

**§ 3609. Intent of Congress**

It is the intent of Congress that funding provided to agencies of the Council to implement this chapter shall supplement, and not replace, existing sources of funding for other programs. It is the further intent of Congress that agencies of the Council shall not enter into contracts or agreements for the development or procurement of new Federal assets for the System that are estimated to be in excess of \$250,000,000 in life-cycle costs without first providing adequate notice to Congress and opportunity for review and comment.

(Pub. L. 111–11, title XII, §12310, Mar. 30, 2009, 123 Stat. 1436.)

**§ 3610. Authorization of appropriations**

There are authorized to be appropriated to the Secretary of Commerce for fiscal years 2009 through 2013 such sums as are necessary to fulfill the purposes of this chapter and support activities identified in the annual coordinated System budget developed by the Interagency Ocean Observation Committee and submitted to the Congress.

(Pub. L. 111–11, title XII, §12311, Mar. 30, 2009, 123 Stat. 1436.)

**CHAPTER 50—FEDERAL OCEAN ACIDIFICATION RESEARCH AND MONITORING**

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**§ 3701. Purposes**

**(a) Purposes**

The purposes of this chapter are to provide for—

- (1) development and coordination of a comprehensive interagency plan to—
  - (A) monitor and conduct research on the processes and consequences of ocean acidification on marine organisms and ecosystems; and
  - (B) establish an interagency research and monitoring program on ocean acidification;
- (2) establishment of an ocean acidification program within the National Oceanic and Atmospheric Administration;
- (3) assessment and consideration of regional and national ecosystem and socioeconomic impacts of increased ocean acidification; and
- (4) research adaptation strategies and techniques for effectively conserving marine ecosystems as they cope with increased ocean acidification.

(Pub. L. 111–11, title XII, §12402, Mar. 30, 2009, 123 Stat. 1436.)

SHORT TITLE

Pub. L. 111–11, title XII, §12401, Mar. 30, 2009, 123 Stat. 1436, provided that: “This subtitle [subtitle D

(§§12401–12409) of title XII of Pub. L. 111–11, enacting this chapter] may be cited as the ‘Federal Ocean Acidification Research And Monitoring Act of 2009’ or the ‘FOARAM Act.’”

**§ 3702. Definitions**

In this chapter:

**(1) Ocean acidification**

The term “ocean acidification” means the decrease in pH of the Earth’s oceans and changes in ocean chemistry caused by chemical inputs from the atmosphere, including carbon dioxide.

**(2) Secretary**

The term “Secretary” means the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration.

**(3) Subcommittee**

The term “Subcommittee” means the Joint Subcommittee on Ocean Science and Technology of the National Science and Technology Council.

(Pub. L. 111–11, title XII, §12403, Mar. 30, 2009, 123 Stat. 1437.)

**§ 3703. Interagency Subcommittee**

**(a) Designation**

**(1) In general**

The Joint Subcommittee on Ocean Science and Technology of the National Science and Technology Council shall coordinate Federal activities on ocean acidification and establish an interagency working group.

**(2) Membership**

The interagency working group on ocean acidification shall be comprised of senior representatives from the National Oceanic and Atmospheric Administration, the National Science Foundation, the National Aeronautics and Space Administration, the United States Geological Survey, the United States Fish and Wildlife Service, and such other Federal agencies as appropriate.

**(3) Chairman**

The interagency working group shall be chaired by the representative from the National Oceanic and Atmospheric Administration.

**(b) Duties**

The Subcommittee shall—

- (1) develop the strategic research and monitoring plan to guide Federal research on ocean acidification required under section 3704 of this title and oversee the implementation of the plan;
- (2) oversee the development of—
  - (A) an assessment of the potential impacts of ocean acidification on marine organisms and marine ecosystems; and
  - (B) adaptation and mitigation strategies to conserve marine organisms and ecosystems exposed to ocean acidification;
- (3) facilitate communication and outreach opportunities with nongovernmental organiza-

tions and members of the stakeholder community with interests in marine resources;

(4) coordinate the United States Federal research and monitoring program with research and monitoring programs and scientists from other nations; and

(5) establish or designate an Ocean Acidification Information Exchange to make information on ocean acidification developed through or utilized by the interagency ocean acidification program accessible through electronic means, including information which would be useful to policymakers, researchers, and other stakeholders in mitigating or adapting to the impacts of ocean acidification.

**(c) Reports to Congress**

**(1) Initial report**

Not later than 1 year after March 30, 2009, the Subcommittee shall transmit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology and the Committee on Natural Resources of the House of Representatives that—

(A) includes a summary of federally funded ocean acidification research and monitoring activities, including the budget for each of these activities; and

(B) describes the progress in developing the plan required under section 3704 of this title.

**(2) Biennial report**

Not later than 2 years after the delivery of the initial report under paragraph (1) and every 2 years thereafter, the Subcommittee shall transmit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology and the Committee on Natural Resources of the House of Representatives that includes—

(A) a summary of federally funded ocean acidification research and monitoring activities, including the budget for each of these activities; and

(B) an analysis of the progress made toward achieving the goals and priorities for the interagency research plan developed by the Subcommittee under section 3704 of this title.

