

transparent, competitive process for merit-based peer-review and approval of proposals for activities to be conducted under this program, taking into consideration advice of the Board established under section 3405 of this title;

(5) enhance the technical capability of the United States marine science community by promoting the development of improved oceanographic research, communication, navigation, and data collection systems, as well as underwater platforms and sensor and autonomous vehicles; and

(6) establish an ocean exploration forum to encourage partnerships and promote communication among experts and other stakeholders in order to enhance the scientific and technical expertise and relevance of the national program.

(b) Donations

The Administrator may accept donations of property, data, and equipment to be applied for the purpose of exploring the oceans or increasing knowledge of the oceans.

(Pub. L. 111–11, title XII, §12003, Mar. 30, 2009, 123 Stat. 1417.)

§ 3404. Ocean exploration and undersea research technology and infrastructure task force

(a) In general

The Administrator of the National Oceanic and Atmospheric Administration, in coordination with the National Science Foundation, the National Aeronautics and Space Administration, the United States Geological Survey, the Department of the Navy, the Mineral Management Service, and relevant governmental, non-governmental, academic, industry, and other experts, shall convene an ocean exploration and undersea research technology and infrastructure task force to develop and implement a strategy—

(1) to facilitate transfer of new exploration and undersea research technology to the programs authorized under this subchapter and subchapter II of this chapter;

(2) to improve availability of communications infrastructure, including satellite capabilities, to such programs;

(3) to develop an integrated, workable, and comprehensive data management information processing system that will make information on unique and significant features obtained by such programs available for research and management purposes;

(4) to conduct public outreach activities that improve the public understanding of ocean science, resources, and processes, in conjunction with relevant programs of the National Oceanic and Atmospheric Administration, the National Science Foundation, and other agencies; and

(5) to encourage cost-sharing partnerships with governmental and nongovernmental entities that will assist in transferring exploration and undersea research technology and technical expertise to the programs.

(b) Budget coordination

The task force shall coordinate the development of agency budgets and identify the items

in their annual budget that support the activities identified in the strategy developed under subsection (a).

(Pub. L. 111–11, title XII, §12004, Mar. 30, 2009, 123 Stat. 1418.)

§ 3405. Ocean Exploration Advisory Board

(a) Establishment

The Administrator of the National Oceanic and Atmospheric Administration shall appoint an Ocean Exploration Advisory Board composed of experts in relevant fields—

(1) to advise the Administrator on priority areas for survey and discovery;

(2) to assist the program in the development of a 5-year strategic plan for the fields of ocean, marine, and Great Lakes science, exploration, and discovery;

(3) to annually review the quality and effectiveness of the proposal review process established under section 3403(a)(4) of this title; and

(4) to provide other assistance and advice as requested by the Administrator.

(b) Federal Advisory Committee Act

Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board appointed under subsection (a).

(c) Application with Outer Continental Shelf Lands Act

Nothing in subchapter¹ supersedes, or limits the authority of the Secretary of the Interior under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.).

(Pub. L. 111–11, title XII, §12005, Mar. 30, 2009, 123 Stat. 1418.)

Editorial Notes

REFERENCES IN TEXT

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

The Outer Continental Shelf Lands Act, referred to in subsec. (c), is act Aug. 7, 1953, ch. 345, 67 Stat. 462, which is classified generally to subchapter III (§1331 et seq.) of chapter 29 of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1301 of Title 43 and Tables.

§ 3406. Authorization of appropriations

There are authorized to be appropriated to the National Oceanic and Atmospheric Administration to carry out this subchapter—

(1) \$33,550,000 for fiscal year 2009;

(2) \$36,905,000 for fiscal year 2010;

(3) \$40,596,000 for fiscal year 2011;

(4) \$44,655,000 for fiscal year 2012;

(5) \$49,121,000 for fiscal year 2013;

(6) \$54,033,000 for fiscal year 2014; and

(7) \$59,436,000 for fiscal year 2015.

(Pub. L. 111–11, title XII, §12006, Mar. 30, 2009, 123 Stat. 1419.)

