

112TH CONGRESS
2D SESSION

S. 3371

To establish, within the National Oceanic and Atmospheric Administration, an integrated and comprehensive ocean, coastal, Great Lakes, and atmospheric research, prediction, and environmental information program to support renewable energy, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 11, 2012

Mr. BEGICH (for himself and Ms. SNOWE) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To establish, within the National Oceanic and Atmospheric Administration, an integrated and comprehensive ocean, coastal, Great Lakes, and atmospheric research, prediction, and environmental information program to support renewable energy, 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 “Renewable Energy En-
5 vironmental Research Act of 2012”.

1 **SEC. 2. PURPOSE.**

2 The purpose of this Act is to establish an integrated
3 and comprehensive ocean, coastal, Great Lakes, and at-
4 mospheric research, prediction, and environmental infor-
5 mation program to support renewable energy.

6 **SEC. 3. DEFINITIONS.**

7 In this Act:

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

11 (2) ADMINISTRATOR.—The term “Adminis-
12 trator” means the Under Secretary for Oceans and
13 Atmosphere in the Under Secretary’s capacity as
14 Administrator of the National Oceanic and Atmos-
15 pheric Administration.

16 (3) MARINE RENEWABLE ENERGY.—The term
17 “marine renewable energy” means any form of re-
18 newable energy derived from the sea including wave
19 energy, tidal energy, ocean current energy, offshore
20 wind energy, salinity gradient energy, ocean thermal
21 gradient energy, and ocean thermal energy conver-
22 sion.

23 **SEC. 4. RENEWABLE ENERGY RESEARCH PLAN.**

24 (a) IN GENERAL.—The Administrator shall develop
25 a plan—

1 (1) to define requirements for a comprehensive
2 and integrated ocean, coastal, Great Lakes, and at-
3 mosphere science program to support renewable en-
4 ergy development in the United States based on pub-
5 lic hearings, public comments, and a review of sci-
6 entific and industry information;

7 (2) to identify and describe current climate,
8 weather, and water data programs, products, serv-
9 ices, and authorities within the Administration rel-
10 evant to renewable energy development;

11 (3) to provide targeted research, data, moni-
12 toring, observation, and other information, products,
13 and services concerning climate, weather, and water
14 in support of renewable energy and “smart grid”
15 technology, including research to accurately quantify
16 the downstream micro-climate impacts of wind-
17 power turbines;

18 (4) to provide research, data, monitoring, and
19 other information, products, and services to inform
20 renewable energy decisions concerning coastal and
21 marine habitats, living marine resources and the
22 ecosystems on which they depend and coastal and
23 marine planning; and

1 (5) to reduce duplication and leverage the re-
2 sources of existing Administration programs through
3 coordination with—

4 (A) other offices and programs within the
5 Administration, including the atmospheric,
6 ocean, and coastal observation systems;

7 (B) Federal, State, tribal, and local obser-
8 vation systems; and

9 (C) other entities, including the private
10 sector organizations and institutions of higher
11 education; and

12 (6) to facilitate public-private cooperation, in-
13 cluding identification and assessment of current pri-
14 vate sector capabilities.

15 (b) PUBLIC HEARINGS.—In developing the plan, the
16 Administrator shall provide public notice and opportunity
17 for 1 or more public hearings and shall seek comments
18 from Federal and State agencies, tribes, local govern-
19 ments, representatives of the private sector, and other par-
20 ties interested in renewable energy observations, data, and
21 use in order to improve Administration climate, weather,
22 and water observation data products and services to more
23 effectively support renewable energy development.

1 **SEC. 5. ESTABLISHMENT OF RESEARCH, PREDICTION, AND**
2 **ENVIRONMENTAL INFORMATION PROGRAM.**

3 (a) IN GENERAL.—Not later than 540 days after the
4 date of the enactment of this Act, the Administrator shall
5 establish a program to develop and implement an inte-
6 grated and comprehensive ocean, coastal, Great Lakes,
7 and atmosphere research and operations program, based
8 on the plan required by section 4, to support renewable
9 energy development in the United States.

10 (b) PROGRAM COMPONENTS.—At a minimum, the
11 program shall include—

12 (1) improvements in coordinated climate,
13 weather, and water research, monitoring, and obser-
14 vations to support—

15 (A) renewable energy development; and

16 (B) the understanding and mitigation of
17 the impact of renewable energy development on
18 living marine resources, including protected spe-
19 cies and the marine and coastal environment;

20 (2) coordinated weather, water, and climate
21 prediction capability focused on renewable energy
22 and “smart grid” technology to provide information
23 and decision services in support of renewable energy
24 development;

25 (3) support for the transition to, and reliable
26 delivery of, sustained operational weather, water,

1 and climate products from research, observation,
2 and prediction outputs;

3 (4) means of identifying biological and ecologi-
4 cal effects of marine renewable energy development
5 on living marine resources, the marine and coastal
6 environment, marine-dependent industries, and
7 coastal communities;

8 (5) baseline ecological characterization, includ-
9 ing research, data collection, and mapping, of the
10 coastal and marine environment and living marine
11 resources for marine renewable energy development;

12 (6) avoidance, minimization, and mitigation
13 strategies to address the potential impacts of marine
14 renewable energy on the marine, coastal, and Great
15 Lakes environment, including developing effective
16 monitoring protocols, use of adaptive management,
17 informed engineering design and operating param-
18 eters, and the establishment of protocols for mini-
19 mizing the environmental impacts of testing, devel-
20 oping, and deploying marine renewable energy de-
21 vices;

22 (7) support for the development of marine spe-
23 cial area management plan by states as defined by
24 the Coastal Zone Management Act of 1972 (16
25 U.S.C. 1451 et seq.) that would support renewable

1 energy development consistent with natural resource
2 protection and other coastal-dependent economic
3 growth;

4 (8) comprehensive digital mapping, modeling,
5 and other geospatial information and services to
6 support planning for renewable energy and steward-
7 ship of ecosystem and living marine ecosystems, in-
8 cluding protected species, in ocean and coastal areas;

9 (9) a coordinated approach for examining and
10 quantifying the micro-climate impacts of wind-power
11 farms on soil transpiration and drying; and

12 (10) provision for outreach to the public and
13 private sector about program research, information,
14 and products, including making non-proprietary in-
15 formation and best management practices developed
16 under this program available to the public.

