

Union Calendar No. 264

108TH CONGRESS
2^D SESSION

H. R. 1856

[Report No. 108-326, Part I]

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

IN THE HOUSE OF REPRESENTATIVES

APRIL 29, 2003

Mr. EHLERS introduced the following bill; which was referred to the Committee on Science, and in addition to the Committee on Resources, 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

OCTOBER 24, 2003

Reported from the Committee on Science with an amendment
[Strike out all after the enacting clause and insert the part printed in *italic*]

OCTOBER 24, 2003

Referral to the Committee on Resources extended for a period ending not later than October 31, 2003

OCTOBER 31, 2003

Referral to the Committee on Resources extended for a period ending not later than November 7, 2003

NOVEMBER 7, 2003

Referral to the Committee on Resources extended for a period ending not later than November 21, 2003

NOVEMBER 7, 2003

Referred to the Committee on Transportation and Infrastructure for a period ending not later than November 21, 2003, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(q), rule X

NOVEMBER 21, 2003

Referral to the Committees on Resources and Transportation and
Infrastructure extended for a period ending not later than January 31, 2004

JANUARY 31, 2004

Referral to the Committees on Resources, and Transportation and
Infrastructure extended for a period ending not later than April 2, 2004

APRIL 2, 2004

Additional sponsors: Mr. ENGLISH, Ms. KAPTUR, Mr. BONNER, Mr. UPTON,
Mr. GREENWOOD, Mr. MCHUGH, Mr. BROWN of Ohio, Mr. HOLT, Ms.
LEE, Mr. SCHIFF, Mr. LEVIN, Mr. PUTNAM, Ms. HARRIS, Mr. LIPINSKI,
Mr. BURR, Mr. DELAHUNT, Mr. KLINE, Mrs. DAVIS of California, Mr.
HONDA, Mr. KIND, Mrs. JONES of Ohio, and Mr. DAVIS of Florida

APRIL 2, 2004

Committees on Resources, and Transportation and Infrastructure discharged;
committed to the Committee of the Whole House on the State of the
Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on April 29, 2003]

A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Harmful Algal Bloom*
5 *and Hypoxia Research Amendments Act of 2003”.*

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

7 *Section 603 of the Harmful Algal Bloom and Hypoxia*
8 *Research and Control Act of 1998 (16 U.S.C. 1451 note)*
9 *is amended by striking subsection (e).*

1 **SEC. 3. SCIENTIFIC ASSESSMENTS AND RESEARCH PLANS.**

2 *Such section 603 is further amended—*

3 *(1) in subsection (a) by adding at the end the*
4 *following:*

5 *“In developing the assessments and research plans described*
6 *in subsections (b), (c), (d), (e), and (f), the Task Force shall*
7 *work with appropriate State, Indian tribe, and local gov-*
8 *ernments to ensure that the assessments and research plans*
9 *fulfill the requirements of subsections (b)(2), (c)(2), (d)(2),*
10 *(e)(2), and (f)(2). Additionally, the Task Force shall consult*
11 *with appropriate industry, academic institutions, and non-*
12 *governmental organizations throughout the development of*
13 *the assessments and research plans.”; and*

14 *(2) by striking subsections (b) and (c) and in-*
15 *serting the following:*

16 *“(b) SCIENTIFIC ASSESSMENTS OF HARMFUL ALGAL*
17 *BLOOMS.—(1) Not less than once every 5 years the Task*
18 *Force shall complete and submit to the Committee on*
19 *Science of the House of Representatives and the Committee*
20 *on Commerce, Science, and Transportation of the Senate*
21 *a scientific assessment of harmful algal blooms in United*
22 *States coastal waters. The first such assessment shall be*
23 *completed not later than 24 months after the date of enact-*
24 *ment of the Harmful Algal Bloom and Hypoxia Research*
25 *Amendments Act of 2003 and should consider only marine*
26 *harmful algal blooms. All subsequent assessments shall ex-*

1 *amine both marine and freshwater harmful algal blooms,*
2 *including those in the Great Lakes and upper reaches of*
3 *estuaries.*

4 “(2) *The assessments under this subsection shall—*

5 “(A) *examine the causes and ecological con-*
6 *sequences, and economic costs, of harmful algal*
7 *blooms;*

8 “(B) *describe the potential ecological and eco-*
9 *nomical costs and benefits of possible policy and man-*
10 *agement actions for preventing, controlling, and miti-*
11 *gating harmful algal blooms;*

