

109TH CONGRESS  
1ST SESSION

# S. 361

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## IN THE HOUSE OF REPRESENTATIVES

JULY 11, 2005

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

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## AN ACT

To develop and maintain an integrated system of ocean and coastal observations for the Nation's coasts, oceans and Great Lakes, improve warnings of tsunamis and other natural hazards, 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 System Act of 2005”.

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

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

3 (1) Ocean and coastal observations provide vital  
4 information for protecting human lives and property  
5 from marine hazards, predicting weather, improving  
6 ocean health and providing for the protection and  
7 enjoyment of the resources of the Nation's coasts,  
8 oceans, and Great Lakes.

9 (2) The continuing and potentially devastating  
10 threat posed by tsunamis, hurricanes, storm surges,  
11 and other marine hazards requires immediate imple-  
12 mentation of strengthened observation and data  
13 management systems to provide timely detection, as-  
14 sessment, and warnings to the millions of people liv-  
15 ing in coastal regions of the United States and  
16 throughout the world.

17 (3) The 95,000-mile coastline of the United  
18 States, including the Great Lakes, is vital to the Na-  
19 tion's prosperity, contributing over \$117 billion to  
20 the national economy in 2000, supporting jobs for  
21 more than 200 million Americans, and supporting  
22 commercial and sport fisheries valued at more than  
23 \$50 billion annually.

24 (4) Responding to coastal hazards and man-  
25 aging fisheries and other coastal activities require  
26 improved monitoring of the Nation's waters and

1 coastline, including the ability to provide rapid re-  
2 sponse teams with real-time environmental condi-  
3 tions necessary for their work.

4 (5) While knowledge of the ocean and coastal  
5 environment and processes is far from complete, ad-  
6 vances in sensing technologies and scientific under-  
7 standing have made possible long-term and contin-  
8 uous observation from shore, from space, and in situ  
9 of ocean and coastal characteristics and conditions.

10 (6) Many elements of an ocean and coastal ob-  
11 serving system are in place, but require national in-  
12 vestment, consolidation, completion, and integration  
13 at Federal, regional, State, and local levels.

14 (7) The Commission on Ocean Policy rec-  
15 ommends a national commitment to a sustained and  
16 integrated ocean and coastal observing system and  
17 to coordinated research programs in order to assist  
18 the Nation and the world in understanding the  
19 oceans, improving weather forecasts, strengthening  
20 management of ocean and coastal resources, and  
21 mitigating marine hazards.

22 (8) In 2003, the United States led more than  
23 50 nations in affirming the vital importance of time-  
24 ly, quality, long-term global observations as a basis  
25 for sound decision-making, recognizing the contribu-

1       tion of observation systems to meet national, re-  
2       gional, and global needs, and calling for strength-  
3       ened cooperation and coordination in establishing a  
4       Global Earth Observation System of Systems, of  
5       which an integrated ocean and coastal observing sys-  
6       tem is an essential part.

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

9               (1) the planning, development, and maintenance  
10       of an integrated ocean and coastal observing system  
11       that provides the data and information to sustain  
12       and restore healthy marine and Great Lakes eco-  
13       systems and the resources they support, enable ad-  
14       vances in scientific understanding of the oceans and  
15       the Great Lakes, and strengthen science education  
16       and communication;

17              (2) implementation of research, development,  
18       education, and outreach programs to improve under-  
19       standing of the oceans and Great Lakes and achieve  
20       the full national benefits of an integrated ocean and  
21       coastal observing system;

22              (3) implementation of a data and information  
23       management system required by all components of  
24       an integrated ocean and coastal observing system  
25       and related research to develop early warning sys-

1       tems and insure usefulness of data and information  
2       for users; and

3               (4) establishment of a system of regional ocean,  
4       coastal, and Great Lakes observing systems to ad-  
5       dress local needs for ocean information.

6   **SEC. 3. DEFINITIONS.**

7       In this Act:

8               (1) COUNCIL.—The term “Council” means the  
9       National Ocean Research Leadership Council.

10              (2) OBSERVING SYSTEM.—The term “observing  
11       system” means the integrated coastal, ocean and  
12       Great Lakes observing system to be established by  
13       the Committee under section 4(a).

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

17   **SEC. 4. INTEGRATED OCEAN AND COASTAL OBSERVING**  
18       **SYSTEM.**

19       (a) ESTABLISHMENT.—The President, acting  
20       through the Council, shall establish and maintain an inte-  
21       grated system of ocean and coastal observations, data  
22       communication and management, analysis, modeling, re-  
23       search, education, and outreach designed to provide data  
24       and information for the timely detection and prediction  
25       of changes occurring in the ocean, coastal and Great

1 Lakes environment that impact the Nation's social, eco-  
2 nomic, and ecological systems. The observing system shall  
3 provide for long-term, continuous and quality-controlled  
4 observations of the coasts, oceans, and Great Lakes for  
5 the following purposes:

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

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

11 (3) Understanding the effects of human activi-  
12 ties and natural variability on the state of the  
13 coasts, oceans, and Great Lakes and the Nation's  
14 socioeconomic well-being.

