

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.)

§ 3426. Authorization of appropriations

There are authorized to be appropriated to the National Oceanic and Atmospheric Administration—

(1) for fiscal year 2009—

(A) \$13,750,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and

(B) \$5,500,000 for the National Technology Institute;

(2) for fiscal year 2010—

(A) \$15,125,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and

(B) \$6,050,000 for the National Technology Institute;

(3) for fiscal year 2011—

(A) \$16,638,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and

(B) \$6,655,000 for the National Technology Institute;

(4) for fiscal year 2012—

(A) \$18,301,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and

(B) \$7,321,000 for the National Technology Institute;

(5) for fiscal year 2013—

(A) \$20,131,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and

(B) \$8,053,000 for the National Technology Institute;

(6) for fiscal year 2014—

(A) \$22,145,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and

(B) \$8,859,000 for the National Technology Institute; and

(7) for fiscal year 2015—

(A) \$24,359,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and

(B) \$9,744,000 for the National Technology Institute.

(Pub. L. 111–11, title XII, §12107, Mar. 30, 2009, 123 Stat. 1420.)

CHAPTER 48—OCEAN AND COASTAL MAPPING INTEGRATION

Sec.

3501. Establishment of program.

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§ 3501. Establishment of program

(a) In general

The President, in coordination with the Interagency Committee on Ocean and Coastal Mapping and affected coastal states, shall establish a program to develop a coordinated and comprehensive Federal ocean and coastal mapping plan for the Great Lakes and coastal state waters, the territorial sea, the exclusive economic zone, and the continental shelf of the United States that enhances ecosystem approaches in decision-making for conservation and management of marine resources and habitats, establishes research and mapping priorities, supports the siting of research and other platforms, and advances ocean and coastal science.

(b) Membership

The Committee shall be comprised of high-level representatives of the Department of Commerce, through the National Oceanic and Atmospheric Administration, the Department of the Interior, the National Science Foundation, the Department of Defense, the Environmental Protection Agency, the Department of Homeland Security, the National Aeronautics and Space Administration, and other appropriate Federal agencies involved in ocean and coastal mapping.

(c) Program parameters

In developing such a program, the President, through the Committee, shall—

- (1) identify all Federal and federally-funded programs conducting shoreline delineation and ocean or coastal mapping, noting geographic coverage, frequency, spatial coverage, resolution, and subject matter focus of the data and location of data archives;
- (2) facilitate cost-effective, cooperative mapping efforts that incorporate policies for contracting with non-governmental entities among all Federal agencies conducting ocean and coastal mapping, by increasing data sharing, developing appropriate data acquisition and metadata standards, and facilitating the interoperability of in situ data collection systems, data processing, archiving, and distribution of data products;
- (3) facilitate the adaptation of existing technologies as well as foster expertise in new ocean and coastal mapping technologies, including through research, development, and training conducted among Federal agencies and in cooperation with non-governmental entities;
- (4) develop standards and protocols for testing innovative experimental mapping technologies and transferring new technologies between the Federal Government, coastal state, and non-governmental entities;
- (5) provide for the archiving, management, and distribution of data sets through a na-

tional registry as well as provide mapping products and services to the general public in service of statutory requirements;

(6) develop data standards and protocols consistent with standards developed by the Federal Geographic Data Committee for use by Federal, coastal state, and other entities in mapping and otherwise documenting locations of federally permitted activities, living and nonliving coastal and marine resources, marine ecosystems, sensitive habitats, submerged cultural resources, undersea cables, offshore aquaculture projects, offshore energy projects, and any areas designated for purposes of environmental protection or conservation and management of living and nonliving coastal and marine resources;

(7) identify the procedures to be used for coordinating the collection and integration of Federal ocean and coastal mapping data with coastal state and local government programs;

(8) facilitate, to the extent practicable, the collection of real-time tide data and the development of hydrodynamic models for coastal areas to allow for the application of V-datum tools that will facilitate the seamless integration of onshore and offshore maps and charts;

(9) establish a plan for the acquisition and collection of ocean and coastal mapping data; and

(10) set forth a timetable for completion and implementation of the plan.

(Pub. L. 111–11, title XII, § 12202, Mar. 30, 2009, 123 Stat. 1421.)

SHORT TITLE

Pub. L. 111–11, title XII, § 12201, Mar. 30, 2009, 123 Stat. 1421, provided that: “This subtitle [subtitle B (§§ 12201–12208) of title XII of Pub. L. 111–11, enacting this chapter] may be cited as the ‘Ocean and Coastal Mapping Integration Act.’”

