

105TH CONGRESS  
2D SESSION

# H. R. 4235

To authorize appropriations for the National Oceanic and Atmospheric Administration to conduct research, monitoring, education, and management activities for the prevention, reduction, and control of harmful algal blooms, including blooms of *Pfiesteria piscicida* and other aquatic toxins, hypoxia, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 16, 1998

Mr. JOHN (for himself, Mr. BALDACCI, Mr. GILCHREST, Mr. CARDIN, Mr. ETHERIDGE, and Mr. TAUZIN) 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

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## A BILL

To authorize appropriations for the National Oceanic and Atmospheric Administration to conduct research, monitoring, education, and management activities for the prevention, reduction, and control of harmful algal blooms, including blooms of *Pfiesteria piscicida* and other aquatic toxins, hypoxia, 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 and Control Act of 1998”.

4 **SEC. 2. FINDINGS.**

5 The Congress finds that—

6 (1) the recent outbreak of the harmful microbe  
7 *Pfiesteria piscicida* in the coastal waters of the  
8 United States is one example of potentially harmful  
9 algal blooms composed of naturally occurring species  
10 that reproduce explosively and that are increasing in  
11 frequency and intensity in the Nation’s coastal wa-  
12 ters;

13 (2) other recent occurrences of harmful algal  
14 blooms include red tides in the Gulf of Mexico and  
15 the Southeast; brown tides in New York and Texas;  
16 ciguatera fish poisoning in Hawaii, Florida, Puerto  
17 Rico, and the U.S. Virgin Islands; and shellfish  
18 poisonings in the Gulf of Maine, the Pacific North-  
19 west, and the Gulf of Alaska;

20 (3) in recent years, harmful algal blooms have  
21 resulted in massive fish kills, the deaths of numer-  
22 ous endangered West Indian manatees, beach and  
23 shellfish bed closures, threats to public health and  
24 safety, and concern among the public about the safe-  
25 ty of seafood;

1           (4) according to scientists, the factors causing  
2           or contributing to harmful algal blooms may include  
3           excessive nutrients in coastal waters, other forms of  
4           pollution, the transfer of harmful species through  
5           ship ballast water, and ocean currents;

6           (5) harmful algal blooms have been responsible  
7           for an estimated \$1,000,000,000 in economic losses  
8           during the past decade;

9           (6) harmful algal blooms and blooms of non-  
10          toxic algal species can also lead directly to other  
11          damaging marine conditions such as hypoxia (re-  
12          duced oxygen concentrations), which are harmful or  
13          fatal to fish, shellfish, and benthic organisms;

14          (7) according to the National Oceanic and At-  
15          mospheric Administration in the Department of  
16          Commerce, 53 percent of U.S. estuaries experience  
17          hypoxia for at least part of the year and a 7,000  
18          square mile area in the Gulf of Mexico off Louisiana  
19          and Texas suffers from hypoxia, creating a massive  
20          “dead zone” during much of the year where little or  
21          no marine life exists;

22          (8) according to scientists, the primary factor  
23          known to cause hypoxia is excessive nutrient loading  
24          into coastal waters;

1           (9) there is a strong need to identify more  
2 workable and effective actions to reduce nutrient  
3 loadings to coastal waters;

4           (10) the National Oceanic and Atmospheric Ad-  
5 ministration, through its ongoing research, edu-  
6 cation, grant, and coastal resource management pro-  
7 grams, possesses a full range of capabilities nec-  
8 essary to support a near and long-term comprehen-  
9 sive effort to prevent, reduce, and control harmful  
10 algal blooms and hypoxia;

11           (11) funding for the research and related pro-  
12 grams of the National Oceanic and Atmospheric Ad-  
13 ministration will aid in improving the Nation's un-  
14 derstanding and capabilities for addressing the  
15 human and environmental costs associated with  
16 harmful algal blooms and hypoxia; and

17           (12) other Federal agencies such as the Envi-  
18 ronmental Protection Agency, the Department of  
19 Agriculture, and the National Science Foundation,  
20 along with the States, Indian tribes, and local gov-  
21 ernments, conduct important work related to the  
22 prevention, reduction, and control of harmful algal  
23 blooms and hypoxia.