17 (c) USE IN AGENCY DECISIONS.—The program es-
18 tablished under subsection (a) shall be designed to collect,
19 synthesize, and distribute data in a manner that can be
20 used by marine resource managers responsible for making
21 decisions about marine renewable energy projects. The
22 Army Corps of Engineers, Department of Commerce, Min-
23 erals Management Service, Federal Energy Regulatory
24 Commission, and Department of Energy shall consider

1 this information when making planning, siting, and per-
 2 mitting decisions for marine renewable energy.

3 (d) SUPPORT FOR PUBLIC-PRIVATE COOPERA-
 4 TION.—To the extent practicable, in implementing the
 5 program established under this section, the Administrator
 6 shall seek appropriate opportunities to facilitate and ex-
 7 pand cooperation with private sector entities to develop
 8 and expand information services that serve the renewable
 9 energy industry.

10 **SEC. 6. BIENNIAL REPORTS.**

11 Not later than 2 years after the date of the enact-
 12 ment of this Act and every 2 years thereafter, the Admin-
 13 istrator shall submit to the Committee on Commerce,
 14 Science, and Transportation of the Senate and the Com-
 15 mittee on Natural Resources and the Committee on
 16 Science and Technology of the House of Representatives
 17 a report on progress made in implementing this Act, in-
 18 cluding—

19 (1) a description of activities carried out under
 20 this Act;

21 (2) recommendations for prioritization of activi-
 22 ties under this Act for fiscal years beginning after
 23 the date on which the report is submitted; and

24 (3) funding levels for activities under this Act
 25 in those fiscal years.

1 **SEC. 7. LIBRARY.**

2 Not later than 1 year after the date of the enactment
3 of this Act, the Administrator, in consultation with rel-
4 evant Federal agencies, shall establish a renewable energy
5 information library and data portal. The library shall in-
6 clude, at a minimum—

7 (1) links to data and information products for
8 use in renewable energy development;

9 (2) links to planning and decision support tools
10 for use in renewable energy development;

11 (3) data about the baseline condition of ocean
12 and coastal resources; and

13 (4) links to digital mapping and geospatial in-
14 formation, products, and services described in sec-
15 tion 4(b).

16 **SEC. 8. FEDERAL COORDINATION.**

17 In carrying out activities under this Act, the Adminis-
18 trator shall coordinate with the Secretary of the Interior,
19 the Secretary of Energy, the Secretary of Transportation,
20 the Secretary of Defense, the Federal Energy Regulatory
21 Commission, the Department in which the Coast Guard
22 is operating, and the heads of other relevant Federal agen-
23 cies.

24 **SEC. 9. AGREEMENTS.**

25 The Administrator may enter into and perform such
26 contracts, leases, grants, cooperative agreements, or other

1 agreements and transactions with any agency or instru-
2 mentality of the United States, or with any State, local,
3 tribal, territorial or foreign government, or with any per-
4 son, corporation, firm, partnership, educational institu-
5 tion, nonprofit organization, or international organization
6 as may be necessary to carry out the purposes of this Act.

7 **SEC. 10. AUTHORITY TO RECEIVE FUNDS.**

8 The Administrator may accept, retain, and use funds
9 received from any party pursuant to an agreement entered
10 into under section 9 for activities furthering the purposes
11 of this Act.

12 **SEC. 11. USE OF OCEAN OBSERVING OFFSHORE INFRA-**
13 **STRUCTURE.**

14 (a) IN GENERAL.—Any offshore exploration and pro-
15 duction facility, at the discretion of the Administrator,
16 may execute a memorandum of understanding authorizing
17 the use of offshore platforms and infrastructure for the
18 placement of meteorological and oceanographic observa-
19 tion sensors of a type to be designated by the Adminis-
20 trator in support of the Integrated Ocean Observing Sys-
21 tem.

22 (b) AVAILABILITY OF INFORMATION.—All informa-
23 tion collected by such sensors shall be managed by Admin-
24 istration and be readily available for use in spill response

1 as well as available to the National Weather Service, other
2 Administration programs, and the general public.

3 **SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

4 (a) IMPLEMENTATION AND EXECUTION.—There is
5 authorized to be appropriated to the Administrator to
6 carry out this Act \$100,000,000 for each of fiscal years
7 2012 through 2016.

8 (b) GRANTS TO EDUCATIONAL INSTITUTIONS AND
9 COASTAL STATES.—Of the amounts appropriated pursu-
10 ant to subsection (a), the Administrator shall make up to
11 50 percent available to educational institutions, and to
12 States with coastal zone management programs approved
13 under the Coastal Zone Management Act of 1972 (16
14 U.S.C. 1451 et seq.), to carry out activities that support
15 the program established under section 5.

16 **SEC. 13. SAVINGS PROVISION.**

17 Nothing in this Act shall be construed to supersede
18 or modify the jurisdiction, responsibilities, or authority of
19 any Federal or State agency under any provision of law
20 in effect on the date of the enactment of this Act.

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