

114TH CONGRESS
1ST SESSION

H. R. 2717

To modify the Federal Ocean Acidification Research and Monitoring Act of 2009, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 10, 2015

Mr. FARR (for himself, Mr. YOUNG of Alaska, and Mrs. CAPPS) introduced the following bill; which was referred to the Committee on Science, Space, and Technology

A BILL

To modify the Federal Ocean Acidification Research and Monitoring Act of 2009, 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.**

4 This Act may be cited as the “Federal Ocean Acidifi-
5 cation Research and Monitoring Act of 2015”.

6 **SEC. 2. PURPOSES.**

7 Section 12402(a) of the Federal Ocean Acidification
8 Research and Monitoring Act of 2009 (33 U.S.C. 3701(a))
9 is amended—

1 (1) in paragraph (1), by striking “development
2 and coordination” and inserting “coordination and
3 implementation”;

4 (2) in paragraph (1)(A), by inserting “ocean
5 chemistry and” after “ocean acidification on”;

6 (3) in paragraph (1)(B), by striking “establish
7 an interagency research and monitoring” and insert-
8 ing “maintain and advise an interagency research,
9 monitoring, and public outreach”; and

10 (4) in paragraph (2), by striking “establis-
11 hment” and inserting “maintenance”.

12 **SEC. 3. DEFINITIONS.**

13 Section 12403 of the Federal Ocean Acidification Re-
14 search and Monitoring Act of 2009 (33 U.S.C. 3702) is
15 amended—

16 (1) in paragraph (1)—

17 (A) by striking “and changes in ocean”
18 and inserting “, estuaries, and the Great Lakes
19 and changes in their”; and

20 (B) by striking “from the atmosphere, in-
21 cluding carbon dioxide” and inserting “, includ-
22 ing carbon dioxide from the atmosphere”; and

23 (2) in paragraph (3), by striking “Joint”.

1 **SEC. 4. INTERAGENCY SUBCOMMITTEE.**

2 Section 12404 of the Federal Ocean Acidification Re-
3 search and Monitoring Act of 2009 (33 U.S.C. 3703) is
4 amended—

5 (1) in subsection (a)—

6 (A) in paragraph (1)—

7 (i) by striking “Joint Subcommittee
8 on Ocean Science and Technology of the
9 National Science and Technology Council”
10 and inserting “Subcommittee, with the as-
11 sistance of the interagency working group
12 described in paragraph (2),”; and

13 (ii) by inserting “on ocean acidifica-
14 tion” after “working group”; and

15 (B) in paragraph (2), by striking “United
16 States Geological Survey, the United States
17 Fish and Wildlife Service, and such other Fed-
18 eral agencies as appropriate” and inserting
19 “Bureau of Ocean Energy Management, the
20 Department of Agriculture, the Department of
21 State, the Environmental Protection Agency,
22 the United States Geological Survey, the United
23 States Fish and Wildlife Service, the United
24 States Navy, the Department of Energy, and
25 such other Federal agencies as the Sub-
26 committee considers appropriate”;

1 (2) in subsection (b)—

2 (A) in paragraph (2)—

3 (i) by striking “and” at the end of
4 subparagraph (A);

5 (ii) by inserting “and” at the end of
6 subparagraph (B); and

7 (iii) by adding at the end the fol-
8 lowing new subparagraph:

9 “(C) adaptation and mitigation strategies
10 to address socioeconomic impacts resulting from
11 ocean acidification;”;

12 (B) by striking “and” at the end of para-
13 graph (4);

14 (C) by redesignating paragraph (5) as
15 paragraph (6);

16 (D) by inserting after paragraph (4) the
17 following new paragraph:

18 “(5) ensure that each of the agencies rep-
19 resented on the interagency working group delivers
20 data and information to support the Information
21 Exchange described in paragraph (6) and the data
22 archive established under section 12406(c)(1); and”;
23 and

24 (E) in paragraph (6), as so redesignated
25 by subparagraph (C) of this paragraph—

1 (i) by inserting “through the National
2 Oceanic and Atmospheric Administration,
3 in collaboration with the other agency
4 members of the interagency working group,
5 and in consultation with the Advisory
6 Board established under subsection (d),”
7 before “establish or designate”;

