

**H.R. 2484, AS AMENDED BY THE
SUBCOMMITTEE ON ENERGY AND ENVIRONMENT
ON JULY 14, 2011**

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 2011”.

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 Section 602 is amended to read as follows:

17 **“SEC. 602. DEFINITIONS.**

18 “In this title:

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

4 “(2) NOAA.—The term ‘NOAA’ means the Na-
5 tional Oceanic and Atmospheric Administration.

6 “(3) PLAN.—The term ‘Plan’ means the com-
7 prehensive research plan and action strategy under
8 section 605.

9 “(4) PROGRAM.—The term ‘Program’ means
10 the National Harmful Algal Bloom and Hypoxia
11 Program established under section 604(a).

12 “(5) STATE.—The term ‘State’ means each of
13 the several States of the United States, the District
14 of Columbia, the Commonwealth of Puerto Rico, the
15 United States Virgin Islands, Guam, American
16 Samoa, the Commonwealth of the Northern Mariana
17 Islands, any other territory or possession of the
18 United States, and any Indian tribe.

19 “(6) TASK FORCE.—The term ‘Task Force’
20 means the Inter-Agency Task Force on Harmful
21 Algal Blooms and Hypoxia established under section
22 603(a)(1).

23 “(7) UNDER SECRETARY.—The term ‘Under
24 Secretary’ means the Under Secretary of Commerce
25 for Oceans and Atmosphere.”.

1 **SEC. 4. INTER-AGENCY TASK FORCE.**

2 Section 603(a) is amended to read as follows:

3 “(a) INTER-AGENCY TASK FORCE.—

4 “(1) ESTABLISHMENT.—The President,
5 through the Committee on Environment and Natural
6 Resources of the National Science and Technology
7 Council, shall establish an Inter-Agency Task Force
8 on Harmful Algal Blooms and Hypoxia.

9 “(2) REPRESENTATION.—The Task Force shall
10 consist of representatives from the following:

11 “(A) The Department of Commerce.

12 “(B) The Environmental Protection Agen-
13 cy.

14 “(C) The Department of Agriculture.

15 “(D) The Department of the Interior.

16 “(E) The Department of the Navy.

17 “(F) The Department of Health and
18 Human Services.

19 “(G) The National Science Foundation.

20 “(H) The National Aeronautics and Space
21 Administration.

22 “(I) The Food and Drug Administration.

23 “(J) The Office of Science and Technology
24 Policy.

25 “(K) The Council on Environmental Qual-
26 ity.

1 “(L) Such other Federal agencies as the
2 President considers appropriate.

3 “(3) CHAIRPERSON.—The Under Secretary
4 from the Department of Commerce shall serve as the
5 Chairperson of the Task Force.

6 “(4) REQUIRED MEETINGS.—

7 “(A) IN GENERAL.—The Task Force shall
8 meet, or otherwise communicate, to coordinate
9 activities within each agency represented on the
10 Task Force in order to fulfill the program re-
11 quirements in section 604(b).

12 “(B) FREQUENCY.—The Task Force shall
13 meet at least once per year.

14 “(5) BUDGET COORDINATION.—The Task
15 Force shall—

16 “(A) coordinate in the development of indi-
17 vidual agency budgets for the activities de-
18 scribed in section 604 that will ensure an ap-
19 propriate balance among the research and ac-
20 tion priorities; and

21 “(B) submit such budgets to the Director
22 of the Office of Management and Budget at the
23 time designated by the Director for agencies to
24 submit annual budgets.”.

