

111TH CONGRESS  
1ST SESSION

# H. R. 367

To establish a national integrated system of ocean, coastal, and Great Lakes observing systems, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 9, 2009

Mrs. CAPPS (for herself, Mr. FARR, Ms. BORDALLO, Mr. INSLEE, Mr. THOMPSON of California, Mr. HASTINGS of Florida, Mr. WAXMAN, Mr. GRIJALVA, Mr. MORAN of Virginia, Mr. PALLONE, Mr. DELAHUNT, and Ms. CASTOR of Florida) 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

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## A BILL

To establish a national integrated system of ocean, coastal, and Great Lakes observing systems, 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 “Integrated Coastal and  
5       Ocean Observation System Act of 2009”.

6       **SEC. 2. PURPOSES.**

7       The purposes of this Act are to—

1           (1) establish a national integrated System of  
2 ocean, coastal, and Great Lakes observing systems,  
3 comprised of Federal and non-Federal components  
4 coordinated at the national level by the National  
5 Ocean Research Leadership Council and at the re-  
6 gional level by a network of regional information co-  
7 ordination entities, and that includes in situ, remote,  
8 and other coastal and ocean observation, tech-  
9 nologies, and data management and communication  
10 systems, and is designed to address regional and na-  
11 tional needs for ocean information, to gather specific  
12 data on key coastal, ocean, and Great Lakes vari-  
13 ables, and to ensure timely and sustained dissemina-  
14 tion and availability of these data to—

15           (A) support national defense, marine com-  
16 merce, navigation safety, weather, climate, and  
17 marine forecasting, energy siting and produc-  
18 tion, economic development, ecosystem-based  
19 marine, coastal, and Great Lakes resource man-  
20 agement, public safety, and public outreach  
21 training and education;

22           (B) promote greater public awareness and  
23 stewardship of the Nation’s ocean, coastal, and  
24 Great Lakes resources and the general public  
25 welfare; and

1           (C) enable advances in scientific under-  
2           standing to support the sustainable use, con-  
3           servation, management, and understanding of  
4           healthy ocean, coastal, and Great Lakes re-  
5           sources;

6           (2) improve the Nation's capability to measure,  
7           track, explain, and predict events related directly  
8           and indirectly to weather and climate change, nat-  
9           ural climate variability, and interactions between the  
10          oceanic and atmospheric environments, including the  
11          Great Lakes; and

12          (3) authorize activities to promote basic and ap-  
13          plied research to develop, test, and deploy innova-  
14          tions and improvements in coastal and ocean obser-  
15          vation technologies, modeling systems, and other sci-  
16          entific and technological capabilities to improve our  
17          conceptual understanding of weather and climate,  
18          ocean-atmosphere dynamics, global climate change,  
19          physical, chemical, and biological dynamics of the  
20          ocean, coastal and Great Lakes environments, and  
21          to conserve healthy and restore degraded coastal  
22          ecosystems.

23 **SEC. 3. DEFINITIONS.**

24          In this Act:

1           (1) ADMINISTRATOR.—The term “Adminis-  
2           trator” means the Under Secretary of Commerce for  
3           Oceans and Atmosphere in the Under Secretary’s  
4           capacity as Administrator of the National Oceanic  
5           and Atmospheric Administration.

6           (2) COUNCIL.—The term “Council” means the  
7           National Ocean Research Leadership Council estab-  
8           lished by section 7902 of title 10, United States  
9           Code.

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

17          (4) INTERAGENCY OCEAN OBSERVATION COM-  
18          MITTEE.—The term “Interagency Ocean Observa-  
19          tion Committee” means the committee established  
20          under section 4(e)(2).

21          (5) NON-FEDERAL ASSETS.—The term “non-  
22          Federal assets” means all relevant coastal and ocean  
23          observation technologies, related basic and applied  
24          technology research and development, and public  
25          education and outreach programs that are integrated

1 into the System and are managed through States,  
2 regional organizations, universities, nongovernmental  
3 organizations, or the private sector.

4 (6) REGIONAL INFORMATION COORDINATION  
5 ENTITIES.—

6 (A) IN GENERAL.—The term “regional in-  
7 formation coordination entity” means an orga-  
8 nizational body that is certified or established  
9 by contract or memorandum by the lead Fed-  
10 eral agency designated in section 4(c)(3) of this  
11 Act and coordinates State, Federal, local, and  
12 private interests at a regional level with the re-  
13 sponsibility of engaging the private and public  
14 sectors in designing, operating, and improving  
15 regional coastal and ocean observing systems in  
16 order to ensure the provision of data and infor-  
17 mation that meet the needs of user groups from  
18 the respective regions.

