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.

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Ocean and Coastal Observation System Act of 2005”.
SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

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

(2) The continuing and potentially devastating threat posed by tsunamis, hurricanes, storm surges, and other marine hazards requires immediate implementation of strengthened observation and data management systems to provide timely detection, assessment, and warnings to the millions of people living in coastal regions of the United States and throughout the world.

(3) The 95,000-mile coastline of the United States, including the Great Lakes, is vital to the Nation’s prosperity, contributing over $117 billion to the national economy in 2000, supporting jobs for more than 200 million Americans, and supporting commercial and sport fisheries valued at more than $50 billion annually.

(4) Responding to coastal hazards and managing fisheries and other coastal activities require improved monitoring of the Nation’s waters and
coastline, including the ability to provide rapid re-
sponse teams with real-time environmental condi-
tions necessary for their work.

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

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

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

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

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

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

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

(3) implementation of a data and information
management system required by all components of
an integrated ocean and coastal observing system
and related research to develop early warning sys-
tems and insure usefulness of data and information for users; and

(4) establishment of a system of regional ocean, coastal, and Great Lakes observing systems to address local needs for ocean information.

SEC. 3. DEFINITIONS.

In this Act:

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

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

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

SEC. 4. INTEGRATED OCEAN AND COASTAL OBSERVING SYSTEM.

(a) ESTABLISHMENT.—The President, acting through the Council, shall establish and maintain an integrated system of ocean and coastal observations, data communication and management, analysis, modeling, research, education, and outreach designed to provide data and information for the timely detection and prediction of changes occurring in the ocean, coastal and Great

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Lakes environment that impact the Nation’s social, economic, and ecological systems. The observing system shall provide for long-term, continuous and quality-controlled observations of the coasts, oceans, and Great Lakes for the following purposes:

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

(2) Protecting human lives and livelihoods from hazards such as tsunamis, hurricanes, coastal erosion, and fluctuating Great Lakes water levels.

(3) Understanding the effects of human activities and natural variability on the state of the coasts, oceans, and Great Lakes and the Nation’s socioeconomic well-being.

(4) Providing for the sustainable use, protection, and enjoyment of ocean, coastal, and Great Lakes resources.

(5) Providing information that can support the eventual implementation and refinement of ecosystem-based management.

(6) Supplying critical information to marine-related businesses such as aquaculture and fisheries.

(7) Supporting research and development to ensure continuous improvement to ocean, coastal, and Great Lakes observation measurements and to en-
hance understanding of the Nation’s ocean, coastal, and Great Lakes resources.

(b) System Elements.—In order to fulfill the purposes of this Act, the observing system shall consist of the following program elements:

(1) A national program to fulfill national observation priorities, including the Nation’s ocean contribution to the Global Earth Observation System of Systems and the Global Ocean Observing System.

(2) A network of regional associations to manage the regional ocean and coastal observing and information programs that collect, measure, and disseminate data and information products to meet regional needs.

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

(4) A research and development program conducted under the guidance of the Council.

(5) An outreach, education, and training program that augments existing programs, such as the National Sea Grant College Program, the Centers for Ocean Sciences Education Excellence program, and the National Estuarine Research Reserve Sys-
tem, to ensure the use of the data and information for improving public education and awareness of the Nation’s oceans and building the technical expertise required to operate and improve the observing system.

(c) COUNCIL FUNCTIONS.—In carrying out responsibilities under this section, the Council shall—

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

(2) adopt plans, budgets, and standards that are developed and maintained by the interagency program office in consultation with the regional associations;

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

(4) coordinate and administer programs of research, development, education, and outreach to support improvements to and the operation of an integrated ocean and coastal observing system and to advance the understanding of the oceans;
(5) establish pilot projects to develop technology and methods for advancing the development of the observing system;

(6) provide, as appropriate, support for and representation on United States delegations to international meetings on ocean and coastal observing programs; and

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

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

(1) prepare annual and long-term plans for consideration by the Council for the design and implementation of the observing system that promote collaboration among Federal agencies and regional associations in developing the global and national observing systems, including identification and refinement of a core set of variables to be measured by all systems;

(2) coordinate the development of agency priorities and budgets for implementation of the observ-
ing system, including budgets for the regional associations;

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

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

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

(6) provide for opportunities to partner or contract with private sector companies in deploying ocean observation system elements.

