

110TH CONGRESS  
1ST SESSION

# H. R. 2342

To direct the President to establish a National Integrated Coastal and Ocean Observation System, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

MAY 16, 2007

Mr. ALLEN (for himself, Mr. GILCHREST, Mr. WAXMAN, Mr. YOUNG of Florida, Mrs. CAPPS, Mr. SAXTON, Mr. FARR, Mr. INSLEE, Mr. McDERMOTT, Mr. MCINTYRE, Mr. MORAN of Virginia, and Mr. THOMPSON of California) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Science and Technology, 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 direct the President to establish a National Integrated Coastal and Ocean Observation System, 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. ENHANCING CLIMATE CHANGE PREDICTIONS.**

4 (a) SHORT TITLE.—This section may be cited as the  
5 “National Integrated Coastal and Ocean Observation Act  
6 of 2007”.

1 (b) PURPOSES.—The purposes of this section are the  
2 following:

3 (1) Establish a National Integrated Coastal and  
4 Ocean Observation System comprised of Federal and  
5 non-Federal components, coordinated at the regional  
6 level by a network of Regional Information Coordi-  
7 nation Entities, that includes in situ, remote, and  
8 other coastal and ocean observations, technologies,  
9 and data management and communication systems,  
10 to gather daily specific coastal and ocean data vari-  
11 ables and to ensure the timely dissemination and  
12 availability of usable observation data to support na-  
13 tional defense, marine commerce, energy production,  
14 scientific research, ecosystem-based marine and  
15 coastal resource management, and public safety and  
16 to promote the general public welfare.

17 (2) Improve the Nation’s capability to measure,  
18 track, explain, and predict events related directly  
19 and indirectly to climate change, natural climate  
20 variability, and interactions between the oceanic and  
21 atmospheric environments, including the Great  
22 Lakes.

23 (3) Authorize activities to promote basic and  
24 applied research to develop, test, and deploy innova-  
25 tions and improvements in coastal and ocean obser-

1 vation technologies, modeling systems, and other sci-  
2 entific and technological capabilities to improve our  
3 conceptual understanding of global climate change  
4 and physical, chemical, and biological dynamics of  
5 the ocean and coastal and Great Lakes environ-  
6 ments.

7 (4) Institutionalize coordinated programs of  
8 public outreach, education, and training—

9 (A) to enhance public understanding of the  
10 ocean, coastal and Great Lakes environment,  
11 the influence and effects of global climate  
12 change on the coastal and ocean environment;  
13 and

14 (B) to promote greater public awareness  
15 and stewardship of the Nation’s ocean, coastal,  
16 and Great Lakes resources.

17 (c) DEFINITIONS.—In this section:

18 (1) COUNCIL.—The term “Council” means the  
19 National Ocean Research Leadership Council re-  
20 ferred to in section 7902 of title 10, United States  
21 Code.

22 (2) ADMINISTRATOR.—The term “Adminis-  
23 trator” means the Administrator of the National  
24 Oceanic and Atmospheric Administration.

1           (3) FEDERAL ASSETS.—The term “Federal as-  
2           sets” means all relevant non-classified civilian coast-  
3           al and ocean observations, technologies, and related  
4           modeling, research, data management, basic and ap-  
5           plied technology research and development, and pub-  
6           lic education and outreach programs, that are man-  
7           aged by member agencies of the Council.

8           (4) NON-FEDERAL ASSETS.—The term “non-  
9           Federal assets” means all relevant coastal and ocean  
10          observations, technologies, related basic and applied  
11          technology research and development, and public  
12          education and outreach programs managed through  
13          States, regional organizations, universities, non-  
14          governmental organizations, or the private sector.

15          (5) REGIONAL INFORMATION COORDINATION  
16          ENTITIES.—

17                (A) IN GENERAL.—The term “Regional In-  
18                formation Coordination Entity”, subject to sub-  
19                paragraphs (B) and (C), means an organiza-  
20                tional body that is certified or established by  
21                the lead Federal agency designated in sub-  
22                section (d)(3)(C)(iii) and coordinating State,  
23                Federal, local, and private interests at a re-  
24                gional level with the responsibility of engaging  
25                the private and public sectors in designing, op-

1 erating, and improving regional coastal and  
2 ocean observing systems in order to ensure the  
3 provision of data and information that meet the  
4 needs of user groups from the respective re-  
5 gions.

6 (B) INCLUDED ASSOCIATIONS.—Such term  
7 includes Regional Associations as described by  
8 the System Plan.

9 (C) LIMITATION.—Nothing in this section  
10 shall be construed to invalidate existing certifi-  
11 cations, contracts, or agreements between Re-  
12 gional Associations and other elements of the  
13 System.

14 (6) SECRETARY.—The term “Secretary” means  
15 the Secretary of Commerce.

16 (7) SYSTEM.—The term “System” means the  
17 National Integrated Coastal and Ocean Observation  
18 System established under subsection (d).

