

Public Law 113–124
113th Congress

An Act

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

June 30, 2014
[S. 1254]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Harmful Algal Bloom and Hypoxia Research and Control Amendments Act of 2014”.

SEC. 2. REFERENCES TO THE HARMFUL ALGAL BLOOM AND HYPOXIA RESEARCH AND CONTROL ACT OF 1998.

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

SEC. 3. INTER-AGENCY TASK FORCE ON HARMFUL ALGAL BLOOMS AND HYPOXIA.

Section 603(a) is amended—

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

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

(3) by redesignating paragraph (12) as paragraph (13);

(4) by inserting after paragraph (11) the following:

“(12) the Centers for Disease Control and Prevention; and”;

and

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

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

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

“SEC. 603A. NATIONAL HARMFUL ALGAL BLOOM AND HYPOXIA PROGRAM.

“(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of the Harmful Algal Bloom and Hypoxia Research and Control Amendments Act of 2014, the Under Secretary, acting through the Task Force, shall maintain and enhance a national harmful algal bloom and hypoxia program, including—

“(1) a statement of objectives, including understanding, detecting, predicting, controlling, mitigating, and responding to marine and freshwater harmful algal bloom and hypoxia events; and

Harmful Algal
Bloom and
Hypoxia
Research
and Control
Amendments
Act of 2014.
33 USC 4001
note.

16 USC 1451
note.

16 USC 1451
note.

Deadline.

“(2) the comprehensive research plan and action strategy under section 603B.

“(b) PERIODIC REVISION.—The Task Force shall periodically review and revise the Program, as necessary.

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

“(1) coordinate interagency review of the objectives and activities of the Program;

“(2) expedite the interagency review process by ensuring timely review and dispersal of required reports and assessments under this title;

“(3) support the implementation of the Action Strategy, including the coordination and integration of the research of all Federal programs, including ocean and Great Lakes science and management programs and centers, that address the chemical, biological, and physical components of marine and freshwater harmful algal blooms and hypoxia;

“(4) support the development of institutional mechanisms and financial instruments to further the objectives and activities of the Program;

“(5) review the Program’s distribution of Federal funding to address the objectives and activities of the Program;

“(6) promote the development of new technologies for predicting, monitoring, and mitigating harmful algal bloom and hypoxia conditions; and

“(7) establish such interagency working groups as it considers necessary.

“(d) LEAD FEDERAL AGENCY.—Except as provided in subsection (h), the National Oceanic and Atmospheric Administration shall have primary responsibility for administering the Program.

“(e) PROGRAM DUTIES.—In administering the Program, the Under Secretary shall—

“(1) promote the Program;

“(2) prepare work and spending plans for implementing the research and activities identified under the Action Strategy;

“(3) administer peer-reviewed, merit-based, competitive grant funding—

“(A) to maintain and enhance baseline monitoring programs established by the Program;

“(B) to support the projects maintained and established by the Program; and

“(C) to address the research and management needs and priorities identified in the Action Strategy;

“(4) coordinate with and work cooperatively with regional, State, tribal, and local government agencies and programs that address marine and freshwater harmful algal blooms and hypoxia;

“(5) coordinate with the Secretary of State to support international efforts on marine and freshwater harmful algal bloom and hypoxia information sharing, research, prediction, mitigation, control, and response activities;

“(6) identify additional research, development, and demonstration needs and priorities relating to monitoring, prevention, control, mitigation, and response to marine and freshwater harmful algal blooms and hypoxia, including methods and technologies to protect the ecosystems affected by marine and freshwater harmful algal blooms and hypoxia;

“(7) integrate, coordinate, and augment existing education programs to improve public understanding and awareness of the causes, impacts, and mitigation efforts for marine and freshwater harmful algal blooms and hypoxia;

“(8) facilitate and provide resources to train State and local coastal and water resource managers in the methods and technologies for monitoring, preventing, controlling, and mitigating marine and freshwater harmful algal blooms and hypoxia;

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

“(A) communication of the contents of the Action Strategy and maintenance of online data portals for other information about harmful algal blooms and hypoxia to State, tribal, and local stakeholders; and

“(B) overseeing the development, review, and periodic updating of the Action Strategy;

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

“(11) perform such other tasks as may be delegated by the Task Force.