12 “(C) *evaluate progress made by, and the needs*
13 *of, Federal research programs on the causes, charac-*
14 *teristics, and impacts of harmful algal blooms; and*

15 “(D) *identify ways to improve coordination and*
16 *to prevent unnecessary duplication of effort among*
17 *Federal agencies and departments with respect to re-*
18 *search on harmful algal blooms.*

19 “(c) *SCIENTIFIC ASSESSMENT OF FRESHWATER*
20 *HARMFUL ALGAL BLOOMS.—(1) Not later than 24 months*
21 *after the date of enactment of the Harmful Algal Bloom and*
22 *Hypoxia Research Amendments Act of 2003 the Task Force*
23 *shall complete and submit to the Committee on Science of*
24 *the House of Representatives and the Committee on Com-*
25 *merce, Science, and Transportation of the Senate a sci-*

1 *entific assessment of current knowledge about harmful algal*
2 *blooms in freshwater locations such as the Great Lakes and*
3 *upper reaches of estuaries, including a research plan for*
4 *coordinating Federal efforts to better understand freshwater*
5 *harmful algal blooms.*

6 “(2) *The freshwater harmful algal bloom scientific as-*
7 *essment shall—*

8 “(A) *examine the causes and ecological con-*
9 *sequences, and the economic costs, of harmful algal*
10 *blooms with significant effects on freshwater locations,*
11 *including estimations of the frequency and occurrence*
12 *of significant events;*

13 “(B) *establish priorities and guidelines for a*
14 *competitive, peer-reviewed, merit-based interagency*
15 *research program, as part of the Ecology and Ocean-*
16 *ography of Harmful Algal Blooms (ECOHAB)*
17 *project, to better understand the causes, characteris-*
18 *tics, and impacts of harmful algal blooms in fresh-*
19 *water locations; and*

20 “(C) *identify ways to improve coordination and*
21 *to prevent unnecessary duplication of effort among*
22 *Federal agencies and departments with respect to re-*
23 *search on harmful algal blooms in freshwater locations.*

24 “(d) *NATIONAL SCIENTIFIC RESEARCH PLAN INTO*
25 *REDUCING IMPACTS FROM HARMFUL ALGAL BLOOMS.—(1)*

1 *Not later than 12 months after the date of enactment of*
2 *the Harmful Algal Bloom and Hypoxia Research Amend-*
3 *ments Act of 2003, the Task Force shall develop and submit*
4 *to the Committee on Science of the House of Representatives*
5 *and the Committee on Commerce, Science, and Transpor-*
6 *tation of the Senate a research plan providing for a com-*
7 *prehensive and coordinated national research program to*
8 *develop prevention, control, and mitigation methods to re-*
9 *duce the impacts of harmful algal blooms on coastal eco-*
10 *systems (including the Great Lakes), public health, and the*
11 *economy.*

12 “(2) *The research plan shall—*

13 “(A) *establish priorities and guidelines for a*
14 *competitive, peer-reviewed, merit-based interagency*
15 *research program on methods for the prevention, con-*
16 *trol, and mitigation of harmful algal blooms;*

17 “(B) *identify ways to improve coordination and*
18 *to prevent unnecessary duplication of effort among*
19 *Federal agencies and departments with respect to the*
20 *actions described in paragraph (1); and*

21 “(C) *include to the maximum extent practicable*
22 *diverse institutions, including Historically Black Col-*
23 *leges and Universities and those serving large propor-*
24 *tions of Hispanics, Native Americans, Asian-Pacific*
25 *Americans, and other underrepresented populations.*

1 “(3) *The Secretary of Commerce, under the Coastal*
2 *Ocean Science Program established under section 201(c) of*
3 *the National Oceanic and Atmospheric Administration Au-*
4 *thorization Act of 1992, and in conjunction with other ap-*
5 *propriate Federal agencies, shall establish a research pro-*
6 *gram that meets the priorities and guidelines established*
7 *under paragraph (2)(A). The Secretary shall ensure,*
8 *through consultation with Sea Grant Programs, that the*
9 *results and findings of the research program are commu-*
10 *nicated to State, Indian tribe, and local governments, and*
11 *to the general public.*

12 “(e) *SCIENTIFIC ASSESSMENTS OF HYPOXIA.—(1) Not*
13 *less than once every 5 years the Task Force shall complete*
14 *and submit to the Committee on Science of the House of*
15 *Representatives and the Committee on Commerce, Science,*
16 *and Transportation of the Senate a scientific assessment*
17 *of hypoxia in United States coastal waters including the*
18 *Great Lakes. The first such assessment shall be completed*
19 *not less than 12 months after the date of enactment of the*
20 *Harmful Algal Bloom and Hypoxia Research Amendments*
21 *Act of 2003.*