19 (8) SYSTEM PLAN.—The term “System Plan”  
20 means the plan contained in the document entitled  
21 “Ocean.US publication #9, The First Integrated  
22 Ocean Observing System (IOOS) Development  
23 Plan”.

24 (9) INTERAGENCY WORKING GROUP.—The term  
25 “Interagency Working Group” means the Inter-

1 agency Working Group on Ocean Observations as es-  
2 tablished by the U.S. Ocean Policy Committee Sub-  
3 committee on Ocean Science and Technology pursu-  
4 ant to Executive Order 13366 signed December 17,  
5 2004.

6 (d) NATIONAL INTEGRATED COASTAL AND OCEAN  
7 OBSERVING SYSTEM.—

8 (1) ESTABLISHMENT.—The President, acting  
9 through the Council, shall establish a National Inte-  
10 grated Coastal and Ocean Observation System to  
11 fulfill the purposes set forth in subsection (b) and  
12 the System plan and to fulfill the Nation’s inter-  
13 national obligations to contribute to the global earth  
14 observation system of systems and the global ocean  
15 observing system.

16 (2) SUPPORT OF PURPOSES.—The head of each  
17 agency that is a member of the Interagency Working  
18 Group shall support the purposes of this section.

19 (3) AVAILABILITY OF DATA.—The head of each  
20 Federal agency that has administrative jurisdiction  
21 over a Federal asset shall make available data that  
22 are produced by that asset and that are not other-  
23 wise restricted for integration, management, and dis-  
24 semination by the System.

1           (4) ENHANCING ADMINISTRATION AND MAN-  
2           AGEMENT.—The head of each Federal agency that  
3           has administrative jurisdiction over a Federal asset  
4           may take appropriate actions to enhance internal  
5           agency administration and management to better  
6           support, integrate, finance, and utilize observation  
7           data, products, and services developed under this  
8           section to further its own agency mission and re-  
9           sponsibilities.

10           (5) PARTICIPATION IN REGIONAL INFORMATION  
11           COORDINATION ENTITY.—The head of each Federal  
12           agency that has administrative jurisdiction over a  
13           Federal asset may participate in regional informa-  
14           tion coordination entity activities.

15           (6) NON-FEDERAL ASSETS.—Non-Federal as-  
16           sets shall be coordinated by the Interagency Work-  
17           ing Group or by Regional Information Coordination  
18           Entities.

19           (e) POLICY OVERSIGHT, ADMINISTRATION, AND RE-  
20           GIONAL COORDINATION.—

21           (1) NATIONAL OCEAN RESEARCH LEADERSHIP  
22           COUNCIL.—The National Ocean Research Leader-  
23           ship Council shall be responsible for establishing  
24           broad coordination and long-term operations plans,  
25           policies, protocols, and standards for the System

1 consistent with the policies, goals, and objectives  
2 contained in the System Plan, and coordination of  
3 the System with other earth observing activities.

4 (2) INTERAGENCY WORKING GROUP.—The  
5 Interagency Working Group shall, with respect to  
6 the System, be responsible for—

7 (A) implementation of operations plans  
8 and policies developed by the Council;

9 (B) development of an annual coordinated,  
10 comprehensive System budget;

11 (C) identification of gaps in observation  
12 coverage or needs for capital improvements of  
13 both Federal assets and non-Federal assets;

14 (D) establishment of data management  
15 and communication protocols and standards;

16 (E) establishment of required observation  
17 data variables;

18 (F) development of certification standards  
19 for all non-Federal assets or Regional Informa-  
20 tion Coordination Entities to be eligible for in-  
21 tegration into the System; and

22 (G) periodically review and recommned to  
23 the Council revisions to the System plan.

24 (3) LEAD FEDERAL AGENCY.—The Secretary,  
25 acting through the Administrator, shall function as

1 the lead Federal agency for the System. The Sec-  
2 retary, through the Administrator, may establish an  
3 Interagency Program Coordinating Office to facili-  
4 tate the Secretary's responsibilities as the lead Fed-  
5 eral agency for System oversight and management.  
6 The Administrator shall—

7 (A) implement policies, protocols, and  
8 standards established by the Council and dele-  
9 gated by the Interagency Working Group;

10 (B) promulgate regulations to integrate  
11 the participation of non-Federal assets into the  
12 System and enter into and oversee contracts  
13 and agreements with Regional Information Co-  
14 ordination Entities to effect this purpose;

15 (C) implement a competitive funding proc-  
16 ess for the purpose of assigning contracts and  
17 agreements to Regional Information Coordina-  
18 tion Entities;

19 (D) certify or establish Regional Informa-  
20 tion Coordination Entities to coordinate State,  
21 Federal, local, and private interests at a re-  
22 gional level with the responsibility of engaging  
23 private and public sectors in designing, oper-  
24 ating, and improving regional coastal and ocean  
25 observing systems in order to ensure the provi-

1 sion of data and information that meet the  
2 needs of user groups from the respective re-  
3 gions;