“(f) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION ACTIVITIES.—The Under Secretary shall—

“(1) maintain and enhance the existing competitive programs at the National Oceanic and Atmospheric Administration relating to harmful algal blooms and hypoxia;

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

“(3) develop and enhance, including with respect to infrastructure as necessary, critical observations, monitoring, modeling, data management, information dissemination, and operational forecasts relevant to harmful algal blooms and hypoxia events;

“(4) enhance communication and coordination among Federal agencies carrying out marine and freshwater harmful algal bloom and hypoxia activities and research;

“(5) to the greatest extent practicable, leverage existing resources and expertise available from local research universities and institutions; and

“(6) increase the availability to appropriate public and private entities of—

“(A) analytical facilities and technologies;

“(B) operational forecasts; and

“(C) reference and research materials.

“(g) COOPERATIVE EFFORTS.—The Under Secretary shall work cooperatively and avoid duplication of effort with other offices, centers, and programs within the National Oceanic and Atmospheric Administration, other agencies on the Task Force, and States, tribes, and nongovernmental organizations concerned with marine and freshwater issues to coordinate harmful algal bloom and hypoxia (and related) activities and research.

“(h) FRESHWATER.—With respect to the freshwater aspects of the Program, the Administrator, through the Task Force, shall carry out the duties otherwise assigned to the Under Secretary under this section, except the activities described in subsection (f).

“(1) PARTICIPATION.—The Administrator’s participation under this section shall include—

“(A) research on the ecology and impacts of freshwater harmful algal blooms; and

“(B) forecasting and monitoring of and event response to freshwater harmful algal blooms in lakes, rivers, estuaries (including their tributaries), and reservoirs.

“(2) NONDUPLICATION.—The Administrator shall ensure that activities carried out under this title focus on new approaches to addressing freshwater harmful algal blooms and are not duplicative of existing research and development programs authorized by this title or any other law.

Compliance.

“(i) INTEGRATED COASTAL AND OCEAN OBSERVATION SYSTEM.—The collection of monitoring and observation data under this title shall comply with all data standards and protocols developed pursuant to the Integrated Coastal and Ocean Observation System Act of 2009 (33 U.S.C. 3601 et seq.). Such data shall be made available through the system established under that Act.”.

SEC. 5. COMPREHENSIVE RESEARCH PLAN AND ACTION STRATEGY.

The Act, as amended by section 4 of this Act, is further amended by inserting after section 603A the following:

16 USC 1451
note.

“SEC. 603B. COMPREHENSIVE RESEARCH PLAN AND ACTION STRATEGY.

Deadline.
Plan.

“(a) IN GENERAL.—Not later than 1 year after the date of enactment of the Harmful Algal Bloom and Hypoxia Research and Control Amendments Act of 2014, the Under Secretary, through the Task Force, shall develop and submit to Congress a comprehensive research plan and action strategy to address marine and freshwater harmful algal blooms and hypoxia. The Action Strategy shall identify—

“(1) the specific activities to be carried out by the Program and the timeline for carrying out those activities;

“(2) the roles and responsibilities of each Federal agency in the Task Force in carrying out the activities under paragraph (1); and

“(3) the appropriate regions and subregions requiring specific research and activities to address harmful algal blooms and hypoxia.

“(b) REGIONAL FOCUS.—The regional and subregional parts of the Action Strategy shall identify—

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

“(2) research, development, and demonstration activities needed to develop and advance technologies and techniques for minimizing the occurrence of harmful algal blooms and hypoxia and improving capabilities to detect, predict, monitor, control, mitigate, respond to, and remediate harmful algal blooms and hypoxia;

“(3) ways to reduce the duration and intensity of harmful algal blooms and hypoxia, including deployment of response technologies in a timely manner;

“(4) research and methods to address human health dimensions of harmful algal blooms and hypoxia;

“(5) mechanisms, including the potential costs and benefits of those mechanisms, to protect ecosystems that may be or have been affected by harmful algal bloom and hypoxia events;

“(6) mechanisms by which data, information, and products may be transferred between the Program and the State, tribal, and local governments and research entities;

“(7) communication and information dissemination methods that State, tribal, and local governments may undertake to educate and inform the public concerning harmful algal blooms and hypoxia; and

“(8) roles that Federal agencies may have to assist in the implementation of the Action Strategy, including efforts to support local and regional scientific assessments under section 603(e).