8 (ii) by inserting “create a platform for
9 community coordination and to” after
10 “Exchange to”; and

11 (iii) by inserting “State, local, and
12 tribal governments,” after “useful to pol-
13 icymakers,”;

14 (3) in subsection (c)—

15 (A) in paragraph (2)—

16 (i) by striking “Not later than 2 years
17 after the delivery of the initial report
18 under paragraph (1) and every 2 years
19 thereafter, the Subcommittee” and insert-
20 ing “Not later than 3 years after publica-
21 tion of the most recent strategic research
22 plan under section 12405, the Sub-
23 committee, in consultation with the Advi-
24 sory Board established under subsection
25 (d),”;

1 (ii) by inserting “, and to the Office
2 of Management and Budget,” after
3 “House of Representatives”; and

4 (iii) in subparagraph (B), by striking
5 “the interagency research plan developed
6 by the Subcommittee under section 12405”
7 and inserting “such strategic research
8 plan”; and

9 (B) by striking paragraph (3); and
10 (4) by adding at the end the following new sub-
11 section:

12 “(d) ADVISORY BOARD.—

13 “(1) ESTABLISHMENT.—The Chairman of the
14 Subcommittee shall establish an Ocean Acidification
15 Advisory Board.

16 “(2) MEMBERSHIP.—The Advisory Board shall
17 have 15 members, with a reasonable cross-sectional
18 representation of the United States coastal, island,
19 and Great Lakes regions, including—

20 “(A) 2 representatives of the shellfish and
21 crab industry;

22 “(B) 1 representative of the finfish indus-
23 try;

24 “(C) 1 representative of seafood proc-
25 essors;

1 “(D) 3 representatives from academia, in-
2 cluding both natural and social sciences;

3 “(E) 1 representative of relevant non-
4 governmental organizations;

5 “(F) 6 representatives from relevant State,
6 local, and tribal governments and Federal agen-
7 cies; and

8 “(G) 1 additional qualified member.

9 “(3) APPOINTMENT OF MEMBERS.—The Chair-
10 man of the Subcommittee shall appoint members to
11 5-year terms, giving consideration to ensuring an ap-
12 propriate balance of scientific, industry, and geo-
13 graphical interests, and ensuring representation
14 from all relevant sectors. A member may be ap-
15 pointed to more than one term.

16 “(4) APPLICATION.—The Chairman of the Sub-
17 committee shall seek and give due consideration to
18 applications from members of the public for seats on
19 the Advisory Board.

20 “(5) NOMINATION.—The Chairman of the Sub-
21 committee shall seek and give due consideration to
22 nominations and recommendations from the public
23 and the members of the interagency working group
24 for the appointments to the Advisory Board.

1 “(6) MEMBER EXPERTISE.—Selection of indi-
2 viduals for the Advisory Board shall be based on
3 their demonstrated expertise on ocean acidification
4 and its scientific, economic, industry, and commu-
5 nity impacts, and their record of distinguished serv-
6 ice in relation to this issue. Their perspectives shall
7 broadly represent the interest group for which the
8 seat is designated.

9 “(7) CHAIRMAN.—The Chairman of the Sub-
10 committee shall appoint one member of the Advisory
11 Board to serve as Chairman.

12 “(8) MEETINGS.—The Advisory Board shall
13 meet at such times and places as may be designated
14 by the Chairman of the Advisory Board, in consulta-
15 tion with the Chairman of the Subcommittee.

16 “(9) DUTIES.—The Advisory Board shall—

17 “(A) not later than 6 months after trans-
18 mittal of a report by the Subcommittee under
19 subsection (c)(2), transmit to the Sub-
20 committee, the Committee on Commerce,
21 Science, and Transportation of the Senate, the
22 Committee on Science, Space, and Technology
23 of the House of Representatives, and the Com-
24 mittee on Natural Resources of the House of
25 Representatives an analysis of such report;

1 “(B) not later than 6 months after publi-
2 cation of the most recent strategic research
3 plan under section 12405, transmit to the Sub-
4 committee, the Committee on Commerce,
5 Science, and Transportation of the Senate, the
6 Committee on Science, Space, and Technology
7 of the House of Representatives, and the Com-
8 mittee on Natural Resources of the House of
9 Representatives an analysis of such strategic re-
10 search plan and the implementation thereof;

