

112TH CONGRESS  
1ST SESSION

# H. R. 3570

To promote ocean and human health and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 6, 2011

Mrs. CAPPs (for herself, Ms. WOOLSEY, Ms. PINGREE of Maine, and Mr. KEATING) introduced the following bill; which was referred to the Committee on Science, Space, and Technology, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To promote ocean and human health and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE; AMENDMENT OF OCEANS AND**  
4       **HUMAN HEALTH ACT.**

5       (a) SHORT TITLE.—This Act may be cited as the  
6       “Oceans and Human Health Reauthorization Act of  
7       2011”.

8       (b) AMENDMENT OF OCEANS AND HUMAN HEALTH  
9       ACT.—Except as otherwise expressly provided, whenever  
10      in this Act an amendment or repeal is expressed in terms

1 of an amendment to, or repeal of, a section or other provi-  
2 sion, the reference shall be considered to be made to a  
3 section or other provision of the Oceans and Human  
4 Health Act (33 U.S.C. 3101 et seq.).

5 **SEC. 2. INTERAGENCY OCEANS AND HUMAN HEALTH RE-**  
6 **SEARCH PROGRAM.**

7 (a) COORDINATION.—Section 902(a) (33 U.S.C.  
8 3101(a)) is amended by striking “oceans in human  
9 health.” and inserting “oceans in human health and de-  
10 liver information, products, and services to assist the Na-  
11 tion in reducing public health risks, and enhancing health  
12 benefits, from the ocean.”.

13 (b) IMPLEMENTATION PLAN.—Section 902(b) (33  
14 U.S.C. 3101(b)) is amended—

15 (1) by striking the matter preceding paragraph  
16 (1) and inserting the following:

17 “(b) IMPLEMENTATION PLAN.—Within 2 years after  
18 the date of the enactment of the Oceans and Human  
19 Health Reauthorization Act of 2011, and every 10 years  
20 thereafter, the National Science and Technology Council,  
21 through the Director of the Office of Science and Tech-  
22 nology Policy, shall revise and update the 2007 ‘Inter-  
23 agency Oceans and Human Health Research Implementa-  
24 tion Plan’ and submit the updated plan to the Congress.  
25 The updated Plan shall define the roles of Federal agen-

1 cies and departments in order to avoid duplication of ac-  
2 tivities and coordinate efforts in support of the research  
3 program. Nothing in this subsection is intended to dupli-  
4 cate or supersede the activities of the Inter-Agency Task  
5 Force on Harmful Algal Blooms and Hypoxia established  
6 under section 603 of the Harmful Algal Bloom and Hy-  
7 poxia Research and Control Act of 1998 (16 U.S.C. 1451  
8 note). The updated Plan shall build on and complement  
9 the ongoing research, monitoring, surveillance, and out-  
10 reach activities of the National Oceanic and Atmospheric  
11 Administration, the National Science Foundation, the Na-  
12 tional Institutes of Health (including the National Insti-  
13 tute of Environmental Health Sciences), the Centers for  
14 Disease Control and Prevention, the U.S. Environmental  
15 Protection Agency, the Food and Drug Administration,  
16 and other Federal departments and agencies, and shall—  
17 ”;

18 (2) in paragraph (1)—

19 (A) by striking “prediction” and inserting  
20 “monitoring, surveillance, prediction fore-  
21 casting, and mitigation”;

22 (B) by inserting “and chemical” after “bi-  
23 ological”; and

24 (C) by striking “treatments” and inserting  
25 “products for the prevention and treatment”;

1           (3) in paragraph (2), by striking “training”  
2           and all that follows and inserting “Federal oceans  
3           and human health research centers, training, and  
4           support for scientists, and participation in national  
5           and international research and outreach efforts, in-  
6           cluding outreach to the public health and medical  
7           communities, and the public;”;

8           (4) in paragraph (4), by striking “preventive”  
9           and inserting “preventing”;

10          (5) in paragraph (5), by inserting “the National  
11          Ocean Council,” after “the Ocean Research Advisory  
12          Panel,”; and

13          (6) by striking paragraph (7) and inserting the  
14          following:

15               “(7) estimate funding needed for research, sur-  
16               veillance, prediction, education, and outreach activi-  
17               ties to be conducted within and supported by Fed-  
18               eral agencies under the program.”.

