

108TH CONGRESS
2D SESSION

S. 3014

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 **TITLE I—HARMFUL ALGAL**
 2 **BLOOM AND HYPOXIA**
 3 **AMENDMENTS ACT OF 2004**

4 **SEC. 101. SHORT TITLE.**

5 This title may be cited as the “Harmful Algal Bloom
 6 and Hypoxia Amendments Act of 2004”.

7 **SEC. 102. RETENTION OF TASK FORCE.**

8 Section 603 of the Harmful Algal Bloom and Hy-
 9 poxia Research and Control Act of 1998 (16 U.S.C. 1451
 10 nt) is amended by striking subsection (e). In developing
 11 the assessments, reports, and plans under the amend-
 12 ments made by this title, the Task Force shall consult with
 13 the coastal States, Indian tribes, local governments, ap-
 14 propriate industries (including fisheries, agriculture, and
 15 fertilizer), academic institutions, and nongovernmental or-
 16 ganizations with expertise in coastal zone science and
 17 management.

18 **SEC. 103. PREDICTION AND RESPONSE REPORT.**

19 Section 603 of such Act, as amended by section 102,
 20 is further amended by adding at the end the following:

21 “(d) REPORT TO CONGRESS ON HARMFUL ALGAL
 22 BLOOM IMPACTS.—

23 “(1) DEVELOPMENT.—Not later than 12
 24 months after the date of enactment of the Harmful
 25 Algal Bloom and Hypoxia Amendments Act of 2004,

1 the President, in consultation with the chief execu-
 2 tive officers of the States, shall develop and submit
 3 to the Congress a report that describes and evalu-
 4 ates the effectiveness of measures described in para-
 5 graph (2) that may be utilized to protect environ-
 6 mental and public health from impacts of harmful
 7 algal blooms. In developing the report, the President
 8 shall consult with the Task Force, the coastal
 9 States, Indian tribes, local governments, appropriate
 10 industries (including fisheries, agriculture, and fer-
 11 tilizer), academic institutions, and nongovernmental
 12 organizations with expertise in coastal zone science
 13 and management, and also consider the scientific as-
 14 sessments developed under this Act.

15 “(2) REQUIREMENTS.—The report shall—

16 “(A) review techniques for prediction of
 17 the onset, course, and impacts of harmful algal
 18 blooms including evaluation of their accuracy
 19 and utility in protecting environmental and
 20 public health and provisions for their develop-
 21 ment;

22 “(B) identify innovative research and de-
 23 velopment methods for the prevention, control,
 24 and mitigation of harmful algal blooms and pro-
 25 visions for their development; and

1 “(C) include incentive-based partnership
2 approaches regarding subparagraphs (A) and
3 (B) where practicable.

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

10 “(4) FEDERAL ASSISTANCE.—The Secretary of
11 Commerce, in coordination with the Task Force and
12 to the extent of funds available, shall provide for
13 Federal cooperation with and assistance to the
14 coastal States, Indian tribes, and local governments
15 regarding the measures described in paragraph (2),
16 as requested.”.

17 **SEC. 104. LOCAL AND REGIONAL SCIENTIFIC ASSESS-**
18 **MENTS.**

19 Section 603 of such Act, as amended by section 103,
20 is further amended by adding at the end the following:

21 “(e) LOCAL AND REGIONAL SCIENTIFIC ASSESS-
22 MENTS.—

23 “(1) IN GENERAL.—The Secretary of Com-
24 merce, in coordination with the Task Force and ap-
25 propriate State, Indian tribe, and local governments,

1 to the extent of funds available, shall provide for
2 local and regional scientific assessments of hypoxia
3 and harmful algal blooms, as requested by States,
4 Indian tribes, and local governments, or for affected
5 areas as identified by the Secretary. If the Secretary
6 receives multiple requests, the Secretary shall en-
7 sure, to the extent practicable, that assessments
8 under this subsection cover geographically and eco-
9 logically diverse locations with significant ecological
10 and economic impacts from hypoxia or harmful algal
11 blooms. The Secretary shall establish a procedure
12 for reviewing requests for local and regional assess-
13 ments. The Secretary shall ensure, through consulta-
14 tion with Sea Grant Programs, that the findings of
15 the assessments are communicated to the appro-
16 priate State, Indian tribe, and local governments,
17 and to the general public.

18 “(2) PURPOSE.—Local and regional assess-
19 ments shall examine—

20 “(A) the causes and ecological con-
21 sequences, and the economic cost, of hypoxia or
22 harmful algal blooms in that area;

23 “(B) potential methods to prevent, control,
24 and mitigate hypoxia or harmful algal blooms in

1 that area and the potential ecological and eco-
 2 nomic costs and benefits of such methods; and

3 “(C) other topics the Task Force considers
 4 appropriate.

