

tem established under section 3603 of this title.

(9) System Plan

The term “System Plan” means the plan contained in the document entitled “Ocean. US Publication No. 9, The First Integrated Ocean Observing System (IOOS) Development Plan”, as updated by the Council under this chapter.

(Pub. L. 111–11, title XII, §12303, Mar. 30, 2009, 123 Stat. 1428; Pub. L. 116–271, title I, §102, Dec. 31, 2020, 134 Stat. 3333.)

Editorial Notes

AMENDMENTS

2020—Par. (2). Pub. L. 116–271, §102(1), substituted “section 8932” for “section 7902”.

Par. (5). Pub. L. 116–271, §102(2), substituted “managed through States, regional organizations, universities, nongovernmental organizations, or the private sector and integrated into the System by a regional coastal observing system, the National Oceanic and Atmospheric Administration, or the agencies participating in the Interagency Ocean Observation Committee” for “integrated into the System and are managed through States, regional organizations, universities, nongovernmental organizations, or the private sector”.

Par. (6). Pub. L. 116–271, §102(3), amended par. (6) generally. Prior to amendment, par. (6) related to regional information coordination entities.

Par. (7). Pub. L. 116–271, §102(4), substituted “Administrator” for “National Oceanic and Atmospheric Administration”.

§ 3603. Integrated Coastal and Ocean Observing System

(a) Establishment

The President, acting through the Council, shall establish a National Integrated Coastal and Ocean Observation System to fulfill the purposes set forth in section 3601 of this title and the System Plan and to fulfill the Nation’s international obligations to contribute to the Global Earth Observation System of Systems and the Global Ocean Observing System.

(b) System elements

(1) In general

In order to fulfill the purposes of this chapter, the System shall be national in scope and consist of—

(A) Federal assets to fulfill national and international observation missions and priorities;

(B) non-Federal assets, including a network of regional coastal observing systems identified under subsection (c)(4), to fulfill regional and national observation missions and priorities;

(C) observing, modeling, data management, and communication systems for the timely integration and dissemination of data and information products from the System, including reviews of data collection procedures across regions and programs to make recommendations for data collection standards across the System to meet national ocean, coastal, and Great Lakes observation, applied research, and weather forecasting needs;

(D) a product development system to transform observations into products in a format that may be readily used and understood; and

(E) a research and development program conducted under the guidance of the Council, consisting of—

(i) basic and applied research and technology development—

(I) to improve understanding of coastal and ocean systems and their relationships to human activities; and

(II) to ensure improvement of operational assets and products, including related infrastructure, observing technologies such as unmanned maritime systems, and information and data processing and management technologies;

(ii) an advanced observing technology development program to fill gaps in technology;

(iii) large scale computing resources and research to advance modeling of ocean, coastal, and Great Lakes processes;

(iv) models to improve regional weather forecasting capabilities and regional weather forecasting products; and

(v) reviews of data collection procedures across regions and programs to make recommendations for data collection standards across the System to meet national ocean, coastal, and Great Lakes observation, applied research, and weather forecasting needs.

(2) Enhancing administration and management

The head of each Federal agency that has administrative jurisdiction over a Federal asset shall support the purposes of this chapter and may take appropriate actions to enhance internal agency administration and management to better support, integrate, finance, and utilize observation data, products, and services developed under this section to further its own agency mission and responsibilities.

(3) Availability of data

The head of each Federal agency that has administrative jurisdiction over a Federal asset shall make available data that are produced by that asset and that are not otherwise restricted for integration, management, and dissemination by the System for research and for use in the development of products to address societal needs.

(4) Non-Federal assets

Non-Federal assets shall be coordinated, as appropriate, by the Interagency Ocean Observing Committee or by regional coastal observing systems.

