

109<sup>th</sup> Congress, 1<sup>st</sup> session B Coastal Ocean Observing Bills as of April 13, 2005

Title / Section	S.361 (Snowe)	HR.1489 (Gilchrest)	HR.1584 (Weldon)	Notes
1. Short title	Provides the title of the Bill: Ocean and Coastal Observation System Act of 2005.	<b>HR1489 Sec 1 Title:</b> Coastal Ocean Observation System Integration and Implementation Act of 2005.	HR1584 Sec 1 Title: Ocean and Coastal Observation System Act of 2005.	HR1489 has narrower scope (primarily coastal)
2. Findings and Purposes	Provides 11 findings and states four purposes of the bill: 1) develop and maintain an integrated ocean and coastal observing system; 2) implement related research and development, and education programs; 3) implement data and information management systems to support collection and dissemination of collected data; and 4) establish regional observation systems to address local needs for ocean and coastal information.	<b>HR1489 Sec 2 Purposes.</b> Provides 5 purposes of the bill: 1) gain a better understanding of the marine environment and processes; 2) authorize development of an system coastal ocean observations and support a national ocean observing system; 3) aid prediction and mitigation of natural hazards and conservation and restoration of coastal ecosystems; 4) enable sustainable use of ocean and coastal resources; 5) ensure that a broad constituency is included in the development of a coastal observing system.	HR1584 swaps the order of Aocean@ and Acoastal@ in the phrase (from HR1584) Acoastal and ocean@ throughout this section and the entire bill.  Otherwise the same as S361.	HR1489 sets out more defined goals for the observation system in this section, whereas S361 reserves similar detail for section 4.  HR1584 swaps the order of Aocean@ and Acoastal@ in the phrase (from HR1584) Acoastal and ocean@ throughout the bill, including in the unnumbered lines.
3. Definitions	This section defines the terms: 1) ACouncil@ as the National Ocean Research Leadership Council (NORLC); 2) AObservation Systems@; 3) ANational Oceanographic Partnership Program@ (NOPP); 4) AInteragency Program Office@ as OceanUS, described in Sec 4(d).	<b>HR1489 Sec 3 Definitions.</b> Defines: 1) ACouncil@ as the NORLC; 2) AAdministration@ as the National Oceanic and Atmospheric Administration (NOAA); 3) APanel@ as the Ocean and Research Advisory Panel; 4) ASecretary@ as the Secretary of Commerce; 5) ASystem@ as the Coastal Ocean Observation System established in HR1489 Sec 4.	HR1584 Sec 3 Definitions (1) defines ACommittee@ as the Committee on Ocean Policy established under Executive Order 13366. All other definitions are the same (with adjusted subsection numbers)	

<p>4. Integrated Ocean and Coastal Observing System <i>Sec 4(a). Establishment.</i></p>	<p>Establishment. Directs the President, acting through the Council, to establish and maintain an integrated system of ocean and coastal observation, analysis and modeling in order to provide long-term, continuous, quality controlled data and information for the timely monitoring and prediction of changes in ocean and coastal environments that impact socioeconomic and ecological systems. Details purposes of the system (e.g., improving the health of coastal waters, protecting lives and livelihoods, supporting national defense etc.).</p>	<p><b>HR1489 Sec 4 Establishment.</b> (a) Requirement. Secretary, in consultation w/ Council, shall establish &amp; maintain the COOS to support coastal and fisheries management, and International Ocean Observing Systems.</p>	<p>HR1584 Sec 4(a) Establishment. Directs the Committee, acting through the Council, shall establish...  Technical difference in Sec 4(a)(9): says (HR1584) the ocean's and Great Lake's roles instead of (S361) the ocean and Great Lake's roles.  Otherwise the same as S361</p>	
<p>4. Integrated Ocean and Coastal Observing System <i>Sec 4(b). System Elements</i></p>	<p>Specifies that the observation system include five elements: (1) A national ocean and coastal observing program including the Nation's contribution to the Global Earth Observing System of Systems; (2) a network of regional associations to manage regional observation programs; (3) a data management and communication system for timely integration and dissemination of data and information products; (4) a research and development program under the guidance of the Council; (5) an outreach, education and training program augmenting existing programs such as the National Sea Grant College Program and Center for Ocean</p>	<p><b>HR1489 Sec 4(b) Components &amp; Functions.</b> Units of system may be Federal and non-Federal entities operating remote or in-situ marine sensors (Sec 5) and must produce forecasts, transmit data to users, and archive the data.</p>	<p>Same as S361.</p>	

