

108TH CONGRESS
1ST SESSION

S. 247

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,*

3 **SECTION 1. SHORT TITLE.**

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

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

2 Section 603 of the Harmful Algal Bloom and Hy-
 3 poxia Research and Control Act of 1998 (16 U.S.C. 1451
 4 nt) is amended by striking subsection (e).

5 **SEC. 3. PREDICTION AND RESPONSE PLAN.**

6 Section 603 of such Act, as amended by section 2,
 7 is further amended by adding at the end the following:

8 “(e) PREDICTION AND RESPONSE PLAN.—

9 “(1) DEVELOPMENT OF PLAN.—Not later then
 10 12 months after the date of enactment of the Harm-
 11 ful Algal Bloom and Hypoxia Amendments Act of
 12 2003, the President, in consultation with the chief
 13 executive officers of the States, shall develop and
 14 submit to the Congress a plan to protect environ-
 15 mental and public health from impacts of harmful
 16 algal blooms. In developing the plan, the President
 17 shall consult with the Task Force, the coastal
 18 States, Indian tribes, local governments, industry,
 19 academic institutions, and non-governmental organi-
 20 zations with expertise in coastal zone science and
 21 management.

22 “(2) PLAN REQUIREMENTS.—The plan shall—

23 “(A) review techniques for prediction of
 24 the onset, course, and impacts of harmful algal
 25 blooms including evaluation of their accuracy

1 and utility in protecting environmental and
 2 public health and provisions for implementation;

3 “(B) identify innovative response measures
 4 for the prevention, control, and mitigation of
 5 harmful algal blooms and provisions for their
 6 development and implementation; and

7 “(C) include incentive-based partnership
 8 approaches where practicable.

9 “(3) PUBLICATION AND OPPORTUNITY FOR
 10 COMMENT.—At least 90 days before submitting the
 11 plan to the Congress, the President shall cause a
 12 summary of the proposed plan to be published in the
 13 Federal Register for a public comment period of not
 14 less than 60 days.

15 “(4) FEDERAL ASSISTANCE.—The Secretary of
 16 Commerce, in coordination with the Task Force and
 17 to the extent of funds available, shall provide for
 18 Federal cooperation with and assistance to the
 19 coastal States, Indian tribes, and local governments
 20 in implementing measures in paragraph (2), as re-
 21 quested.”.

22 **SEC. 4. LOCAL AND REGIONAL ASSESSMENTS.**

23 Section 603 of such Act, as amended by section 3,
 24 is further amended by adding at the end the following:

25 “(f) LOCAL AND REGIONAL ASSESSMENTS.—

1 “(1) IN GENERAL.—The Secretary of Com-
 2 merce, in coordination with the Task Force and to
 3 the extent of funds available, shall provide for local
 4 and regional assessments of hypoxia and harmful
 5 algal blooms, as requested by coastal States, Indian
 6 tribes, and local governments.

7 “(2) PURPOSE.—Local and regional assess-
 8 ments may examine—

9 “(A) the causes of hypoxia or harmful
 10 algal blooms in that area;

11 “(B) the ecological and economic impacts
 12 of hypoxia or harmful algal blooms;

13 “(C) alternatives to reduce, mitigate, and
 14 control hypoxia and harmful algal blooms; and

15 “(D) the social and economic costs and
 16 benefits of such alternatives.’.

17 “(g) SCIENTIFIC ASSESSMENT OF GREAT LAKES
 18 HARMFUL ALGAL BLOOMS.—

19 “(1) Not later than 24 months after the date
 20 of enactment of the Harmful Algal Bloom and Hy-
 21 poxia Research Amendments Act of 2003 the Task
 22 Force shall complete and submit to Congress a sci-
 23 entific assessment of current knowledge about harm-
 24 ful algal blooms in the Great Lakes, including a re-

1 search plan for coordinating Federal efforts to better
 2 understand Great Lakes harmful algal blooms.