19 (B) CERTAIN INCLUDED ASSOCIATIONS.—  
20 The term “regional information coordination  
21 entity” includes regional associations described  
22 in the System Plan.

23 (7) SECRETARY.—The term “Secretary” means  
24 the Secretary of Commerce, acting through the Na-  
25 tional Oceanic and Atmospheric Administration.

1           (8) SYSTEM.—The term “System” means the  
2 National Integrated Coastal and Ocean Observation  
3 System established under section 4.

4           (9) SYSTEM PLAN.—The term “System Plan”  
5 means the plan contained in the document entitled  
6 “Ocean.US Publication No. 9, The First Integrated  
7 Ocean Observing System (IOOS) Development  
8 Plan”, as updated by the Council under this Act.

9 **SEC. 4. INTEGRATED COASTAL AND OCEAN OBSERVING**  
10 **SYSTEM.**

11       (a) ESTABLISHMENT.—The President, acting  
12 through the Council, shall establish a National Integrated  
13 Coastal and Ocean Observation System to fulfill the pur-  
14 poses set forth in section 2 of this Act and the System  
15 Plan and to fulfill the Nation’s international obligations  
16 to contribute to the Global Earth Observation System of  
17 Systems and the Global Ocean Observing System.

18       (b) SYSTEM ELEMENTS.—

19           (1) IN GENERAL.—In order to fulfill the pur-  
20 poses of this Act, the System shall be national in  
21 scope and consist of—

22           (A) Federal assets to fulfill national and  
23 international observation missions and prior-  
24 ities;

1 (B) non-Federal assets, including a net-  
2 work of regional information coordination enti-  
3 ties identified under subsection (c)(4), to fulfill  
4 regional observation missions and priorities;

5 (C) data management, communication, and  
6 modeling systems for the timely integration and  
7 dissemination of data and information products  
8 from the System;

9 (D) a research and development program  
10 conducted under the guidance of the Council,  
11 consisting of—

12 (i) basic and applied research and  
13 technology development to improve under-  
14 standing of coastal and ocean systems and  
15 their relationships to human activities and  
16 to ensure improvement of operational as-  
17 sets and products, including related infra-  
18 structure, observing technologies, and in-  
19 formation and data processing and man-  
20 agement technologies; and

21 (ii) large scale computing resources  
22 and research to advance modeling of coast-  
23 al and ocean processes.

24 (2) ENHANCING ADMINISTRATION AND MAN-  
25 AGEMENT.—The head of each Federal agency that

1 has administrative jurisdiction over a Federal asset  
2 shall support the purposes of this Act and may take  
3 appropriate actions to enhance internal agency ad-  
4 ministration and management to better support, in-  
5 tegrate, finance, and utilize observation data, prod-  
6 ucts, and services developed under this section to  
7 further its own agency mission and responsibilities.

8 (3) AVAILABILITY OF DATA.—The head of each  
9 Federal agency that has administrative jurisdiction  
10 over a Federal asset shall make available data that  
11 are produced by that asset and that are not other-  
12 wise restricted for integration, management, and dis-  
13 semination by the System.

14 (4) NON-FEDERAL ASSETS.—Non-Federal as-  
15 sets shall be coordinated, as appropriate, by the  
16 Interagency Ocean Observing Committee or by re-  
17 gional information coordination entities.

18 (c) POLICY OVERSIGHT, ADMINISTRATION, AND RE-  
19 GIONAL COORDINATION.—

20 (1) COUNCIL FUNCTIONS.—The Council shall  
21 serve as the policy and coordination oversight body  
22 for all aspects of the System. In carrying out its re-  
23 sponsibilities under this Act, the Council shall—

24 (A) approve and adopt comprehensive Sys-  
25 tem budgets developed and maintained by the



1 Interagency Ocean Observation Committee to  
2 support System operations, including operations  
3 of both Federal and non-Federal assets;

4 (B) ensure coordination of the System with  
5 other domestic and international earth observ-  
6 ing activities including the Global Ocean Ob-  
7 serving System and the Global Earth Observing  
8 System of Systems, and provide, as appropriate,  
9 support for and representation on United  
10 States delegations to international meetings on  
11 coastal and ocean observing programs; and

12 (C) encourage coordinated intramural and  
13 extramural research and technology develop-  
14 ment, and a process to transition developing  
15 technology and methods into operations of the  
16 System.

