

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1489

To authorize the Secretary of Commerce to establish a coastal ocean  
observation system.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 6, 2005

Mr. GILCREST introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committee on Science, 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

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## A BILL

To authorize the Secretary of Commerce to establish a  
coastal ocean observation system.

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 “Coastal Ocean Obser-  
5 vation System Integration and Implementation Act of  
6 2005”.

7 **SEC. 2. PURPOSES.**

8 The purposes of this Act are the following:

1           (1) To gain a better understanding of the ma-  
2           rine environment and marine processes important to  
3           coastal and fishery management, marine operations,  
4           environmental prediction, and other appropriate ac-  
5           tivities.

6           (2) To authorize the establishment of an obser-  
7           vation system to collect data on environmental vari-  
8           ables in coastal ocean waters of the United States to  
9           meet regional and national information requirements  
10          and support an integrated national ocean observing  
11          system.

12          (3) To more effectively predict and mitigate im-  
13          pacts of natural hazards such as tsunamis, hurri-  
14          canes, coastal erosion, and fluctuating water levels  
15          in the Great Lakes, and conserve healthy and re-  
16          store degraded coastal ecosystems.

17          (4) To enable the sustainable use of ocean and  
18          coastal resources.

19          (5) To ensure that a broad-based multisector  
20          constituency is included in the development of the  
21          System, including local, State, tribal, and Federal  
22          agencies, private companies, nongovernmental orga-  
23          nizations, and academic institutions.

24 **SEC. 3. DEFINITIONS.**

25          In this Act:

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

4           (2) COASTAL WATERS OF THE UNITED  
5           STATES.—The term “coastal waters of the United  
6           States” means waters of coastal and estuarine areas  
7           of United States, waters of the Great Lakes and the  
8           exclusive economic zone of the United States, includ-  
9           ing bays, lagoons, fjords, tidal wetlands, and other  
10          semienclosed bodies of water that are connected to  
11          ocean waters.

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

14          (4) PANEL.—The term “Panel” means the  
15          Ocean and Research Advisory Panel.

16          (5) SECRETARY.—The term “Secretary” means  
17          the Secretary of Commerce, acting through the Ad-  
18          ministration.

19          (6) SYSTEM.—The term “System” means the  
20          Coastal Ocean Observation System established by  
21          the Secretary under section 4.

22 **SEC. 4. ESTABLISHMENT OF COASTAL OCEAN OBSERVA-**  
23 **TION SYSTEM.**

24          (a) REQUIREMENT.—The Secretary, in consultation  
25          with the Council, shall establish within the Administration

1 a Coastal Ocean Observation System to support coastal  
2 and fishery management activities and an integrated na-  
3 tional ocean observation system.

4 (b) COMPONENTS AND FUNCTIONS.—The System  
5 shall—

6 (1) consist of components of the Administration  
7 and other Federal agencies and non-Federal entities  
8 designated as units under section 5;

9 (2) transmit such data to users including, as  
10 appropriate, in real time or near real time;

11 (3) produce forecasts and other appropriate  
12 products representing ocean conditions and proc-  
13 esses; and

14 (4) manage the collected data in accordance  
15 with best practices for archiving and future use.

16 **SEC. 5. DESIGNATION OF UNITS AND STANDARDS.**

17 (a) IN GENERAL.—The Secretary may, in consulta-  
18 tion with the Council, designate as a unit of the System  
19 to carry out the purposes of this Act any Federal agency  
20 or non-Federal entity that operates marine sensors and  
21 other devices that collect remotely sensed and in situ ob-  
22 servation data in the ocean and coastal waters of the  
23 United States in a routine manner, including continuous  
24 observations.

1 (b) CRITERIA FOR DESIGNATION.—The Secretary  
2 may not designate an agency or other entity as a unit of  
3 the System unless the Secretary certifies, in consultation  
4 with the Council, that the entity has adequate technical  
5 expertise to operate and sustain the technology in the unit,  
6 and collect and distribute data in accordance with stand-  
7 ards and protocols established under subsection (c).

8 (c) DATA STANDARDS, PROTOCOLS, AND SYSTEMS.—  
9 The Secretary shall—

10 (1) establish, in consultation with the Council  
11 and the Panel, standards, and protocols for the col-  
12 lection, availability, and distribution by units of the  
13 System of data regarding coastal waters of the  
14 United States; and

15 (2) establish management, quality control, and  
16 assessment systems for such data collection, avail-  
17 ability, and distribution.

18 **SEC. 6. COORDINATION AND ACTIVITIES OF THE SYSTEM.**

19 (a) IN GENERAL.—The Secretary shall, in consulta-  
20 tion with the Council, coordinate those observation activi-  
21 ties of units of the System that are conducted with respect  
22 to the coastal waters of the United States, as necessary  
23 to collect data to carry out the purposes of this Act.

24 (b) INCLUDED ACTIVITIES.—The Secretary shall, in  
25 consultation with the Council, ensure that—

1           (1) data collection activities of the System in-  
2           clude all of the relevant coastal ocean observations  
3           necessary to carry out the purposes of this Act; and

4           (2) data collected through the System is useful  
5           for developing forecast models to support coastal  
6           and fishery management, safe and efficient marine  
7           navigation, weather and climate prediction, and  
8           other appropriate activities.