“(c) UTILIZING AVAILABLE STUDIES AND INFORMATION.—In developing the Action Strategy, the Under Secretary shall utilize existing research, assessments, reports, and program activities, including—

“(1) those carried out under existing law; and

“(2) other relevant peer-reviewed and published sources.

“(d) DEVELOPMENT OF THE ACTION STRATEGY.—In developing the Action Strategy, the Under Secretary shall, as appropriate—

“(1) coordinate with—

“(A) State coastal management and planning officials;

“(B) tribal resource management officials; and

“(C) water management and watershed officials from both coastal States and noncoastal States with water sources that drain into water bodies affected by harmful algal blooms and hypoxia; and

“(2) consult with—

“(A) public health officials;

“(B) emergency management officials;

“(C) science and technology development institutions;

“(D) economists;

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

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

“(G) other stakeholders.

“(e) FEDERAL REGISTER.—The Under Secretary shall publish the Action Strategy in the Federal Register.

“(f) PERIODIC REVISION.—The Under Secretary, in coordination and consultation with the individuals and entities under subsection (d), shall periodically review and revise the Action Strategy prepared under this section, as necessary.”.

Consultation.

Coordination.
Consultation.
Review.

SEC. 6. REPORTING.

Section 603 is amended by adding at the end the following:

“(j) REPORT.—Not later than 2 years after the date the Action Strategy is submitted under section 603B, the Under Secretary shall submit a report to Congress that describes—

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

“(2) the activities carried out under the Program, including the regional and subregional parts of the Action Strategy;

“(3) the budget related to the activities under paragraph (2);

16 USC 1451
note.

“(4) the progress made on implementing the Action Strategy; and

“(5) any need to revise or terminate research and activities under the Program.”.

SEC. 7. NORTHERN GULF OF MEXICO HYPOXIA.

16 USC 1451
note.

Section 604 is amended to read as follows:

“SEC. 604. NORTHERN GULF OF MEXICO HYPOXIA.

“(a) INITIAL PROGRESS REPORTS.—Beginning not later than 12 months after the date of enactment of the Harmful Algal Bloom and Hypoxia Research and Control Amendments Act of 2014, and biennially thereafter, the Administrator, through the Mississippi River/Gulf of Mexico Watershed Nutrient Task Force, shall submit a progress report to the appropriate congressional committees and the President that describes the progress made by activities directed by the Mississippi River/Gulf of Mexico Watershed Nutrient Task Force and carried out or funded by the Environmental Protection Agency and other State and Federal partners toward attainment of the goals of the Gulf Hypoxia Action Plan 2008.

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

“(1) assess the progress made toward nutrient load reductions, the response of the hypoxic zone and water quality throughout the Mississippi/Atchafalaya River Basin, and the economic and social effects;

“(2) evaluate lessons learned; and

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

SEC. 8. GREAT LAKES HYPOXIA AND HARMFUL ALGAL BLOOMS.

16 USC 1451
note.

Section 605 is amended to read as follows:

“SEC. 605. GREAT LAKES HYPOXIA AND HARMFUL ALGAL BLOOMS.

Deadline.

“(a) INTEGRATED ASSESSMENT.—Not later than 18 months after the date of enactment of the Harmful Algal Bloom and Hypoxia Research and Control Amendments Act of 2014, the Task Force, in accordance with the authority under section 603, shall complete and submit to the Congress and the President an integrated assessment that examines the causes, consequences, and approaches to reduce hypoxia and harmful algal blooms in the Great Lakes, including the status of and gaps within current research, monitoring, management, prevention, response, and control activities by—

“(1) Federal agencies;

“(2) State agencies;

“(3) regional research consortia;

“(4) academia;

“(5) private industry; and

“(6) nongovernmental organizations.

“(b) PLAN.—

Deadline.

“(1) IN GENERAL.—Not later than 2 years after the date of enactment of the Harmful Algal Bloom and Hypoxia Research and Control Amendments Act of 2014, the Task Force shall develop and submit to the Congress a plan, based on the integrated assessment under subsection (a), for reducing, mitigating, and controlling hypoxia and harmful algal blooms in the Great Lakes.