**(3) Strategic research plan**

Not later than 2 years after March 30, 2009, the Subcommittee shall transmit the strategic research plan developed under section 3704 of this title to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology and the Committee on Natural Resources of the House of Representatives. A revised plan shall be submitted at least once every 5 years thereafter.

(Pub. L. 111-11, title XII, §12404, Mar. 30, 2009, 123 Stat. 1437.)

CHANGE OF NAME

Committee on Science and Technology of House of Representatives changed to Committee on Science, Space, and Technology of House of Representatives by House Resolution No. 5, One Hundred Twelfth Congress, Jan. 5, 2011.

**§ 3704. Strategic research plan**

**(a) In general**

Not later than 2 years after March 30, 2009, the Subcommittee shall develop a strategic plan for Federal research and monitoring on ocean acidification that will provide for an assessment of the impacts of ocean acidification on marine organisms and marine ecosystems and the development of adaptation and mitigation strategies to conserve marine organisms and marine ecosystems. In developing the plan, the Subcommittee shall consider and use information, reports, and studies of ocean acidification that have identified research and monitoring needed to better understand ocean acidification and its potential impacts, and recommendations made by the National Academy of Sciences in the review of the plan required under subsection (d).

**(b) Contents of the plan**

The plan shall—

(1) provide for interdisciplinary research among the ocean sciences, and coordinated research and activities to improve the understanding of ocean chemistry that will affect marine ecosystems;

(2) establish, for the 10-year period beginning in the year the plan is submitted, the goals and priorities for Federal research and monitoring which will—

(A) advance understanding of ocean acidification and its physical, chemical, and biological impacts on marine organisms and marine ecosystems;

(B) improve the ability to assess the socioeconomic impacts of ocean acidification; and

(C) provide information for the development of adaptation and mitigation strategies to conserve marine organisms and marine ecosystems;

(3) describe specific activities, including—

(A) efforts to determine user needs;

(B) research activities;

(C) monitoring activities;

(D) technology and methods development;

(E) data collection;

(F) database development;

(G) modeling activities;

(H) assessment of ocean acidification impacts; and

(I) participation in international research efforts;

(4) identify relevant programs and activities of the Federal agencies that contribute to the interagency program directly and indirectly and set forth the role of each Federal agency in implementing the plan;

(5) consider and utilize, as appropriate, reports and studies conducted by Federal agencies, the National Research Council, or other entities;

(6) make recommendations for the coordination of the ocean acidification research and monitoring activities of the United States with such activities of other nations and international organizations;

(7) outline budget requirements for Federal ocean acidification research and monitoring and assessment activities to be conducted by each agency under the plan;

(8) identify the monitoring systems and sampling programs currently employed in collecting data relevant to ocean acidification and prioritize additional monitoring systems that may be needed to ensure adequate data collection and monitoring of ocean acidification and its impacts; and

(9) describe specific activities designed to facilitate outreach and data and information exchange with stakeholder communities.

**(c) Program elements**

The plan shall include at a minimum the following program elements:

(1) Monitoring of ocean chemistry and biological impacts associated with ocean acidification at selected coastal and open-ocean monitoring stations, including satellite-based monitoring to characterize—

- (A) marine ecosystems;
- (B) changes in marine productivity; and
- (C) changes in surface ocean chemistry.

(2) Research to understand the species specific physiological responses of marine organisms to ocean acidification, impacts on marine food webs of ocean acidification, and to develop environmental and ecological indices that track marine ecosystem responses to ocean acidification.

(3) Modeling to predict changes in the ocean carbon cycle as a function of carbon dioxide and atmosphere-induced changes in temperature, ocean circulation, biogeochemistry, ecosystem and terrestrial input, and modeling to determine impacts on marine ecosystems and individual marine organisms.

(4) Technology development and standardization of carbonate chemistry measurements on moorings and autonomous floats.

(5) Assessment of socioeconomic impacts of ocean acidification and development of adaptation and mitigation strategies to conserve marine organisms and marine ecosystems.

**(d) National Academy of Sciences evaluation**

The Secretary shall enter into an agreement with the National Academy of Sciences to review the plan.

**(e) Public participation**

In developing the plan, the Subcommittee shall consult with representatives of academic, State, industry and environmental groups. Not later than 90 days before the plan, or any revision thereof, is submitted to the Congress, the plan shall be published in the Federal Register for a public comment period of not less than 60 days.

(Pub. L. 111–11, title XII, §12405, Mar. 30, 2009, 123 Stat. 1438.)