11 “(C) provide ongoing advice to the Sub-
12 committee and the interagency working group
13 on matters related to Federal activities on
14 ocean acidification taken pursuant to this sub-
15 title;

16 “(D) advise the Subcommittee and the
17 interagency working group on the content and
18 design of the Information Exchange described
19 in subsection (b)(6);

20 “(E) advise the Subcommittee and the
21 interagency working group on the standards de-
22 veloped for data archiving as required under
23 section 12406(c);

1 “(F) establish a publicly accessible web
2 page, hosted by the National Oceanic and At-
3 mospheric Administration, that includes—

4 “(i) the charter required under section
5 9(c) of the Federal Advisory Committee
6 Act (5 U.S.C. App.);

7 “(ii) schedules and minutes for meet-
8 ings of the Advisory Board;

9 “(iii) any documents described in sub-
10 sections (b) and (c) of section 9 of the
11 Federal Advisory Committee Act that are
12 created by the Advisory Board; and

13 “(iv) any reports prepared by the Ad-
14 visory Board;

15 “(G) publish in the Federal Register the
16 charter described in subparagraph (F)(i); and

17 “(H) provide to the Library of Congress
18 any charter or document described in subpara-
19 graph (F)(i) or (iii).

20 “(10) FEDERAL ADVISORY COMMITTEE ACT.—

21 The Federal Advisory Committee Act shall not apply
22 to the Advisory Board, except for section 9(b) and
23 (c) and section 10(a) through (d).”.

1 **SEC. 5. STRATEGIC RESEARCH PLAN.**

2 Section 12405 of the Federal Ocean Acidification Re-
3 search and Monitoring Act of 2009 (33 U.S.C. 3704) is
4 amended—

5 (1) in subsection (a)—

6 (A) by inserting “and not later than 5
7 years after publication of the most recent plan
8 under this section,” after “enactment of this
9 Act,”;

10 (B) by inserting “address socioeconomic
11 impacts and” after “mitigation strategies to”;
12 and

13 (C) by striking “National Academy of
14 Sciences in the review of the plan required
15 under subsection (d)” and inserting “Advisory
16 Board”;

17 (2) in subsection (b)—

18 (A) in paragraph (1), by inserting “and so-
19 cial” after “among the ocean”;

20 (B) in paragraph (2)(B), by striking “im-
21 prove the ability to”;

22 (C) in paragraph (2)(C), by inserting “ad-
23 dress socioeconomic impacts and” after “miti-
24 gation strategies to”;

25 (D) in paragraph (3)(F), by inserting “and
26 management” after “database development”;

1 (E) by striking “and” at the end of para-
2 graph (3)(H);

3 (F) by redesignating subparagraph (I) of
4 paragraph (3) as subparagraph (J);

5 (G) by inserting after paragraph (3)(H)
6 the following new subparagraph:

7 “(I) education and outreach activities;
8 and”;

9 (H) in paragraph (4), by striking “set
10 forth” and inserting “ensure an appropriate
11 balance of contribution in setting forth”; and

12 (I) by amending paragraph (7) to read as
13 follows:

14 “(7) estimate budget requirements by fiscal
15 year for full implementation of each element of the
16 plan over the course of the 10 years of the plan;”;

17 (3) in subsection (c)—

18 (A) in paragraph (1)(C), by striking “sur-
19 face”;

20 (B) in paragraph (3)—

21 (i) by striking “input” and inserting
22 “inputs”; and

23 (ii) by inserting “, marine food webs,”
24 after “marine ecosystems”;

1 (C) in paragraph (4), by striking “on
2 moorings and autonomous floats” and inserting
3 “for monitoring and research”; and

4 (D) by adding at the end the following new
5 paragraph:

6 “(6) Research to understand related and cumu-
7 lative stressors and other biogeochemical processes
8 occurring in conjunction with ocean acidification, in-
9 cluding hypoxia and harmful algal blooms.”; and

10 (4) by striking subsections (d) and (e) and in-
11 serting the following:

12 “(d) PUBLICATION AND PUBLIC COMMENT.—Not
13 later than 90 days before the strategic research plan, or
14 any revision thereof, is transmitted to Congress, the Sub-
15 committee shall publish the plan in the Federal Register
16 and provide an opportunity for submission of public com-
17 ments for a period of not less than 60 days.”.