17 (2) INTERAGENCY OCEAN OBSERVATION COM-  
18 MITTEE.—The Council shall establish or designate  
19 an Interagency Ocean Observation Committee which  
20 shall—

21 (A) prepare annual and long-term plans  
22 for consideration and approval by the Council  
23 for the integrated design, operation, mainte-  
24 nance, enhancement and expansion of the Sys-

1           tem to meet the objectives of this Act and the  
2           System Plan;

3           (B) develop and transmit to Congress at  
4           the time of submission of the President's an-  
5           nual budget request an annual coordinated,  
6           comprehensive budget to operate all elements of  
7           the System identified in subsection (b), and to  
8           ensure continuity of data streams from Federal  
9           and non-Federal assets;

10          (C) establish required observation data  
11          variables to be gathered by both Federal and  
12          non-Federal assets and identify, in consultation  
13          with regional information coordination entities,  
14          priorities for System observations;

15          (D) establish protocols and standards for  
16          System data processing, management, and com-  
17          munication;

18          (E) develop contract certification stand-  
19          ards and compliance procedures for all non-  
20          Federal assets, including regional information  
21          coordination entities, to establish eligibility for  
22          integration into the System and to ensure com-  
23          pliance with all applicable standards and proto-  
24          cols established by the Council, and ensure that

1 regional observations are integrated into the  
2 System on a sustained basis;

3 (F) identify gaps in observation coverage  
4 or needs for capital improvements of both Fed-  
5 eral assets and non-Federal assets;

6 (G) subject to the availability of appropria-  
7 tions, establish through one or more partici-  
8 pating Federal agencies, in consultation with  
9 the System advisory committee established  
10 under subsection (d), a competitive matching  
11 grant or other programs—

12 (i) to promote intramural and extra-  
13 mural research and development of new,  
14 innovative, and emerging observation tech-  
15 nologies including testing and field trials;  
16 and

17 (ii) to facilitate the migration of new,  
18 innovative, and emerging scientific and  
19 technological advances from research and  
20 development to operational deployment;

21 (H) periodically review and recommend to  
22 the Council, in consultation with the Adminis-  
23 trator, revisions to the System Plan;

1 (I) ensure collaboration among Federal  
2 agencies participating in the activities of the  
3 Committee; and

4 (J) perform such additional duties as the  
5 Council may delegate.

6 (3) LEAD FEDERAL AGENCY.—The National  
7 Oceanic and Atmospheric Administration shall func-  
8 tion as the lead Federal agency for the implementa-  
9 tion and administration of the System, in consulta-  
10 tion with the Council, the Interagency Ocean Obser-  
11 vation Committee, other Federal agencies that main-  
12 tain portions of the System, and the regional infor-  
13 mation coordination entities, and shall—

14 (A) establish an Integrated Ocean Observ-  
15 ing Program Office within the National Oceanic  
16 and Atmospheric Administration utilizing to the  
17 extent necessary, personnel from member agen-  
18 cies participating on the Interagency Ocean Ob-  
19 servation Committee, to oversee daily operations  
20 and coordination of the System;

21 (B) implement policies, protocols, and  
22 standards approved by the Council and dele-  
23 gated by the Interagency Ocean Observing  
24 Committee;

1           (C) promulgate program guidelines to cer-  
2           tify and integrate non-Federal assets, including  
3           regional information coordination entities, into  
4           the System to provide regional coastal and  
5           ocean observation data that meet the needs of  
6           user groups from the respective regions;

7           (D) have the authority to enter into and  
8           oversee contracts, leases, grants or cooperative  
9           agreements with non-Federal assets, including  
10          regional information coordination entities, to  
11          support the purposes of this Act on such terms  
12          as the Administrator deems appropriate;

13          (E) implement a merit-based, competitive  
14          funding process to support non-Federal assets,  
15          including the development and maintenance of  
16          a network of regional information coordination  
17          entities, and develop and implement a process  
18          for the periodic review and evaluation of all  
19          non-Federal assets, including regional informa-  
20          tion coordination entities;