(c) Policy oversight, administration, and regional coordination

(1) Council functions

The Council shall serve as the policy and coordination oversight body for all aspects of the System. In carrying out its responsibilities under this chapter, the Council shall—

(A) approve and adopt comprehensive System budgets developed and maintained by

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

(B) ensure coordination of the System with other domestic and international earth observing activities including the Global Ocean Observing System and the Global Earth Observing System of Systems, and provide, as appropriate, support for and representation on United States delegations to international meetings on coastal and ocean observing programs; and

(C) encourage coordinated intramural and extramural research and technology development, and a process to transition developing technology and methods into operations of the System.

(2) Interagency Ocean Observation Committee

(A) Establishment

The Council shall establish or designate a committee, which shall be known as the "Interagency Ocean Observation Committee".

(B) Duties

The Interagency Ocean Observation Committee shall—

(i) prepare annual and long-term plans for consideration and approval by the Council for the integrated design, operation, maintenance, enhancement, and expansion of the System to meet the objectives of this chapter and the System Plan;

(ii) develop and transmit to Congress, along with the budget submitted by the President to Congress pursuant to section 1105(a) of title 31, an annual coordinated, comprehensive budget—

(I) to operate all elements of the System identified in subsection (b); and

(II) to ensure continuity of data streams from Federal and non-Federal assets;

(iii) establish requirements for observation data variables to be gathered by both Federal and non-Federal assets and identify, in consultation with regional coastal observing systems, priorities for System observations;

(iv) establish and define protocols and standards for System data processing, management, collection, configuration standards, formats, and communication for new and existing assets throughout the System network;

(v) develop contract requirements for each regional coastal observing system—

(I) to establish eligibility for integration into the System;

(II) to ensure compliance with all applicable standards and protocols established by the Council; and

(III) to ensure that regional observations are integrated into the System on a sustained basis;

(vi) identify gaps in observation coverage or needs for capital improvements of both Federal assets and non-Federal assets;

(vii) subject to the availability of appropriations, establish through 1 or more Federal agencies participating in the Interagency Ocean Observation Committee, in consultation with the System advisory committee established under subsection (d), a competitive matching grant or other programs—

(I) to promote intramural and extramural research and development of new, innovative, and emerging observation technologies including testing and field trials; and

(II) to facilitate the migration of new, innovative, and emerging scientific and technological advances from research and development to operational deployment;

(viii) periodically—

(I) review the System Plan; and

(II) submit to the Council such recommendations as the Interagency Ocean Observation Committee may have for improvements to the System Plan;

(ix) ensure collaboration among Federal agencies participating in the Interagency Ocean Observation Committee; and

(x) perform such additional duties as the Council may delegate.

(3) Lead Federal agency

(A) In general

The National Oceanic and Atmospheric Administration shall function as the lead Federal agency for the implementation and administration of the System.

(B) Consultation required

In carrying out this paragraph, the Administrator shall consult with the Council, the Interagency Ocean Observation Committee, other Federal agencies that maintain portions of the System, and the regional coastal observing systems.

(C) Requirements

In carrying out this paragraph, the Administrator shall—

(i) establish and operate an Integrated Ocean Observing System Program Office within the National Oceanic and Atmospheric Administration that—

(I) utilizes, to the extent necessary, personnel from Federal agencies participating in the Interagency Ocean Observation Committee; and

(II) oversees daily operations and coordination of the System;

(ii) implement policies, protocols, and standards approved by the Council and delegated by the Interagency Ocean Observation Committee;

(iii) promulgate program guidelines—

(I) to certify and integrate regional associations into the System; and

(II) to provide regional coastal and ocean observation data that meet the needs of user groups from the respective regions;

(iv) have the authority to enter into and oversee contracts, leases, grants, or coop-

erative agreements with non-Federal assets, including regional coastal observing systems, to support the purposes of this chapter on such terms as the Administrator deems appropriate;

(v) implement and maintain a merit-based, competitive funding process to support non-Federal assets, including the development and maintenance of a national network of regional coastal observing systems, and develop and implement a process for the periodic review and evaluation of the regional associations;