18 **SEC. 6. NOAA OCEAN ACIDIFICATION ACTIVITIES.**

19 Section 12406 of the Federal Ocean Acidification Re-
20 search and Monitoring Act of 2009 (33 U.S.C. 3705) is
21 amended—

22 (1) in subsection (a)—

23 (A) by inserting “coordination,” after “re-
24 search, monitoring,”;

25 (B) in paragraph (1)—

1 (i) in subparagraph (B)—

2 (I) by inserting “including the
3 Integrated Ocean Observing System
4 and the ocean observing assets of
5 other agencies,” after “ocean observ-
6 ing assets,”; and

7 (II) by inserting “and agency
8 and department missions, prioritizing
9 co-location of monitoring instruments,
10 assets, and projects for efficient use of
11 resources and to optimize under-
12 standing of socioeconomic impacts and
13 ecosystem health” after “research
14 program”;

15 (ii) in subparagraph (C), by inserting
16 “and protecting impacted industries and
17 communities” after “marine ecosystems”;
18 and

19 (iii) in subparagraph (F), by striking
20 “monitoring and impacts research” and in-
21 sserting “research, monitoring, and adapta-
22 tion strategies”; and

23 (C) in paragraph (2), by striking “projects
24 that explore” and inserting “and education
25 projects that explore and communicate”; and

1 (2) by adding at the end the following new sub-
2 section:

3 “(c) DATA ARCHIVE, ACCESS, AND AVAILABILITY.—

4 “(1) ESTABLISHMENT.—The Secretary, in co-
5 ordination with members of the interagency working
6 group, shall establish data processing, storage, and
7 archive facilities and procedures to provide for the
8 long-term stewardship of environmental data, prod-
9 ucts, and information necessary for carrying out this
10 subtitle.

11 “(2) ACTIVITIES.—Activities under this sub-
12 section shall include—

13 “(A) archiving environmental data col-
14 lected by Federal, State, and local agencies,
15 academic scientists, citizen scientists, industry
16 and tribal organizations, and federally funded
17 research;

18 “(B) promoting widespread availability and
19 dissemination of environmental data and infor-
20 mation through full and open access exchange
21 to the greatest extent possible, including in elec-
22 tronic format on the Internet through resources
23 such as the Information Exchange described in
24 section 12404(b)(6);

1 “(C) developing standards, protocols, and
2 procedures for interoperability and intercalibra-
3 tion and the sharing of Federal data with State
4 and local government programs, the private sec-
5 tor, and academia; and

6 “(D) developing metadata standards in ac-
7 cordance with available guidelines.

8 “(3) REQUIREMENT.—Recipients of grants
9 from the National Oceanic and Atmospheric Admin-
10 istration under this subtitle shall collect data in ac-
11 cordance with the interoperability, intercalibration,
12 and metadata standards described in paragraph (2)
13 and submit those data to the Secretary on a timely
14 basis.”.

15 **SEC. 7. NSF OCEAN ACIDIFICATION ACTIVITIES.**

16 Section 12407 of the Federal Ocean Acidification Re-
17 search and Monitoring Act of 2009 (33 U.S.C. 3706) is
18 amended—

19 (1) in subsection (a), by striking “continue to
20 carry out research activities on ocean acidification
21 which shall”; and

22 (2) by adding at the end the following new sub-
23 section:

24 “(d) REQUIREMENT.—Recipients of grants from the
25 National Science Foundation under this subtitle shall col-

1 lect data in accordance with the interoperability, inter-
2 calibration, and metadata standards described in section
3 12406(c)(2) and submit those data to the Secretary on
4 a timely basis.”.

5 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

6 Section 12409 of the Federal Ocean Acidification Re-
7 search and Monitoring Act of 2009 (33 U.S.C. 3708) is
8 amended—

9 (1) in subsection (a), by striking “this subtitle”
10 and all that follows through “2012” and inserting
11 “\$20,000,000 for each of the fiscal years 2016
12 through 2019”; and

13 (2) in subsection (b), by striking “this subtitle”
14 and all that follows through “2012” and inserting
15 “\$15,000,000 for each of the fiscal years 2016
16 through 2019”.

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