	Sciences Education Excellence.			
4. Integrated Ocean and Coastal Observing System <i>Sec 4(c). Council Functions</i>	The Council shall consult with regional associations to perform oversight of design and implementation of the observing system. Council will: 1) set standards for the system; 2) coordinate R & D, education, and Earth Observatory programs; 3) establish pilot projects to develop improved technology; 4) support institutional mechanisms for infrastructure capitalization; 5) provide support and representation for international meetings; 6) coordinate with other nations.	<b>HR1489 Sec 6 Coordination and Activities of the System.</b> Directs the Secretary, in consultation with the Council to coordinate observation activities.  <b>HR1489 Sec 5 Designation of Units &amp; Standards.</b> (c) Secretary, Council and Panel shall set data protocols and standards.  <b>HR1489 Sec 9 Pilot Projects.</b> Secretary and Council shall use pilot projects to develop technology and to test and demonstrate the effectiveness and usefulness of the System.  <b>HR1489 Sec 8 Data Availability and Products.</b> (1) Secretary and users will develop products to support coastal and fisheries management and other appropriate activities. (3) Secretary shall work with other agencies and entities to develop forecast models.	Same as S361.	S362 includes provisions for input by regional associations and supports interaction with international bodies and other nations.  HR1489 emphasizes data use in forecast models.
4. Integrated Ocean and Coastal Observing System <i>Sec 4(d). Interagency Program Office.</i>	Directs the Council to establish an Interagency Program Office (OceanUS) responsible for planning and coordination of the observing program. OceanUS shall: 1) prepare annual and long-term implementation plans to promote collaboration between Federal agencies and regional	Secretary and Council are generally responsible for planning and coordination.  <b>HR1489 Sec 12 Implementation Plan.</b> Secretary shall submit to Congress an implementation plan within 1 year of passage of the Act (including specified details).	Structural difference with S361 Sec 4(d): added numbered subsections (1-3) that delineate A(1)Establishment@, A(2)Responsibilities@, and A(3)Duties@. The language in each subsection is identical to the three sentences making up the first paragraph of S361 Sec 4(d), except that AOceanUS@	

	<p>associations;</p> <p>2) identify a core set of variables to be measured by all systems;</p> <p>3) set and refine data and communication standards and protocols;</p> <p>4) develop a process for certification and review of regional associations; and</p> <p>5) establish an external technical committee to review the systems.</p>	<p><b>HR1489 Sec 6(b) Included Activities.</b> Data collection must include all relevant observations.</p> <p><b>HR1489 Sec 5 Designation of Units &amp; Standards.</b> (c) Secretary, Council and Panel shall set data protocols and standards, including quality control.</p> <p><b>HR1489 Sec 13 Report to Congress.</b> (2) Secretary shall evaluate the effectiveness of the System every 2 years in a report to Congress.</p>	<p>in S361 is AOceanus@ in HR1584.</p>	
<p><i>Sec 4(e). Lead Federal Agency.</i></p>	<p>The National Oceanic and Atmospheric Administration (NOAA) is the lead Federal agency and shall coordinate system implementation, operation and improvement; allocate funds; implement and maintain the system; migrate scientific and technological advances, including pilot projects, to operational use; and certify regional associations according to Sec 4(f).</p>	<p><b>HR1489 Sec 4 Establishment.</b> The Secretary, in consultation with the Council, directs and administers the program.</p> <p><b>HR1489 Sec 10 Process for Transition from Research to Operation.</b> The Secretary and Council shall formulate a process for funding development and testing new technologies, especially models, and migrating them to operational use in the System.</p>	<p>Same as S361.</p>	
<p>4. Integrated Ocean and Coastal Observing System <i>Sec 4(f). Regional Associations of Ocean and Coastal Observation</i></p>	<p>Authorizes NOAA to certify regional associations who must meet the standards set in Sec 4(d) and:</p> <p>1) demonstrate appropriate organizational structure;</p> <p>2) operate under a business plan that conforms to the standards set</p>	<p><b>HR1489 Sec 4(b) Components and Functions.</b> The System shall consist of Units of Federal and non-Federal entities.</p> <p><b>HR1489 Sec 5 Designation of Units and Standards.</b> (a) Secretary shall consult with</p>	<p>Language differences with S361 regarding certification (first paragraph and subsection 5) remove language specifying NOAA as the Federal agency with the authority to certify regional associations.</p>	