1 **SEC. 5. NATIONAL HARMFUL ALGAL BLOOM AND HYPOXIA**
2 **PROGRAM.**

3 The Act is amended—

4 (1) by redesignating sections 605 and 606 as
5 sections 608 and 609, respectively;

6 (2) by redesignating section 604 as section 606;

7 and

8 (3) by inserting after section 603 the following:

9 **“SEC. 604. NATIONAL HARMFUL ALGAL BLOOM AND HY-**
10 **POXIA PROGRAM.**

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

16 “(b) DUTIES.—The Under Secretary, through the
17 Program, shall coordinate the efforts of the Task Force
18 to—

19 “(1) develop and promote a national strategy to
20 understand, detect, monitor, predict, control, miti-
21 gate, and respond to marine and freshwater harmful
22 algal blooms and hypoxia events;

23 “(2) integrate the research of all Federal pro-
24 grams, including ocean and Great Lakes science and
25 management programs and centers, that address the
26 chemical, biological, and physical components of ma-

1 rine and freshwater harmful algal blooms and hy-
2 poxia;

3 “(3) assist and coordinate, where appropriate,
4 with State, tribal, and local government agencies,
5 programs, and regional efforts that address marine
6 and freshwater harmful algal blooms and hypoxia,
7 including the development and implementation of ap-
8 propriate response plans, strategies, and tools;

9 “(4) identify additional research, development,
10 and demonstration needs and priorities relating to
11 understanding, detection, monitoring, prediction,
12 prevention, control, mitigation, and response to ma-
13 rine and freshwater harmful algal blooms and hy-
14 poxia;

15 “(5) ensure the development and use of meth-
16 ods and technologies to protect the ecosystems af-
17 fected by marine and freshwater harmful algal
18 blooms and hypoxia;

19 “(6) encourage the appropriate exchange of re-
20 search information with other countries in order to
21 better mitigate, control, and respond to marine and
22 freshwater harmful algal blooms;

23 “(7) coordinate existing education programs to
24 improve public understanding and awareness of the

1 causes, impacts, and mitigation efforts for marine
2 and freshwater harmful algal blooms and hypoxia;

3 “(8) provide resources to assist in the training
4 of State, tribal, and local water and coastal resource
5 managers in the methods and technologies for de-
6 tecting, monitoring, controlling, mitigating, and re-
7 sponding to the effects of marine and freshwater
8 harmful algal blooms and hypoxia events;

9 “(9) oversee the development, review, and peri-
10 odic updating of the Plan; and

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

13 “(A) the projects maintained and estab-
14 lished by the Program; and

15 “(B) the research and management needs
16 and priorities identified in the Plan.

17 “(c) COOPERATIVE EFFORTS.—The Under Secretary
18 shall work cooperatively and avoid duplication of efforts
19 with other offices, centers, and programs within NOAA
20 and other agencies represented on the Task Force, States,
21 tribes, and nongovernmental organizations concerned with
22 marine and freshwater aquatic issues related to harmful
23 algal blooms and hypoxia.

24 “(d) FRESHWATER PROGRAM.—With respect to the
25 freshwater aspects of the Program, the Administrator and

1 the Under Secretary, through the Task Force, shall carry
2 out the duties otherwise assigned to the Under Secretary
3 under this section, excluding the activities described in
4 subsection (e). The Administrator's participation under
5 this subsection shall include—

6 “(1) research on the ecology of freshwater
7 harmful algal blooms;

8 “(2) monitoring of and event response to fresh-
9 water harmful algal blooms in lakes, rivers, estu-
10 aries, and reservoirs; and

11 “(3) mitigation and control of freshwater harm-
12 ful algal blooms.

13 “(e) NOAA ACTIVITIES.—As part of the program
14 under this section, the Under Secretary shall—

15 “(1) maintain existing peer-reviewed competi-
16 tive grant programs at NOAA relating to marine
17 and freshwater harmful algal blooms and hypoxia;

18 “(2) conduct marine and freshwater harmful
19 algal bloom and hypoxia event response activities;
20 and

21 “(3) ensure communication and coordination
22 among Federal agencies carrying out marine and
23 freshwater harmful algal bloom and hypoxia activi-
24 ties and increase the availability to appropriate pub-
25 lic and private entities of—

1 “(A) analytical facilities and technologies;

2 “(B) operational forecasts; and

3 “(C) reference and research materials.