4 (E) formulate a process by which gaps in  
5 observation coverage or needs for capital im-  
6 provements of Federal assets and non-Federal  
7 assets of the System can be identified by the  
8 Regional Information Coordination Entities, the  
9 Administrator, or other members of the System  
10 and transmitted to the Interagency Working  
11 Group;

12 (F) be responsible for the coordination,  
13 storage, management, and communication of  
14 observation data gathered through the System  
15 to all end-user communities;

16 (G) subject to the availability of appropria-  
17 tions and pursuant to procedures adopted by  
18 the Administrator after consultation with the  
19 working group and the system advisory panel,  
20 implement a competitive matching grant or  
21 other grant program to promote research and  
22 development of innovative and new observation  
23 technologies, including testing and field trials;

24 (H) implement a program of public edu-  
25 cation and outreach to improve public aware-

1           ness of global climate change and effects on the  
2           ocean, coastal, and Great Lakes environment;  
3           and

4           (I) report annually to the Council through  
5           the Interagency Working Group on the accom-  
6           plishments, operational needs, and performance  
7           of the System to achieve the purposes of this  
8           Act and the System plan.

9           (4) REGIONAL INFORMATION COORDINATION  
10          ENTITY.—To be certified or established under para-  
11          graph (3)(D), a Regional Information Coordination  
12          Entity must be certified or established by contract  
13          or agreement by the Administrator, and must agree  
14          to—

15               (A) gather required System observation  
16               data and other requirements specified under  
17               this section and the System plan;

18               (B) identify gaps in observation coverage  
19               or needs for capital improvements of Federal  
20               assets and non-Federal assets of the System,  
21               and transmit such information to the Inter-  
22               agency Working Group via the Administrator;

23               (C) demonstrate an organizational struc-  
24               ture and strategic operational plan to ensure  
25               the efficient and effective administration of pro-

1           grams and assets to support daily data observa-  
2           tions for integration into the System;

3           (D) comply with all financial oversight re-  
4           quirements established by the Administrator,  
5           including requirements relating to audits; and

6           (E) demonstrate a capability to work with  
7           other governmental and nongovernmental enti-  
8           ties at all levels to identify and provide informa-  
9           tion products of the System for multiple users  
10          within the service area of the Regional Informa-  
11          tion Coordination Entities and otherwise.

12          (5) SYSTEM ADVISORY PANEL.—The Secretary,  
13          through the Administrator, may establish and ap-  
14          point an advisory panel to advise the Council on the  
15          operations, management, and needs of the System.  
16          The appointment of this panel shall be done in con-  
17          sultation with the Interagency Working Group.  
18          Panel membership shall be broadly representative of  
19          all stakeholders and the user community of the Sys-  
20          tem.

21          (6) CIVIL LIABILITY.—For purposes of deter-  
22          mining liability arising from the dissemination and  
23          use of observation data gathered pursuant to this  
24          section, any non-Federal asset or Regional Informa-  
25          tion Coordination Entity that is certified under

1 paragraph (3)(D) and that is participating in the  
2 System shall be considered to be part of the Na-  
3 tional Oceanic and Atmospheric Administration. Any  
4 employee of such a non-Federal asset or Regional  
5 Information Coordination Entity, while operating  
6 within the scope of his or her employment in car-  
7 rying out the purposes of this section, with respect  
8 to tort liability, is deemed to be an employee of the  
9 Federal Government.

10 (f) INTERAGENCY FINANCING, GRANTS, CONTRACTS,  
11 AND AGREEMENTS.—

12 (1) IN GENERAL.—The member departments  
13 and agencies of the Council, subject to the avail-  
14 ability of appropriations, may participate in inter-  
15 agency financing and share, transfer, receive, obli-  
16 gate, and expend funds appropriated to any member  
17 agency for the purposes of carrying out any adminis-  
18 trative or programmatic project or activity to further  
19 the purposes of this section, including support for  
20 the Interagency Working Group, the Interagency Co-  
21 ordinating Program Office, a common infrastruc-  
22 ture, and integration to expand or otherwise enhance  
23 the System.

24 (2) JOINT CENTERS AND AGREEMENTS.—Mem-  
25 ber Departments and agencies of the Council shall

1 have the authority to create, support, and maintain  
2 joint centers, and to enter into and perform such  
3 contracts, leases, grants, cooperative agreements, or  
4 other transactions as may be necessary to carry out  
5 the purposes of this section and fulfillment of the  
6 System Plan.

7 (g) APPLICATION WITH OTHER LAWS.—Nothing in  
8 this section supersedes or limits the authority of any agen-  
9 cy to carry out its responsibilities and missions under  
10 other laws.

11 (h) REPORT TO CONGRESS.—Two years after the  
12 date of enactment of this Act, and biennially thereafter,  
13 the Secretary through the Council shall submit to the Con-  
14 gress a report on the performance of the System, achieve-  
15 ment of the purposes and objectives of this section and  
16 the System plan, and recommendations for operational im-  
17 provements to enhance the efficiency, accuracy, and over-  
18 all capability of the System.

○