(vi) provide opportunities for competitive contracts and grants for demonstration projects to design, develop, integrate, deploy, maintain, and support components of the System;

(vii) establish and maintain efficient and effective administrative procedures for the timely allocation of funds among contractors, grantees, and non-Federal assets, including regional coastal observing systems;

(viii) develop and implement a process for the periodic review and evaluation of the regional coastal observing systems;

(ix) formulate an annual process by which gaps in observation coverage or needs for capital improvements of Federal assets and non-Federal assets of the System are—

(I) identified by the regional associations described in the System Plan, the Administrator, or other members of the System; and

(II) submitted to the Interagency Ocean Observation Committee;

(x) develop and be responsible for a data management and communication system, in accordance with standards and protocols established by the Interagency Ocean Observation Committee, by which all data collected by the System regarding ocean and coastal waters of the United States including the Great Lakes, are processed, stored, integrated, and made available to all end-user communities;

(xi) not less frequently than once each year, submit to the Interagency Ocean Observation Committee a report on the accomplishments, operational needs, and performance of the System to contribute to the annual and long-term plans prepared pursuant to paragraph (2)(B)(i);

(xii) develop and periodically update a plan to efficiently integrate into the System new, innovative, or emerging technologies that have been demonstrated to be useful to the System and which will fulfill the purposes of this chapter and the System Plan; and

(xiii) work with users and regional associations to develop products to enable real-time data sharing for decision makers, including with respect to weather forecasting and modeling, search and rescue operations, corrosive seawater forecasts, water quality monitoring and communication, and harmful algal bloom forecasting.

(4) Regional coastal observing systems

(A) In general

A regional coastal observing system described in the System Plan as a regional association may not be certified or established under this chapter unless it—

(i) has been or shall be certified or established by contract or agreement by the Administrator;

(ii) meets—

(I) the certification standards and compliance procedure guidelines issued by the Administrator; and

(II) the information needs of user groups in the region while adhering to national standards;

(iii) demonstrates an organizational structure, that under funding limitations is capable of—

(I) gathering required System observation data;

(II) supporting and integrating all aspects of coastal and ocean observing and information programs within a region; and

(III) reflecting the needs of State, local, and tribal governments, commercial interests, and other users and beneficiaries of the System and other requirements specified under this chapter and the System Plan;

(iv) identifies—

(I) gaps in observation coverage needs for capital improvements of Federal assets and non-Federal assets of the System; and

(II) other recommendations to assist in the development of the annual and long-term plans prepared pursuant to paragraph (2)(B)(i) and transmits such information to the Interagency Ocean Observation Committee through the Program Office established under paragraph (3)(C)(i);

(v) develops and operates under a strategic plan that will ensure the efficient and effective administration of programs and assets to support daily data observations for integration into the System, pursuant to the standards approved by the Council;

(vi) works cooperatively with governmental and nongovernmental entities at all levels to identify and provide information products of the System for multiple users within the service area of the regional coastal observing system; and

(vii) complies with all financial oversight requirements established by the Administrator, including requirements relating to audits.

(B) Participation

For the purposes of this chapter, employees of Federal agencies are permitted to be members of the governing body for the regional coastal observing systems and may participate in the functions of the regional coastal observing systems.

(d) System advisory committee**(1) In general**

The Administrator shall establish or designate a System advisory committee, which shall provide advice as may be requested by the Administrator or the Council under this chapter¹

(2) Purpose

The purpose of the System advisory committee is to advise the Administrator and the Interagency Ocean Observing Committee on—

(A) administration, operation, management, and maintenance of the System, including integration of Federal and non-Federal assets and data management, data sharing, and communication aspects of the System, and fulfillment of the purposes set forth in section 3601 of this title;

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

(C) identification of end-user communities, their needs for information provided by the System, and the System's effectiveness in disseminating information to end-user communities and the general public;

(D) additional priorities, including—

(i) a national surface current mapping network designed to improve fine scale sea surface mapping using high frequency radar technology and other emerging technologies to address national priorities, including Coast Guard search and rescue operation planning and harmful algal bloom forecasting and detection that—

