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[Report No. 109–60]

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, enhance homeland security, support maritime operations, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 10, 2005

Ms. SNOWE (for herself, Mr. KERRY, Mr. STEVENS, Mr. INOUE, Ms. COLLINS, Mr. SARBANES, Mr. LAUTENBERG, Mr. LOTT, and Ms. CANTWELL) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

APRIL 19, 2005

Reported by Mr. STEVENS, without amendment

A BILL

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, enhance homeland security, 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,*

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. FINDINGS AND PURPOSES.**

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

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

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

24 (3) The 95,000-mile coastline of the United
25 States, including the Great Lakes, is vital to the Na-

1 tion’s prosperity, contributing over \$117 billion to
2 the national economy in 2000, supporting jobs for
3 more than 200 million Americans, handling \$700
4 billion in waterborne commerce, and supporting com-
5 mercial and sport fisheries valued at more than \$50
6 billion annually.

7 (4) Safeguarding homeland security, conducting
8 search and rescue operations, responding to natural
9 and man-made coastal hazards such as oil spills and
10 harmful algal blooms, and managing fisheries and
11 other coastal activities require improved monitoring
12 of the Nation’s waters and coastline, including the
13 ability to track vessels and to provide rapid response
14 teams with real-time environmental conditions nec-
15 essary for their work.

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

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

1 (7) The Commission on Ocean Policy rec-
2 ommends a national commitment to a sustained and
3 integrated ocean and coastal observing system and
4 to coordinated research programs in order to assist
5 the Nation and the world in understanding the
6 oceans and the global climate system, enhancing
7 homeland security, improving weather and climate
8 forecasts, strengthening management of ocean and
9 coastal resources, improving the safety and efficiency
10 of maritime operations, and mitigating marine haz-
11 ards.

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

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

24 (1) the development and maintenance of an in-
25 tegrated ocean and coastal observing system that

1 provides the data and information to ensure national
2 security and public safety, support economic develop-
3 ment, sustain and restore healthy marine ecosystems
4 and the resources they support, enable advances in
5 scientific understanding of the oceans, and strength-
6 en science education and communication;

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

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

17 (4) establishment of a system of regional ocean
18 and coastal observing systems to address local needs
19 for ocean information.

20 **SEC. 3. DEFINITIONS.**

21 In this Act:

22 (1) COUNCIL.—The term “Council” means the
23 National Ocean Research Leadership Council estab-
24 lished under section 7902(a) of title 10, United
25 States Code.

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

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

6 (3) Supporting national defense and homeland
7 security efforts.

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

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

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

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

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

21 (9) Tracking and understanding climate change
22 and the ocean and Great Lakes' roles in it.

23 (10) Supplying critical information to marine-
24 related businesses such as marine transportation,

1 aquaculture, fisheries, and offshore energy produc-
2 tion.

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

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

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

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

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

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

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

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

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

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

19 (3) coordinate the observing system with other
20 earth observing activities including the Global Ocean
21 Observing System and the Global Earth Observing
22 System of Systems;

23 (4) coordinate and administer programs of re-
24 search and development and education to support
25 improvements to and the operation of an integrated

1 ocean and coastal observing system and to advance
2 the understanding of the oceans;

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

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

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

16 (8) in consultation with the Secretary of State,
17 coordinate relevant Federal activities with those of
18 other nations.

19 (d) INTERAGENCY PROGRAM OFFICE.—The Council
20 shall establish an interagency program office to be known
21 as “OceanUS”. The interagency program office shall be
22 responsible for program planning and coordination of the
23 observing system. The interagency program office shall—

24 (1) prepare annual and long-term plans for con-
25 sideration by the Council for the design and imple-

1 mentation of the observing system that promote col-
2 laboration among Federal agencies and regional as-
3 sociations in developing the global and national ob-
4 serving systems, including identification and refine-
5 ment of a core set of variables to be measured by
6 all systems;

7 (2) coordinate the development of agency prior-
8 ities and budgets for implementation of the observ-
9 ing system, including budgets for the regional asso-
10 ciations;

11 (3) establish and refine standards and protocols
12 for data management and communications, including
13 quality standards, in consultation with participating
14 Federal agencies and regional associations;

15 (4) develop a process for the certification of the
16 regional associations and their periodic review and
17 recertification; and

18 (5) establish an external technical committee to
19 provide biennial review of the observing system.