22 “(2) *The assessments under this subsection shall—*

23 “(A) *examine the causes and ecological con-*
24 *sequences, and the economic costs, of hypoxia;*

1 “(B) describe the potential ecological and eco-
2 nomic costs and benefits of possible policy and man-
3 agement actions for preventing, controlling, and miti-
4 gating hypoxia;

5 “(C) evaluate progress made by, and the needs
6 of, Federal research programs on the causes, charac-
7 teristics, and impacts of hypoxia, including rec-
8 ommendations of how to eliminate significant gaps in
9 hypoxia modeling and monitoring data; and

10 “(D) identify ways to improve coordination and
11 to prevent unnecessary duplication of effort among
12 Federal agencies and departments with respect to re-
13 search on hypoxia.

14 “(f) LOCAL AND REGIONAL SCIENTIFIC ASSESS-
15 MENTS.—(1) The Secretary of Commerce, in coordination
16 with the Task Force and appropriate State, Indian tribe,
17 and local governments, shall provide for local and regional
18 scientific assessments of hypoxia or harmful algal blooms,
19 as requested by State, Indian tribe, or local governments,
20 or for affected areas as identified by the Secretary. If the
21 Secretary receives multiple requests, the Secretary shall en-
22 sure, to the extent practicable, that assessments under this
23 subsection cover geographically and ecologically diverse lo-
24 cations with significant ecological and economic impacts
25 from hypoxia or harmful algal blooms. The Secretary shall

1 *establish a procedure for reviewing requests for local and*
2 *regional assessments. The Secretary shall ensure, through*
3 *consultation with Sea Grant Programs, that the findings*
4 *of the assessments are communicated to the appropriate*
5 *State, Indian tribe, and local governments, and to the gen-*
6 *eral public.*

7 “(2) *The scientific assessments under this subsection*
8 *shall examine—*

9 “(A) *the causes and ecological consequences, and*
10 *the economic costs, of hypoxia or harmful algal*
11 *blooms in that area;*

12 “(B) *methods to prevent, control, and mitigate*
13 *hypoxia or harmful algal blooms in that area and the*
14 *potential ecological and economic costs and benefits of*
15 *such methods; and*

16 “(C) *other topics the Task Force considers appro-*
17 *priate.”.*

18 **SEC. 4. PREDICTION AND RESPONSE PLAN.**

19 *Section 603 of such Act is further amended by adding*
20 *at the end the following new subsection:*

21 “(g) **PREDICTION AND RESPONSE PLAN.—**

22 “(1) **DEVELOPMENT OF PLAN.—***Not later than 12*
23 *months after the date of enactment of the Harmful*
24 *Algal Bloom and Hypoxia Research Amendments Act*
25 *of 2003, the President, in conjunction with the chief*

1 *executive officers of the States, shall develop and sub-*
2 *mit to the Congress a plan to protect the environment*
3 *and public health from impacts of harmful algal*
4 *blooms. In developing the plan, the President shall*
5 *consult with the Task Force, the coastal States, In-*
6 *dian tribes, local governments, industry, academic in-*
7 *stitutions, and nongovernmental organizations with*
8 *appropriate expertise.*

9 “(2) *PLAN REQUIREMENTS.*—*The plan shall—*

10 “(A) *review techniques for prediction of the*
11 *onset, course, and impacts of harmful algal*
12 *blooms, including an evaluation of their accu-*
13 *racy and utility in protecting the environment*
14 *and public health and an assessment of the re-*
15 *sources required for their implementation; and*

16 “(B) *identify innovative response measures*
17 *for the prevention, control, and mitigation of*
18 *harmful algal blooms and identify steps needed*
19 *for their development and implementation.*

20 “(3) *PUBLICATION AND OPPORTUNITY FOR COM-*
21 *MENT.*—*At least 90 days before submitting the plan*
22 *to Congress, the President shall publish a summary of*
23 *the proposed plan in the Federal Register for a public*
24 *comment period of not less than 60 days.”.*

1 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

2 *Section 605 of such Act is amended to read as follows:*

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

4 *“There are authorized to be appropriated to the Sec-*
5 *retary of Commerce for research, education, and monitoring*
6 *activities related to the prevention, reduction, and control*
7 *of harmful algal blooms and hypoxia, \$29,200,000 for fiscal*
8 *year 2004, \$30,700,000 for fiscal year 2005, and*
9 *\$31,200,000 for fiscal year 2006, to remain available until*
10 *expended. The Secretary shall consult with the States on*
11 *a regular basis regarding the development and implementa-*
12 *tion of the activities authorized under this title. Of such*
13 *amounts for each fiscal year—*