19          (c) PROGRAM SCOPE.—Section 902(c) (33 U.S.C.  
20 3101(c)) is amended—

21               (1) by striking paragraphs (1) and (2) and in-  
22               serting the following:

23                       “(1) Interdisciplinary research among the  
24                       ocean, atmospheric, biological, and medical sciences,  
25                       and coordinated research and activities to improve

1 understanding of processes within the ocean that  
2 may affect human health and to explore the poten-  
3 tial contribution of marine organisms to medicine  
4 and research, including—

5 “(A) vector-, water-, and food-borne dis-  
6 eases of humans and marine organisms, includ-  
7 ing marine mammals, corals, fish, and shellfish;

8 “(B) human health effects associated with  
9 harmful algal blooms and hypoxia (in collabora-  
10 tion with the Inter-Agency Task Force on  
11 Harmful Algal Blooms and Hypoxia);

12 “(C) marine-derived pharmaceuticals and  
13 other natural products;

14 “(D) marine organisms and habitats as  
15 models for biomedical research and as indica-  
16 tors of human health and well being and marine  
17 environmental health;

18 “(E) marine environmental microbiology  
19 linked to human health;

20 “(F) human health effects associated with  
21 legacy and emerging chemicals of concern, in-  
22 cluding bioaccumulative and endocrine-dis-  
23 rupting chemical contaminants;

24 “(G) predictive models of public health  
25 risks based on indicators and assessments of

1 marine ecosystem health and marine animal  
2 health; and

3 “(H) social, economic, and behavioral stud-  
4 ies of relationships between the condition of  
5 oceans, coasts, and the Great Lakes and human  
6 health and well-being, risk communication, and  
7 decision-making processes.

8 “(2) Coordination with appropriate interagency  
9 working groups of the Subcommittee on Ocean  
10 Science and Technology, or its successor body,  
11 through the National Science and Technology Coun-  
12 cil, to ensure that any integrated ocean and coastal  
13 observing system provides information necessary to  
14 monitor and reduce marine public health problems,  
15 including climate change information, health-related  
16 data on biological populations, and detection of tox-  
17 ins and contaminants in marine waters and sea-  
18 food.”; and

19 (2) in paragraph (3)—

20 (A) in subparagraph (A), by striking  
21 “genomics and proteomics” and inserting  
22 “genomics, proteomics, metabolomics, and other  
23 related sciences”;

24 (B) by striking subparagraph (C) and in-  
25 serting the following:

1           “(C) in situ, laboratory, and remote sen-  
2           sors—

3                   “(i) to detect, quantify, and predict  
4           the presence, distribution, concentration,  
5           toxicity, or virulence of infectious microbes,  
6           harmful algae, toxins, and chemical con-  
7           taminants in ocean waters, sediments, or-  
8           ganisms, and seafood; and

9                   “(ii) to identify new genetic resources  
10           for biomedical purposes;” and

11           (C) in subparagraph (E), by striking  
12           “equipment and technologies” and inserting  
13           “equipment, technologies, and methodologies  
14           used in human health, and other fields, for ap-  
15           plication to oceans and human health objec-  
16           tives”.

17           (d) BIENNIAL REPORT.—Section 902(d) (33 U.S.C.  
18           3101(d)) is amended—

19                   (1) by striking “Annual” in the heading and in-  
20           serting “Biennial”;

21                   (2) in the matter preceding paragraph (1)—

22                           (A) by striking “Beginning with the first  
23           year occurring more than 24 months after the  
24           date of enactment of the Act, the” and insert-  
25           ing “The”;

1 (B) by striking “each year an annual” and  
2 inserting “alternate years a biennial”; and

3 (C) by striking “fiscal year” and inserting  
4 “2 fiscal years”;

5 (3) in paragraph (1), by striking “fiscal year;”  
6 and inserting “2 fiscal years;”;

7 (4) in paragraph (4), by striking “that pre-  
8 ceding fiscal year;” and inserting “the preceding 2  
9 fiscal years;” and

10 (5) in paragraph (5), by striking “action” and  
11 inserting “action, funding needs,”.