21          (F) provide opportunities for competitive  
22          contracts and grants for demonstration projects  
23          to design, develop, integrate, deploy, and sup-  
24          port components of the System;

1 (G) establish efficient and effective admin-  
2 istrative procedures for allocation of funds  
3 among contractors, grantees, and non-Federal  
4 assets, including regional information coordina-  
5 tion entities in a timely manner, and contingent  
6 on appropriations according to the budget  
7 adopted by the Council;

8 (H) develop and implement a process for  
9 the periodic review and evaluation of regional  
10 information coordination entities;

11 (I) formulate an annual process by which  
12 gaps in observation coverage or needs for cap-  
13 ital improvements of Federal assets and non-  
14 Federal assets of the System are identified by  
15 the regional information coordination entities,  
16 the Administrator, or other members of the  
17 System and transmitted to the Interagency  
18 Ocean Observing Committee;

19 (J) develop and be responsible for a data  
20 management and communication system, in ac-  
21 cordance with standards and protocols estab-  
22 lished by the Council, by which all data col-  
23 lected by the System regarding ocean and  
24 coastal waters of the United States including  
25 the Great Lakes, are processed, stored, inte-

1           grated, and made available to all end-user com-  
2           munities;

3           (K) implement a program of public edu-  
4           cation and outreach to improve public aware-  
5           ness of global climate change and effects on the  
6           ocean, coastal, and Great Lakes environment;

7           (L) report annually to the Interagency  
8           Ocean Observing Committee on the accomplish-  
9           ments, operational needs, and performance of  
10          the System to contribute to the annual and  
11          long-term plans developed pursuant to sub-  
12          section (c)(2)(A)(i); and

13          (M) develop a plan to efficiently integrate  
14          into the System new, innovative, or emerging  
15          technologies that have been demonstrated to be  
16          useful to the System and which will fulfill the  
17          purposes of this Act and the System Plan.

18          (4) REGIONAL INFORMATION COORDINATION  
19          ENTITIES.—

20                 (A) IN GENERAL.—To be certified or es-  
21                 tablished under this Act, a regional information  
22                 coordination entity shall be certified or estab-  
23                 lished by contract or agreement by the Adminis-  
24                 trator, and shall agree to meet the certification  
25                 standards and compliance procedure guidelines

1 issued by the Administrator and information  
2 needs of user groups in the region while adher-  
3 ing to national standards and shall—

4 (i) demonstrate an organizational  
5 structure capable of gathering required  
6 System observation data, supporting and  
7 integrating all aspects of coastal and ocean  
8 observing and information programs within  
9 a region and that reflects the needs of  
10 State and local governments, commercial  
11 interests, and other users and beneficiaries  
12 of the System and other requirements  
13 specified under this Act and the System  
14 Plan;

15 (ii) identify gaps in observation cov-  
16 erage needs for capital improvements of  
17 Federal assets and non-Federal assets of  
18 the System, or other recommendations to  
19 assist in the development of the annual  
20 and long-term plans created pursuant to  
21 subsection (c)(2)(A)(i) and transmit such  
22 information to the Interagency Ocean Ob-  
23 serving Committee via the Program Office;

24 (iii) develop and operate under a stra-  
25 tegic operational plan that will ensure the



1 efficient and effective administration of  
2 programs and assets to support daily data  
3 observations for integration into the Sys-  
4 tem, pursuant to the standards approved  
5 by the Council;

6 (iv) work cooperatively with govern-  
7 mental and non-governmental entities at  
8 all levels to identify and provide informa-  
9 tion products of the System for multiple  
10 users within the service area of the re-  
11 gional information coordination entities;  
12 and

13 (v) comply with all financial oversight  
14 requirements established by the Adminis-  
15 trator, including requirements relating to  
16 audits.

17 (B) PARTICIPATION.—For the purposes of  
18 this Act, employees of Federal agencies may  
19 participate in the functions of the regional in-  
20 formation coordination entities.

21 (d) SYSTEM ADVISORY COMMITTEE.—

22 (1) IN GENERAL.—The Administrator shall es-  
23 tablish or designate a System advisory committee,  
24 which shall provide advice as may be requested by

1 the Administrator or the Interagency Ocean Observ-  
2 ing Committee.

