

NATIONAL OCEAN EXPLORATION ACT

Ocean Exploration Advisory Board Recommendations
In response to a request from the Deputy NOAA Administrator
7 April 2019

These comments and recommendations address both a National Ocean Exploration Program (NOEP) established outside of NOAA and reauthorization of the NOAA ocean exploration program. For the National Program, the OEAB recommends formation of a National Ocean Exploration Council (NOE Council) and National Consortium for Ocean Exploration (NCOE) under the Ocean Policy Committee in the OSTP, which was recently established by Executive Order. This Council of senior federal agency representatives facilitates interagency coordination with significant incentives to cooperate and engage. The Council/Consortium structure encourages partnerships between federal agencies and non-federal entities (for-profit companies, non-profit entities, and academia) to perform mutually beneficial ocean exploration activities to effectively and efficiently respond to national needs. The OEAB believes both a National and a NOAA Program, with robust partnerships among federal agencies and with other stakeholders, are essential for a robust response to challenging, yet vital, national needs in ocean exploration.

Relatively minor changes to the NOAA ocean exploration program mandated at 33 U.S.C. 3401 et seq. would make the program more effective both in executing ocean exploration activities and in supporting the NOEP.

Section 1: Short Title

The National Ocean Exploration Act

Section 2: Purpose

The purpose of the National Ocean Exploration Act is to establish:

1. the National Ocean Exploration Council under the Ocean Policy Committee to advance national priorities for ocean exploration; and,
2. the responsibilities of the National Oceanic and Atmospheric Administration and other federal agencies involved in ocean exploration with respect to these national priorities.

Activities of the National Ocean Exploration Council shall constitute a “National Ocean Exploration Program.”

Section 3: Findings

1. America's future depends on exploring and understanding the ocean. We explore the ocean because its health and resilience are vital to our security, economy and to our lives. We depend on the global ocean system to regulate weather and climate; sustain a diversity of life; for maritime shipping; for national defense; and for food, energy, medicine, and other services essential to Americans—and to all humankind.
2. The prosperity and security of our nation depend on successful stewardship of the oceans. Interdisciplinary cooperation and engagement among government agencies, research institutions, foundations, and the private sector are essential for successful stewardship of and more effective decisions regarding the oceans and coastal environments, for national economic growth, and for development of agile strategies that promote and use new technologies.
3. A robust National Ocean Exploration Program engaging multiple federal agencies, the private sector, and academia is essential to the interests of the United States and vital to its security, economy, and the health and well-being of all Americans. Such a National Program is critical to re-establish the United States at the forefront of global ocean exploration and stewardship.
4. The ocean functions as an interconnected global system. Regions critical for exploration in the national interest may extend beyond the US EEZ into other ocean waters worldwide.
5. A network of partnerships that includes federal agencies, academia, not-for-profit institutions, and the private sector is critical to advance the national interest in ocean exploration.
6. It is critical that the results of publicly funded ocean exploration activities be shared widely and promptly and that resulting data be available, accessible, and useful.
7. Ocean exploration activities are directed toward characterizing unknown or poorly understood areas, features, and phenomena. As such, they should reference all available observations that may be relevant, including data from observing networks such as the Integrated Ocean Observing System and the Global Ocean Observing System.
8. Ocean exploration results are an important way to advance national Science, Technology, Engineering, Arts, and Mathematics priorities and to engage the public in ocean science.

Section 4: National Ocean Exploration Council

The Ocean Policy Committee established under Executive Order 13840 is hereby established in law to ensure continuity and facilitate coordination and integration of federal activities in ocean and coastal waters and to collaborate with stakeholders to address ocean-related matters.

A National Ocean Exploration Council is established under the Ocean Policy Committee. The purpose of this Council is to establish and update national priorities for ocean exploration and to coordinate and facilitate activities to advance those priorities.