§ 3502. Interagency committee on ocean and coastal mapping

(a) In general

The Administrator of the National Oceanic and Atmospheric Administration, within 30 days after March 30, 2009, shall convene or utilize an existing interagency committee on ocean and coastal mapping to implement section 3501 of this title.

(b) Membership

The committee shall be comprised of senior representatives from Federal agencies with ocean and coastal mapping and surveying responsibilities. The representatives shall be high-ranking officials of their respective agencies or departments and, whenever possible, the head of the portion of the agency or department that is most relevant to the purposes of this chapter. Membership shall include senior representatives from the National Oceanic and Atmospheric Administration, the Chief of Naval Operations, the United States Geological Survey, the Minerals Management Service, the National Science Foundation, the National Geospatial-Intelligence Agency, the United States Army Corps of Engineers, the Coast Guard, the Environmental Protection Agency, the Federal Emergency Management Agency, the National Aero-

navitics and Space Administration, and other appropriate Federal agencies involved in ocean and coastal mapping.

(c) Co-chairmen

The Committee shall be co-chaired by the representative of the Department of Commerce and a representative of the Department of the Interior.

(d) Subcommittee

The co-chairmen shall establish a subcommittee to carry out the day-to-day work of the Committee, comprised of senior representatives of any member agency of the committee. Working groups may be formed by the full Committee to address issues of short duration. The subcommittee shall be chaired by the representative from the National Oceanic and Atmospheric Administration. The chairmen of the Committee may create such additional subcommittees and working groups as may be needed to carry out the work of Committee.

(e) Meetings

The committee shall meet on a quarterly basis, but each subcommittee and each working group shall meet on an as-needed basis.

(f) Coordination

The committee shall coordinate activities when appropriate, with—

- (1) other Federal efforts, including the Digital Coast, Geospatial One-Stop, and the Federal Geographic Data Committee;
- (2) international mapping activities;
- (3) coastal states;
- (4) user groups through workshops and other appropriate mechanisms; and
- (5) representatives of nongovernmental entities.

(g) Advisory panel

The Administrator may convene an ocean and coastal mapping advisory panel consisting of representatives from non-governmental entities to provide input regarding activities of the committee in consultation with the interagency committee.

(Pub. L. 111-11, title XII, §12203, Mar. 30, 2009, 123 Stat. 1423.)

§ 3503. Biennial reports

No later than 18 months after March 30, 2009, and biennially thereafter, the co-chairmen of the Committee shall transmit to the Committees on Commerce, Science, and Transportation and Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report detailing progress made in implementing this chapter, including—

- (1) an inventory of ocean and coastal mapping data within the territorial sea and the exclusive economic zone and throughout the Continental Shelf of the United States, noting the age and source of the survey and the spatial resolution (metadata) of the data;
- (2) identification of priority areas in need of survey coverage using present technologies;
- (3) a resource plan that identifies when priority areas in need of modern ocean and coastal mapping surveys can be accomplished;

(4) the status of efforts to produce integrated digital maps of ocean and coastal areas;

(5) a description of any products resulting from coordinated mapping efforts under this chapter that improve public understanding of the coasts and oceans, or regulatory decision-making;

(6) documentation of minimum and desired standards for data acquisition and integrated metadata;

(7) a statement of the status of Federal efforts to leverage mapping technologies, coordinate mapping activities, share expertise, and exchange data;

(8) a statement of resource requirements for organizations to meet the goals of the program, including technology needs for data acquisition, processing, and distribution systems;

(9) a statement of the status of efforts to declassify data gathered by the Navy, the National Geospatial-Intelligence Agency, and other agencies to the extent possible without jeopardizing national security, and make it available to partner agencies and the public;

(10) a resource plan for a digital coast integrated mapping pilot project for the northern Gulf of Mexico that will—

(A) cover the area from the authorized coastal counties through the territorial sea;

(B) identify how such a pilot project will leverage public and private mapping data and resources, such as the United States Geological Survey National Map, to result in an operational coastal change assessment program for the subregion;

(11) the status of efforts to coordinate Federal programs with coastal state and local government programs and leverage those programs;

(12) a description of efforts of Federal agencies to increase contracting with nongovernmental entities; and

(13) an inventory and description of any new Federal or federally funded programs conducting shoreline delineation and ocean or coastal mapping since the previous reporting cycle.

(Pub. L. 111-11, title XII, §12204, Mar. 30, 2009, 123 Stat. 1423.)