15 (4) Providing for the sustainable use, protec-  
16 tion, and enjoyment of ocean, coastal, and Great  
17 Lakes resources.

18 (5) Providing information that can support the  
19 eventual implementation and refinement of eco-  
20 system-based management.

21 (6) Supplying critical information to marine-re-  
22 lated businesses such as aquaculture and fisheries.

23 (7) Supporting research and development to en-  
24 sure continuous improvement to ocean, coastal, and  
25 Great Lakes observation measurements and to en-

1       hance understanding of the Nation’s ocean, coastal,  
2       and Great Lakes resources.

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

6               (1) A national program to fulfill national obser-  
7       vation priorities, including the Nation’s ocean con-  
8       tribution to the Global Earth Observation System of  
9       Systems and the Global Ocean Observing System.

10              (2) A network of regional associations to man-  
11       age the regional ocean and coastal observing and in-  
12       formation programs that collect, measure, and dis-  
13       seminate data and information products to meet re-  
14       gional needs.

15              (3) A data management and dissemination sys-  
16       tem for the timely integration and dissemination of  
17       data and information products from the national  
18       and regional systems.

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

21              (5) An outreach, education, and training pro-  
22       gram that augments existing programs, such as the  
23       National Sea Grant College Program, the Centers  
24       for Ocean Sciences Education Excellence program,  
25       and the National Estuarine Research Reserve Sys-

1       tem, to ensure the use of the data and information  
2       for improving public education and awareness of the  
3       Nation's oceans and building the technical expertise  
4       required to operate and improve the observing sys-  
5       tem.

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

8               (1) serve as the oversight body for the design  
9       and implementation of all aspects of the observing  
10      system;

11             (2) adopt plans, budgets, and standards that  
12      are developed and maintained by the interagency  
13      program office in consultation with the regional as-  
14      sociations;

15             (3) coordinate the observing system with other  
16      earth observing activities including the Global Ocean  
17      Observing System and the Global Earth Observing  
18      System of Systems;

19             (4) coordinate and administer programs of re-  
20      search, development, education, and outreach to sup-  
21      port improvements to and the operation of an inte-  
22      grated ocean and coastal observing system and to  
23      advance the understanding of the oceans;



1           (5) establish pilot projects to develop technology  
2           and methods for advancing the development of the  
3           observing system;

4           (6) provide, as appropriate, support for and  
5           representation on United States delegations to inter-  
6           national meetings on ocean and coastal observing  
7           programs; and

8           (7) in consultation with the Secretary of State,  
9           coordinate relevant Federal activities with those of  
10          other nations.

11          (d) INTERAGENCY PROGRAM OFFICE.—The Council  
12          shall establish an interagency program office to be known  
13          as “OceanUS”. The interagency program office shall be  
14          responsible for program planning and coordination of the  
15          observing system. The interagency program office shall—

16               (1) prepare annual and long-term plans for con-  
17               sideration by the Council for the design and imple-  
18               mentation of the observing system that promote col-  
19               laboration among Federal agencies and regional as-  
20               sociations in developing the global and national ob-  
21               serving systems, including identification and refine-  
22               ment of a core set of variables to be measured by  
23               all systems;

24               (2) coordinate the development of agency prior-  
25               ities and budgets for implementation of the observ-

1 ing system, including budgets for the regional asso-  
2 ciations;

3 (3) establish and refine standards and protocols  
4 for data management and communications, including  
5 quality standards, in consultation with participating  
6 Federal agencies and regional associations;

7 (4) develop a process for the certification of the  
8 regional associations and their periodic review and  
9 recertification;

10 (5) establish an external technical committee to  
11 provide biennial review of the observing system; and

12 (6) provide for opportunities to partner or con-  
13 tract with private sector companies in deploying  
14 ocean observation system elements.

15 (e) LEAD FEDERAL AGENCY.—The National Oceanic  
16 and Atmospheric Administration shall be the lead Federal  
17 agency for implementation and operation of the observing  
18 system. Based on the plans prepared by the interagency  
19 program office and adopted by the Council, the Adminis-  
20 trator of the National Oceanic and Atmospheric Adminis-  
21 tration shall—

22 (1) coordinate implementation, operation and  
23 improvement of the observing system;

24 (2) establish efficient and effective administra-  
25 tive procedures for allocation of funds among Fed-

1       eral agencies and regional associations in a timely  
2       manner and according to the budget adopted by the  
3       Council;

4           (3) implement and maintain appropriate ele-  
5       ments of the observing system;

6           (4) provide for the migration of scientific and  
7       technological advances from research and develop-  
8       ment to operational deployment;

9           (5) integrate and extend existing programs and  
10      pilot projects into the operational observation sys-  
11      tem;

12          (6) certify regional associations that meet the  
13      requirements of subsection (f); and

14          (7) integrate the capabilities of the National  
15      Coastal Data Development Center and the Coastal  
16      Services Center of the National Oceanic and Atmos-  
17      pheric Administration, and other appropriate cen-  
18      ters, into the observing system for the purpose of as-  
19      similating, managing, disseminating, and archiving  
20      data from regional observation systems and other  
21      observation systems.

