

112TH CONGRESS
1ST SESSION

S. 1701

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

IN THE SENATE OF THE UNITED STATES

OCTOBER 13, 2011

Ms. SNOWE (for herself, Mr. NELSON of Florida, Mr. BEGICH, Mr. ROCKEFELLER, Mr. WHITEHOUSE, Mrs. GILLIBRAND, and Mr. CARDIN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To amend the Harmful Algal Blooms 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 Blooms
5 and Hypoxia Research and Control Amendments Act of
6 2011”.

1 **SEC. 2. AMENDMENT OF HARMFUL ALGAL BLOOM AND HY-**
2 **POXIA RESEARCH AND CONTROL ACT OF**
3 **1998.**

4 Except as otherwise expressly provided, whenever in
5 this Act an amendment or repeal is expressed in terms
6 of an amendment to, or repeal of, a section or other provi-
7 sion, the reference shall be considered to be made to a
8 section or other provision of the Harmful Algal Bloom and
9 Hypoxia Research and Control Act of 1998 (16 U.S.C.
10 1451 note).

11 **SEC. 3. FINDINGS.**

12 Section 602 is amended to read as follows:

13 **“§ 602. Findings**

14 “Congress finds the following:

15 “(1) Harmful algal blooms and hypoxia—

16 “(A) are increasing in frequency and inten-
17 sity in the Nation’s coastal waters and Great
18 Lakes;

19 “(B) pose a threat to the health of coastal
20 and Great Lakes ecosystems;

21 “(C) are costly to coastal economies; and

22 “(D) threaten the safety of seafood and
23 human health.

24 “(2) Excessive nutrients in coastal waters have
25 been linked to the increased intensity and frequency
26 of hypoxia and some harmful algal blooms. There is

1 a need to identify more workable and effective ac-
2 tions to reduce the negative impacts of harmful algal
3 blooms and hypoxia on coastal waters.

4 “(3) The National Oceanic and Atmospheric
5 Administration, through its ongoing research, moni-
6 toring, observing, education, grant, and coastal re-
7 source management programs and in collaboration
8 with the other Federal agencies on the Inter-Agency
9 Task Force on Harmful Algal Blooms and Hypoxia,
10 along with States, Indian tribes, and local govern-
11 ments, possesses the capabilities necessary to sup-
12 port a near and long-term comprehensive effort to
13 prevent, reduce, and control the human and environ-
14 mental costs of harmful algal blooms and hypoxia.

15 “(4) Increases in nutrient loading from point
16 and nonpoint sources can trigger and exacerbate
17 harmful algal blooms and hypoxia. Since much of
18 the increases originate in upland areas and are deliv-
19 ered to marine and freshwater bodies via river dis-
20 charge, integrated and landscape-level research and
21 control strategies are required.

22 “(5) Harmful algal blooms and hypoxia affect
23 many sectors of the coastal economy, including tour-
24 ism, public health, and recreational and commercial
25 fisheries. According to a recent report produced by

1 the National Oceanic and Atmospheric Administra-
2 tion, the United States seafood, restaurant, and
3 tourism industries suffer estimated annual losses of
4 at least \$82,000,000 due to the economic impacts of
5 harmful algal blooms.

6 “(6) The proliferation of harmful and nuisance
7 algae can occur in all United States waters, includ-
8 ing coastal areas (such as estuaries), the Great
9 Lakes, and inland waterways, crossing political
10 boundaries and necessitating regional coordination
11 for research, monitoring, mitigation, response, and
12 prevention efforts.

13 “(7) Federally funded and other research has
14 led to several technological advances, including re-
15 mote sensing, molecular and optical tools, satellite
16 imagery, and coastal and ocean observing systems,
17 that—

18 “(A) provide data for forecast models;

19 “(B) improve the monitoring and pre-
20 diction of these events; and

21 “(C) provide essential decision making
22 tools for managers and stakeholders.”.