3 “(2) The Great Lakes harmful algal bloom sci-
 4 entific assessment shall—

5 “(A) examine the causes and ecological
 6 consequences, and the economic costs, of harm-
 7 ful algal blooms with significant effects on
 8 Great Lakes locations, including estimations of
 9 the frequency and occurrence of significant
 10 events;

11 “(B) establish priorities and guidelines for
 12 a competitive, peer-reviewed, merit-based inter-
 13 agency research program, as part of the Ecol-
 14 ogy and Oceanography of Harmful Algal
 15 Blooms (ECOHAB) project, to better under-
 16 stand the causes, characteristics, and impacts
 17 of harmful algal blooms in Great Lakes loca-
 18 tions; and

19 “(C) identify ways to improve coordination
 20 and to prevent unnecessary duplication of effort
 21 among Federal agencies and departments with
 22 respect to research on harmful algal blooms in
 23 Great Lakes locations.

24 “(h) SCIENTIFIC ASSESSMENTS OF HYPOXIA.—

1 “(1) Not less than once every 5 years the Task
2 Force shall complete and submit to the Congress a
3 scientific assessment of hypoxia in United States
4 coastal waters including the Great Lakes. The first
5 such assessment shall be completed not less than 24
6 months after the date of enactment of the Harmful
7 Algal Bloom and Hypoxia Research Amendments
8 Act of 2003.

9 “(2) The assessments under this subsection
10 shall—

11 “(A) examine the causes and ecological
12 consequences, and the economic costs, of hy-
13 poxia;

14 “(B) describe the potential ecological and
15 economic costs and benefits of possible policy
16 and management actions for preventing, con-
17 trolling, and mitigating hypoxia;

18 “(C) evaluate progress made by, and the
19 needs of, Federal research programs on the
20 causes, characteristics, and impacts of hypoxia,
21 including recommendations of how to eliminate
22 significant gaps in hypoxia modeling and moni-
23 toring data; and

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

1 among Federal agencies and departments with
 2 respect to research on hypoxia.”.

3 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

4 Section 605 of such Act is amended—

5 (1) by striking “and” after “2000,” in the first
 6 sentence and in the paragraphs (1), (2), (3), and
 7 (5);

8 (2) by inserting “\$26,000,000 for fiscal year
 9 2004, \$26,500,000 for fiscal year 2005,
 10 \$27,000,000 for fiscal year 2006, \$27,500,000 for
 11 fiscal year 2007, and \$28,000,000 for fiscal year
 12 2008” after “2001,” in the first sentence;

13 (3) by inserting “and \$2,500,000 for each of
 14 fiscal years 2004 through 2008” after “2001” in
 15 paragraph (1);

16 (4) by inserting “and \$8,200,000, of which
 17 \$2,000,000 shall be used for the research program
 18 described in section 603(g)(2)(B), for each of fiscal
 19 years 2004 through 2008” after “2001” in para-
 20 graph (2);

21 (5) by striking “2001” in paragraph (3) and in-
 22 serting “2001, \$2,000,000 for fiscal year 2004,
 23 \$3,000,000 for fiscal year 2005, \$3,000,000 for fis-
 24 cal year 2006, \$3,000,000 for fiscal year 2007, and
 25 \$3,000,000 for fiscal year 2008”;

1 (6) by striking “blooms;” in paragraph (3) and
 2 inserting “blooms and to implement section
 3 603(e);”;

4 (7) by striking “2001” in paragraph (4) and in-
 5 serting “2001, and \$6,000,000 for each of fiscal
 6 years 2004 through 2008”;

7 (8) by striking “and” after the semicolon in
 8 paragraph (4);

9 (9) by striking “2001” in paragraph (5) and in-
 10 serting “2001, \$5,000,000 for fiscal year 2004,
 11 \$5,500,000 for fiscal year 2005, \$6,600,000 for fis-
 12 cal year 2006, \$7,100,000 for fiscal year 2007, and
 13 \$7,600,000 for fiscal year 2008”;

14 (10) by striking “Administration.” in para-
 15 graph (5) and inserting “Administration; and”; and

16 (11) by adding at the end the following:

17 “(6) \$3,000,000 for each of fiscal years 2004
 18 through 2008 to carry out section 603(f).”.

Passed the Senate October 28, 2003.

Attest:

Secretary.

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