12 **SEC. 3. NATIONAL OCEANIC AND ATMOSPHERIC ADMINIS-**  
13 **TRATION OCEANS AND HUMAN HEALTH PRO-**  
14 **GRAM.**

15 (a) ESTABLISHMENT.—Section 903(a) (33 U.S.C.  
16 3102(a)) is amended to read as follows:

17 “(a) PROGRAM.—

18 “(1) IN GENERAL.—As part of the interagency  
19 oceans and human health research program, the  
20 Secretary of Commerce shall establish an Oceans  
21 and Human Health Program to coordinate and im-  
22 plement research and activities of the National Oce-  
23 anic and Atmospheric Administration related to the  
24 role of the oceans, the coasts, and the Great Lakes  
25 in human health. The program shall link National



1 Oceanic and Atmospheric Administration research  
2 programs with operational activities focused on—

3 “(A) forecasting to provide early warning  
4 and prediction of near-term and long-term  
5 health risks;

6 “(B) surveillance, monitoring and diag-  
7 nosis to recognize emerging threats to public  
8 health;

9 “(C) assessment of risk perception, man-  
10 agement needs, and response actions; and

11 “(D) developing ocean health products and  
12 services.

13 “(2) COORDINATION WITH OTHER AGENCIES’  
14 EFFORTS.—The Secretary shall consult with other  
15 Federal agencies conducting integrated oceans and  
16 human health research, monitoring, and disease sur-  
17 veillance activities and research in related areas, in-  
18 cluding the National Science Foundation, the Na-  
19 tional Institutes of Health (including the National  
20 Institute of Environmental Health Sciences), the  
21 Centers for Disease Control and Prevention, the En-  
22 vironmental Protection Agency, and other agencies  
23 and departments and shall coordinate the develop-  
24 ment of a strategic implementation plan with defined  
25 goals and benchmarks for the program.

1           “(3) ADMINISTRATION.—To the extent practical  
2           based on appropriations, the Oceans and Human  
3           Health Program may provide support for—

4                   “(A) centralized program and research co-  
5                   ordination;

6                   “(B) an external advisory panel;

7                   “(C) one or more National Oceanic and  
8                   Atmospheric Administration national centers of  
9                   excellence that may include diagnostic labora-  
10                  tories to provide processing of marine organism  
11                  samples;

12                  “(D) transitioning scientific discoveries  
13                  from research activities into applications;

14                  “(E) research grants; and

15                  “(F) distinguished scholars and training.”.

16           (b) ADVISORY PANEL.—Section 903(b) (33 U.S.C.  
17           3102(b)) is amended by striking “sciences.” and inserting  
18           “sciences, including public health professionals, veterinar-  
19           ians, and other health professionals.”.

20           (c) NATIONAL CENTERS.—Section 903(c) (33 U.S.C.  
21           3102(c)) is amended—

22                   (1) in paragraph (1), by striking “for”; and

23                   (2) by striking paragraph (2) and inserting the  
24           following:

1           “(2) The centers shall focus on areas related to  
2           agency missions and the program scope (as defined  
3           in section 902(c)).”.

4           (d) EXTRAMURAL RESEARCH GRANTS.—Section  
5 903(d) (33 U.S.C. 3102(d)) is amended by adding at the  
6 end the following:

7           “(3) Grants under this subsection shall support  
8           research and activities within the program scope (as  
9           defined in section 902(c)).”.

10          (e) TRAINING PROGRAM.—Section 903(e) (33 U.S.C.  
11 3102(e)) is amended—

12           (1) by striking the heading and inserting “(e)  
13           TRAINING PROGRAM—”;

14           (2) by striking “program to provide  
15           traineeships, training,” and inserting “competitive  
16           program to provide training, exposure,”; and

17           (3) by striking “initiative.” and inserting  
18           “Oceans and Human Health Program.”.

19          (f) DISTINGUISHED SCHOLARS; COOPERATIVE  
20 AGREEMENTS; COORDINATION; ETC.—Section 903 (33  
21 U.S.C. 3102) is amended by adding at the end the fol-  
22 lowing:

23           “(f) DISTINGUISHED SCHOLARS.—The Secretary of  
24 Commerce may establish a competitive program to recog-  
25 nize highly distinguished external scientists in any area

1 of oceans and human health research and to involve those  
2 scientists in collaborative work with the NOAA Oceans  
3 and Human Health Program.

4 “(g) AGREEMENTS.—The Secretary of Commerce  
5 may execute and perform such contracts, leases, grants,  
6 or cooperative agreements as may be necessary to carry  
7 out this section.

8 “(h) COORDINATION.—

9 “(1) INTEGRATED OCEAN OBSERVING SYS-  
10 TEM.—The Secretary shall ensure that the Oceans  
11 and Human Health Program and the National Inte-  
12 grated Coastal and Ocean Observation System work  
13 together to develop and deploy instruments for sens-  
14 ing and predicting ocean changes linked to health,  
15 develop early warning systems that detect biological  
16 and chemical indicators, and support the data man-  
17 agement and analysis functions to develop forecasts  
18 for ocean conditions that threaten health.