“(2) CONTENTS.—The plan shall—

“(A) address the monitoring needs identified in the integrated assessment under subsection (a);

“(B) develop a timeline and budgetary requirements for deployment of future assets;

“(C) identify requirements for the development and verification of Great Lakes hypoxia and harmful algal bloom models, including—

“(i) all assumptions built into the models; and

“(ii) data quality methods used to ensure the best available data are utilized; and

“(D) describe efforts to improve the assessment of the impacts of hypoxia and harmful algal blooms by—

“(i) characterizing current and past biological conditions in ecosystems affected by hypoxia and harmful algal blooms; and

“(ii) quantifying effects, including economic effects, at the population and community levels.

“(3) REQUIREMENTS.—In developing the plan, the Task Force shall—

“(A) coordinate with State and local governments;

“(B) consult with representatives from academic, agricultural, industry, and other stakeholder groups, including relevant Canadian agencies;

“(C) ensure that the plan complements and does not duplicate activities conducted by other Federal or State agencies;

“(D) identify critical research for reducing, mitigating, and controlling hypoxia events and their effects;

“(E) evaluate cost-effective, incentive-based partnership approaches;

“(F) ensure that the plan is technically sound and cost effective;

“(G) utilize existing research, assessments, reports, and program activities;

“(H) publish a summary of the proposed plan in the Federal Register at least 180 days prior to submitting the completed plan to Congress; and

“(I) after submitting the completed plan to Congress, provide biennial progress reports on the activities toward achieving the objectives of the plan.”.

Coordination.

Consultation.

Federal Register,
publication.

Reports.

SEC. 9. APPLICATION WITH OTHER LAWS.

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

“SEC. 607. EFFECT ON OTHER FEDERAL AUTHORITY.

“(a) AUTHORITY PRESERVED.—Nothing in this title supersedes or limits the authority of any agency to carry out its responsibilities and missions under other laws.

“(b) REGULATORY AUTHORITY.—Nothing in this title may be construed as establishing new regulatory authority for any agency.”.

16 USC 1451
note.

SEC. 10. DEFINITIONS; CONFORMING AMENDMENT.

(a) IN GENERAL.—The Act, as amended by section 9 of this Act, is further amended by adding after section 607 the following:

“SEC. 608. DEFINITIONS.

“In this title:

16 USC 1451
note.

“(1) ACTION STRATEGY.—The term ‘Action Strategy’ means the comprehensive research plan and action strategy established under section 603B.

“(2) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the Environmental Protection Agency.

“(3) HARMFUL ALGAL BLOOM.—The term ‘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 outbreak.

“(4) HYPOXIA.—The term ‘hypoxia’ means a condition where low dissolved oxygen in aquatic systems causes stress or death to resident organisms.

“(5) PROGRAM.—The term ‘Program’ means the national harmful algal bloom and hypoxia program established under section 603A.

“(6) STATE.—The term ‘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, any other territory or possession of the United States, and any Indian tribe.

“(7) TASK FORCE.—The term ‘Task Force’ means the Inter-Agency Task Force on Harmful Algal Blooms and Hypoxia under section 603(a).

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

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

16 USC 1451
note.

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

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

The Act is further amended by adding after section 608 the following:

16 USC 1451
note.

“SEC. 609. AUTHORIZATION OF APPROPRIATIONS.

“(a) IN GENERAL.—There is authorized to be appropriated to the Under Secretary to carry out sections 603A and 603B \$20,500,000 for each of fiscal years 2014 through 2018.

“(b) EXTRAMURAL RESEARCH ACTIVITIES.—The Under Secretary shall ensure that a substantial portion of funds appropriated pursuant to subsection (a) that are used for research purposes are allocated to extramural research activities. For each fiscal year, the Under Secretary shall publish a list of all grant recipients and

Publication.
Lists.

the amounts for all of the funds allocated for research purposes, specifying those allocated for extramural research activities.”.

Approved June 30, 2014.

LEGISLATIVE HISTORY—S. 1254:

HOUSE REPORTS: No. 113–471, Pt. 1 (Comm. on Science, Space, and Technology).

SENATE REPORTS: No. 113–121 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD, Vol. 160 (2014):

Feb. 12, considered and passed Senate.

June 9, considered and passed House, amended.

June 17, Senate concurred in House amendment.