1 **SEC. 3. ACTION PLAN.**

2 (a) ESTABLISHMENT OF INTER-AGENCY TASK  
3 FORCE.—The President, through the Committee on Envi-  
4 ronment and Natural Resources of the National Science  
5 and Technology Council, shall establish an Inter-Agency  
6 Task Force on Harmful Algal Blooms and Hypoxia (here-  
7 inafter referred to as the “Task Force”). The Task Force  
8 shall consist of representatives from—

9 (1) the Department of Commerce (who shall  
10 serve as Chairman of the Task Force);

11 (2) the Environmental Protection Agency;

12 (3) the Department of Agriculture;

13 (4) the Department of the Interior;

14 (5) the Department of the Navy;

15 (6) the Department of Health and Human  
16 Services;

17 (7) the National Science Foundation;

18 (8) the National Aeronautics and Space Admin-  
19 istration;

20 (9) the Office of Science and Technology Policy;

21 (10) the Council on Environmental Quality; and

22 (11) such other Federal agencies as the Presi-  
23 dent considers appropriate.

24 (b) ACTION PLAN ON HARMFUL ALGAL BLOOMS.—

25 (1) Not later than 12 months after the date of enactment  
26 of this Act, the Task Force, in consultation with the coast-

1 al States, Indian tribes, and local governments, industry,  
2 academic institutions, and non-governmental organiza-  
3 tions with expertise in coastal zone management, shall de-  
4 velop an action plan providing for a comprehensive, coordi-  
5 nated, and timely Federal response to harmful algal  
6 blooms.

7 (2) The action plan shall—

8 (A) consist of actions that each Federal depart-  
9 ment or agency represented on the Task Force shall  
10 take to prevent, reduce, manage, mitigate, and con-  
11 trol harmful algal blooms and their environmental  
12 and public health impacts;

13 (B) prevent unnecessary duplication of effort  
14 among Federal agencies and departments with re-  
15 spect to the actions in subparagraph (A); and

16 (C) provide for Federal cooperation and coordi-  
17 nation with and assistance to the coastal States, In-  
18 dian tribes, and local governments in the prevention,  
19 reduction, management, mitigation, and control of  
20 harmful algal blooms and their environmental and  
21 public health impacts.

22 (c) ACTION PLAN ON HYPOXIA.—(1) Not later than  
23 12 months after the date of enactment of this Act, the  
24 Task Force, in consultation with the States, Indian tribes,  
25 local governments, industry, agricultural, academic insti-

1 tutions, and non-governmental organizations with exper-  
2 tise in watershed and coastal zone management, shall de-  
3 velop an action plan providing for a comprehensive, coordi-  
4 nated, and timely Federal response to hypoxia in U.S.  
5 coastal waters.

6 (2) The action plan shall—

7 (A) establish needs, priorities, and guidelines  
8 for a peer-reviewed, interagency research program  
9 on the causes, characteristics, and impacts of hy-  
10 poxia, and on actions that can be taken to prevent,  
11 reduce, manage, mitigate, and control hypoxia;

12 (B) identify actions that each Federal depart-  
13 ment or agency represented on the Task Force shall  
14 take to prevent, reduce, manage, mitigate, and con-  
15 trol hypoxia and its environmental impacts;

16 (C) prevent unnecessary duplication of effort  
17 among Federal agencies and departments with re-  
18 spect to the research and actions in subparagraphs  
19 (A) and (B); and

20 (D) provide for Federal cooperation and coordi-  
21 nation with and assistance to the States, Indian  
22 tribes, and local governments in the prevention, re-  
23 duction, management, mitigation, and control of hy-  
24 poxia and its environmental impacts.