19 “(2) HARMFUL ALGAL BLOOMS AND HY-  
20 POXIA.—The Secretary shall ensure that the Oceans  
21 and Human Health Program and Harmful Algal  
22 Blooms and Hypoxia Program work together to co-  
23 ordinate and avoid duplication of activities.

24 “(3) OTHER PROGRAMS.—The Secretary shall  
25 ensure that the Program also coordinates its efforts

1 across the National Oceanic and Atmospheric Ad-  
2 ministration to link and support ocean and human  
3 health-related research and programs.

4 “(i) REPORT TO CONGRESS.—Within 6 months after  
5 the date of enactment of the Oceans and Human Health  
6 Reauthorization Act of 2011, the Secretary shall report  
7 to the Congress on how the National Oceanic and Atmos-  
8 pheric Administration plans to implement the rec-  
9 ommendations of its Science Advisory Board Working  
10 Group on Oceans and Health.

11 “(j) OPERATIONAL PARAMETERS.—

12 “(1) IN GENERAL.—The Secretary of Com-  
13 merce shall operate the Oceans and Human Health  
14 Program as an interdisciplinary research, develop-  
15 ment, and application program spanning the agency  
16 and in partnership with the external scientific and  
17 health communities.

18 “(2) RESOURCES.—To achieve this vision and  
19 maximize potential for leveraging appropriations, the  
20 National Oceanic and Atmospheric Administration  
21 may—

22 “(A) apply for, accept, use, and spend  
23 Federal, State, and private funds and in-kind  
24 contributions as necessary to further the mis-  
25 sion of the program without regard to section

1           3302(b) of title 31, United States Code, and  
2           without regard to the source or of the period of  
3           availability of such funds;

4           “(B) apply for and hold patents either  
5           solely or in partnership with others and receive  
6           royalties from patents or licenses; and

7           “(C) share personnel and facilities with  
8           public and private partners as well as provide  
9           and accept reimbursement for the sharing of  
10          such personnel and facilities.”.

11 **SEC. 4. PUBLIC INFORMATION AND OUTREACH.**

12          (a) IN GENERAL.—Section 904(a) (33 U.S.C.  
13 3103(a)) is amended—

14           (1) by striking “National Sea Grant program,  
15          relevant National Ocean Service and National Ma-  
16          rine Fisheries Service research programs” and in-  
17          serting “all relevant the National Oceanic and At-  
18          mospheric Administration programs and institutions  
19          of higher education,”; and

20           (2) by striking “Initiative” and inserting “Pro-  
21          gram”.

22          (b) REPORT.—Section 904(b) (33 U.S.C. 3103(b)) is  
23 amended to read as follows:

24          “(b) REPORT.—

1           “(1) IN GENERAL.—As part of this program,  
2 the Secretary of Commerce shall submit to Congress  
3 a biennial report describing—

4           “(A) projects, products, and programs  
5 funded under the Oceans and Human Health  
6 Program;

7           “(B) the work of the Advisory Panel;

8           “(C) how the Oceans and Human Health  
9 Program is meeting the goals and objectives of  
10 its strategic plan; and

11           “(D) any recommendations the Secretary  
12 may have for improving or expanding the  
13 Oceans and Human Health Program.

14           “(2) COMBINED REPORTS.—The report re-  
15 quired by paragraph (1) may be the same as the Na-  
16 tional Oceanic and Atmospheric Administration  
17 input for the interagency report required by section  
18 902(d).”.

19 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

20 Section 905 (33 U.S.C. 3104) is amended—

21           (1) by striking “Initiative,” “initiative”, and  
22 “Initiative.”, and inserting “Program,” “Program”,  
23 and “Program.”, respectively;

1           (2) by striking “\$60,000,000 for fiscal years  
2           2005 through 2008” and inserting “\$6,000,000 for  
3           each of fiscal years 2011 through 2015”; and

4           (3) by striking “grant and traineeship” and in-  
5           serting “grant, distinguished scholars, and train-  
6           ing”.

7 **SEC. 6. OCEANS DEFINED TO INCLUDE THE GREAT LAKES.**

8           The Act is amended by adding after section 905 (33  
9 U.S.C. 3104) the following:

10 **“SEC. 906. OCEANS DEFINED.**

11           “In this title, the term ‘oceans’ includes the Great  
12 Lakes, and the coastal areas appertaining thereto.”.

○