(c) LEAD FEDERAL AGENCY.—The National Oceanic and Atmospheric Administration shall be the lead Federal agency for implementation and operation of the observing system. Based on the plans prepared by the interagency program office and adopted by the Council, the Administrator of the National Oceanic and Atmospheric Administration shall—

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

(2) establish efficient and effective administrative procedures for allocation of funds among Fed-
eral agencies and regional associations in a timely
manner and according to the budget adopted by the
Council;

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

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

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

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

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

(f) REGIONAL ASSOCIATIONS OF OCEAN AND COAST-
AL OBSERVING SYSTEMS.—The Administrator of the Na-
tional Oceanic and Atmospheric Administration may cer-
tify one or more regional associations to be responsible
for the development and operation of regional ocean and coastal observing systems to meet the information needs of user groups in the region while adhering to national standards. To be certifiable by the Administrator, a regional association shall—

(1) demonstrate an organizational structure capable of supporting and integrating all aspects of ocean and coastal observing and information programs within a region;

(2) operate under a strategic operations and business plan that details the operation and support of regional ocean and coastal observing systems pursuant to the standards established by the Council;

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

(4) work with governmental entities and programs at all levels within the region to provide timely warnings and outreach to protect the public; and

(5) meet certification standards developed by the interagency program office in conjunction with the regional associations and approved by the Council.

Nothing in this Act authorizes a regional association to engage in lobbying activities (as defined in section 3(7)
of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602(7)).

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

SEC. 5. RESEARCH, DEVELOPMENT, AND EDUCATION.

The Council shall establish programs for research, development, education, and outreach for the ocean and coastal observing system, including projects under the National Oceanographic Partnership Program, consisting of the following:

(1) Basic research to advance knowledge of ocean and coastal systems and ensure continued improvement of operational products, including related infrastructure and observing technology.
(2) Focused research projects to improve understanding of the relationship between the coasts and oceans and human activities.

(3) Large scale computing resources and research to advance modeling of ocean and coastal processes.

(4) A coordinated effort to build public education and awareness of the ocean and coastal environment and functions that integrates ongoing activities such as the National Sea Grant College Program, the Centers for Ocean Sciences Education Excellence, and the National Estuarine Research Reserve System.

SEC. 6. INTERAGENCY FINANCING.

The departments and agencies represented on the Council are authorized to participate in interagency financing and share, transfer, receive, obligate, and expend funds appropriated to any member of the Council for the purposes of carrying out any administrative or programmatic project or activity under this Act or under the National Oceanographic Partnership Program, including support for the interagency program office, a common infrastructure, and system integration for a ocean and coastal observing system. Funds may be transferred among such departments and agencies through an appro-
priate instrument that specifies the goods, services, or
space being acquired from another Council member and
the costs of the same.
SEC. 7. APPLICATION WITH OUTER CONTINENTAL SHELF
LANDS ACT.
Nothing in this Act supersedes, or limits the author-
ity of the Secretary of the Interior under the Outer Conti-
nental Shelf Lands Act (43 U.S.C. 1331 et seq.).
SEC. 8. AUTHORIZATION OF APPROPRIATIONS.
There are authorized to be appropriated to the Na-
tional Oceanic and Atmospheric Administration for the
implementation of an integrated ocean and coastal observ-
ing system under section 4, and the research and develop-
ment program under section 5, including financial assist-
ance to the interagency program office, the regional asso-
ciations for the implementation of regional ocean and
coastal observing systems, and the departments and agen-
cies represented on the Council, $150,000,000 for each of
fiscal years 2006 through 2010. At least 50 percent of
the sums appropriated for the implementation of the inte-
grated ocean and coastal observing system under section
4 shall be allocated to the regional associations certified
under section 4(f) for implementation of regional ocean
and coastal observing systems. Sums appropriated pursu-
ant to this section shall remain available until expended.
SEC. 9. REPORTING REQUIREMENT.

Not later than March 31, 2010, the President, acting through the Council, shall transmit to Congress a report on the programs established under sections 4 and 5. The report shall include a description of activities carried out under the programs, an evaluation of the effectiveness of the programs, and recommendations concerning reauthorization of the programs and funding levels for the programs in succeeding fiscal years.

Passed the Senate July 1, 2005.

Attest:

Secretary.
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