

111TH CONGRESS
1ST SESSION

H. R. 3650

To establish a National Harmful Algal Bloom and Hypoxia Program, to develop and coordinate a comprehensive and integrated strategy to address harmful algal blooms and hypoxia, and to provide for the development and implementation of comprehensive regional action plans to reduce harmful algal blooms and hypoxia.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 25, 2009

Mr. BAIRD (for himself, Mr. EHLERS, Mr. MACK, Ms. CASTOR of Florida, Mr. DELAHUNT, and Mr. KRATOVIL) introduced the following bill; which was referred to the Committee on Science and Technology, and in addition to the Committee on Natural 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

A BILL

To establish a National Harmful Algal Bloom and Hypoxia Program, to develop and coordinate a comprehensive and integrated strategy to address harmful algal blooms and hypoxia, and to provide for the development and implementation of comprehensive regional action plans to reduce harmful algal blooms and hypoxia.

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 Blooms
3 and Hypoxia Research and Control Amendments Act of
4 2009”.

5 **SEC. 2. AMENDMENT OF HARMFUL ALGAL BLOOM AND HY-**
6 **POXIA RESEARCH AND CONTROL ACT OF**
7 **1998.**

8 Except as otherwise expressly provided, whenever in
9 this Act an amendment or repeal is expressed in terms
10 of an amendment to, or repeal of, a section or other provi-
11 sion, the reference shall be considered to be made to a
12 section or other provision of the Harmful Algal Bloom and
13 Hypoxia Research and Control Act of 1998 (16 U.S.C.
14 1451 note).

15 **SEC. 3. DEFINITIONS.**

16 The Act is amended by inserting after section 602
17 the following:

18 **“SEC. 602A. DEFINITIONS.**

19 “In this title:

20 “(1) ADMINISTRATOR.—The term ‘Adminis-
21 trator’ means the Administrator of the Environ-
22 mental Protection Agency.

23 “(2) PROGRAM.—The term ‘Program’ means
24 the National Harmful Algal Bloom and Hypoxia
25 Program established under section 603A.

1 “(3) UNDER SECRETARY.—The term ‘Under
2 Secretary’ means the Under Secretary of Commerce
3 for Oceans and Atmosphere.”.

4 **SEC. 4. NATIONAL HARMFUL ALGAL BLOOM AND HYPOXIA**
5 **PROGRAM.**

6 The Act is amended by inserting after section 603
7 the following:

8 **“SEC. 603A. NATIONAL HARMFUL ALGAL BLOOM AND HY-**
9 **POXIA PROGRAM.**

10 “(a) IN GENERAL.—Except as provided in subsection
11 (d), the Under Secretary, through the Task Force estab-
12 lished under section 603(a), shall establish and maintain
13 a National Harmful Algal Bloom and Hypoxia Program
14 pursuant to this section.

15 “(b) DUTIES.—The Under Secretary, through the
16 Program, shall—

17 “(1) develop and promote a national strategy to
18 understand, detect, predict, control, mitigate, and
19 respond to marine and freshwater harmful algal
20 bloom and hypoxia events;

21 “(2) ensure the coordination of all Federal pro-
22 grams that address marine and freshwater harmful
23 algal blooms and hypoxia, and other ocean and
24 Great Lakes science and management programs and
25 centers that address the chemical, biological, and

1 physical components of marine and freshwater
2 harmful algal blooms and hypoxia;

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

7 “(4) identify additional research, development,
8 and demonstration needs and priorities relating to
9 monitoring, prevention, control, mitigation, and re-
10 sponse to marine and freshwater harmful algal
11 blooms and hypoxia;

12 “(5) support international research efforts on
13 marine and freshwater harmful algal blooms and hy-
14 poxia, and support international information shar-
15 ing, mitigation, control, and response activities;

16 “(6) ensure the development and implementa-
17 tion of methods and technologies to protect the eco-
18 systems affected by marine and freshwater harmful
19 algal blooms;

20 “(7) coordinate an outreach, education, and
21 training program that integrates and augments ex-
22 isting programs to improve public education about
23 and awareness of the causes, impacts, and mitiga-
24 tion efforts for marine and freshwater harmful algal
25 blooms and hypoxia;

1 “(8) facilitate regional, State, tribal, and local
2 efforts to develop and implement appropriate marine
3 and freshwater harmful algal bloom and hypoxia re-
4 sponse plans, strategies, and tools, including out-
5 reach programs and information dissemination
6 mechanisms;

7 “(9) facilitate and provide resources for train-
8 ing of regional, State, tribal, and local coastal and
9 water resource managers in the methods and tech-
10 nologies for monitoring, preventing, controlling, miti-
11 gating, and responding to marine and freshwater
12 harmful algal blooms and hypoxia events;

13 “(10) develop and enhance critical observations,
14 monitoring, modeling, data management, informa-
15 tion dissemination, and operational forecasts;

16 “(11) oversee the development, implementation,
17 review, and periodic updating of the Regional Re-
18 search and Action Plans under section 603B; and

19 “(12) administer peer-reviewed, merit-based
20 competitive grant funding to support—

21 “(A) the projects maintained and estab-
22 lished by the Program; and

23 “(B) the research and management needs
24 and priorities identified in the Regional Re-
25 search and Action Plans.

1 “(c) COOPERATIVE EFFORTS.—The Under Secretary
2 shall work cooperatively with other offices, centers, and
3 programs within the National Oceanic and Atmospheric
4 Administration and other agencies represented on the
5 Task Force established under section 603(a), States,
6 tribes, and nongovernmental organizations concerned with
7 marine and freshwater aquatic issues related to harmful
8 algal blooms and hypoxia.

9 “(d) FRESHWATER PROGRAM.—With respect to the
10 freshwater aspects of the Program, the Under Secretary
11 and the Administrator shall jointly carry out the duties
12 otherwise assigned to the Under Secretary under this sec-
13 tion and section 603B.

14 “(e) ACTION STRATEGY.—

15 “(1) IN GENERAL.—Not later than 12 months
16 after the date of enactment of the Harmful Algal
17 Blooms and Hypoxia Research and Control Amend-
18 ments Act of 2009, the Under Secretary, through
19 the Task Force established under section 603(a),
20 shall transmit to the Congress an action strategy
21 that identifies—

22 “(A) the specific activities to be carried out
23 by the Program and the timeline for carrying
24 out such activities; and

1 “(B) the roles and responsibilities of each
2 Federal agency in the Task Force established
3 under section 603(a) in carrying out Program
4 activities.

5 “(2) FEDERAL REGISTER.—The Under Sec-
6 retary shall publish the action strategy in the Fed-
7 eral Register.

8 “(3) PERIODIC REVISION.—The Under Sec-
9 retary shall periodically review and revise the action
10 strategy prepared under this subsection as nec-
11 essary.

12 “(f) REPORT.—Every 2 years after the submission of
13 the action strategy, the Under Secretary shall prepare and
14 transmit to the Congress a report that describes—

15 “(1) the activities carried out under the Pro-
16 gram and the budget related to these activities; and

17 “(2) the progress made on implementing the ac-
18 tion strategy.”.

19 **SEC. 5. REGIONAL RESEARCH AND ACTION PLANS.**

20 The Act is amended by inserting after section 603A
21 the following:

22 **“SEC. 603B. REGIONAL RESEARCH AND ACTION PLANS.**

23 “(a) IN GENERAL.—The Under Secretary, through
24 the Task Force established under section 603(a), shall—

1 “(1) identify the 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) CONTENTS.—The Plans developed under this
7 section shall identify—

8 “(1) regional priorities for ecological, economic,
9 and social research on issues related to the impacts
10 of harmful algal blooms and hypoxia;

11 “(2) research, development, and demonstration
12 activities needed to develop and advance technologies
13 for improving capabilities to predict, monitor, pre-
14 vent, control, and mitigate harmful algal blooms and
15 hypoxia;

16 “(3) actions to minimize the occurrence of
17 harmful algal blooms and hypoxia;

18 “(4) ways to reduce the duration and intensity
19 of harmful algal blooms and hypoxia, including in
20 times of emergency;

21 “(5) research and methods to address human
22 health dimensions of harmful algal blooms and hy-
23 poxia;

1 “(6) mechanisms to protect vulnerable eco-
2 systems that could be or have been affected by
3 harmful algal blooms and hypoxia events;

4 “(7) mechanisms by which data, information,
5 and products are transferred between the Program
6 and State, tribal, and local governments and rel-
7 evant research entities;

8 “(8) communication, outreach, and information
9 dissemination methods that State, tribal, and local
10 governments and nongovernmental organizations can
11 undertake to educate and inform the public con-
12 cerning harmful algal blooms and hypoxia; and

13 “(9) the roles that Federal agencies can play to
14 help facilitate implementation of the Plan.

15 “(c) BUILDING ON AVAILABLE STUDIES AND INFOR-
16 MATION.—In developing the Plans under this section, the
17 Under Secretary shall utilize and build on existing re-
18 search, assessments, and reports, including those carried
19 out pursuant to existing law and other relevant sources.

20 “(d) DEVELOPMENT OF PLANS.—The Under Sec-
21 retary may develop Plans under this section with assist-
22 ance from the individuals and entities described in sub-
23 section (g).

24 “(e) PLAN TIMELINE AND UPDATES.—The Under
25 Secretary, through the Task Force established under sec-

1 tion 603(a), shall ensure that the Plans developed under
2 this section are completed not later than 12 months after
3 the date of enactment of the Harmful Algal Blooms and
4 Hypoxia Research and Control Amendments Act of 2009,
5 and updated once every 5 years thereafter.

6 “(f) REPORTS.—Not later than 12 months after the
7 date of enactment of this Act, and once every two years
8 after the completion of the Regional Research and Actions
9 Plans, the Under Secretary shall transmit to the Congress
10 a report that describes—

11 “(1) the contents of each Plan;

12 “(2) the activities taken to implement the
13 Plans, including a description of research funded
14 and actions and outcomes of Plan response strate-
15 gies carried out; and

16 “(3) Federal funding provided to implement the
17 Plans.

18 “(g) CONSULTATION.—In developing the Plans under
19 this section, as appropriate, the Under Secretary shall
20 consult with—

21 “(1) State coastal management and planning
22 officials;

23 “(2) tribal resource management officials;

24 “(3) water management and watershed officials
25 from both coastal States and noncoastal States with

1 water sources that drain into water bodies affected
2 by harmful algal blooms and hypoxia;

3 “(4) public health officials;

4 “(5) emergency management officials;

5 “(6) nongovernmental organizations concerned
6 with marine and aquatic issues;

7 “(7) science and technology development insti-
8 tutions;

9 “(8) economists;

10 “(9) industries and businesses affected by ma-
11 rine and freshwater harmful algal blooms and hy-
12 poxia;

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

16 “(11) other stakeholders.”.

17 **SEC. 6. NORTHERN GULF OF MEXICO HYPOXIA.**

18 Section 604 is amended to read as follows:

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

20 “(a) **TASK FORCE INITIAL PROGRESS REPORTS.—**

21 Not later than 2 years after the date of enactment of the
22 Harmful Algal Blooms and Hypoxia Research and Control
23 Amendments Act of 2009, the Mississippi River/Gulf of
24 Mexico Watershed Nutrient Task Force shall complete
25 and transmit to the Congress and the President a report

1 on the progress made by Task Force-directed activities to-
2 ward attainment of the coastal goal of the 2008 Gulf Hy-
3 poxia Action Plan.

4 “(b) TASK FORCE 5-YEAR PROGRESS REPORTS.—
5 After the initial report required under subsection (a), the
6 Task Force shall complete and transmit to Congress and
7 the President a report every 5 years thereafter on the
8 progress made by Task Force-directed activities toward
9 attainment of the coastal goal of the 2008 Gulf Hypoxia
10 Action Plan.

11 “(c) CONTENTS.—The reports required by this sec-
12 tion shall assess progress made toward nutrient load re-
13 ductions, the response of the hypoxic zone and water qual-
14 ity throughout the Mississippi/Atchafalaya River Basin,
15 and the economic and social effects. The reports shall—

16 “(1) include an evaluation of how current poli-
17 cies and programs affect management decisions, in-
18 cluding those made by municipalities and industrial
19 and agricultural producers;

20 “(2) evaluate lessons learned; and

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

1 **SEC. 7. PACIFIC NORTHWEST, ESTUARIES, AND PUGET**
2 **SOUND HYPOXIA.**

3 The Act is amended by inserting after section 604
4 the following:

5 **“SEC. 604A. PACIFIC NORTHWEST, ESTUARIES, AND PUGET**
6 **SOUND HYPOXIA.**

7 “(a) **ASSESSMENT REPORT.**—Not later than 12
8 months after the date of enactment of this Act, the Task
9 Force established under section 603 shall complete and
10 submit to Congress and the President an integrated as-
11 sessment of hypoxia in the coastal and estuarine waters
12 of the Pacific Northwest that examines the status of cur-
13 rent research, monitoring, prevention, response, and con-
14 trol efforts.

15 “(b) **PLAN.**—Not later than 2 years after the date
16 of enactment of this Act, such Task Force shall develop
17 and submit to Congress a plan, based on the integrated
18 assessment submitted under subsection (a), for reducing,
19 mitigating, and controlling hypoxia in the coastal and es-
20 tuarine waters of the Pacific Northwest. In developing
21 such plan, the Task Force shall consult with State, Indian
22 tribe, and local governments, and academic, agricultural,
23 industry, and environmental groups and representatives.
24 Such plan shall include incentive-based partnership ap-
25 proaches. The plan shall also address the social and eco-
26 nomic costs and benefits of the measures for reducing,

1 mitigating, and controlling hypoxia. At least 90 days be-
2 fore submission of such plan to the Congress, a summary
3 of the proposed plan shall be published in the Federal
4 Register. After submission of the plan, the Task Force
5 shall provide progress reports on the activities toward at-
6 tainment of the goals set forth in the plan reduce, miti-
7 gate, and control hypoxia in the coastal and estuarine wa-
8 ters of the Pacific Northwest every 2 years.”.

9 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

10 Section 605 is amended to read as follows:

11 **“SEC. 605. AUTHORIZATION OF APPROPRIATIONS.**

12 “There are authorized to be appropriated—

13 “(1) to the Under Secretary to carry out sec-
14 tions 603A and 603B, \$35,000,000 for each of fiscal
15 years 2010 through 2014, of which \$5,000,000 for
16 each such fiscal year shall be for the development of
17 the Regional Research and Action Plans required by
18 section 603B; and

19 “(2) to the Administrator to carry out sections
20 603A and 603B, \$6,000,000 for each of fiscal years
21 2010 through 2014.”.

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