23 **SEC. 4. PURPOSES.**

24 The Act is amended by inserting after section 602
25 the following:

1 **“§ 602A. Purposes**

2 “The purposes of this title are—

3 “(1) to provide for the development and coordi-
4 nation of a comprehensive and integrated national
5 program to address harmful algal blooms and hy-
6 poxia through baseline research, monitoring, preven-
7 tion, mitigation, and control;

8 “(2) to provide for the assessment of environ-
9 mental, socioeconomic, and human health impacts of
10 harmful algal blooms and hypoxia on a regional and
11 national scale, and to integrate this assessment into
12 marine and freshwater resource decisions; and

13 “(3) to facilitate regional, State, tribal, and
14 local efforts to develop and implement appropriate
15 harmful algal bloom and hypoxia response plans,
16 strategies, and tools, including outreach programs
17 and information dissemination mechanisms.”.

18 **SEC. 5. INTER-AGENCY TASK FORCE ON HARMFUL ALGAL**
19 **BLOOMS AND HYPOXIA.**

20 Section 603(a) is amended—

21 (1) by striking “the following representatives
22 from” and inserting “a representative from”;

23 (2) in paragraph (11), by striking “and”;

24 (3) by redesignating paragraph (12) as para-
25 graph (13);

1 (4) by inserting after paragraph (11) the fol-
 2 lowing:

3 “(12) The Centers for Disease Control; and”;
 4 and

5 (5) in paragraph (13), as redesignated, by
 6 striking “such”.

7 **SEC. 6. NATIONAL HARMFUL ALGAL BLOOM AND HYPOXIA**
 8 **PROGRAM.**

9 The Act is amended by inserting after section 603
 10 the following:

11 **“§ 603A. National harmful algal bloom and hypoxia**
 12 **program**

13 “(a) ESTABLISHMENT.—Except as provided in sub-
 14 section (d), the Under Secretary, acting through the Task
 15 Force established under section 603, shall establish and
 16 maintain a national harmful algal bloom and hypoxia pro-
 17 gram.

18 “(b) ACTION STRATEGY.—

19 “(1) IN GENERAL.—Not later than 1 year after
 20 the date of enactment of the Harmful Algal Blooms
 21 and Hypoxia Research and Control Amendments Act
 22 of 2011, the Task Force shall develop a national
 23 harmful algal blooms and hypoxia action strategy
 24 that—

1 “(A) is consistent with the purposes under
2 section 602A;

3 “(B) includes a statement of goals and ob-
4 jectives; and

5 “(C) includes an implementation plan.

6 “(2) PUBLICATION.—Not later than 30 days
7 after the date that the action strategy is developed,
8 the Task Force shall—

9 “(A) submit the action strategy to Con-
10 gress; and

11 “(B) publish the action strategy in the
12 Federal Register.

13 “(3) PERIODIC REVISION.—The Task Force
14 shall periodically review and revise the action strat-
15 egy, as necessary.

16 “(c) TASK FORCE FUNCTIONS.—The Task Force
17 shall—

18 “(1) coordinate interagency review of plans and
19 policies of the Program;

20 “(2) assess interagency work and spending
21 plans for implementing the activities of the Pro-
22 gram;

23 “(3) review the Program’s distribution of Fed-
24 eral grants and funding to address research prior-
25 ities;

1 “(4) support the implementation of the actions
2 and strategies identified in the regional research and
3 action plans under section 603B;

4 “(5) support the development of institutional
5 mechanisms and financial instruments to further the
6 goals of the Program;

7 “(6) coordinate and integrate the research of all
8 Federal programs, including ocean and Great Lakes
9 science and management programs and centers, that
10 address the chemical, biological, and physical compo-
11 nents of marine and freshwater harmful algal
12 blooms and hypoxia;

13 “(7) expedite the interagency review process by
14 ensuring timely review and dispersal of required re-
15 ports and assessments under this title;

16 “(8) promote the development of new tech-
17 nologies for predicting, monitoring, and mitigating
18 harmful algal blooms and hypoxia conditions; and

19 “(9) establish such interagency working groups
20 as it considers necessary.

21 “(d) LEAD FEDERAL AGENCY.—The National Oce-
22 anic and Atmospheric Administration shall have primary
23 responsibility for administering the Program.