§ 3504. Plan

(a) In general

Not later than 6 months after March 30, 2009, the Administrator, in consultation with the Committee, shall develop and submit to the Congress a plan for an integrated ocean and coastal mapping initiative within the National Oceanic and Atmospheric Administration.

(b) Plan requirements

The plan shall—

- (1) identify and describe all ocean and coastal mapping programs within the agency, including those that conduct mapping or related activities in the course of existing missions, such as hydrographic surveys, ocean exploration projects, living marine resource conservation and management programs, coastal zone management projects, and ocean and coastal observations and science projects;

(2) establish priority mapping programs and establish and periodically update priorities for geographic areas in surveying and mapping across all missions of the National Oceanic and Atmospheric Administration, as well as minimum data acquisition and metadata standards for those programs;

(3) encourage the development of innovative ocean and coastal mapping technologies and applications, through research and development through cooperative or other agreements with joint or cooperative research institutes or centers and with other non-governmental entities;

(4) document available and developing technologies, best practices in data processing and distribution, and leveraging opportunities with other Federal agencies, coastal states, and non-governmental entities;

(5) identify training, technology, and other resource requirements for enabling the National Oceanic and Atmospheric Administration's programs, vessels, and aircraft to support a coordinated ocean and coastal mapping program;

(6) identify a centralized mechanism or office for coordinating data collection, processing, archiving, and dissemination activities of all such mapping programs within the National Oceanic and Atmospheric Administration that meets Federal mandates for data accuracy and accessibility and designate a repository that is responsible for archiving and managing the distribution of all ocean and coastal mapping data to simplify the provision of services to benefit Federal and coastal state programs; and

(7) set forth a timetable for implementation and completion of the plan, including a schedule for submission to the Congress of periodic progress reports and recommendations for integrating approaches developed under the initiative into the interagency program.

(c) NOAA joint ocean and coastal mapping centers

The Administrator may maintain and operate up to 3 joint ocean and coastal mapping centers, including a joint hydrographic center, which shall each be co-located with an institution of higher education. The centers shall serve as hydrographic centers of excellence and may conduct activities necessary to carry out the purposes of this chapter, including—

(1) research and development of innovative ocean and coastal mapping technologies, equipment, and data products;

(2) mapping of the United States Outer Continental Shelf and other regions;

(3) data processing for nontraditional data and uses;

(4) advancing the use of remote sensing technologies, for related issues, including mapping and assessment of essential fish habitat and of coral resources, ocean observations, and ocean exploration; and

(5) providing graduate education and training in ocean and coastal mapping sciences for members of the National Oceanic and Atmospheric Administration Commissioned Officer Corps, personnel of other agencies with ocean

and coastal mapping programs, and civilian personnel.

(d) NOAA report

The Administrator shall continue developing a strategy for expanding contracting with non-governmental entities to minimize duplication and take maximum advantage of nongovernmental capabilities in fulfilling the Administration's mapping and charting responsibilities. Within 120 days after March 30, 2009, the Administrator shall transmit a report describing the strategy developed under this subsection to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives.

(Pub. L. 111-11, title XII, § 12205, Mar. 30, 2009, 123 Stat. 1424.)

§ 3505. Effect on other laws

Nothing in this chapter shall be construed to supersede or alter the existing authorities of any Federal agency with respect to ocean and coastal mapping.

(Pub. L. 111-11, title XII, § 12206, Mar. 30, 2009, 123 Stat. 1426.)

§ 3506. Authorization of appropriations

(a) In general

In addition to the amounts authorized by section 892d of this title, there are authorized to be appropriated to the Administrator to carry out this chapter—

(1) \$26,000,000 for fiscal year 2009;

(2) \$32,000,000 for fiscal year 2010;

(3) \$38,000,000 for fiscal year 2011; and

(4) \$45,000,000 for each of fiscal years 2012 through 2015.

(b) Joint ocean and coastal mapping centers

Of the amounts appropriated pursuant to subsection (a), the following amounts shall be used to carry out section 3504(c) of this title:

(1) \$11,000,000 for fiscal year 2009.

(2) \$12,000,000 for fiscal year 2010.

(3) \$13,000,000 for fiscal year 2011.

(4) \$15,000,000 for each of fiscal years 2012 through 2015.

(c) Cooperative agreements

To carry out interagency activities under section 3502 of this title, the head of any department or agency may execute a cooperative agreement with the Administrator, including those authorized by section 883e of this title.

(Pub. L. 111-11, title XII, § 12207, Mar. 30, 2009, 123 Stat. 1426.)

§ 3507. Definitions

In this chapter:

(1) Administrator

The term “Administrator”¹ means the Administrator of the National Oceanic and Atmospheric Administration.

(2) Coastal state

The term “coastal state” has the meaning given that term by section 1453(4) of title 16.

¹ So in original. Closing single quotation mark probably should not appear.

(3) Committee

The term “Committee” means the Inter-agency Ocean and Coastal Mapping Committee established by section 3502 of this title.

(4) Exclusive economic zone

The term “exclusive economic zone” means the exclusive economic zone of the United States established by Presidential Proclamation No. 5030, of March 10, 1983.

(5) Ocean and coastal mapping

The term “ocean and coastal mapping” means the acquisition, processing, and management of physical, biological, geological, chemical, and archaeological characteristics and boundaries of ocean and coastal areas, resources, and sea beds through the use of acoustics, satellites, aerial photogrammetry, light and imaging, direct sampling, and other mapping technologies.

(6) Territorial sea

The term “territorial sea” means the belt of sea measured from the baseline of the United States determined in accordance with international law, as set forth in Presidential Proclamation Number 5928, dated December 27, 1988.

(7) Nongovernmental entities

The term “nongovernmental entities” includes nongovernmental organizations, members of the academic community, and private sector organizations that provide products and services associated with measuring, locating, and preparing maps, charts, surveys, aerial photographs, satellite images, or other graphical or digital presentations depicting natural or manmade physical features, phenomena, and legal boundaries of the Earth.

(8) Outer Continental Shelf

The term “Outer Continental Shelf” means all submerged lands lying seaward and outside of lands beneath navigable waters (as that term is defined in section 1301 of title 43), and of which the subsoil and seabed appertain to the United States and are subject to its jurisdiction and control.

(Pub. L. 111–11, title XII, §12208, Mar. 30, 2009, 123 Stat. 1426.)

REFERENCES IN TEXT

Presidential Proclamation No. 5030, referred to in par. (4), is set out under section 1453 of Title 16, Conservation.

Presidential Proclamation Number 5928, referred to in par. (6), is set out under section 1331 of Title 43, Public Lands.

CHAPTER 49—INTEGRATED COASTAL AND OCEAN OBSERVATION SYSTEM

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§ 3601. Purposes

The purposes of this chapter are to—

(1) establish a national integrated System of ocean, coastal, and Great Lakes observing systems, comprised of Federal and non-Federal components coordinated at the national level by the National Ocean Research Leadership Council and at the regional level by a network of regional information coordination entities, and that includes in situ, remote, and other coastal and ocean observation, technologies, and data management and communication systems, and is designed to address regional and national needs for ocean information, to gather specific data on key coastal, ocean, and Great Lakes variables, and to ensure timely and sustained dissemination and availability of these data to—

- (A) support national defense, marine commerce, navigation safety, weather, climate, and marine forecasting, energy siting and production, economic development, ecosystem-based marine, coastal, and Great Lakes resource management, public safety, and public outreach training and education;
- (B) promote greater public awareness and stewardship of the Nation’s ocean, coastal, and Great Lakes resources and the general public welfare; and
- (C) enable advances in scientific understanding to support the sustainable use, conservation, management, and understanding of healthy ocean, coastal, and Great Lakes resources;

(2) improve the Nation’s capability to measure, track, explain, and predict events related directly and indirectly to weather and climate change, natural climate variability, and interactions between the oceanic and atmospheric environments, including the Great Lakes; and

(3) authorize activities to promote basic and applied research to develop, test, and deploy innovations and improvements in coastal and ocean observation technologies, modeling systems, and other scientific and technological capabilities to improve our conceptual understanding of weather and climate, ocean-atmosphere dynamics, global climate change, physical, chemical, and biological dynamics of the ocean, coastal and Great Lakes environments, and to conserve healthy and restore degraded coastal ecosystems.

(Pub. L. 111–11, title XII, §12302, Mar. 30, 2009, 123 Stat. 1427.)

SHORT TITLE

Pub. L. 111–11, title XII, §12301, Mar. 30, 2009, 123 Stat. 1427, provided that: “This subtitle [subtitle C (§§12301–12311) of title XII of Pub. L. 111–11, enacting this chapter] may be cited as the ‘Integrated Coastal and Ocean Observation System Act of 2009’.”

§ 3602. Definitions

In this chapter:

(1) Administrator

The term “Administrator” means the Under Secretary of Commerce for Oceans and Atmos-