

108TH CONGRESS  
2D SESSION

# H. R. 1856

## AN ACT

To reauthorize the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998, and for other purposes.



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## AN ACT

To reauthorize the Harmful Algal Bloom and Hypoxia  
Research and Control Act of 1998, 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,*

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Harmful Algal Bloom  
3 and Hypoxia Research Amendments Act of 2004”.

4 **SEC. 2. RETENTION OF TASK FORCE.**

5       Section 603 of the Harmful Algal Bloom and Hy-  
6 poxia Research and Control Act of 1998 (16 U.S.C. 1451  
7 note) is amended by striking subsection (e).

8 **SEC. 3. SCIENTIFIC ASSESSMENTS AND RESEARCH, DEM-**  
9 **ONSTRATION, AND TECHNOLOGY TRANSFER**  
10 **PLANS.**

11       Such section 603 is further amended—

12           (1) in subsection (a) by adding at the end the  
13       following:

14       “In developing the assessments and plans described in  
15 subsections (b), (c), (d), (e), and (f), the Task Force shall  
16 work with appropriate State, Indian tribe, and local gov-  
17 ernments to ensure that the assessments and plans fulfill  
18 the requirements of subsections (b)(2), (c)(2), (d)(2),  
19 (e)(2), and (f)(2). Additionally, the Task Force shall con-  
20 sult with appropriate industry (including agriculture and  
21 fertilizer industry), academic institutions, and non-govern-  
22 mental organizations throughout the development of the  
23 assessments and plans.”; and

24           (2) by striking subsections (b) and (c) and in-  
25       serting the following:

1       “(b) SCIENTIFIC ASSESSMENTS OF HARMFUL ALGAL  
2 BLOOMS.—(1) Not less than once every 5 years the Task  
3 Force shall complete and submit to Congress a scientific  
4 assessment of harmful algal blooms in United States  
5 coastal waters. The first such assessment shall be com-  
6 pleted not later than 24 months after the date of enact-  
7 ment of the Harmful Algal Bloom and Hypoxia Research  
8 Amendments Act of 2004 and should consider only marine  
9 harmful algal blooms. All subsequent assessments shall ex-  
10 amine both marine and freshwater harmful algal blooms,  
11 including those in the Great Lakes and upper reaches of  
12 estuaries.

13       “(2) The assessments under this subsection shall—

14               “(A) examine the causes and ecological con-  
15 sequences, and economic costs, of harmful algal  
16 blooms;

17               “(B) describe the potential ecological and eco-  
18 nomic costs and benefits of possible actions for pre-  
19 venting, controlling, and mitigating harmful algal  
20 blooms;

21               “(C) evaluate progress made by, and the needs  
22 of, Federal research programs on the causes, charac-  
23 teristics, and impacts of harmful algal blooms; and

24               “(D) identify ways to improve coordination and  
25 to prevent unnecessary duplication of effort among

1 Federal agencies and departments with respect to  
2 research on harmful algal blooms.

3 “(c) SCIENTIFIC ASSESSMENT OF FRESHWATER  
4 HARMFUL ALGAL BLOOMS.—(1) Not later than 24  
5 months after the date of enactment of the Harmful Algal  
6 Bloom and Hypoxia Research Amendments Act of 2004  
7 the Task Force shall complete and submit to Congress a  
8 scientific assessment of current knowledge about harmful  
9 algal blooms in freshwater locations such as the Great  
10 Lakes and upper reaches of estuaries, including a research  
11 plan for coordinating Federal efforts to better understand  
12 freshwater harmful algal blooms.

13 “(2) The freshwater harmful algal bloom scientific  
14 assessment shall—

15 “(A) examine the causes and ecological con-  
16 sequences, and the economic costs, of harmful algal  
17 blooms with significant effects on freshwater loca-  
18 tions, including estimations of the frequency and oc-  
19 currence of significant events;

20 “(B) establish priorities and guidelines for a  
21 competitive, peer-reviewed, merit-based interagency  
22 research program, as part of the Ecology and  
23 Oceanography of Harmful Algal Blooms (ECOHAB)  
24 project, to better understand the causes, characteris-

1       tics, and impacts of harmful algal blooms in fresh-  
2       water locations; and

3           “(C) identify ways to improve coordination and  
4       to prevent unnecessary duplication of effort among  
5       Federal agencies and departments with respect to  
6       research on harmful algal blooms in freshwater loca-  
7       tions.

8       “(d) NATIONAL SCIENTIFIC RESEARCH, DEVELOP-  
9       MENT, DEMONSTRATION, AND TECHNOLOGY TRANSFER  
10      PLAN INTO REDUCING IMPACTS FROM HARMFUL ALGAL  
11      BLOOMS.—(1) Not later than 12 months after the date  
12      of enactment of the Harmful Algal Bloom and Hypoxia  
13      Research Amendments Act of 2004, the Task Force shall  
14      develop and submit to Congress a plan providing for a  
15      comprehensive and coordinated national research program  
16      to develop and demonstrate prevention, control, and miti-  
17      gation methods to reduce the impacts of harmful algal  
18      blooms on coastal ecosystems (including the Great Lakes),  
19      public health, and the economy.

20      “(2) The plan shall—

21           “(A) establish priorities and guidelines for a  
22      competitive, peer-reviewed, merit-based interagency  
23      research, development, demonstration, and tech-  
24      nology transfer program on methods for the preven-

1       tion, control, and mitigation of harmful algal  
2       blooms;

3               “(B) identify ways to improve coordination and  
4       to prevent unnecessary duplication of effort among  
5       Federal agencies and departments with respect to  
6       the actions described in paragraph (1); and

7               “(C) include to the maximum extent practicable  
8       diverse institutions, including Historically Black Col-  
9       leges and Universities and those serving large pro-  
10      portions of Hispanics, Native Americans, Asian-Pa-  
11      cific Americans, and other underrepresented popu-  
12      lations.