**§ 3705. NOAA ocean acidification activities**

**(a) In general**

The Secretary shall establish and maintain an ocean acidification program within the National Oceanic and Atmospheric Administration to conduct research, monitoring, and other activities consistent with the strategic research and implementation plan developed by the Subcommittee under section 3704 of this title that—

(1) includes—

(A) interdisciplinary research among the ocean and atmospheric sciences, and coordinated research and activities to improve understanding of ocean acidification;

(B) the establishment of a long-term monitoring program of ocean acidification utilizing existing global and national ocean observing assets, and adding instrumentation and sampling stations as appropriate to the aims of the research program;

(C) research to identify and develop adaptation strategies and techniques for effectively conserving marine ecosystems as they cope with increased ocean acidification;

(D) as an integral part of the research programs described in this chapter, educational opportunities that encourage an interdisciplinary and international approach to exploring the impacts of ocean acidification;

(E) as an integral part of the research programs described in this chapter, national public outreach activities to improve the understanding of current scientific knowledge of ocean acidification and its impacts on marine resources; and

(F) coordination of ocean acidification monitoring and impacts research with other appropriate international ocean science bodies such as the International Oceanographic Commission, the International Council for the Exploration of the Sea, the North Pacific Marine Science Organization, and others;

(2) provides grants for critical research projects that explore the effects of ocean acidification on ecosystems and the socioeconomic impacts of increased ocean acidification that are relevant to the goals and priorities of the strategic research plan; and

(3) incorporates a competitive merit-based process for awarding grants that may be conducted jointly with other participating agencies or under the National Oceanographic Partnership Program under section 7901 of title 10.

**(b) Additional authority**

In conducting the Program, the Secretary may enter into and perform such contracts, leases, grants, or cooperative agreements as may be necessary to carry out the purposes of this chapter on such terms as the Secretary considers appropriate.

(Pub. L. 111–11, title XII, §12406, Mar. 30, 2009, 123 Stat. 1440.)

**§ 3706. NSF ocean acidification activities**

**(a) Research activities**

The Director of the National Science Foundation shall continue to carry out research activities on ocean acidification which shall support competitive, merit-based, peer-reviewed proposals for research and monitoring of ocean acidification and its impacts, including—

(1) impacts on marine organisms and marine ecosystems;

(2) impacts on ocean, coastal, and estuarine biogeochemistry; and

(3) the development of methodologies and technologies to evaluate ocean acidification and its impacts.

**(b) Consistency**

The research activities shall be consistent with the strategic research plan developed by the Subcommittee under section 3704 of this title.

**(c) Coordination**

The Director shall encourage coordination of the Foundation's ocean acidification activities with such activities of other nations and international organizations.

(Pub. L. 111-11, title XII, §12407, Mar. 30, 2009, 123 Stat. 1441.)

**§ 3707. NASA ocean acidification activities****(a) Ocean acidification activities**

The Administrator of the National Aeronautics and Space Administration, in coordination with other relevant agencies, shall ensure that space-based monitoring assets are used in as productive a manner as possible for monitoring of ocean acidification and its impacts.

**(b) Program consistency**

The Administrator shall ensure that the Agency's research and monitoring activities on ocean acidification are carried out in a manner consistent with the strategic research plan developed by the Subcommittee under section 3704 of this title.

**(c) Coordination**

The Administrator shall encourage coordination of the Agency's ocean acidification activities with such activities of other nations and international organizations.

(Pub. L. 111-11, title XII, §12408, Mar. 30, 2009, 123 Stat. 1441.)

**§ 3708. Authorization of appropriations****(a) NOAA**

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

- (1) \$8,000,000 for fiscal year 2009;
- (2) \$12,000,000 for fiscal year 2010;
- (3) \$15,000,000 for fiscal year 2011; and
- (4) \$20,000,000 for fiscal year 2012.

**(b) NSF**

There are authorized to be appropriated to the National Science Foundation to carry out the purposes of this chapter—

- (1) \$6,000,000 for fiscal year 2009;
- (2) \$8,000,000 for fiscal year 2010;
- (3) \$12,000,000 for fiscal year 2011; and
- (4) \$15,000,000 for fiscal year 2012.

(Pub. L. 111-11, title XII, §12409, Mar. 30, 2009, 123 Stat. 1441.)

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**SUBCHAPTER I—GENERAL PROVISIONS****§ 3801. Definitions**

In this chapter:

**(1) Administrator**

The term "Administrator" means the Administrator of the Environmental Protection Agency.

**(2) Antifouling system**

The term "antifouling system" means a coating, paint, surface treatment, surface, or device that is used or intended to be used on a vessel to control or prevent attachment of unwanted organisms.

**(3) Convention**

The term "Convention" means the International Convention on the Control of Harmful Anti-Fouling Systems on Ships, 2001, including its annexes, and including any amendments to the Convention or annexes which have entered into force for the United States.

**(4) FPSO**

The term "FPSO" means a floating production, storage, or offloading unit.

**(5) FSU**

The term "FSU" means a floating storage unit.

**(6) Gross tonnage**

The term "gross tonnage" as defined in chapter 143 of title 46 means the gross tonnage calculated in accordance with the tonnage measurement regulations contained in annex 1 to the International Convention on Tonnage Measurement of Ships, 1969.

**(7) International voyage**

The term "international voyage" means a voyage by a vessel entitled to fly the flag of one country to or from a port, shipyard, offshore terminal, or other place under the jurisdiction of another country.