The National Ocean Exploration Council shall:

1. Set national ocean exploration priorities and strategies consistent with the purposes of this Act and in consultation with external stakeholders;
2. Cultivate and facilitate partnerships among public, not-for-profit, and private sector entities to conduct ocean exploration activities in order to promote:
 - a. an improved understanding of the ocean;
 - b. more effective and efficient ocean exploration technologies and approaches;
 - c. improved processes for data management, access, synthesis, and visualization; and,
 - d. a strong private sector base for ocean exploration activities.
3. Afford an opportunity for non-federal ocean exploration stakeholders to provide input into national ocean exploration priorities through the National Ocean Exploration Forum process established at Section 7, and other mechanisms as appropriate;
4. Conduct education and public engagement activities that advance Science, Technology, Engineering, Arts, and Mathematics principles and improve public engagement with ocean science; and,
5. Establish and monitor metrics to track progress in achieving objectives and strategies of the National Ocean Exploration Program.

The NOAA Administrator shall chair the National Ocean Exploration Council. This responsibility may be delegated to the Deputy NOAA Administrator and no further. Other members of the National Ocean Exploration Council shall include the Office of Science and Technology Policy, the Council on Environmental Quality; and,

1. National Oceanic and Atmospheric Administration;
2. National Aeronautics and Space Administration;
3. Department of the Interior's United States Geological Survey;
4. Department of the Interior's Bureau of Ocean Energy Management;
5. Department of State;

6. Department of the Navy;
7. National Science Foundation; and,

any other federal agencies the director of the Office of Science and Technology Policy determines may be necessary to achieve objectives of the National Ocean Exploration Program.

National Ocean Exploration Council agency representatives shall have the authority to speak for their agencies on policy and budget matters related to ocean exploration.

Section 5: National Ocean Exploration Program Implementation

National Ocean Exploration Council members shall, to the extent practicable, collaborate to conduct ocean exploration activities that meet national priorities. Such collaboration may include coordination with the National Oceanographic Partnership Program (NOPP).

Notwithstanding the provisions of 15 U.S.C. 1535 (the Economy Act of 1932, as amended), a National Ocean Exploration Council member may transfer funds to another National Ocean Exploration Council member, or to the National Consortium for Ocean Exploration (see below) for the purposes of conducting ocean exploration activities the Council has certified as advancing national priorities. National Ocean Exploration Council activities shall constitute a “National Ocean Exploration Program.”

The National Ocean Exploration Council shall be provided Other Transaction Authority to advance the purposes of this Act¹.

The National Ocean Exploration Council shall establish a National Consortium for Ocean Exploration through a grant or contract with an appropriate not-for-profit institution. The purpose of the National Consortium for Ocean Exploration is to allow National Ocean Exploration Council members to establish enterprise partnerships with members of this Consortium (private sector and other non-federal stakeholders with competence in ocean exploration) to a) facilitate mutually beneficial collaborative research and development activities between the government and subject matter experts, and b) to allow for rapid response to ocean exploration requirements and opportunities to leverage partnerships. This strategy shall engage both traditional and non-traditional ocean exploration stakeholders and practitioners in academia, the private sector, and not-for-profit sector to achieve the following objectives:

¹ Information about existing consortia and Other Transaction Authority is at <https://www.law.cornell.edu/uscode/text/10/2371> (statutory authority for DoD); <http://acqnotes.com/acqnote/careerfields/other-transaction-authority-ota> (additional explanation of OTA in the DoD context); <https://www.space-enterprise-consortium.org/> (application of OTA to space). In addition, NESDIS has similar authority at Section 6(b) of the [National Integrated Drought Information System Reauthorization of 2018](#).

1. Promote mechanisms to strengthen collaboration between federal and non-federal stakeholders;
2. Conduct interdisciplinary ocean exploration activities to meet national priorities efficiently, quickly, and cost-effectively;
3. Advance and make available new ocean exploration technologies, techniques, and approaches that may benefit the national community;
4. Accelerate the development and use of assets, infrastructure, platforms, and innovative approaches to complement existing assets and capabilities of federal agencies;
5. Advance processes for ocean exploration data management, access, synthesis, and visualization for the benefit of the nation;
6. Promote the use of the National Oceanic and Atmospheric Administration National Centers for Environmental Information as a primary, centralized repository for ocean exploration data obtained through publicly funded activities, and the use of the Smithsonian Institution and other publicly accessible repositories for biological and geological samples; and,
7. Otherwise facilitate agile and adaptable responses to national ocean exploration priorities and requirements.