4 “(f) INTEGRATED COASTAL AND OCEAN OBSERVA-
5 TION SYSTEM.—All monitoring and observation data col-
6 lected under this Act shall be collected in compliance with
7 all data standards and protocols developed pursuant to the
8 National Integrated Coastal and Ocean Observation Sys-
9 tem Act of 2009 (33 U.S.C. 3601 et seq.), and such data
10 shall be made available through the system established
11 under that Act.

12 “(g) TECHNOLOGY RESEARCH, DEVELOPMENT, AND
13 DEMONSTRATION.—

14 “(1) IN GENERAL.—As part of the duties de-
15 scribed in subsection (b), the Under Secretary and
16 the Administrator, through the Task Force, shall
17 maintain a focus on technology research and devel-
18 opment for each of the categories of marine harmful
19 algal blooms, freshwater harmful algal blooms, and
20 hypoxia in the following areas:

21 “(A) Monitoring.

22 “(B) Prediction.

23 “(C) Prevention.

24 “(D) Control.

25 “(E) Mitigation.

1 “(F) Response to events, including remedi-
2 ation.

3 “(2) ENUMERATION.—As part of the report re-
4 quired under subsection (i), the Under Secretary, in
5 coordination with the Administrator, shall enu-
6 merate the technology research and development
7 conducted for each of the areas identified in para-
8 graph (1).

9 “(3) PROTOCOL.—The Under Secretary, in co-
10 ordination with the Administrator, shall develop a
11 protocol for—

12 “(A) assessing the stage of technology de-
13 velopment that is ready to move from lab test-
14 ing to field testing;

15 “(B) coordinating local, State, and Federal
16 authorities to facilitate measures necessary to
17 conduct field tests in a timely manner; and

18 “(C) working with local and State entities,
19 programs, and interested stakeholders to con-
20 duct outreach and education on technology field
21 testing projects.

22 “(h) INFORMATION CLEARINGHOUSE.—

23 “(1) ELECTRONIC INFORMATION.—Using the
24 authority under section 603(i)(2)(B), the Under Sec-
25 retary, in coordination with the Administrator, shall

1 expand the existing electronic clearinghouse to pro-
2 vide information about marine and freshwater harm-
3 ful algal blooms and hypoxia, including—

4 “(A) the Federal agencies involved in re-
5 search and development on understanding, de-
6 tection, monitoring, prediction, prevention, con-
7 trol, mitigation, and response activities;

8 “(B) tools available to predict and model
9 events; and

10 “(C) current or developing technologies for
11 detection, monitoring, prediction, prevention,
12 control, mitigation, and response, including re-
13 mediation.

14 “(2) TOXIN STANDARDS.—The Under Sec-
15 retary, in coordination with the Administrator,
16 shall—

17 “(A) develop a mechanism to provide a re-
18 liable and cost-effective supply of toxin stand-
19 ards for comparative research; and

20 “(B) notify the Congress of such mecha-
21 nism as part of the report required under sub-
22 section (i).

23 “(i) REPORT.—Not later than 1 year after the sub-
24 mission of the Plan, the Under Secretary, in coordination

1 with the Administrator, shall prepare and transmit to the
2 Congress a report that describes—

3 “(1) the activities carried out under the Pro-
4 gram and the Plan and the budget related to such
5 activities;

6 “(2) the progress made on implementing the ac-
7 tion strategy; and

8 “(3) the need to revise or terminate activities or
9 projects under the Program.”.

10 **SEC. 6. COMPREHENSIVE RESEARCH PLAN AND ACTION**
11 **STRATEGY.**

12 The Act is amended by inserting after section 604,
13 as added by section 5(3) of this Act, the following:

14 **“SEC. 605. COMPREHENSIVE RESEARCH PLAN AND ACTION**
15 **STRATEGY.**

16 “(a) IN GENERAL.—Not later than 2 years after the
17 date of enactment of the Harmful Algal Blooms and Hy-
18 poxia Research and Control Amendments Act of 2011, the
19 Under Secretary, through the Task Force, shall transmit
20 to the Congress a comprehensive research plan and action
21 strategy to address marine and freshwater harmful algal
22 blooms and hypoxia that identifies—

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

1 “(2) the roles and responsibilities of each Fed-
2 eral agency in the Task Force in carrying out Pro-
3 gram activities; and

4 “(3) appropriate regions and subregions requir-
5 ing specific research and activities to address local,
6 State, and regional harmful algal blooms and hy-
7 poxia.

