

Calendar No. 249

108TH CONGRESS
1ST SESSION**S. 247****[Report No. 108–125]**

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

IN THE SENATE OF THE UNITED STATES

JANUARY 29, 2003

Ms. SNOWE (for herself, Mr. BREAUX, Mr. LEVIN, Mr. DEWINE, and Mr. VOINOVICH) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

AUGUST 26, 2003

Reported under authority of the order of the Senate of July 29 (legislative day, July 21), 2003, by Mr. MCCAIN with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

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 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 (c).

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 “(c) PREDICTION AND RESPONSE PLAN.—

9 “(1) DEVELOPMENT OF PLAN.—Not later than
 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 conjunction 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 management.

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

22 “(A) review techniques for prediction of
 23 the onset, course, and impacts of harmful algal
 24 blooms including evaluation of their accuracy
 25 and utility in protecting environmental and
 26 public health and provisions for implementation;

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

5 “(C) include incentive-based partnership
 6 approaches where practicable.

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

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

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

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

23 “(f) LOCAL AND REGIONAL ASSESSMENTS.—

24 “(1) IN GENERAL.—The Secretary of Com-
 25 merce, in coordination with the Task Force and to

the extent of funds available, shall provide for local and regional assessments of hypoxia and harmful algal blooms, as requested by coastal States, Indian tribes, and local governments.

~~“(2) PURPOSE.—Local and regional assessments may examine—~~

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

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

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

~~“(D) the social and economic benefits of such alternatives.”.~~

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

Section 605 of such Act is amended—

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

(2) by inserting “\$26,000,000 for fiscal year 2004, \$26,500,000 for fiscal year 2005, and \$27,000,000 for fiscal year 2007” after “2001,” in the first sentence;

1 (3) by inserting “and \$2,500,000 for each of
2 fiscal years 2004, 2005, and 2006” after “2001” in
3 paragraph (1);

4 (4) by inserting “and \$5,500,000 for each of
5 fiscal years 2004, 2005, and 2006” after “2001” in
6 paragraph (2);

7 (5) by striking “2001” in paragraph (3) and in-
8 serting “2001, \$2,000,000 for fiscal year 2004,
9 \$3,000,000 for fiscal year 2005, and \$3,000,000 for
10 fiscal year 2006”;

11 (6) by striking “blooms;” in paragraph (3) and
12 inserting “blooms and to implement section
13 603(e);”;

14 (7) by striking “2001” in paragraph (4) and in-
15 serting “2001, and \$6,000,000 for each of fiscal
16 years 2004, 2005, and 2006,”;

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

19 (9) by striking “2001” in paragraph (5) and in-
20 serting “2001, \$5,000,000 for fiscal year 2004,
21 \$5,500,000 for fiscal year 2005, and \$6,600,000 for
22 fiscal year 2006”;

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

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

1 ~~“(6) \$3,000,000 for each of fiscal years 2004,~~
 2 ~~2005, and 2006 to carry out section 603(f).”.~~

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Harmful Algal Bloom*
 5 *and Hypoxia 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 nt) is*
 9 *amended by striking subsection (e).*

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

11 *Section 603 of such Act, as amended by section 2, is*
 12 *further amended by adding at the end the following:*

13 ~~“(e) PREDICTION AND RESPONSE PLAN.—~~

14 ~~“(1) DEVELOPMENT OF PLAN.—Not later than 12~~
 15 ~~months after the date of enactment of the Harmful~~
 16 ~~Algal Bloom and Hypoxia Amendments Act of 2003,~~
 17 ~~the President, in consultation with the chief executive~~
 18 ~~officers of the States, shall develop and submit to the~~
 19 ~~Congress a plan to protect environmental and public~~
 20 ~~health from impacts of harmful algal blooms. In de-~~
 21 ~~veloping the plan, the President shall consult with the~~
 22 ~~Task Force, the coastal States, Indian tribes, local~~
 23 ~~governments, industry, academic institutions, and~~
 24 ~~non-governmental organizations with expertise in~~
 25 ~~coastal zone science and management.~~