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

15 “(2) The freshwater harmful algal bloom scientific
 16 assessment shall—

17 “(A) examine the causes and ecological con-
 18 sequences, and the economic costs, of harmful algal
 19 blooms with significant effects on freshwater, includ-
 20 ing estimations of the frequency and occurrence of
 21 significant events;

22 “(B) establish priorities and guidelines for a
 23 competitive, peer-reviewed, merit-based interagency
 24 research program, as part of the Ecology and
 25 Oceanography of Harmful Algal Blooms (ECOHAB)

1 project, to better understand the causes, characteris-
 2 tics, and impacts of harmful algal blooms in fresh-
 3 water locations; and

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

9 “(g) SCIENTIFIC ASSESSMENTS OF HYPOXIA.—(1)
 10 Not less than once every 5 years the Task Force shall
 11 complete and submit to the Congress a scientific assess-
 12 ment of hypoxia in United States coastal waters including
 13 the Great Lakes. The first such assessment shall be com-
 14 pleted not less than 24 months after the date of enactment
 15 of the Harmful Algal Bloom and Hypoxia Amendments
 16 Act of 2004.

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

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

20 “(B) describe the potential ecological and eco-
 21 nomic costs and benefits of possible policy and man-
 22 agement actions for preventing, controlling, and
 23 mitigating hypoxia;

24 “(C) evaluate progress made by, and the needs
 25 of, Federal research programs on the causes, charac-

1 teristics, and impacts of hypoxia, including rec-
 2 ommendations of how to eliminate significant gaps
 3 in hypoxia modeling and monitoring data; and

4 “(D) identify ways to improve coordination and
 5 to prevent unnecessary duplication of effort among
 6 Federal agencies and departments with respect to
 7 research on hypoxia.

8 “(h) SCIENTIFIC ASSESSMENTS OF HARMFUL ALGAL
 9 BLOOMS.—(1) Not less than once every 5 years the Task
 10 Force shall complete and submit to Congress a scientific
 11 assessment of harmful algal blooms in United States
 12 coastal waters. The first such assessment shall be com-
 13 pleted not later than 24 months after the date of enact-
 14 ment of the Harmful Algal Bloom and Hypoxia Amend-
 15 ments Act of 2004 and shall consider only marine harmful
 16 algal blooms. All subsequent assessments shall examine
 17 both marine and freshwater harmful algal blooms, includ-
 18 ing those in the Great Lakes and upper reaches of estu-
 19 aries.

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

21 “(A) examine the causes and ecological con-
 22 sequences, and economic costs, of harmful algal
 23 blooms;

24 “(B) describe the potential ecological and eco-
 25 nomic costs and benefits of possible actions for pre-

1 venting, controlling, and mitigating harmful algal
 2 blooms;

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

6 “(D) identify ways to improve coordination and
 7 to prevent unnecessary duplication of effort among
 8 Federal agencies and departments with respect to
 9 research on harmful algal blooms.

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

22 “(2) The plan shall—

23 “(A) establish priorities and guidelines for a
 24 competitive, peer reviewed, merit based interagency
 25 research, development, demonstration, and tech-

1 nology transfer program on methods for the preven-
 2 tion, control, and mitigation of harmful algal
 3 blooms;

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

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

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

23 **SEC. 105. AUTHORIZATION OF APPROPRIATIONS.**

24 Section 605 of such Act is amended—

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

4 (2) by inserting “\$23,500,000 for fiscal year
5 2005, \$24,500,000 for fiscal year 2006,
6 \$25,000,000 for fiscal year 2007, and \$25,500,000
7 for fiscal year 2008,” after “2001,” in the first sen-
8 tence;

9 (3) by inserting “, and \$2,500,000 for each of
10 fiscal years 2005 through 2008” after “2001” in
11 paragraph (1);

12 (4) by inserting “, and \$6,500,000, of which
13 \$1,000,000 shall be used for the research program
14 described in section 603(f)(2)(B), for each of fiscal
15 years 2005 through 2008” after “2001” in para-
16 graph (2);

17 (5) by striking “2001” in paragraph (3) and in-
18 serting “2001, and \$3,000,000 for each of fiscal
19 years 2005 through 2008”;

20 (6) by striking “blooms;” in paragraph (3) and
21 inserting “blooms and to carry out section 603(d);”;

22 (7) by striking “and 2001” in paragraph (4)
23 and inserting “2001, and \$6,000,000 for each of fis-
24 cal years 2005 through 2008”;

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

3 (9) by striking “2001” in paragraph (5) and in-
4 serting “2001, \$4,000,000 for fiscal year 2005,
5 \$5,000,000 for fiscal year 2006, \$5,500,000 for fis-
6 cal year 2007, and \$6,000,000 for fiscal year 2008”;

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

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

10 “(6) \$1,500,000 for each of fiscal years 2005
11 through 2008 to carry out section 603(e).”.

