, education, and training pro-
4 gram that augments existing programs (such as the
5 National Sea Grant College Program and the Cen-
6 ters for Ocean Sciences Education Excellence pro-
7 gram) to ensure the use of data and information for
8 improving public education and awareness of the
9 Nation's oceans and building the technical expertise
10 required to operate and improve the observing sys-
11 tem.

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

14 (1) serve as the oversight body for the design
15 and implementation of all aspects of the observing
16 system;

17 (2) adopt plans, budgets, and standards that
18 are developed and maintained by the interagency
19 program office in consultation with the regional as-
20 sociations;

21 (3) coordinate the observing system with other
22 earth observing activities, including the Global
23 Ocean Observing System and the Global Earth Ob-
24 serving System of Systems;

1 (4) coordinate and administer programs of re-
2 search and development and education to support
3 improvements to and the operation of an integrated
4 ocean and coastal observing system and to advance
5 the understanding of the oceans;

6 (5) establish pilot projects to develop technology
7 and methods for advancing the development of the
8 observing system;

9 (6) support the development of institutional
10 mechanisms to further the goals of the program and
11 provide for the capitalization of the required infra-
12 structure;

13 (7) provide, as appropriate, support for and
14 representation on United States delegations to inter-
15 national meetings on coastal and ocean observing
16 programs, including those under the jurisdiction of
17 the International Joint Commission involving Cana-
18 dian waters; and

19 (8) in consultation with the Secretary of State,
20 coordinate relevant Federal activities with those of
21 other nations.

22 (d) INTERAGENCY PROGRAM OFFICE.—

23 (1) ESTABLISHMENT.—The Council shall estab-
24 lish an interagency program office to be known as
25 “Oceanus”.

1 (2) RESPONSIBILITIES.—The interagency pro-
2 gram office shall be responsible for program plan-
3 ning and coordination of the observing system.

4 (3) DUTIES.—The interagency program office
5 shall—

6 (A) prepare annual and long-term plans
7 for consideration by the Council for the design
8 and implementation of the observing system
9 that promote collaboration among Federal
10 agencies and regional associations in developing
11 global and national observing systems, including
12 identification and refinement of a core set of
13 variables to be measured by all systems;

14 (B) coordinate the development of agency
15 priorities and budgets for implementation of the
16 observing system, including budgets for the re-
17 gional associations;

18 (C) establish and refine standards and pro-
19 tocols for data management and communica-
20 tions, including quality standards, in consulta-
21 tion with participating Federal agencies and re-
22 gional associations;

23 (D) develop a process for the certification
24 of the regional associations and their periodic
25 review and recertification; and

1 (E) establish an external technical com-
2 mittee to provide biennial review of the observ-
3 ing system.

4 (e) LEAD FEDERAL AGENCY.—The National Oceanic
5 and Atmospheric Administration shall be the lead Federal
6 agency for implementation and operation of the observing
7 system. Based on the plans prepared by the interagency
8 program office and adopted by the Council, the Adminis-
9 trator of the National Oceanic and Atmospheric Adminis-
10 tration shall—

11 (1) coordinate implementation, operation, and
12 improvement of the observing system;

13 (2) establish efficient and effective administra-
14 tive procedures for allocation of funds among Fed-
15 eral agencies and regional associations in a timely
16 manner and according to the budget adopted by the
17 Council;

18 (3) implement and maintain appropriate ele-
19 ments of the observing system;

20 (4) provide for the migration of scientific and
21 technological advances from research and develop-
22 ment to operational deployment;

23 (5) integrate and extend existing programs and
24 pilot projects into the operational observation sys-
25 tem; and

1 (6) certify regional associations that meet the
2 requirements of subsection (f).