(I) is comprised of existing high frequency radar and other sea surface current mapping infrastructure operated by national programs and regional coastal observing systems;

(II) incorporates new high frequency radar assets or other fine scale sea surface mapping technology assets, and other assets needed to fill gaps in coverage on United States coastlines; and

(III) follows a deployment plan that prioritizes closing gaps in high frequency radar infrastructure in the United States, starting with areas demonstrating significant sea surface current data needs, especially in areas where additional data will improve Coast Guard search and rescue models;

(ii) fleet acquisition for unmanned maritime systems for deployment and data integration to fulfill the purposes of this chapter;

(iii) an integrative survey program for application of unmanned maritime systems to the real-time or near real-time collection and transmission of sea floor, water column, and sea surface data on biology, chemistry, geology, physics, and hydrography;

(iv) remote sensing and data assimilation to develop new analytical methodologies to assimilate data from the System into hydrodynamic models;

(v) integrated, multi-State monitoring to assess sources, movement, and fate of sediments in coastal regions;

(vi) a multi-region marine sound monitoring system to be—

(I) planned in consultation with the Interagency Ocean Observation Committee, the National Oceanic and Atmospheric Administration, the Department of the Navy, and academic research institutions; and

(II) developed, installed, and operated in coordination with the National Oceanic and Atmospheric Administration, the Department of the Navy, and academic research institutions; and

(E) any other purpose identified by the Administrator or the Council.

(3) Members**(A) In general**

The System advisory committee shall be composed of members appointed by the Administrator. Members shall be qualified by education, training, and experience to evaluate scientific and technical information related to the design, operation, maintenance, or use of the System, or use of data products provided through the System.

(B) Terms of service

The Administrator may stagger the terms of the System advisory committee members. Members shall be appointed for 3-year terms, renewable once. A vacancy appointment shall be for the remainder of the unexpired term of the vacancy, and an individual so appointed may subsequently be appointed for 2 full 3-year terms if the remainder of the unexpired term is less than 1 year.

(C) Chairperson

The Administrator shall designate a chairperson from among the members of the System advisory committee.

(D) Appointment

Members of the System advisory committee shall be appointed as special Government employees for purposes of section 202(a) of title 18.

(4) Administrative provisions**(A) Reporting**

The System advisory committee shall report to the Administrator, as appropriate.

(B) Administrative support

The Administrator shall provide administrative support to the System advisory committee.

(C) Meetings

The System advisory committee shall meet at least once each year, and at other times at the call of the Administrator, the Interagency Ocean Observation Committee, or the chairperson.

(D) Compensation and expenses

Members of the System advisory committee shall not be compensated for service on that Committee, but may be allowed

¹ So in original. Probably should be followed by a period.

travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5.

(E) Expiration

Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the System advisory committee.

(e) Civil liability

For purposes of determining liability arising from the dissemination and use of observation data gathered pursuant to this section, any non-Federal asset or regional coastal observing system incorporated into the System by a memorandum of agreement of certification under subsection (c)(3)(C)(iii) that is participating in the System shall be considered to be part of the National Oceanic and Atmospheric Administration. Any employee of such a non-Federal asset or regional coastal observing system, while operating within the scope of his or her employment in carrying out the purposes of this chapter, with respect to tort liability, is deemed to be an employee of the Federal Government.

(f) Limitation

Nothing in this chapter shall be construed to invalidate existing certifications, contracts, or agreements between regional coastal observing systems and other elements of the System.

(Pub. L. 111–11, title XII, §12304, Mar. 30, 2009, 123 Stat. 1429; Pub. L. 116–271, title I, §103, Dec. 31, 2020, 134 Stat. 3333.)

Editorial Notes

REFERENCES IN TEXT

Section 14 of the Federal Advisory Committee Act, referred to in subsec. (d)(4)(E), is section 14 of Pub. L. 92–463, which is set out in the Appendix to Title 5, Government Organization and Employees.