The National Ocean Exploration Council shall report annually to Congress on current national ocean exploration priorities and National Ocean Exploration Program activities and accomplishments, including relevant metrics.

Section 6: National Oceanic and Atmospheric Administration Ocean Exploration Program

The Administrator of the National Oceanic and Atmospheric Administration shall establish and maintain an Ocean Exploration Program within the National Oceanic and Atmospheric Administration to meet NOAA mission priorities for ocean exploration and to advance the National Ocean Exploration Program.

For the purpose of enabling more effective management decisions concerning the oceans, national security, and sustainable development, the NOAA Ocean Exploration Program shall:

1. Explore and characterize unknown or poorly known areas of the marine environment to:
 - a) inventory, observe, and assess living and non-living marine resources and ocean processes;
 - b) report such findings to the public promptly following ocean exploration and characterization activities;

2. Give priority attention to explore and provide baseline characterization of deep-ocean regions of the U.S. Exclusive Economic Zone, Extended Continental Shelf, and other waters of national interest;
3. Make available ocean exploration data as soon as practicable after an ocean exploration expedition or activity ends. The data should be in a form consistent with Federal Geographic Data Committee standards, with emphasis on making ocean exploration results that are available, accessible, and useful to those who need it;
4. Promote improved ocean exploration technologies, approaches, modes of operation, and new public-private partnerships to accelerate the pace and scope of ocean exploration activities in the national interest. The NOAA Ocean Exploration Program shall advance and use innovative approaches, processes, and assets which complement existing NOAA assets and capabilities, including those of the NOAA Office of Marine and Aviation Operations;
5. Locate, define, and document historic shipwrecks, submerged sites, and other ocean exploration activities that combine ocean exploration and archeology;
6. Continue a transparent, competitive, merit-based, and peer-reviewed grants process, taking account the advice of the Ocean Exploration Advisory Board (see below);
7. Establish and monitor metrics to track progress in achieving objectives and strategies of the NOAA Ocean Exploration Program; and,
8. Engage the public in ocean exploration by:
 - a. enriching ocean exploration education programs to advance Science, Technology, Engineering, Arts, and Mathematics education priorities;
 - b. promoting future maritime workforce development through education, outreach, and training to meet NOAA Ocean Exploration Program resource requirements, promote diversity, and target under-served communities; and,
 - c. sponsoring regular national ocean exploration forums to share plans and information, promote two-way communication, and encourage partnerships.

Section 7: Ocean Exploration Advisory Board

The NOAA Administrator, as chair of the National Ocean Exploration Council, shall appoint an Ocean Exploration Advisory Board composed of experts in relevant fields to advise the Administrator on:

- national priorities for ocean exploration and characterization;
- strategic approaches, modes of operation, and partnerships for both the national and NOAA Ocean Exploration Programs;
- education and public engagement activities, including the National Ocean Exploration Forum process; and,
- to provide other assistance and advice as requested by the Administrator.

The language “Federal Advisory Committee Act—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board” should be retained.

Section 8: Additional Authorities and Comments

The language related to donations at 33 U.S.C. 3403 (b) should be retained.

33 U.S.C. 3404 relating to the Ocean Exploration and Undersea Research Technology and Infrastructure Task Force should be repealed.

Section 9: Definitions

“Ocean exploration activity” means any use of ships, autonomous vehicles, unmanned surface vessels, or other data collection platforms, technology development, public engagement, education, or other activities to meet the priorities of the National Ocean Exploration Program or the NOAA Ocean Exploration Program.

The “National Ocean Exploration Program” means all activities of the National Ocean Exploration Council under the Ocean Policy Committee.