

108TH CONGRESS  
1ST SESSION

# S. 247

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## 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 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 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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