1 (d) ANNUAL REPORTS.— Beginning 12 months after  
2 the date the action plans in subsections (b) and (c) are  
3 published, the Task Force shall submit 3 annual reports  
4 to the Congress and the President which—

5 (1) describe the progress of the departments  
6 and agencies represented on the Task Force in im-  
7 plementing the actions contained in the action plans;

8 (2) assess the effectiveness of the action plans  
9 to that date in preventing, reducing, managing, miti-  
10 gating, and controlling harmful algal blooms and hy-  
11 poxia;

12 (3) describe any changes to an action plan  
13 made or proposed to improve the effectiveness of  
14 such plan; and

15 (4) contain any other information the Task  
16 Force may wish to include.

17 (e) DISESTABLISHMENT OF TASK FORCE.—The  
18 President may disestablish the Task Force after submis-  
19 sion of the third report in subsection (d).

20 **SEC. 4. NORTHERN GULF OF MEXICO HYPOXIA.**

21 (a) ASSESSMENT REPORT.—Not later than March  
22 30, 1999, the Task Force shall complete and submit to  
23 Congress and the President an integrated assessment of  
24 hypoxia in the northern Gulf of Mexico that examines: the  
25 distribution, dynamics, and causes; ecological and eco-

1 nomic consequences; sources and loads of nutrients trans-  
2 ported by the Mississippi River to the Gulf of Mexico; ef-  
3 fects of reducing nutrient loads; methods for reducing nu-  
4 trient loads; and the social and economic costs and bene-  
5 fits of such methods.

6 (b) SUBMISSION OF A PLAN.—No later than March  
7 30, 2000, the President shall develop and submit to Con-  
8 gress a plan, based on the integrated assessment submit-  
9 ted under subsection (a), for reducing, mitigating, and  
10 controlling hypoxia in the northern Gulf of Mexico. In de-  
11 veloping such plan, the President shall consult with State,  
12 Indian tribe, and local governments, academic, agricul-  
13 tural, industry, and environmental groups and representa-  
14 tives. At least 90 days before the President submits such  
15 plan to the Congress, a summary of the proposed plan  
16 shall be published in the Federal Register for a public  
17 comment period of not less than 60 days.

18 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

19 There are authorized to be appropriated to the Sec-  
20 retary of Commerce for research, education, and manage-  
21 ment activities related to the prevention, reduction, and  
22 control of harmful algal blooms and hypoxia, \$25,500,000  
23 in each of fiscal years 1999, 2000, and 2001, to remain  
24 available until expended. The Secretary shall consult with  
25 the States on a regular basis regarding the development

1 and implementation of the activities authorized under this  
2 section. Of such amounts for each fiscal year—

3           (1) \$5,000,000 may be used to enable the Na-  
4 tional Oceanic and Atmospheric Administration to  
5 carry out research and assessment activities, includ-  
6 ing procurement of necessary research equipment, at  
7 research laboratories of the National Ocean Service  
8 and the National Marine Fisheries Service;

9           (2) \$7,000,000 may be used to carry out the  
10 Ecology and Oceanography of Harmful Algal  
11 Blooms (ECOHAB) project under the Coastal Ocean  
12 Program established under section 201(c) of Public  
13 Law 102–567;

14           (3) \$3,000,000 may be used by the National  
15 Ocean Service of the National Oceanic and Atmos-  
16 pheric Administration to carry out a peer-reviewed  
17 research project on management measures that can  
18 be taken to prevent, reduce, control, and mitigate  
19 harmful algal blooms;

20           (4) \$5,500,000 may be used to carry out Fed-  
21 eral and State annual monitoring and analysis ac-  
22 tivities for harmful algal blooms administered by the  
23 National Ocean Service of the National Oceanic and  
24 Atmospheric Administration; and



1 support State implementation and analysis of the ef-  
2 fectiveness of measures to prevent, reduce, mitigate,  
3 or control harmful algal blooms and hypoxia.”.

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