12 **TITLE II—MISCELLANEOUS**

13 **SEC. 201. AVAILABILITY OF NOAA REAL PROPERTY ON VIR-** 14 **GINIA KEY, FLORIDA.**

15 (a) IN GENERAL.—The Secretary of Commerce may
16 make available to the University of Miami real property
17 under the administrative jurisdiction of the National Oce-
18 anic and Atmospheric Administration on Virginia Key,
19 Florida, for development by the University of a Marine
20 Life Science Center.

21 (b) MANNER OF AVAILABILITY.—The Secretary may
22 make property available under this section by easement,
23 lease, license, or long-term agreement with the University.

24 (c) AUTHORIZED USES BY UNIVERSITY.—

1 (1) IN GENERAL.—Property made available
 2 under this section may be used by the University
 3 (subject to paragraph (2)) to develop and operate fa-
 4 cilities for multidisciplinary environmental and fish-
 5 eries research, assessment, management, and edu-
 6 cational activities.

7 (2) AGREEMENT.—Property made available
 8 under this section may not be used by the University
 9 (including any affiliate of the University) except in
 10 accordance with an agreement with the Secretary
 11 that—

12 (A) specifies—

13 (i) the conditions for non-Federal use
 14 of the property; and

15 (ii) the retained Federal interests in
 16 the property, including interests in access
 17 to and egress from the property by Federal
 18 personnel and preservation of existing
 19 rights-of-way;

20 (B) establishes conditions for joint occu-
 21 pancy of buildings and other facilities on the
 22 property by the University and Federal agen-
 23 cies; and

24 (C) includes provisions that ensure—

1 (i) that there is no diminishment of
 2 existing National Oceanic and Atmospheric
 3 Administration programs and services at
 4 Virginia Key; and

5 (ii) the availability of the property for
 6 planning, development, and construction of
 7 future Federal buildings and facilities.

8 (3) TERMINATION OF AVAILABILITY.—The
 9 availability of property under this section shall ter-
 10minate immediately upon use of the property by the
 11 University—

12 (A) for any purpose other than as de-
 13scribed in paragraph (1); or

14 (B) in violation of the agreement under
 15 paragraph (2).

16 (d) USE OF FACILITIES BY SECRETARY.—The Sec-
 17retary may—

18 (1) subject to the availability of funding, enter
 19 into an agreement to occupy facilities constructed by
 20 the University on property made available under this
 21 section; and

22 (2) participate with the University in collabo-
 23rative research at, or administered through, such fa-
 24cilities.

1 (e) NO CONVEYANCE OF TITLE.—This section shall
2 not be construed to convey or authorize conveyance of any
3 interest of the United States in title to property made
4 available under this section.

5 **SEC. 202. CONVEYANCE OF NOAA VESSEL WHITING.**

6 (a) IN GENERAL.—The Secretary of Commerce shall
7 convey to the Government of Mexico, without consider-
8 ation, all right, title, and interest of the United States in
9 and to the National Oceanic and Atmospheric Administra-
10 tion vessel WHITING—

11 (1) for use as a hydrographic survey platform
12 in support of activities of the United States-Mexico
13 Charting Advisors Committee; and

14 (2) to enhance coordination and cooperation be-
15 tween the United States and Mexico regarding hy-
16 drographic surveying and nautical charting activities
17 in the border waters of both countries in the Gulf
18 of Mexico and in the Pacific Ocean.

19 (b) OPERATION AND MAINTENANCE.—The Govern-
20 ment of the United States shall not be responsible or liable
21 for any remediation, maintenance, or operation of a vessel
22 conveyed under this section after the date of the delivery
23 of the vessel to the Government of Mexico.

1 (c) DEADLINE.—The Secretary shall seek to complete
2 the conveyance by as soon as practicable after the date
3 of the enactment of this Act.

4 (d) DELIVERY OF VESSEL.—The Secretary shall de-
5 liver the vessel WHITING pursuant to this section at the
6 vessel’s homeport location of Norfolk, Virginia, at no addi-
7 tional cost to the United States.

Passed the Senate November 19, 2004.

Attest:

Secretary.

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