9           (c) **PREVENTION COMPETITION WITH PRIVATE SEC-**  
10 **TOR AND DUPLICATION OF EFFORT.**—The Secretary shall  
11 ensure that data collection activities conducted through  
12 the System—

13           (1) do not compete with private sector activi-  
14           ties; and

15           (2) minimize duplication of effort.

16 **SEC. 7. CIVIL LIABILITY.**

17           For purposes of determining civil liability under sec-  
18           tion 2671 of title 28, United States Code, any unit of the  
19           System that is designated by the Secretary under section  
20           5, and any employee thereof, shall be treated as an instru-  
21           mentality of the United States with respect to any act or  
22           omission committed by any such unit or employee in ful-  
23           filling the purposes of this Act.

24 **SEC. 8. DATA AVAILABILITY AND PRODUCTS.**

25           The Secretary shall—

1           (1) work with the Panel and user groups to en-  
2           sure the development of viable end-use products of  
3           the System to support coastal and fishery manage-  
4           ment activities and other appropriate activities;

5           (2) in consultation with the Council, develop a  
6           data management and communication system by  
7           which all data collected by the System regarding  
8           coastal waters of the United States are integrated  
9           and available; and

10          (3) in conjunction with Federal, State, and  
11          local agencies, and academic institutions, use data  
12          collected by the System to develop forecast models to  
13          support and improve coastal and fishery manage-  
14          ment, safe and efficient marine navigation, weather  
15          and climate prediction, and other appropriate activi-  
16          ties.

17 **SEC. 9. PILOT PROJECTS.**

18          (a) **REQUIREMENT.**—The Secretary, in consultation  
19          with the Council, shall carry out pilot projects to deter-  
20          mine the effectiveness of collecting and integrating coastal  
21          ocean observation data to support the Coastal Ocean Ob-  
22          servation System established under this Act.

23          (b) **INCLUDED PROJECTS.**—The pilot projects shall—

24                  (1) test the integration of data among multiple  
25          Federal agencies and non-Federal entities that oper-

1       ate marine sensors and other devices to collect or  
2       use coastal ocean observation data;

3           (2) produce operational applications relevant to  
4       the purposes of this Act;

5           (3) demonstrate potential economic and societal  
6       benefits of the System; and

7           (4) advance research and development of useful  
8       technologies and applications.

9       **SEC. 10. PROCESS FOR TRANSITION FROM RESEARCH TO**  
10           **OPERATION.**

11       The Secretary, in consultation with the Council, shall  
12       formulate a process by which—

13           (1) funding is made available for research on  
14       new technologies for collecting data regarding coast-  
15       al waters of the United States;

16           (2) such technologies are tested in pilot  
17       projects, including—

18           (A) accelerated research into biological and  
19       chemical sensing techniques and satellite sen-  
20       sors for collecting such data; and

21           (B) developing technologies to improve all  
22       aspects of the System, especially the timeliness  
23       and accuracy of its predictive models and the  
24       usefulness of its information products; and

1           (3) technology that has been demonstrated to  
2           be useful for the System is incorporated into use by  
3           the System.

4 **SEC. 11. CONTRACTS AND GRANTS.**

5           The Secretary may enter into contracts or cooperative  
6           agreements with, or make grants to, units of the System  
7           to carry out observation activities with respect to coastal  
8           waters of the United States.

9 **SEC. 12. IMPLEMENTATION PLAN.**

10          Not later than 12 months after the date of the enact-  
11          ment of this Act, the Secretary shall submit to the Con-  
12          gress and the Council a plan for implementation of this  
13          Act, including for—

14                (1) coordinating activities of the Secretary  
15                under this Act with other Federal agencies; and

16                (2) distributing, to units of the System, funds  
17                available to carry out this Act.

18 **SEC. 13. REPORT TO CONGRESS.**

19          (a) REQUIREMENT.—Not later than two years after  
20          the date of the enactment of this Act and every two years  
21          thereafter, the Secretary shall transmit to the Congress  
22          a report on progress made in implementing this Act.

23          (b) CONTENTS.—The report shall include the fol-  
24          lowing:

1           (1) A description of activities carried out under  
2 this Act.

3           (2) An evaluation of the effectiveness of the  
4 System.

5           (3) Benefits of the System to users of data  
6 products resulting from the System (including the  
7 general public, industry, scientists, resource man-  
8 agers, emergency responders, policy makers, and  
9 educators).

10          (4) Recommendations concerning—

11                 (A) modifications to the System; and

12                 (B) funding levels for the System in subse-  
13 quent fiscal years.

14 **SEC. 14. AUTHORIZATION OF APPROPRIATIONS.**

15          To carry out this Act there are authorized to be ap-  
16 propriated to the Secretary—

17                 (1) \$25,000,000 for fiscal year 2005;

18                 (2) \$30,000,000 for fiscal year 2006;

19                 (3) \$35,000,000 for fiscal year 2007; and

20                 (4) \$40,000,000 for fiscal year 2008.

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