24 “(e) PROGRAM DUTIES.—In administering the Pro-
25 gram, the Under Secretary shall—

1 “(1) develop and promote a national strategy to
2 understand, detect, predict, control, mitigate, and
3 respond to marine and freshwater harmful algal
4 bloom and hypoxia events;

5 “(2) prepare work and spending plans for im-
6 plementing the activities of the Program and devel-
7 oping and implementing the regional research and
8 action plans;

9 “(3) administer merit-based, competitive grant
10 funding—

11 “(A) to support the projects maintained
12 and established by the Program; and

13 “(B) to address the research and manage-
14 ment needs and priorities identified in the re-
15 gional research and action plans;

16 “(4) coordinate and work cooperatively with re-
17 gional, State, tribal, and local government agencies
18 and programs that address marine and freshwater
19 harmful algal blooms and hypoxia;

20 “(5) coordinate with the Secretary of State to
21 support international efforts on marine and fresh-
22 water harmful algal bloom and hypoxia information
23 sharing, research, mitigation, control, and response
24 activities;

1 “(6) identify additional research, development,
2 and demonstration needs and priorities relating to
3 monitoring, prevention, control, mitigation, and re-
4 sponse to marine and freshwater harmful algal
5 blooms and hypoxia, including methods and tech-
6 nologies to protect the ecosystems affected by ma-
7 rine and freshwater harmful algal blooms and hy-
8 poxia;

9 “(7) integrate, coordinate, and augment exist-
10 ing education programs to improve public under-
11 standing and awareness of the causes, impacts, and
12 mitigation efforts for marine and freshwater harmful
13 algal blooms and hypoxia;

14 “(8) facilitate and provide resources to train
15 State and local coastal and water resource managers
16 in the methods and technologies for monitoring, con-
17 trolling, and mitigating marine and freshwater
18 harmful algal blooms and hypoxia;

19 “(9) support regional efforts to control and
20 mitigate outbreaks through—

21 “(A) communication of the contents of the
22 regional research and action plans and mainte-
23 nance of online data portals for other informa-
24 tion about harmful algal blooms and hypoxia to

1 State and local stakeholders within the region
2 for which each plan is developed; and

3 “(B) overseeing the development, review,
4 and periodic updating of regional research and
5 action plans;

6 “(10) convene at least 1 meeting of the Task
7 Force each year; and

8 “(11) perform such other tasks as may be dele-
9 gated by the Task Force.

10 “(f) NATIONAL OCEANIC AND ATMOSPHERIC ADMIN-
11 ISTRATION ACTIVITIES.—The Under Secretary shall—

12 “(1) maintain and enhance the existing com-
13 petitive programs at the National Oceanic and At-
14 mospheric Administration relating to marine and
15 freshwater algal blooms and hypoxia;

16 “(2) carry out marine and Great Lakes harmful
17 algal bloom and hypoxia events response activities;

18 “(3) establish new programs and infrastructure,
19 as necessary, to develop and enhance the critical ob-
20 servations, monitoring, modeling, data management,
21 information dissemination, and operational forecasts
22 required to meet the purposes under section 602A;

23 “(4) enhance communication and coordination
24 among Federal agencies carrying out marine and

1 freshwater harmful algal bloom and hypoxia activi-
2 ties; and

3 “(5) increase the availability to appropriate
4 public and private entities of—

5 “(A) analytical facilities and technologies;

6 “(B) operational forecasts; and

7 “(C) reference and research materials.

8 “(g) COOPERATIVE EFFORTS.—The Under Secretary
9 shall work cooperatively and avoid duplication of effort
10 with other offices, centers, and programs within the Na-
11 tional Oceanic and Atmospheric Administration, other
12 agencies on the Task Force, and States, tribes, and non-
13 governmental organizations concerned with marine and
14 freshwater issues to coordinate harmful algal blooms and
15 hypoxia (and related) activities and research.

16 “(h) FRESHWATER PROGRAM.—With respect to the
17 freshwater aspects of the Program, except for those as-
18 pects occurring in the Great Lakes, the Administrator of
19 the Environmental Protection Agency, in consultation
20 with the Under Secretary, through the Task Force,
21 shall—

22 “(1) carry out the duties assigned to the Under
23 Secretary under this section and section 603B, in-
24 cluding the activities under subsection (g);

1 “(2) research the ecology of freshwater harmful
2 algal blooms;

3 “(3) monitor and respond to freshwater harm-
4 ful algal blooms events in lakes (except for the Great
5 Lakes), rivers, and reservoirs;

6 “(4) mitigate and control freshwater harmful
7 algal blooms; and

8 “(5) recommend the amount of funding re-
9 quired to carry out subsection (g) for inclusion in
10 the President’s annual budget request to Congress.