22      (f) REGIONAL ASSOCIATIONS OF OCEAN AND COAST-  
23      AL OBSERVING SYSTEMS.—The Administrator of the Na-  
24      tional Oceanic and Atmospheric Administration may cer-  
25      tify one or more regional associations to be responsible

1 for the development and operation of regional ocean and  
2 coastal observing systems to meet the information needs  
3 of user groups in the region while adhering to national  
4 standards. To be certifiable by the Administrator, a re-  
5 gional association shall—

6           (1) demonstrate an organizational structure ca-  
7           pable of supporting and integrating all aspects of  
8           ocean and coastal observing and information pro-  
9           grams within a region;

10           (2) operate under a strategic operations and  
11           business plan that details the operation and support  
12           of regional ocean and coastal observing systems pur-  
13           suant to the standards established by the Council;

14           (3) provide information products for multiple  
15           users in the region;

16           (4) work with governmental entities and pro-  
17           grams at all levels within the region to provide time-  
18           ly warnings and outreach to protect the public; and

19           (5) meet certification standards developed by  
20           the interagency program office in conjunction with  
21           the regional associations and approved by the Coun-  
22           cil.

23 Nothing in this Act authorizes a regional association to  
24 engage in lobbying activities (as defined in section 3(7))

1 of the Lobbying Disclosure Act of 1995 (2 U.S.C.  
2 1602(7)).

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

15 **SEC. 5. RESEARCH, DEVELOPMENT, AND EDUCATION.**

16 The Council shall establish programs for research,  
17 development, education, and outreach for the ocean and  
18 coastal observing system, including projects under the Na-  
19 tional Oceanographic Partnership Program, consisting of  
20 the following:

21 (1) Basic research to advance knowledge of  
22 ocean and coastal systems and ensure continued im-  
23 provement of operational products, including related  
24 infrastructure and observing technology.

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

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

7           (4) A coordinated effort to build public edu-  
 8           cation and awareness of the ocean and coastal envi-  
 9           ronment and functions that integrates ongoing ac-  
 10          tivities such as the National Sea Grant College Pro-  
 11          gram, the Centers for Ocean Sciences Education Ex-  
 12          cellence, and the National Estuarine Research Re-  
 13          serve System.

14   **SEC. 6. INTERAGENCY FINANCING.**

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

1 priate instrument that specifies the goods, services, or  
2 space being acquired from another Council member and  
3 the costs of the same.

4 **SEC. 7. APPLICATION WITH OUTER CONTINENTAL SHELF**  
5 **LANDS ACT.**

6 Nothing in this Act supersedes, or limits the author-  
7 ity of the Secretary of the Interior under the Outer Conti-  
8 nental Shelf Lands Act (43 U.S.C. 1331 et seq.).

9 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

10 There are authorized to be appropriated to the Na-  
11 tional Oceanic and Atmospheric Administration for the  
12 implementation of an integrated ocean and coastal observ-  
13 ing system under section 4, and the research and develop-  
14 ment program under section 5, including financial assist-  
15 ance to the interagency program office, the regional asso-  
16 ciations for the implementation of regional ocean and  
17 coastal observing systems, and the departments and agen-  
18 cies represented on the Council, \$150,000,000 for each of  
19 fiscal years 2006 through 2010. At least 50 percent of  
20 the sums appropriated for the implementation of the inte-  
21 grated ocean and coastal observing system under section  
22 4 shall be allocated to the regional associations certified  
23 under section 4(f) for implementation of regional ocean  
24 and coastal observing systems. Sums appropriated pursu-  
25 ant to this section shall remain available until expended.

1 **SEC. 9. REPORTING REQUIREMENT.**

2       Not later than March 31, 2010, the President, acting  
3 through the Council, shall transmit to Congress a report  
4 on the programs established under sections 4 and 5. The  
5 report shall include a description of activities carried out  
6 under the programs, an evaluation of the effectiveness of  
7 the programs, and recommendations concerning reauthor-  
8 ization of the programs and funding levels for the pro-  
9 grams in succeeding fiscal years.

Passed the Senate July 1, 2005.

Attest:                   EMILY J. REYNOLDS,  
*Secretary.*