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

1 trator of the National Oceanic and Atmospheric Adminis-
2 tration shall—

3 (1) coordinate implementation, operation and
4 improvement of the observing system;

5 (2) establish efficient and effective administra-
6 tive procedures for allocation of funds among Fed-
7 eral agencies and regional associations in a timely
8 manner and according to the budget adopted by the
9 Council;

10 (3) implement and maintain appropriate ele-
11 ments of the observing system;

12 (4) provide for the migration of scientific and
13 technological advances from research and develop-
14 ment to operational deployment;

15 (5) integrate and extend existing programs and
16 pilot projects into the operational observation sys-
17 tem; and

18 (6) certify regional associations that meet the
19 requirements of subsection (f).

20 (f) REGIONAL ASSOCIATIONS OF OCEAN AND COAST-
21 AL OBSERVING SYSTEMS.—The Administrator of the Na-
22 tional Oceanic and Atmospheric Administration may cer-
23 tify one or more regional associations to be responsible
24 for the development and operation of regional ocean and
25 coastal observing systems to meet the information needs

1 of user groups in the region while adhering to national
2 standards. To be certifiable by the Administrator, a re-
3 gional association shall—

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

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

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

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

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

22 (g) CIVIL LIABILITY.—For purposes of section
23 1346(b)(1) and chapter 171 of title 28, United States
24 Code, the Suits in Admiralty Act (46 U.S.C. App. 741
25 et seq.), and the Public Vessels Act (46 U.S.C. App. 781

1 et seq.), any regional ocean and coastal observing system
2 that is a designated part of a regional association certified
3 under this section shall, in carrying out the purposes of
4 this Act, be deemed to be part of the National Oceanic
5 and Atmospheric Administration, and any employee of
6 such system, while acting within the scope of his or her
7 employment in carrying out such purposes, shall be
8 deemed to be an employee of the Government.

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

10 The Council shall establish programs for research
11 and development and education for the ocean and coastal
12 observing system, including projects under the National
13 Oceanographic Partnership Program, consisting of the fol-
14 lowing:

15 (1) Basic research to advance knowledge of
16 ocean and coastal systems and ensure continued im-
17 provement of operational products, including related
18 infrastructure and observing technology.

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

22 (3) Large scale computing resources and re-
23 search to advance modeling of ocean and coastal
24 processes.

1 (4) A coordinated effort to build public edu-
2 cation and awareness of the ocean and coastal envi-
3 ronment and functions that integrates ongoing ac-
4 tivities such as the National Sea Grant College Pro-
5 gram and the Centers for Ocean Sciences Education
6 Excellence.

7 **SEC. 6. INTERAGENCY FINANCING.**

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

22 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

23 There are authorized to be appropriated to the Na-
24 tional Oceanic and Atmospheric Administration for the
25 implementation of an integrated ocean and coastal observ-

1 ing system under section 4, and the research and develop-
2 ment program under section 5, including financial assist-
3 ance to the interagency program office, the regional asso-
4 ciations for the implementation of regional ocean and
5 coastal observing systems, and the departments and agen-
6 cies represented on the Council, such sums as may be nec-
7 essary for each of fiscal years 2006 through 2010. At least
8 50 percent of the sums appropriated for the implementa-
9 tion of the integrated ocean and coastal observing system
10 under section 4 shall be allocated to the regional associa-
11 tions certified under section 4(f) for implementation of re-
12 gional ocean and coastal observing systems. Sums appro-
13 priated pursuant to this section shall remain available
14 until expended.

15 **SEC. 8. REPORTING REQUIREMENT.**

16 Not later than March 31, 2010, the President, acting
17 through the Council, shall transmit to Congress a report
18 on the programs established under sections 4 and 5. The
19 report shall include a description of activities carried out
20 under the programs, an evaluation of the effectiveness of
21 the programs, and recommendations concerning reauthor-
22 ization of the programs and funding levels for the pro-
23 grams in succeeding fiscal years.

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