3 (2) PURPOSE.—The purpose of the System ad-  
4 visory committee is to advise the Administrator and  
5 the Interagency Ocean Observing Committee on—

6 (A) administration, operation, manage-  
7 ment, and maintenance of the System, includ-  
8 ing integration of Federal and non-Federal as-  
9 sets and data management and communication  
10 aspects of the System, and fulfillment of the  
11 purposes set forth in section 2;

12 (B) expansion and periodic modernization  
13 and upgrade of technology components of the  
14 System;

15 (C) identification of end-user communities,  
16 their needs for information provided by the Sys-  
17 tem, and the System’s effectiveness in dissemi-  
18 nating information to end-user communities  
19 and the general public; and

20 (D) any other purpose identified by the  
21 Administrator or the Interagency Ocean Ob-  
22 serving Committee.

23 (3) MEMBERS.—

24 (A) IN GENERAL.—The System advisory  
25 committee shall be composed of members ap-

1 pointed by the Administrator. Members shall be  
2 qualified by education, training, and experience  
3 to evaluate scientific and technical information  
4 related to the design, operation, maintenance,  
5 or use of the System, or use of data products  
6 provided through the System.

7 (B) TERMS OF SERVICE.—Members shall  
8 be appointed for 3-year terms, renewable once.  
9 A vacancy appointment shall be for the remain-  
10 der of the unexpired term of the vacancy, and  
11 an individual so appointed may subsequently be  
12 appointed for 2 full 3-year terms if the remain-  
13 der of the unexpired term is less than 1 year.

14 (C) CHAIRPERSON.—The Administrator  
15 shall designate a chairperson from among the  
16 members of the System advisory committee.

17 (D) APPOINTMENT.—Members of the Sys-  
18 tem advisory committee shall be appointed as  
19 special Government employees for purposes of  
20 section 202(a) of title 18, United States Code.

21 (4) ADMINISTRATIVE PROVISIONS.—

22 (A) REPORTING.—The System advisory  
23 committee shall report to the Administrator and  
24 the Interagency Ocean Observing Committee, as  
25 appropriate.

1           (B) ADMINISTRATIVE SUPPORT.—The Ad-  
2           ministrator shall provide administrative support  
3           to the System advisory committee.

4           (C) MEETINGS.—The System advisory  
5           committee shall meet at least once each year,  
6           and at other times at the call of the Adminis-  
7           trator, the Interagency Ocean Observing Com-  
8           mittee, or the chairperson.

9           (D) COMPENSATION AND EXPENSES.—  
10          Members of the System advisory committee  
11          shall not be compensated for service on that  
12          Committee, but may be allowed travel expenses,  
13          including per diem in lieu of subsistence, in ac-  
14          cordance with subchapter I of chapter 57 of  
15          title 5, United States Code.

16          (E) EXPIRATION.—Section 14 of the Fed-  
17          eral Advisory Committee Act (5 U.S.C. App.)  
18          shall not apply to the System advisory com-  
19          mittee.

20          (e) CIVIL LIABILITY.—For purposes of determining  
21          liability arising from the dissemination and use of observa-  
22          tion data gathered pursuant to this section, any non-Fed-  
23          eral asset or regional information coordination entity in-  
24          corporated into the System by contract, lease, grant, or  
25          cooperative agreement under subsection (c)(3)(D) that is

1 participating in the System shall be considered to be part  
2 of the National Oceanic and Atmospheric Administration.  
3 Any employee of such a non-Federal asset or regional in-  
4 formation coordination entity, while operating within the  
5 scope of his or her employment in carrying out the pur-  
6 poses of this Act, with respect to tort liability, is deemed  
7 to be an employee of the Federal Government.

8 (f) LIMITATION.—Nothing in this Act shall be con-  
9 strued to invalidate existing certifications, contracts, or  
10 agreements between regional information coordination en-  
11 tities and other elements of the System.

12 **SEC. 5. INTERAGENCY FINANCING AND AGREEMENTS.**

13 (a) IN GENERAL.—To carry out interagency activi-  
14 ties under this Act, the Secretary of Commerce may exe-  
15 cute cooperative agreements, or any other agreements,  
16 with, and receive and expend funds made available by, any  
17 State or subdivision thereof, any Federal agency, or any  
18 public or private organization, or individual.