11 “(i) INTEGRATED COASTAL AND OCEAN OBSERVA-
12 TION SYSTEM.—The collection of monitoring and observa-
13 tion data under this title shall comply with all data stand-
14 ards and protocols developed pursuant to the Integrated
15 Coastal and Ocean Observation System Act of 2009 (33
16 U.S.C. 3601 et seq.). Such data shall be made available
17 through the system established under that Act.”.

18 **SEC. 7. REGIONAL RESEARCH AND ACTION PLANS.**

19 The Act, as amended by section 6 of this Act, is fur-
20 ther amended by inserting after section 603A the fol-
21 lowing:

22 **“§ 603B. Regional research and action plans**

23 “(a) IN GENERAL.—In administering the Program,
24 the Under Secretary shall—

1 “(1) identify appropriate regions and sub-
2 regions to be addressed by each regional research
3 and action plan; and

4 “(2) oversee the development and implementa-
5 tion of the regional research and action plans.

6 “(b) PLAN DEVELOPMENT.—The Under Secretary
7 shall—

8 “(1) develop and submit to the Task Force for
9 approval a regional research and action plan for
10 each region, that builds upon any existing State or
11 regional plans the Under Secretary considers appro-
12 priate; and

13 “(2) identify appropriate elements for each re-
14 gion, including—

15 “(A) baseline ecological, social, and eco-
16 nomic research needed to understand the bio-
17 logical, physical, and chemical conditions that
18 cause, exacerbate, and result from harmful
19 algal blooms and hypoxia;

20 “(B) regional priorities for ecological and
21 socio-economic research on issues related to and
22 impacts of harmful algal blooms and hypoxia;

23 “(C) research, development, and dem-
24 onstration activities needed to develop and ad-
25 vance technologies and techniques—

1 “(i) for minimizing the occurrence of
2 harmful algal blooms and hypoxia; and

3 “(ii) for improving capabilities to pre-
4 dict, monitor, prevent, control, and miti-
5 gate harmful algal blooms and hypoxia;

6 “(D) State, tribal, and local government
7 actions that may be implemented—

8 “(i) to support long-term monitoring
9 efforts and emergency monitoring as need-
10 ed;

11 “(ii) to minimize the occurrence of
12 harmful algal blooms and hypoxia;

13 “(iii) to reduce the duration and in-
14 tensity of harmful algal blooms and hy-
15 poxia in times of emergency;

16 “(iv) to address human health dimen-
17 sions of harmful algal blooms and hypoxia;
18 and

19 “(v) to identify and protect vulnerable
20 ecosystems that could be, or have been, af-
21 fected by harmful algal blooms and hy-
22 poxia;

23 “(E) mechanisms by which data, informa-
24 tion, and products are transferred between the

1 Program and State, tribal, and local govern-
2 ments and research entities;

3 “(F) communication, outreach and infor-
4 mation dissemination efforts that State, tribal,
5 and local governments and stakeholder organi-
6 zations can take to educate and inform the pub-
7 lic about harmful algal blooms and hypoxia and
8 alternative coastal resource-utilization opportu-
9 nities that are available; and

10 “(G) the roles that Federal agencies can
11 play to facilitate implementation of the regional
12 research and action plan for that region.

13 “(c) CONSULTATION.—In developing a regional re-
14 search and action plan under this section, the Under Sec-
15 retary shall—

16 “(1) coordinate with State coastal management
17 and planning officials;

18 “(2) coordinate with tribal resource manage-
19 ment officials;

20 “(3) coordinate with water management and
21 watershed officials from coastal States and non-
22 coastal States with water sources that drain into
23 water bodies affected by harmful algal blooms and
24 hypoxia;

1 “(4) coordinate with the Administrator and
2 other Federal agencies as the Under Secretary con-
3 siders appropriate; and

4 “(5) consult with—

5 “(A) public health officials;

6 “(B) emergency management officials;

7 “(C) science and technology development
8 institutions;

9 “(D) economists;

10 “(E) industries and businesses affected by
11 marine and freshwater harmful algal blooms
12 and hypoxia;

13 “(F) scientists, with expertise concerning
14 harmful algal blooms or hypoxia, from academic
15 or research institutions; and

16 “(G) other stakeholders.