AMENDMENTS

2020—Subsec. (b)(1). Pub. L. 116–271, §103(a)(1), added par. (1) and struck out former par. (1) which related to the general elements of the System.

Subsec. (b)(3). Pub. L. 116–271, §103(a)(2), inserted “for research and for use in the development of products to address societal needs” before period at end.

Subsec. (b)(4). Pub. L. 116–271, §103(e), substituted “regional coastal observing systems” for “regional information coordination entities”.

Subsec. (c)(2) to (4). Pub. L. 116–271, §103(b), added pars. (2) to (4) and struck out former pars. (2) to (4) which related, respectively, to the Interagency Ocean Observation Committee, the National Oceanic and Atmospheric Administration as the lead agency, and regional information coordination entities.

Subsec. (d)(1). Pub. L. 116–271, §103(c)(1), substituted “or the Council under this chapter” for “or the Interagency Ocean Observing Committee.”

Subsec. (d)(2)(A). Pub. L. 116–271, §103(c)(2)(A), inserted “, data sharing,” after “data management”.

Subsec. (d)(2)(D), (E). Pub. L. 116–271, §103(c)(2)(B), (C), added subpars. (D) and (E) and struck out former subpar. (D) which read as follows: “any other purpose identified by the Administrator or the Interagency Ocean Observing Committee.”

Subsec. (d)(3)(B). Pub. L. 116–271, §103(c)(2)(D), inserted “The Administrator may stagger the terms of the System advisory committee members.” before “Members”.

Subsec. (d)(4)(A). Pub. L. 116–271, §103(c)(2)(E)(i), struck out “and the Interagency Ocean Observing Committee” after “Administrator”.

Subsec. (d)(4)(C). Pub. L. 116–271, §103(c)(2)(E)(ii), substituted “Observation” for “Observing”.

Subsec. (e). Pub. L. 116–271, §103(d), substituted “coastal observing system” for “information coordination entity” in two places and “a memorandum of agreement of certification under subsection (c)(3)(C)(iii)” for “contract, lease, grant, or cooperative agreement under subsection (c)(3)(D)”.

Subsec. (f). Pub. L. 116–271, §103(e), substituted “regional coastal observing systems” for “regional information coordination entities”.

§ 3604. Interagency financing and agreements

(a) In general

The Secretary of Commerce may execute an agreement, on a reimbursable or nonreimbursable basis, with any State or subdivision thereof, any Federal agency, any public or private organization, or any individual to carry out activities under this chapter.

(b) Reciprocity

Member Departments and agencies of the Council shall have the authority to create, support, and maintain joint centers, and to enter into and perform such contracts, leases, grants, and cooperative agreements as may be necessary to carry out the purposes of this chapter and fulfillment of the System Plan.

(Pub. L. 111–11, title XII, §12305, Mar. 30, 2009, 123 Stat. 1434; Pub. L. 116–271, title I, §104, Dec. 31, 2020, 134 Stat. 3339.)

Editorial Notes

AMENDMENTS

2020—Subsec. (a). Pub. L. 116–271 amended subsec. (a) generally. Prior to amendment, text read as follows: “To carry out interagency activities under this chapter, the Secretary of Commerce may execute cooperative agreements, or any other agreements, with, and receive and expend funds made available by, any State or subdivision thereof, any Federal agency, or any public or private organization, or individual.”

§ 3605. Application with other laws

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

(Pub. L. 111–11, title XII, §12306, Mar. 30, 2009, 123 Stat. 1435.)

§ 3606. Report to Congress

(a) Requirement

Not later than March 30, 2022, and every 5 years thereafter, the Administrator shall prepare, and the President acting through the Council shall approve and transmit to Congress, a report on progress made in implementing this chapter.

(b) Contents

Each report required under subsection (a) shall include—

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

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

(3) the identification of Federal and non-Federal assets as determined by the Council