



June 3, 2003

The Honorable Richard W. Pombo
Chairman, Committee on Resources
House of Representatives
Washington, D.C. 20515-6201

Dear Mr. Chairman:

This letter provides you with the Administration's views on H.R. 1856, the "Harmful Algal Bloom and Hypoxia Research Amendments Act of 2003." This bill would amend and reauthorize the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998 (HABHRCA) for three years through Fiscal Year 2006.

The legislation builds on the success of the original Act and provides continuing authority for research to understand, mitigate, and control harmful algal blooms (HABs) and hypoxia. In general, the Administration supports the purposes of HABHRCA and this bill, as demonstrated by the President's FY 2004 budget request to fund many of these programs. More specifically, adding the Great Lakes to the scope of HABHRCA is the most significant proposal in H.R. 1856. In light of recent HAB outbreaks and the return of hypoxia, especially in Lake Erie, the Administration agrees that it is appropriate to bring the Great Lakes within the ambit of HABHRCA.

The Administration respectfully requests that H.R. 1856 be amended to reflect the views and recommendations provided for in this letter, and looks forward to working with you as this bill moves through the legislative process. The Administration provides the following recommendations for consideration in further amending H.R.1856, as follows:

- The term "Federal" should be deleted from the proposed amendments that would become sections 603(b)(2)(C) and 603(e)(2)(C) of HABHRCA. This deletion will remove the limitation that assessments be only made of Federal research programs.
- The legislation proposes a new HABHRCA subsection 603(d), that would explicitly require the development of a national scientific research plan for reducing impacts from HABs, but does not require a similar plan for hypoxia. The bill's new language for section 603(e)(2)(C) states that hypoxia assessments shall "evaluate progress made by, **and the needs of**" Federal hypoxia research programs. (Emphasis added.) New language at section 603(e)(2)(D) states that hypoxia assessments shall "identify ways to improve coordination" with respect to hypoxia research. The Administration views this new section 603(e) language as essentially requiring

the development of a research plan, but the authority is not explicit. If the Congress intends to require that a national hypoxia research plan be developed, which the Administration supports, it may want to create a section requiring development of a hypoxia research plan that mirrors the requirement for a HABs plan under section 603(d).

- The bill's proposed language for section 603(d) of HABHRCA should be amended by renumbering paragraphs (A), (B) and (C) as (B), (C) and (D), and by adding a new paragraph (A) to read:

“(A) include a review of existing plans and incorporate elements of such plans as appropriate;”

This review should include such plans as the report of the National Sea Grant program entitled, “Prevention, Control and Mitigation of Harmful Algal Blooms: A Research Plan,” and, the joint Coastal Ocean Program/National Fish and Wildlife Foundation report entitled, “Harmful Algal Blooms in Coastal Waters: Options for Prevention, Control, and Mitigation.”

- Because the nature of this legislation requires the National Oceanic and Atmospheric Administration (NOAA) to work closely with other agencies and non-federal entities, and to help ensure NOAA has the authority to provide timely assistance, the Administration requests that section 603 of the HABHRCA be further amended by adding a subsection (g), to read:

“(g) Grants, Contracts, and Agreements. In carrying out the provisions of this Act, the Secretary of Commerce, in communication with the Task Force and to the extent funds are available, may transfer funds to other Federal agencies or enter into grants, contracts, and cooperative agreements with States, local governments, Federally recognized Indian tribes, universities and other appropriate research institutions, including to provide assistance directly or through an intermediary organization to the coastal States, Federally recognized Indian tribes, and local governments.”

- In section 4, which amends section 605 of the HABHRCA, paragraphs (2), (3), (4), and (5), should each be amended to include the complete phrase, “through a competitive, peer reviewed program.” This will make clear that funds authorized under these paragraphs are to be competitively awarded.

The Administration requests that all funding identified in this bill be consistent with the President's FY 2004 budget request.

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The Department of Commerce appreciates this opportunity to present views on H.R. 1856. The Office of Management and Budget has advised that there is no objection to the transmittal of these views from the standpoint of the Administration's program.

Sincerely,

A handwritten signature in cursive script, appearing to read "Theodore W. Kassinger".

Theodore W. Kassinger

cc: The Honorable Nick J. Rahall II
Ranking Minority Member