17 “(d) BUILDING ON AVAILABLE STUDIES AND INFOR-
18 MATION.—In developing a regional research and action
19 plan under this section, the Under Secretary shall—

20 “(1) utilize and build on existing research, as-
21 sessments, reports, including those carried out under
22 existing law, and other relevant sources; and

23 “(2) consider the impacts, research, and exist-
24 ing program activities of all United States coastlines
25 and fresh and inland waters, including the Great

1 Lakes, the Chesapeake Bay, estuaries, and tribu-
2 taries.

3 “(e) SCHEDULE.—The Under Secretary shall—

4 “(1) begin developing the regional research and
5 action plans for at least a third of the regions not
6 later than 9 months after the date of the enactment
7 of the Harmful Algal Blooms and Hypoxia Research
8 and Control Amendments Act of 2011;

9 “(2) begin developing the regional research and
10 action plans for at least another third of the regions
11 not later than 21 months after the date of the enact-
12 ment of the Harmful Algal Blooms and Hypoxia Re-
13 search and Control Amendments Act of 2011;

14 “(3) begin developing the regional research and
15 action plans for the remaining regions not later than
16 33 months after the date of the enactment of the
17 Harmful Algal Blooms and Hypoxia Research and
18 Control Amendments Act of 2011; and

19 “(4) ensure that each regional research and ac-
20 tion plan developed under this section is—

21 “(A) completed and approved by the Task
22 Force not later than 12 months after the date
23 that development of the regional research and
24 action plan begins; and

1 “(B) updated not less than once every 5
2 years after the completion of the regional re-
3 search and action plan.

4 “(f) FUNDING.—

5 “(1) IN GENERAL.—Subject to available appro-
6 priations, the Under Secretary shall make funding
7 available to eligible organizations to implement the
8 research, monitoring, forecasting, modeling, and re-
9 sponse actions included under each approved re-
10 gional research and action plan. The Program shall
11 select recipients through a merit-based, competitive
12 process and seek to fund research proposals that
13 most effectively align with the research priorities
14 identified in the relevant regional research and ac-
15 tion plan.

16 “(2) APPLICATION; ASSURANCES.—An organi-
17 zation seeking funding under this subsection shall
18 submit an application to the Program at such time,
19 in such form and manner, and containing such in-
20 formation and assurances as the Program may re-
21 quire. The Program shall require each eligible orga-
22 nization receiving funds under this subsection to uti-
23 lize the mechanisms under subsection (b)(2)(E) to
24 ensure the transfer of data and products developed
25 under the regional research and action plan.

1 “(3) ELIGIBLE ORGANIZATION.—In this sub-
2 section, the term ‘eligible organization’ means—

3 “(A) an institution of higher education,
4 other non-profit organization, State, tribal, or
5 local government, commercial organization, or
6 Federal agency that meets the requirements of
7 this section and such other requirements as
8 may be established by the Under Secretary; and

9 “(B) with respect to nongovernmental or-
10 ganizations, an organization that is subject to
11 regulations promulgated or guidelines issued to
12 carry out this section, including United States
13 audit requirements that are applicable to non-
14 governmental organizations.”.

15 **SEC. 8. REPORTING.**

16 Section 603 is amended by adding at the end the fol-
17 lowing:

18 “(j) REPORT.—Not later than 2 years after the sub-
19 mission of the action strategy under section 603A, the
20 Under Secretary shall submit a report to the appropriate
21 congressional committees that describes—

22 “(1) the proceedings of the annual Task Force
23 meetings;

1 “(2) the activities carried out under the Pro-
2 gram and the regional research and action plans,
3 and the budget related to the activities;

4 “(3) the progress made on implementing the ac-
5 tion strategy; and

6 “(4) any need to revise or terminate activities
7 or projects under the Program.