13      “(3) The Secretary of Commerce, in conjunction with  
14   other appropriate Federal agencies, shall establish a re-  
15   search, development, demonstration, and technology trans-  
16   fer program that meets the priorities and guidelines estab-  
17   lished under paragraph (2)(A). The Secretary shall en-  
18   sure, through consultation with Sea Grant Programs, that  
19   the results and findings of the program are communicated  
20   to State, Indian tribe, and local governments, and to the  
21   general public.

22      “(e) SCIENTIFIC ASSESSMENTS OF HYPOXIA.—(1)  
23   Not less than once every 5 years the Task Force shall  
24   complete and submit to Congress a scientific assessment  
25   of hypoxia in United States coastal waters including the



1 Great Lakes. The first such assessment shall be completed  
2 not less than 12 months after the date of enactment of  
3 the Harmful Algal Bloom and Hypoxia Research Amend-  
4 ments Act of 2004.

5 “(2) The assessments under this subsection shall—

6 “(A) examine the causes and ecological con-  
7 sequences, and the economic costs, of hypoxia;

8 “(B) describe the potential ecological and eco-  
9 nomic costs and benefits of possible actions for pre-  
10 venting, controlling, and mitigating hypoxia;

11 “(C) evaluate progress made by, and the needs  
12 of, Federal research programs on the causes, charac-  
13 teristics, and impacts of hypoxia, including rec-  
14 ommendations of how to eliminate significant gaps  
15 in hypoxia modeling and monitoring data; and

16 “(D) identify ways to improve coordination and  
17 to prevent unnecessary duplication of effort among  
18 Federal agencies and departments with respect to  
19 research on hypoxia.

20 “(f) LOCAL AND REGIONAL SCIENTIFIC ASSESS-  
21 MENTS.—(1) The Secretary of Commerce, in coordination  
22 with the Task Force and appropriate State, Indian tribe,  
23 and local governments, shall provide for local and regional  
24 scientific assessments of hypoxia or harmful algal blooms,  
25 as requested by State, Indian tribe, or local governments,

1 or for affected areas as identified by the Secretary. If the  
2 Secretary receives multiple requests, the Secretary shall  
3 ensure, to the extent practicable, that assessments under  
4 this subsection cover geographically and ecologically di-  
5 verse locations with significant ecological and economic  
6 impacts from hypoxia or harmful algal blooms. The Sec-  
7 retary shall establish a procedure for reviewing requests  
8 for local and regional assessments. The Secretary shall en-  
9 sure, through consultation with Sea Grant Programs, that  
10 the findings of the assessments are communicated to the  
11 appropriate State, Indian tribe, and local governments,  
12 and to the general public.

13 “(2) The scientific assessments under this subsection  
14 shall examine—

15 “(A) the causes and ecological consequences,  
16 and the economic costs, of hypoxia or harmful algal  
17 blooms in that area;

18 “(B) potential methods to prevent, control, and  
19 mitigate hypoxia or harmful algal blooms in that  
20 area and the potential ecological and economic costs  
21 and benefits of such methods; and

22 “(C) other topics the Task Force considers ap-  
23 propriate.”.

1 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

2 Section 605 of such Act is amended to read as fol-  
3 lows:

4 **“SEC. 605. AUTHORIZATION OF APPROPRIATIONS.**

5 “There are authorized to be appropriated to the Sec-  
6 retary of Commerce for research, education, monitoring,  
7 demonstration, and technology transfer activities related  
8 to the prevention, reduction, and control of harmful algal  
9 blooms and hypoxia, \$19,000,000 for each of fiscal years  
10 2005, 2006, and 2007, to remain available until expended.  
11 The Secretary shall consult with the States on a regular  
12 basis regarding the development and implementation of  
13 the activities authorized under this title. Of such amounts  
14 for each fiscal year—

15 “(1) \$1,500,000 for each of fiscal years 2005,  
16 2006, and 2007 shall be used to enable the National  
17 Oceanic and Atmospheric Administration to carry  
18 out research and assessment activities, including  
19 procurement of necessary research equipment, at re-  
20 search laboratories of the National Ocean Service  
21 and the National Marine Fisheries Service;

22 “(2) \$3,000,000 for each of fiscal years 2005,  
23 2006, and 2007 shall be used to carry out the Ecol-  
24 ogy and Oceanography of Harmful Algal Blooms  
25 (ECOHAB) project, with \$1,000,000 of such

1 amount used to carry out research on freshwater  
2 harmful algal blooms;

3 “(3) \$4,000,000 for each of fiscal years 2005,  
4 2006, and 2007 shall be used to carry out the re-  
5 search program described in section 603(d)(3);

6 “(4) \$7,000,000 for each of fiscal years 2005,  
7 2006, and 2007 shall be used to carry out the Moni-  
8 toring and Event Response for Harmful Algal  
9 Blooms (MERHAB) project;

10 “(5) \$2,000,000 for each of fiscal years 2005,  
11 2006, and 2007 shall be used for activities related  
12 to research and monitoring on hypoxia; and

13 “(6) \$1,500,000 for each of fiscal years 2005,  
14 2006, and 2007 shall be used to carry out the activi-  
15 ties described in section 603(f).

16 Amounts authorized under paragraphs (2), (3), (4), and  
17 (5) shall only be used to support competitive, peer-re-  
18 viewed research programs.”.

Passed the House of Representatives July 7, 2004.

Attest:

*Clerk.*