19 (b) RECIPROCITY.—Member Departments and agen-  
20 cies of the Council shall have the authority to create, sup-  
21 port, and maintain joint centers, and to enter into and  
22 perform such contracts, leases, grants, and cooperative  
23 agreements as may be necessary to carry out the purposes  
24 of this Act and fulfillment of the System Plan.

1 **SEC. 6. APPLICATION WITH OTHER LAWS.**

2 Nothing in this Act supersedes or limits the authority  
3 of any agency to carry out its responsibilities and missions  
4 under other laws.

5 **SEC. 7. REPORT TO CONGRESS.**

6 (a) REQUIREMENT.—Not later than 2 years after the  
7 date of the enactment of this Act and every 2 years there-  
8 after, the Administrator shall prepare and the President  
9 acting through the Council shall approve and transmit to  
10 the Congress a report on progress made in implementing  
11 this Act.

12 (b) CONTENTS.—The report shall include—

13 (1) a description of activities carried out under  
14 this Act and the System Plan;

15 (2) an evaluation of the effectiveness of the  
16 System, including an evaluation of progress made by  
17 the Council to achieve the goals identified under the  
18 System Plan;

19 (3) identification of Federal and non-Federal  
20 assets as determined by the Council that have been  
21 integrated into the System, including assets essential  
22 to the gathering of required observation data vari-  
23 ables necessary to meet the respective missions of  
24 Council agencies;

25 (4) a review of procurements, planned or initi-  
26 ated, by each Council agency to enhance, expand, or

1 modernize the observation capabilities and data  
2 products provided by the System, including data  
3 management and communication subsystems;

4 (5) an assessment regarding activities to inte-  
5 grate Federal and non-Federal assets, nationally and  
6 on the regional level, and discussion of the perform-  
7 ance and effectiveness of regional information co-  
8 ordination entities to coordinate regional observation  
9 operations;

10 (6) a description of benefits of the program to  
11 users of data products resulting from the System  
12 (including the general public, industries, scientists,  
13 resource managers, emergency responders, policy  
14 makers, and educators);

15 (7) recommendations concerning—

16 (A) modifications to the System; and

17 (B) funding levels for the System in subse-  
18 quent fiscal years; and

19 (8) the results of a periodic external inde-  
20 pendent programmatic audit of the System.

21 **SEC. 8. PUBLIC-PRIVATE USE POLICY.**

22 The Council shall develop a policy within 6 months  
23 after the date of the enactment of this Act that defines  
24 processes for making decisions about the roles of the Fed-  
25 eral Government, the States, regional information coordi-

1 nation entities, the academic community, and the private  
2 sector in providing to end-user communities environmental  
3 information, products, technologies, and services related to  
4 the System. The Council shall publish the policy in the  
5 Federal Register for public comment for a period not less  
6 than 60 days. Nothing in this section shall be construed  
7 to require changes in policy in effect on the date of enact-  
8 ment of this Act.

9 **SEC. 9. INDEPENDENT COST ESTIMATE.**

10       Within 1 year after the date of enactment of this Act,  
11 the Interagency Ocean Observation Committee, through  
12 the Administrator and the Director of the National  
13 Science Foundation, shall obtain an independent cost esti-  
14 mate for operations and maintenance of existing Federal  
15 assets of the System, and planned or anticipated acquisi-  
16 tion, operation, and maintenance of new Federal assets  
17 for the System, including operation facilities, observation  
18 equipment, modeling and software, data management and  
19 communication, and other essential components. The inde-  
20 pendent cost estimate shall be transmitted unabridged and  
21 without revision by the Administrator to Congress.

22 **SEC. 10. INTENT OF CONGRESS.**

23       It is the intent of Congress that funding provided to  
24 agencies of the Council to implement this Act shall supple-  
25 ment, and not replace, existing sources of funding for



1 other programs. It is the further intent of Congress that  
2 agencies of the Council shall not enter into contracts or  
3 agreements for the development or procurement of new  
4 Federal assets for the System that are estimated to be  
5 in excess of \$250,000,000 in life-cycle costs without first  
6 providing adequate notice to Congress and opportunity for  
7 review and comment.

8 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

9       There are authorized to be appropriated to the Sec-  
10 retary of Commerce for fiscal years 2009 through 2013  
11 such sums as are necessary to fulfill the purposes of this  
12 Act and support activities identified in the annual coordi-  
13 nated System budget developed by the Interagency Ocean  
14 Observation Committee and submitted to the Congress.

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