8 “(k) PROGRAM REPORT.—Not later than 5 years
9 after the date of enactment of the Harmful Algal Blooms
10 and Hypoxia Research and Control Amendments Act of
11 2011, the Task Force shall submit a report on harmful
12 algal blooms and hypoxia in marine and freshwater sys-
13 tems to Congress that—

14 “(1) evaluates the state of scientific knowledge
15 of harmful algal blooms and hypoxia in marine and
16 freshwater systems, including their causes and eco-
17 logical consequences;

18 “(2) evaluates the social and economic impacts
19 of harmful algal blooms and hypoxia, including their
20 impacts on coastal communities, and reviews those
21 communities’ efforts and associated economic costs
22 related to event forecasting, planning, mitigation, re-
23 sponse, public outreach, and education;

1 “(3) examines and evaluates the human health
2 impacts of harmful algal blooms and hypoxia, includ-
3 ing any gaps in existing research;

4 “(4) describes advances in capabilities for moni-
5 toring, forecasting, modeling, control, mitigation,
6 and prevention of harmful algal blooms and hypoxia,
7 including techniques for integrating landscape- and
8 watershed-level water quality information into ma-
9 rine and freshwater harmful algal bloom and hy-
10 poxia prevention and mitigation strategies at Fed-
11 eral and regional levels;

12 “(5) evaluates progress made by, and the needs
13 of, Federal, regional, State, tribal, and local policies
14 and strategies for forecasting, planning, mitigating,
15 preventing, and responding to harmful algal blooms
16 and hypoxia, including the economic costs and bene-
17 fits of the policies and strategies;

18 “(6) includes recommendations for integrating,
19 improving, and funding future Federal, regional,
20 State, tribal, and local policies and strategies for
21 preventing and mitigating the occurrence and im-
22 pacts of harmful algal blooms and hypoxia;

23 “(7) describes communication, outreach, and
24 education efforts to raise public awareness of harm-

1 ful algal blooms and hypoxia, their impacts, and the
2 methods for mitigation and prevention;

3 “(8) describes extramural research activities
4 carried out under section 605(b); and

5 “(9) specifies how resources were allocated be-
6 tween intramural and extramural research and man-
7 agement activities, including a justification for each
8 allocation.”.

9 **SEC. 9. NORTHERN GULF OF MEXICO HYPOXIA.**

10 Section 604 is amended to read as follows:

11 **“SEC. 604. NORTHERN GULF OF MEXICO HYPOXIA.**

12 “(a) TASK FORCE INITIAL PROGRESS REPORTS.—
13 Beginning not later than 12 months after the date of en-
14 actment of the Harmful Algal Blooms and Hypoxia Re-
15 search and Control Amendments Act of 2011, and every
16 2 years thereafter, the Administrator, through the Mis-
17 sissippi River/Gulf of Mexico Watershed Nutrient Task
18 Force, shall submit a progress report to the appropriate
19 congressional committees and the President that describes
20 the progress made by Task Force-directed activities car-
21 ried out or funded by the Environmental Protection Agen-
22 cy and other State and Federal partners toward attain-
23 ment of the goals of the Gulf Hypoxia Action Plan 2008.

24 “(b) CONTENTS.—Each report required under this
25 section shall—

1 “(1) assess the progress made toward nutrient
2 load reductions, the response of the hypoxic zone
3 and water quality throughout the Mississippi/
4 Atchafalaya River Basin, and the economic and so-
5 cial effects;

6 “(2) evaluate lessons learned; and

7 “(3) recommend appropriate actions to continue
8 to implement or, if necessary, revise the strategy set
9 forth in the Gulf Hypoxia Action Plan 2008.”.

10 **SEC. 10. INTERAGENCY FINANCING.**

11 The Act, as amended by section 9 of this Act, is fur-
12 ther amended by inserting after section 604 the following:

13 **“SEC. 604A. INTERAGENCY FINANCING.**

14 “The departments and agencies represented on the
15 Task Force may participate in interagency financing and
16 share, transfer, receive, obligate, and expend funds appro-
17 priated to any member of the Task Force for the purposes
18 of carrying out any administrative or programmatic
19 project or activity under this title, including support for
20 the Program, a common infrastructure, information shar-
21 ing, and system integration for harmful algal bloom and
22 hypoxia research, monitoring, forecasting, prevention, and
23 control. Funds may be transferred among such depart-
24 ments and agencies through an appropriate instrument
25 that specifies the goods, services, or space being acquired

1 from another Task Force member and the costs of the
2 goods, services, and space. The amount of funds
3 transferrable under this section for any fiscal year may
4 not exceed 5 percent of the account from which such
5 transfer was made.”.