<p><i>Systems.</i></p>	<p>by the Council;  3) provide data and information products for multiple users;  4) work with governmental entities to provide timely warnings, education and outreach.</p>	<p>Council to designate Units which can be any Federal or non-Federal entity operating marine sensors in a routine manner.  (b) Units must have appropriate technical expertise (1) to operate and maintain the system, and (2) to collect and distribute data.</p>	<p>S361: AThe Administrator of NOAA may certify one or more regional associations to be responsible for development and operation...@  HR1584: ARegional associations shall be responsible for the development and operation...@</p>	
<p>4. Integrated Ocean and Coastal Observing System  <i>Sec 4(g). Civil Liability.</i></p>	<p>For purposes of determining liability, any ocean and coastal observing system that is carrying out this Act and is a designated part of a certified regional association shall be considered to be part of NOAA.</p>	<p><b>HR1489 Sec 7 Civil Liability.</b>  For purposes of determining civil liability, any unit and any employee fulfilling the purposes of this Act shall be treated as an instrumentality of the United States.</p>	<p>Technical difference (placement of Acertified@):  HR1584: Adesignated part of a certified regional association under this section@.  S361: Adesignated part of a regional association certified under this section@</p>	
<p>Section 5. Research and Development and Education.</p>	<p>Directs the Council to establish R&amp;D and education programs including NOPP projects to serve four priorities:  1) to improve operational products;  2) study the relationship between the oceans and human activities;  3) advance modeling of coasts and oceans;  4) public education and outreach programs on ocean and coastal environments (integrate ongoing activities such as the National Sea Grant College Program and the Center for Ocean Science Education Excellence).</p>	<p><b>HR1489 Sec 4-b-3:</b> produce forecasts representing ocean conditions and processes.  <b>HR1489 Sec 6-b-2:</b> data must be useful for forecast models to support economic activity, safety, navigation, climate prediction, and other appropriate activities.  <b>HR1489 Sec 9-b-3:</b> demonstrate potential economic and societal benefits of the System.  <b>HR1489 Sec 9-b-4:</b> pilot projects shall be used to advance research and development of useful technology and applications.  <b>HR1489 Sec 13-b-3:</b> biennial reports to include description of benefits to scientists, educators and the general</p>	<p>Added Aand@ and swapped the order of Aocean@ and Acoastal@ in the sentence AThe Council shall establish programs... for the coastal and ocean observing system, including projects under the NOPP, and consisting of the following:@  Technical difference with S361: adds parenthesis around the final clause of subsection 4, Asuch as the National Sea Grant College Program and the Centers for Ocean sciences Education Excellence program.@</p>	<p>HR1489 does not explicitly include provisions for basic research, education or outreach. The phrase Aother appropriate activities@ is mentioned numerous times, (e.g., Sec=s 2-1, 6-b-2, 8-1) and HR1489 Sec 13-b-3 specifies that biennial reports are to include description of benefits to scientists, educators and the general public.</p>

		public.		
Section 6. Interagency Financing.	This section specifies that agencies represented on the Council are allowed to participate in interagency financing to carry out programs under this Act.	<b>HR1489 Sec 11 Contracts and Grants.</b> permits the Secretary to enter into contracts or cooperative agreements w/, or to make grants to, other units of the System (which can include federal and non-federal entities as defined in Sec 5)	Same as S361.	
Section 7. Authorization of Appropriations.	This section authorizes Asuch sums as may be necessary@ for implementing the systems and programs authorized by this Act during fiscal years 2006 through 2010. Specifies that at least 50% of sums appropriated for implementation of the observation system be allocated to regional associations and that all appropriated funds be available until expended.	<b>HR1489 Sec 14 Authorization for Appropriations.</b> Authorizes: \$25 million for FY05 \$30 million for FY06 \$35 million for FY07 \$40 million for FY08	In reference to the regional associations, removes the phrase Acertified under section 4(f)@ .	
Section 8. Reporting Requirement.	Requires the President, acting through the Council, to report on activities, evaluation and recommendations of programs established in sections 4 and 5 no later than March 31, 2010.	<b>HR1489 Sec 13 Report to Congress.</b> Secretary shall report to Congress on progress every 2 years after implementation of the Act. Report must include details of activities, evaluation of effectiveness and benefits of the System and recommendations concerning future modifications and funding levels	Same as S361.	
	No Provision	<b>HR1489 Sec 6 (c) Prevention of Competition with Private Sector and Duplication of Effort.</b> Stipulates that data collection activities conducted under this Act minimize duplication and not	No Provision	

		compete with private sector activities.		