8 “(b) REGIONAL FOCUS.—The regional and sub-
9 regional parts of the Plan shall identify—

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

13 “(2) research, development, and demonstration
14 activities needed to develop and advance technologies
15 and techniques for minimizing the occurrence of
16 harmful algal blooms and hypoxia and improving ca-
17 pabilities to detect, predict, monitor, control, miti-
18 gate, respond to, and remediate harmful algal
19 blooms and hypoxia;

20 “(3) ways to reduce the duration and intensity
21 of harmful algal blooms and hypoxia, including de-
22 ployment of response technologies in a timely man-
23 ner;

1 “(4) research and methods to address human
2 health dimensions of harmful algal blooms and hy-
3 poxia;

4 “(5) mechanisms, including the potential costs
5 and benefits of those mechanisms, to protect eco-
6 systems that may be or have been affected by harm-
7 ful algal blooms and hypoxia events;

8 “(6) mechanisms by which data, information,
9 and products may be transferred between the Pro-
10 gram and State, tribal, and local governments and
11 relevant research entities;

12 “(7) communication and information dissemina-
13 tion methods that State, tribal, and local govern-
14 ments may undertake to educate and inform the
15 public concerning harmful algal blooms and hypoxia;
16 and

17 “(8) the roles that Federal agencies may have
18 to assist in the implementation of the Plan.

19 “(c) UTILIZING AVAILABLE STUDIES AND INFORMA-
20 TION.—In developing the Plan, the Under Secretary shall
21 utilize existing research, assessments, reports, and pro-
22 gram activities, including—

23 “(1) those carried out pursuant to existing law;
24 and

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

3 “(d) DEVELOPMENT OF THE PLAN.—In developing
4 the Plan, the Under Secretary shall, as appropriate—

5 “(1) coordinate with—

6 “(A) State coastal management and plan-
7 ning officials;

8 “(B) tribal resource management officials;
9 and

10 “(C) water management and watershed of-
11 ficials from both coastal States and noncoastal
12 States with water sources that drain into water
13 bodies affected by harmful algal blooms and hy-
14 poxia; and

15 “(2) consult with—

16 “(A) public health officials;

17 “(B) emergency management officials;

18 “(C) science and technology development
19 institutions;

20 “(D) economists;

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

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

4 “(G) other stakeholders.

5 “(e) FEDERAL REGISTER.—The Under Secretary
6 shall publish the Plan in the Federal Register.

7 “(f) PERIODIC REVISION.—The Under Secretary, in
8 coordination and consultation with the individuals and en-
9 tities identified in subsection (d), shall periodically review
10 and revise the Plan prepared under this section, as nec-
11 essary.”.

12 **SEC. 7. NORTHERN GULF OF MEXICO HYPOXIA.**

13 Section 606, as redesignated by section 5(2) of this
14 Act, is amended by adding at the end the following:

15 “(c) REQUIRED UPDATE.—

16 “(1) IN GENERAL.—Prior to the implementa-
17 tion of any plan developed under this section, includ-
18 ing the Gulf Hypoxia Action Plan 2008, the Admin-
19 istrator, through the Mississippi River/Gulf of Mex-
20 ico Watershed Nutrient Task Force, shall complete
21 and submit to the Congress and the President an
22 updated assessment and a revised action plan based
23 on the updated assessment.

24 “(2) REQUIREMENTS.—The updated assess-
25 ment shall take into account the following:

1 “(A) The role of nutrient influx in the con-
2 text of water column stratification, seasonal
3 flows and conditions, and wind and current dy-
4 namics in the Gulf of Mexico.

5 “(B) The contribution of the topography of
6 the Gulf of Mexico in the effects of the charac-
7 teristics described in subparagraph (A) on the
8 hypoxic zone.

9 “(C) The frequency and availability of
10 monitoring to measure the size of the hypoxic
11 zone.

12 “(D) The potential of hypoxia hot-spot for-
13 mation within the Gulf of Mexico and possible
14 causes of such hot-spots.

15 “(E) The contribution of wetland loss to
16 hypoxia events in the Gulf of Mexico.

17 “(F) The actual effect of hypoxia on the
18 ecosystem of the Gulf of Mexico and the bene-
19 fits resulting from a reduced hypoxic zone size.

20 “(G) A scientifically generated, peer-re-
21 viewed goal for the size of the hypoxic zone in
22 the Gulf of Mexico.

23 “(3) RESEARCH STRATEGY.—The updated plan
24 shall include a research strategy—

1 “(A) to enhance understanding of the con-
2 tribution of topography, water column strati-
3 fication, seasonal flows and conditions, and
4 wind and current dynamics on the size of the
5 hypoxic zone;

6 “(B) to develop models able to—

7 “(i) simulate different shelf regions
8 and the fundamental processes that act in
9 each shelf region;

10 “(ii) differentiate between the sepa-
11 rate effects of stratification and nutrient
12 loading in the formation of hypoxia; and

13 “(iii) be informed by realistic three-di-
14 mensional hydrodynamic and biogeo-
15 chemical models;

16 “(C) that determines the appropriate
17 amount of monitoring and measuring necessary
18 to get a scientifically robust accounting on the
19 size of the Gulf of Mexico hypoxic zone; and

20 “(D) that examines several potential solu-
21 tions based on information provided by the up-
22 dated assessment in paragraph (1).”.

1 **SEC. 8. CHESAPEAKE BAY DEAD ZONE.**

2 (a) IN GENERAL.—The Act is amended by inserting
3 after section 606, as redesignated by section 5(2) of this
4 Act, the following:

5 **“SEC. 607. CHESAPEAKE BAY DEAD ZONE.**

6 “(a) ASSESSMENT PLAN.—Not later than 12 months
7 after the date of enactment of the Harmful Algal Blooms
8 and Hypoxia Research and Control Amendments Act of
9 2011, the Task Force, in accordance with the authority
10 under section 603, shall complete and submit to the Con-
11 gress and the President an integrated assessment of hy-
12 poxia in the Chesapeake Bay that examines the status of
13 and gaps within current research, monitoring, prevention,
14 response, and control activities by—

15 “(1) Federal agencies;

16 “(2) State agencies;

17 “(3) regional research consortia;

18 “(4) academia;

19 “(5) private industry; and

20 “(6) nongovernmental organizations.

21 “(b) RESEARCH PLAN.—

22 “(1) IN GENERAL.—Not later than 2 years
23 after the date of enactment of the Harmful Algal
24 Blooms and Hypoxia Research and Control Amend-
25 ments Act of 2011, the Task Force shall develop
26 and submit to the Congress a plan, based on the in-

1 tegrated assessment submitted under subsection (a),
2 for reducing, mitigating, and controlling hypoxia in
3 the Chesapeake Bay.

4 “(2) REQUIREMENTS.—In developing such
5 plan, the Task Force shall—

6 “(A) consult with State and local govern-
7 ments and representatives from academic, agri-
8 cultural, industry, and other stakeholder
9 groups;

10 “(B) include incentive-based partnership
11 approaches;

12 “(C) include an economic cost-benefit anal-
13 ysis of the measures for reducing, mitigating,
14 and controlling hypoxia events;

15 “(D) utilize existing research, assessments,
16 reports, and program activities;

17 “(E) publish a summary of the proposed
18 plan in the Federal Register 90 days prior to
19 the submission to the Congress of the com-
20 pleted plan; and

21 “(F) provide progress reports every 2
22 years after the submission to the Congress of
23 the completed plan on the activities leading to-
24 ward attainment of the goals set forth in the
25 plan.