6 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

7 Section 605 is amended to read as follows:

8 **“§ 605. Authorization of appropriations**

9 “(a) IN GENERAL.—There are authorized to be ap-
10 propriated, for each of the fiscal years 2011 through 2015
11 to the Under Secretary to carry out sections 603A and
12 603B, \$30,000,000, of which—

13 “(1) \$2,000,000 may be used for the develop-
14 ment of regional research and action plans and the
15 reports required under section 603B;

16 “(2) \$3,000,000 may be used for the research
17 and assessment activities related to marine and
18 freshwater harmful algal blooms at the National
19 Oceanic and Atmospheric Administration research
20 laboratories;

21 “(3) \$7,000,000 may be used to carry out the
22 Ecology and Oceanography of Harmful Algal
23 Blooms Program (ECOHAB);

1 “(4) \$4,500,000 may be used to carry out the
2 Monitoring and Event Response for Harmful Algal
3 Blooms Program (MERHAB);

4 “(5) \$1,500,000 may be used to carry out the
5 Northern Gulf of Mexico Ecosystems and Hypoxia
6 Assessment Program (NGOMEX);

7 “(6) \$4,000,000 may be used to carry out the
8 Coastal Hypoxia Research Program (CHRP);

9 “(7) \$4,000,000 may be used to carry out the
10 Prevention, Control, and Mitigation of Harmful
11 Algal Blooms Program (PCM);

12 “(8) \$1,000,000 may be used to carry out the
13 Event Response Program; and

14 “(9) \$3,000,000 may be used to carry out the
15 Infrastructure Program.

16 “(b) EXTRAMURAL RESEARCH ACTIVITIES.—The
17 Under Secretary shall ensure that a substantial portion
18 of funds appropriated pursuant to subsection (a) that are
19 used for research purposes are allocated to extramural re-
20 search activities.”.

21 **SEC. 12. DEFINITIONS; CONFORMING AMENDMENT.**

22 (a) IN GENERAL.—The Act is amended by inserting
23 after section 605 the following:

24 **“§ 605A. Definitions**

25 “In this title:

1 “(1) ADMINISTRATOR.—The term ‘Adminis-
2 trator’ means the Administrator of the National
3 Oceanic and Atmospheric Administration.

4 “(2) HARMFUL ALGAL BLOOM.—The term
5 ‘harmful algal bloom’ means marine and freshwater
6 phytoplankton that proliferate to high concentra-
7 tions, resulting in nuisance conditions or harmful
8 impacts on marine and aquatic ecosystems, coastal
9 communities, and human health through the produc-
10 tion of toxic compounds or other biological, chemical,
11 and physical impacts of the algae outbreak.

12 “(3) HYPOXIA.—The term ‘hypoxia’ means a
13 condition where low dissolved oxygen in aquatic sys-
14 tems causes stress or death to resident organisms.

15 “(4) PROGRAM.—The term ‘Program’ means
16 the National Harmful Algal Bloom and Hypoxia
17 Program established under section 603A.

18 “(5) REGIONAL RESEARCH AND ACTION
19 PLAN.—The term ‘regional research and action plan’
20 means a plan established under section 603B.

21 “(6) STATE.—The term ‘State’ means each of
22 the several States of the United States, the District
23 of Columbia, the Commonwealth of Puerto Rico, the
24 Virgin Islands, Guam, American Samoa, the Com-
25 monwealth of the Northern Mariana Islands, any

1 other territory or possession of the United States,
2 and any Indian tribe.

3 “(7) TASK FORCE.—The term ‘Task Force’
4 means the Inter-Agency Task Force established by
5 section 603(a).

6 “(8) UNDER SECRETARY.—The term ‘Under
7 Secretary’ means the Under Secretary of Commerce
8 for Oceans and Atmosphere.

9 “(9) UNITED STATES COASTAL WATERS.—The
10 term ‘United States coastal waters’ includes the
11 Great Lakes.”.

12 (b) CONFORMING AMENDMENT.—Section 603(a) is
13 amended by striking “(hereinafter referred to as the ‘Task
14 Force’)”.

15 **SEC. 13. APPLICATION WITH OTHER LAWS.**

16 The Act is amended by adding after section 606 the
17 following:

18 **“SEC. 607. EFFECT ON OTHER FEDERAL AUTHORITY.**

19 “Nothing in this title supersedes or limits the author-
20 ity of any agency to carry out its responsibilities and mis-
21 sions under other laws.”.

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