3 (f) REGIONAL ASSOCIATIONS OF COASTAL AND
4 OCEAN OBSERVING SYSTEMS.—Regional associations
5 shall be responsible for the development and operation of
6 regional coastal and ocean observing systems to meet the
7 information needs of user groups in the region while ad-
8 hering to national standards. A regional association
9 shall—

10 (1) demonstrate an organizational structure ca-
11 pable of supporting and integrating all aspects of
12 coastal and ocean observing and information pro-
13 grams within a region;

14 (2) operate under a strategic operations and
15 business plan that details the operation and support
16 of regional coastal and ocean observing systems pur-
17 suant to the standards established by the Council;

18 (3) provide information products for multiple
19 users in the region;

20 (4) work with governmental entities and pro-
21 grams at all levels within the region to provide time-
22 ly warnings and outreach and education to protect
23 the public; and

24 (5) be certified by the National Oceanic and At-
25 mospheric Administration according to certification

1 standards developed by the interagency program of-
2 fice in conjunction with the regional associations and
3 approved by the Council.

4 (g) CIVIL LIABILITY.—For purposes of section
5 1346(b)(1) and chapter 171 of title 28, United States
6 Code, the Act of March 9, 1920 (46 U.S.C. App. 741 et
7 seq., popularly known as the “Suits in Admiralty Act”),
8 and the Act of March 3, 1925 (46 U.S.C. App. 781 et
9 seq., popularly known as the “Public Vessels Act”), any
10 regional coastal and ocean observing system that is a des-
11 ignated part of a certified regional association under this
12 section shall, in carrying out the purposes of this Act, be
13 deemed to be part of the National Oceanic and Atmos-
14 pheric Administration, and any employee of such system,
15 while acting within the scope of his or her employment
16 in carrying out such purposes, shall be deemed to be an
17 employee of the Government.

18 **SEC. 5. RESEARCH AND DEVELOPMENT AND EDUCATION.**

19 The Council shall establish programs for research
20 and development and education for the coastal and ocean
21 observing system, including projects under the National
22 Oceanographic Partnership Program, and consisting of
23 the following:

24 (1) Basic research to advance knowledge of
25 coastal and ocean systems and ensure continued im-

1 provement of operational products, including related
2 infrastructure and observing technology.

3 (2) Focused research projects to improve under-
4 standing of the relationship between the coasts and
5 oceans and human activities.

6 (3) Large scale computing resources and re-
7 search to advance modeling of ocean and coastal
8 processes.

9 (4) A coordinated effort to build public edu-
10 cation and awareness of the coastal and ocean envi-
11 ronment and functions that integrates ongoing ac-
12 tivities (such as the National Sea Grant College Pro-
13 gram and the Centers for Ocean Sciences Education
14 Excellence program).

15 **SEC. 6. INTERAGENCY FINANCING.**

16 The departments and agencies represented on the
17 Council are authorized to participate in interagency fi-
18 nancing and to share, transfer, receive, obligate, and ex-
19 pend funds appropriated to any member of the Council
20 for the purposes of carrying out any administrative or pro-
21 grammatic project or activity under this Act or under the
22 National Oceanographic Partnership Program, including
23 support for the interagency program office, a common in-
24 frastructure, and system integration for a coastal and
25 ocean observing system. Funds may be transferred among

1 such departments and agencies through an appropriate in-
2 strument that specifies the goods, services, or space being
3 acquired from another Council member and the costs of
4 the same.

5 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

6 There are authorized to be appropriated to the Sec-
7 retary of Commerce for the implementation of an inte-
8 grated coastal and ocean observing system under section
9 4, and the research and development program under sec-
10 tion 5, including financial assistance to the interagency
11 program office, the regional associations for the implemen-
12 tation of regional coastal and ocean observing systems,
13 and the departments and agencies represented on the
14 Council, such sums as may be necessary for each of fiscal
15 years 2006 through 2010. At least 50 percent of the sums
16 appropriated for the implementation of the integrated
17 coastal and ocean observing system under section 4 shall
18 be allocated to the regional associations for the implemen-
19 tation of the regional coastal and ocean observing systems.
20 Sums appropriated pursuant to this section shall remain
21 available until expended.

22 **SEC. 8. REPORTING REQUIREMENT.**

23 Not later than March 31, 2010, the President, acting
24 through the Council, shall transmit to Congress a report
25 on the programs established under sections 4 and 5. The

1 report shall include a description of activities carried out
2 under the programs, an evaluation of the effectiveness of
3 the programs, and recommendations concerning reauthor-
4 ization of the programs and funding levels for the pro-
5 grams in succeeding fiscal years.