14 *“(1) \$3,000,000 for each of fiscal years 2004,*
15 *2005, and 2006 shall be used to enable the National*
16 *Oceanic and Atmospheric Administration to carry*
17 *out research and assessment activities, including pro-*
18 *curement of necessary research equipment, at research*
19 *laboratories of the National Ocean Service and the*
20 *National Marine Fisheries Service;*

21 *“(2) \$10,200,000 for each of fiscal years 2004,*
22 *2005, and 2006 shall be used to carry out the Ecology*
23 *and Oceanography of Harmful Algal Blooms*
24 *(ECOHAB) project under the Coastal Ocean Science*
25 *Program established under section 201(c) of the Na-*
26 *tional Oceanic and Atmospheric Administration Au-*

1 *thorization Act of 1992, with \$2,000,000 of such*
2 *amount used to carry out research on freshwater*
3 *harmful algal blooms;*

4 *“(3) \$2,000,000 for fiscal year 2004, \$3,000,000*
5 *for fiscal year 2005, and \$3,000,000 for fiscal year*
6 *2006 shall be used to carry out the research program*
7 *described in section 603(d)(3);*

8 *“(4) \$6,000,000 for each of fiscal years 2004,*
9 *2005, and 2006 shall be used to carry out the Moni-*
10 *toring and Event Response for Harmful Algal Blooms*
11 *(MERHAB) project under the Coastal Ocean Science*
12 *Program established under section 201(c) of the Na-*
13 *tional Oceanic and Atmospheric Administration Au-*
14 *thorization Act of 1992;*

15 *“(5) \$5,000,000 for fiscal year 2004, \$5,500,000*
16 *for fiscal year 2005, and \$6,000,000 for fiscal year*
17 *2006 shall be used for activities related to research*
18 *and monitoring on hypoxia through the Coastal*
19 *Ocean Science Program established under section*
20 *201(c) of the National Oceanic and Atmospheric Ad-*
21 *ministration Authorization Act of 1992; and*

22 *“(6) \$3,000,000 for each of fiscal years 2004,*
23 *2005, and 2006 shall be used to carry out the activi-*
24 *ties described in section 603(f).”.*

1 **SEC. 6. COASTAL OCEAN SCIENCE PROGRAM.**

2 *Section 201(c) of the National Oceanic and Atmos-*
3 *pheric Administration Authorization Act of 1992 is amend-*
4 *ed to read as follows:*

5 “(c) *COASTAL OCEAN SCIENCE PROGRAM.*—

6 “(1) *IN GENERAL.*—*There shall be in the Na-*
7 *tional Oceanic and Atmospheric Administration a*
8 *Coastal Ocean Science Program that supports Great*
9 *Lakes, estuarine, and coastal ocean research and as-*
10 *essment through competitive, peer-reviewed, and*
11 *merit-based research programs.*

12 “(2) *PROGRAM ELEMENTS.*—*The Coastal Ocean*
13 *Science Program shall augment and integrate existing*
14 *research capabilities of the National Oceanic and At-*
15 *mospheric Administration, other Federal agencies,*
16 *and the academic community. Research shall be con-*
17 *ducted to improve predictions of ecosystem trends in*
18 *Great Lakes, estuarine, and coastal ocean resources;*
19 *to better conserve and manage living marine re-*
20 *sources; to improve predictions of effects of coastal*
21 *and Great Lakes pollution to help correct and prevent*
22 *environmental degradation; to improve understanding*
23 *and characterization of the role oceans play in global*
24 *climate and environmental analysis; and to improve*
25 *predictions of coastal hazards to protect human life,*
26 *personal property, and ecosystem function.*

1 “(3) *AUTHORIZATION OF APPROPRIATIONS.—*
2 *There are authorized to be appropriated to the Sec-*
3 *retary of Commerce for implementing the Coastal*
4 *Ocean Science Program \$34,000,000 for fiscal year*
5 *2004, \$36,000,000 for fiscal year 2005, and*
6 *\$38,000,000 for fiscal year 2006.”.*

Union Calendar No. 264

108TH CONGRESS
2^D SESSION

H. R. 1856

[Report No. 108-326, Part I]

A BILL

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

APRIL 2, 2004

Committees on Resources, and Transportation and Infrastructure discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed