

S. 1254, The Harmful Algal Blooms and Hypoxia Research and Control Amendments Act of 2013

Section-by-Section Analysis

Section 1. Short Title.

This section establishes the short title as the *Harmful Algal Blooms and Hypoxia Research and Control Amendments Act of 2013*.

Section 2. References to the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998.

Section 2 clarifies that any reference in this Act to an amendment or repeal is to the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998, unless otherwise specified.

Section 3. Interagency Task Force on Harmful Algal Blooms and Hypoxia.

This section adds the Centers for Disease Control (CDC) to the Task Force.

Section 4. National Harmful Algal Bloom and Hypoxia Program.

This section requires NOAA to develop and implement a comprehensive research plan and action strategy under the National Harmful Algal Bloom and Hypoxia Program.

This section directs the Task Force to periodically review and revise the program and specifies the Task Force's role with respect to the program, which includes expediting the interagency review processes, reviewing funding distribution, and promoting the development of new technologies to address HABs and hypoxia.

This section assigns NOAA, through the Task Force, primary responsibility for administering the program, except for the freshwater aspects of the program, which are to be carried out in coordination with the Administrator of the EPA. Section 4 requires the Under Secretary of Commerce for Oceans and Atmosphere (Under Secretary) to:

- (1) promote the program;
- (2) prepare work and spending plans;
- (3) administer merit-based, competitive grant funding;
- (4) coordinate with regional, State, tribal, and local government agencies and programs;
- (5) coordinate with the Secretary of State on international efforts;

- (6) identify additional research, development and demonstration needs;
- (7) integrate, coordinate and augment existing education programs;
- (8) facilitate and provide resources for training State and local coastal and water resource managers;
- (9) support regional efforts to control and mitigate outbreaks;
- (10) convene at least one meeting of the Task Force each year; and
- (11) perform other tasks delegated by the Task Force.

This section also directs the Under Secretary to: maintain and enhance existing competitive programs at NOAA relating to HABs and hypoxia; carry out marine and Great Lakes HABs and hypoxia response activities; establish new programs and infrastructure as necessary; enhance communication and coordination among Federal agencies carrying out marine and freshwater HAB and hypoxia activities and research; leverage existing resources and expertise; and increase availability of resources to appropriate public and private entities. Section 4 directs the Under Secretary to work cooperatively and avoid duplication with other programs, agencies, and entities.

Finally, this section requires that all data collection and monitoring under this title comply with the data standards and protocols of the Integrated Coastal and Ocean Observation System Act of 2009 (33 U.S.C. 3601 et seq.) and be made available through the integrated ocean observing system.

Section 5. Comprehensive Research Plan and Action Strategy.

This section directs the Under Secretary, via the Task Force, to develop a comprehensive research plan and action strategy to address marine and freshwater HABs and hypoxia, and to submit the plan and action strategy to Congress within one year of the date of enactment of this Act. It requires the Action Strategy to identify: specific program activities associated with a timeline; roles and responsibilities for each Federal agency in the Task Force; and region- and subregion specific research needs. With respect to the regional focus of the Action Strategy, this section also requires that the Action Strategy identify: regional research priorities; needed research, development, and demonstration activities; methods for reducing the duration and intensity of HABs and hypoxia; ways to address the human health impacts of HABs and hypoxia; mechanisms to protect affected ecosystems; ways to better share data among government and non-government entities; ways to improve public dissemination of information about HABs and hypoxia; and roles for Federal Agencies to play in implementing the Action Strategy.

Section 5 specifies that, in developing the Action Strategy, the Under Secretary must use existing research, assessments, reports, and program activities, and that the Under Secretary must coordinate with State, tribal, and regional officials, including water managers, public health officials, economists, industries, and other stakeholders.

This section requires publication of the Action Strategy in the Federal Register, with revisions as necessary.

Section 6. Reporting.

This section requires that, two years after the submission of the Action Strategy, the Under Secretary must report to Congress on the proceedings of the Task Force meetings, activities carried out under the program and the budget for those activities, progress made under the Action Strategy, and any need to revise or terminate program activities.

Section 7. Northern Gulf of Mexico Hypoxia.

Section 7 directs the Administrator of the EPA and the Mississippi River/Gulf of Mexico Watershed Nutrient Task Force to submit a progress report to Congress describing the progress toward attainment of the goals of the Gulf Hypoxia Action Plan 2008. The initial progress report is due within one year of the date of enactment of this Act, and updates are required every two years thereafter.

Section 8. Great Lakes Hypoxia and Harmful Algal Blooms.

Section 8 requires the Task Force to submit to Congress and the President, within 18 months of the date of enactment, an integrated assessment of the causes, consequences, and approaches for reducing HABs and hypoxia in the Great Lakes. This section also requires, within two years of the date of enactment, the Task Force to develop and submit to Congress a research plan based on the aforementioned integrated assessment. This section requires the research plan to address issues such as monitoring needs, budgetary requirements and timelines, model development and verification, and quantification of the ecological and economic effects of HABs and hypoxia in the Great Lakes. Finally, this section requires that the research plan be developed in consultation with a number of stakeholders, leverage existing activities and information, and be published in the Federal Register, and requires biennial progress reports on the research plan.

Section 9. Application with other Laws.

This section clarifies that nothing in this Act supersedes or limits the authority of any agency to carry out its responsibilities and missions under other laws.

Section 10. Definitions; Conforming Amendment.

This section provides definitions for the following terms: 'Action Strategy' means the comprehensive research plan and action strategy established under section 603B of HABHRCA; 'Administrator' means the Administrator of the EPA; 'Harmful Algal Bloom' means marine and freshwater phytoplankton that proliferate to high concentrations, resulting in nuisance conditions or harmful impacts on marine and aquatic ecosystems, coastal communities, and human health through the production of toxic compounds or other biological, chemical, and physical impacts of the algae breakout; 'Hypoxia' means a condition where low dissolved oxygen in aquatic systems causes stress or death to resident organisms; 'Program' means the national harmful algal bloom

and hypoxia program established under section 603A of HABHRCA; 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States, and any Indian tribe; 'Task Force' means the Interagency Task Force established by section 603(a) of HABHRCA; 'Under Secretary' means the Under Secretary of Commerce for Oceans and Atmosphere (i.e., Administrator of NOAA); and 'United States Coastal Waters' includes the Great Lakes.

Section 11. Interagency Financing.

This section allows agencies represented on the Task Force to participate in interagency financing to carry out administrative or programmatic projects or activities under HABHRCA.

Section 12. Authorization of Appropriations.

Section 12 authorizes \$20.5 million to be appropriated for each of the fiscal years 2014 through 2018 to implement the program and the action strategy. Of these appropriations, this section requires the Under Secretary to ensure a 'substantial portion' is allocated to extramural research activities.