1 “(3) CONTENTS.—The plan shall—

2 “(A) address the monitoring needs identi-
3 fied in the integrated assessment submitted
4 under subsection (a) and develop a timeline and
5 budgetary requirements for deployment of fu-
6 ture assets;

7 “(B) detail procedures for the development
8 and verification of Chesapeake Bay hypoxia
9 models, including making available to the pub-
10 lic—

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

13 “(ii) data quality methods used to en-
14 sure the best available data is utilized; and

15 “(C) describe efforts to improve the assess-
16 ment of the impacts of hypoxia by—

17 “(i) characterizing current and past
18 biological conditions in ecosystems affected
19 by hypoxia; and

20 “(ii) quantifying effects, including
21 economic effects, at the population and
22 community level.”.

23 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

24 (a) AUTHORIZATION.—Section 608, as redesignated
25 by section 5(1) of this Act, is amended to read as follows:

1 **“SEC. 608. AUTHORIZATION OF APPROPRIATIONS.**

2 “(a) IN GENERAL.—There are authorized to be ap-
3 propriated to the Under Secretary to carry out this Act
4 \$18,000,000 for each of fiscal years 2012 through 2015,
5 of which, for each fiscal year—

6 “(1) \$1,000,000 may be used for the develop-
7 ment of the comprehensive research plan and action
8 strategy under section 605 and the assessment and
9 reports required by sections 606 and 607;

10 “(2) \$4,000,000 may be used for the research
11 and assessment activities related to marine and
12 freshwater harmful algal blooms at research labora-
13 tories of NOAA;

14 “(3) \$4,000,000 may be used to carry out the
15 Ecology of Harmful Algal Blooms Program
16 (ECOHAB);

17 “(4) \$1,500,000 may be used to carry out the
18 Monitoring and Event Response for Harmful Algal
19 Blooms Program (MERHAB);

20 “(5) \$2,000,000 may be used to carry out re-
21 search and assessment for the Northern Gulf of
22 Mexico ecosystem and hypoxia activities;

23 “(6) \$1,500,000 may be used to carry out
24 coastal hypoxia research activities;

25 “(7) \$1,500,000 may be used to carry out pre-
26 vention, control, and mitigation activities;

1 “(8) \$500,000 may be used to carry out event
2 response activities; and

3 “(9) \$500,000 may be used to carry out infra-
4 structure activities.

5 “(b) USE OF FUNDS.—From funds made available
6 under section 2(a)(2) of the Environmental Research, De-
7 velopment, and Demonstration Authorization Act of 1981
8 (Public Law 96–569; 94 Stat. 3335), the Administrator
9 may utilize up to \$3,000,000 for each of the fiscal years
10 2012 through 2015 to carry out the authorized activities
11 under this Act.”.

12 (b) EXTRAMURAL RESEARCH ACTIVITIES.—The
13 Under Secretary shall ensure that a substantial portion
14 of funds appropriated pursuant to section 608 of the
15 Harmful Algal Bloom and Hypoxia Research and Control
16 Act of 1998 that are used for research purposes are allo-
17 cated to extramural research activities.

18 **SEC. 10. CLERICAL AMENDMENTS.**

19 (a) TABLE OF CONTENTS AMENDMENT.—The table
20 of contents in section 2 of the Coast Guard Authorization
21 Act of 1998 is amended by striking the items relating to
22 sections 602 through 606 and inserting the following:

“602. Definitions.

“603. Assessments.

“604. National harmful algal bloom and hypoxia program.

“605. Comprehensive research plan and action strategy.

“606. Northern Gulf of Mexico hypoxia.

“607. Chesapeake Bay dead zone.

“608. Authorization of appropriations.

“609. Protection of States’ rights.”.

1 (b) REFERENCES.—Section 609, as redesignated by
2 section 5(1) of this Act, is amended by striking “Clean
3 Water Act or” each place it appears and inserting “Fed-
4 eral Water Pollution Control Act or the”.