¹ So in original. Probably should be preceded by “this”.

SUBCHAPTER II—NOAA UNDERSEA
RESEARCH PROGRAM

§ 3421. Program established

(a) In general

The Administrator of the National Oceanic and Atmospheric Administration shall establish and maintain an undersea research program and shall designate a Director of that program.

(b) Purpose

The purpose of the program is to increase scientific knowledge essential for the informed management, use, and preservation of oceanic, marine, and coastal areas and the Great Lakes. (Pub. L. 111-11, title XII, § 12102, Mar. 30, 2009, 123 Stat. 1419.)

Statutory Notes and Related Subsidiaries

SHORT TITLE

This subchapter known as the “NOAA Undersea Research Program Act of 2009”, see Short Title note set out under section 3401 of this title.

§ 3422. Powers of program Director

The Director of the program, in carrying out the program, shall—

- (1) cooperate with institutions of higher education and other educational marine and ocean science organizations, and shall make available undersea research facilities, equipment, technologies, information, and expertise to support undersea research efforts by these organizations;
- (2) enter into partnerships, as appropriate and using existing authorities, with the private sector to achieve the goals of the program and to promote technological advancement of the marine industry; and
- (3) coordinate the development of agency budgets and identify the items in their annual budget that support the activities described in paragraphs (1) and (2).

(Pub. L. 111-11, title XII, § 12103, Mar. 30, 2009, 123 Stat. 1419.)

§ 3423. Administrative structure

(a) In general

The program shall be conducted through a national headquarters, a network of extramural regional undersea research centers that represent all relevant National Oceanic and Atmospheric Administration regions, and the National Institute for Undersea Science and Technology.

(b) Direction

The Director shall develop the overall direction of the program in coordination with a Council of Center Directors comprised of the directors of the extramural regional centers and the National Institute for Undersea Science and Technology. The Director shall publish a draft program direction document not later than 1 year after March 30, 2009, in the Federal Register for a public comment period of not less than 120 days. The Director shall publish a final program direction, including responses to the comments received during the public comment period, in

the Federal Register within 90 days after the close of the comment period. The program director shall update the program direction, with opportunity for public comment, at least every 5 years.

(Pub. L. 111-11, title XII, § 12104, Mar. 30, 2009, 123 Stat. 1419.)

§ 3424. Research, exploration, education, and technology programs

(a) In general

The following research, exploration, education, and technology programs shall be conducted through the network of regional centers and the National Institute for Undersea Science and Technology:

- (1) Core research and exploration based on national and regional undersea research priorities.
- (2) Advanced undersea technology development to support the National Oceanic and Atmospheric Administration’s research mission and programs.
- (3) Undersea science-based education and outreach programs to enrich ocean science education and public awareness of the oceans and Great Lakes.
- (4) Development, testing, and transition of advanced undersea technology associated with ocean observatories, submersibles, advanced diving technologies, remotely operated vehicles, autonomous underwater vehicles, and new sampling and sensing technologies.
- (5) Discovery, study, and development of natural resources and products from ocean, coastal, and aquatic systems.

(b) Operations

The Director of the program, through operation of the extramural regional centers and the National Institute for Undersea Science and Technology, shall leverage partnerships and cooperative research with academia and private industry.

(Pub. L. 111-11, title XII, § 12105, Mar. 30, 2009, 123 Stat. 1420.)

§ 3425. Competitiveness

(a) Discretionary fund

The Program shall allocate no more than 10 percent of its annual budget to a discretionary fund that may be used only for program administration and priority undersea research projects identified by the Director but not covered by funding available from centers.

(b) Competitive selection

The Administrator shall conduct an initial competition to select the regional centers that will participate in the program 90 days after the publication of the final program direction under section 3423 of this title and every 5 years thereafter. Funding for projects conducted through the regional centers shall be awarded through a competitive, merit-reviewed process on the basis of their relevance to the goals of the program and their technical feasibility.

(Pub. L. 111-11, title XII, § 12106, Mar. 30, 2009, 123 Stat. 1420.)