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

2 “(A) *review techniques for prediction of the*
3 *onset, course, and impacts of harmful algal*
4 *blooms including evaluation of their accuracy*
5 *and utility in protecting environmental and*
6 *public health and provisions for implementation;*

7 “(B) *identify innovative response measures*
8 *for the prevention, control, and mitigation of*
9 *harmful algal blooms and provisions for their de-*
10 *velopment and implementation; and*

11 “(C) *include incentive-based partnership*
12 *approaches where practicable.*

13 “(3) *PUBLICATION AND OPPORTUNITY FOR COM-*
14 *MENT.*—*At least 90 days before submitting the plan*
15 *to the Congress, the President shall cause a summary*
16 *of the proposed plan to be published in the Federal*
17 *Register for a public comment period of not less than*
18 *60 days.*

19 “(4) *FEDERAL ASSISTANCE.*—*The Secretary of*
20 *Commerce, in coordination with the Task Force and*
21 *to the extent of funds available, shall provide for Fed-*
22 *eral cooperation with and assistance to the coastal*
23 *States, Indian tribes, and local governments in imple-*
24 *menting measures in paragraph (2), as requested.”.*

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

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

4 “(f) *LOCAL AND REGIONAL ASSESSMENTS.*—

5 “(1) *IN GENERAL.*—*The Secretary of Commerce,*
 6 *in coordination with the Task Force and to the extent*
 7 *of funds available, shall provide for local and regional*
 8 *assessments of hypoxia and harmful algal blooms, as*
 9 *requested by coastal States, Indian tribes, and local*
 10 *governments.*

11 “(2) *PURPOSE.*—*Local and regional assessments*
 12 *may examine—*

13 “(A) *the causes of hypoxia or harmful algal*
 14 *blooms in that area;*

15 “(B) *the ecological and economic impacts of*
 16 *hypoxia or harmful algal blooms;*

17 “(C) *alternatives to reduce, mitigate, and*
 18 *control hypoxia and harmful algal blooms; and*

19 “(D) *the social and economic costs and ben-*
 20 *efits of such alternatives.’.*

21 “(g) *SCIENTIFIC ASSESSMENT OF GREAT LAKES*
 22 *HARMFUL ALGAL BLOOMS.*—

23 “(1) *Not later than 24 months after the date of*
 24 *enactment of the Harmful Algal Bloom and Hypoxia*
 25 *Research Amendments Act of 2003 the Task Force*
 26 *shall complete and submit to Congress a scientific as-*

1 *assessment of current knowledge about harmful algal*
 2 *blooms in the Great Lakes, including a research plan*
 3 *for coordinating Federal efforts to better understand*
 4 *Great Lakes harmful algal blooms.*

5 *“(2) The Great Lakes harmful algal bloom sci-*
 6 *entific assessment shall—*

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

12 *“(B) establish priorities and guidelines for*
 13 *a competitive, peer-reviewed, merit-based inter-*
 14 *agency research program, as part of the Ecology*
 15 *and Oceanography of Harmful Algal Blooms*
 16 *(ECOHAB) project, to better understand the*
 17 *causes, characteristics, and impacts of harmful*
 18 *algal blooms in Great Lakes locations; 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 sci-
3 entific assessment of hypoxia in United States coastal
4 waters including the Great Lakes. The first such as-
5 sessment shall be completed not less than 24 months
6 after the date of enactment of the Harmful Algal
7 Bloom and Hypoxia Research Amendments Act of
8 2003.

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

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

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

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

23 “(D) identify ways to improve coordination
24 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 (5);*

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

12 *(3) by inserting “and \$2,500,000 for each of fis-*
 13 *cal years 2004 through 2008” after “2001” in para-*
 14 *graph (1);*

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

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

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

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

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

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

13 (10) by striking “Administration.” in paragraph
14 (5) and inserting “Administration; and”; and

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

16 “(6) \$3,000,000 for each of fiscal years 2004
17 through 2008 to carry out section 603(f).”.

Calendar No. 249

108TH CONGRESS
1ST SESSION

S. 247

[Report No. 108-125]

A BILL

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

AUGUST 26, 2003

Reported with an amendment