

115TH CONGRESS
1ST SESSION

S. 1057

AN ACT

To amend the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998 to address harmful algal blooms, and for other purposes.

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 Bloom
3 and Hypoxia Research and Control Amendments Act of
4 2017”.

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

8 Except as otherwise expressly provided, wherever 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 (33 U.S.C.
14 4001 et seq.).

15 **SEC. 3. INTER-AGENCY TASK FORCE.**

16 Section 603(a) (33 U.S.C. 4001(a)) is amended—

17 (1) in paragraph (12), by striking “and” at the
18 end;

19 (2) by redesignating paragraph (13) as para-
20 graph (14); and

21 (3) by inserting after paragraph (12) the fol-
22 lowing:

23 “(13) the Army Corps of Engineers; and”.

24 **SEC. 4. SCIENTIFIC ASSESSMENTS OF FRESHWATER HARM-**
25 **FUL ALGAL BLOOMS.**

26 Section 603 (33 U.S.C. 4001) is amended—

1 (1) by striking subsection (f);

2 (2) by redesignating subsections (g), (h), (i),
3 and (j) as subsections (f), (g), (h), and (i), respec-
4 tively; and

5 (3) by amending subsection (g) to read as fol-
6 lows:

7 “(g) SCIENTIFIC ASSESSMENTS OF MARINE AND
8 FRESHWATER HARMFUL ALGAL BLOOMS.—Not less than
9 once every 5 years the Task Force shall complete and sub-
10 mit to Congress a scientific assessment of harmful algal
11 blooms in United States coastal waters and freshwater
12 systems. Each assessment shall examine both marine and
13 freshwater harmful algal blooms, including those in the
14 Great Lakes and upper reaches of estuaries, those in
15 freshwater lakes and rivers, and those that originate in
16 freshwater lakes or rivers and migrate to coastal waters.”.

17 **SEC. 5. NATIONAL HARMFUL ALGAL BLOOM AND HYPOXIA**
18 **PROGRAM.**

19 (a) PROGRAM DUTIES.—Section 603A(e) (33 U.S.C.
20 4002(e)) is amended—

21 (1) in paragraph (1), by inserting “, including
22 to local and regional stakeholders through the estab-
23 lishment and maintenance of a publicly accessible
24 Internet website that provides information as to Pro-

1 gram activities completed under this section” after
2 “Program”;

3 (2) in paragraph (3)—

4 (A) in subparagraph (B), by striking “;
5 and” and inserting a semicolon;

6 (B) in subparagraph (C), by inserting
7 “and” after the semicolon at the end; and

8 (C) by adding at the end the following:

9 “(D) to accelerate the utilization of effec-
10 tive methods of intervention and mitigation to
11 reduce the frequency, severity, and impacts of
12 harmful algal bloom and hypoxia events;”;

13 (3) in paragraph (4), by striking “and work co-
14 operatively with” and inserting “, and work coopera-
15 tively to provide technical assistance to,”; and

16 (4) in paragraph (7)—

17 (A) by inserting “and extension” after “ex-
18 isting education”; and

19 (B) by inserting “intervention,” after
20 “awareness of the causes, impacts,”.

21 (b) NATIONAL OCEANIC AND ATMOSPHERIC ADMIN-
22 ISTRATION ACTIVITIES.—Section 603A(f) (33 U.S.C.
23 4002(f)) is amended—

24 (1) in paragraph (3), by inserting “, which shall
25 include unmanned systems,” after “infrastructure”;

1 (2) in paragraph (5), by striking “and” at the
2 end;

3 (3) in paragraph (6)(C), by striking the period
4 at the end and inserting a semicolon; and

5 (4) by adding at the end the following:

6 “(7) use cost effective methods in carrying out
7 this Act; and

8 “(8) develop contingency plans for the long-
9 term monitoring of hypoxia.”.

10 **SEC. 6. CONSULTATION REQUIRED.**

11 Section 102 of the Harmful Algal Bloom and Hy-
12 poxia Amendments Act of 2004 (33 U.S.C. 4001a) is
13 amended by striking “the amendments made by this title”
14 and inserting “the Harmful Algal Bloom and Hypoxia Re-
15 search and Control Act of 1998”.

16 **SEC. 7. HYPOXIA OR HARMFUL ALGAL BLOOM OF NA-**
17 **TIONAL SIGNIFICANCE.**

18 (a) RELIEF.—

19 (1) IN GENERAL.—Upon a determination under
20 subsection (b) that there is an event of national sig-
21 nificance, the appropriate Federal official is author-
22 ized to make sums available to the affected State or
23 local government for the purposes of assessing and
24 mitigating the detrimental environmental, economic,

1 subsistence use, and public health effects of the
2 event of national significance.

3 (2) FEDERAL SHARE.—The Federal share of
4 the cost of any activity carried out under this sub-
5 section for the purposes described in paragraph (1)
6 may not exceed 50 percent of the cost of that activ-
7 ity.

8 (3) DONATIONS.—Notwithstanding any other
9 provision of law, an appropriate Federal official may
10 accept donations of funds, services, facilities, mate-
11 rials, or equipment that the appropriate Federal offi-
12 cial considers necessary for the purposes described
13 in paragraph (1). Any funds donated to an appro-
14 priate Federal official under this paragraph may be
15 expended without further appropriation and without
16 fiscal year limitation.

17 (b) DETERMINATIONS.—

18 (1) IN GENERAL.—At the discretion of an ap-
19 propriate Federal official, or at the request of the
20 Governor of an affected State, an appropriate Fed-
21 eral official shall determine whether a hypoxia or
22 harmful algal bloom event is an event of national
23 significance.

24 (2) CONSIDERATIONS.—In making a determina-
25 tion under paragraph (1), the appropriate Federal

1 official shall consider the toxicity of the harmful
2 algal bloom, the severity of the hypoxia, its potential
3 to spread, the economic impact, the relative size in
4 relation to the past 5 occurrences of harmful algal
5 blooms or hypoxia events that occur on a recurrent
6 or annual basis, and the geographic scope, including
7 the potential to affect several municipalities, to af-
8 fect more than 1 State, or to cross an international
9 boundary.

10 (c) DEFINITIONS.—In this section:

11 (1) APPROPRIATE FEDERAL OFFICIAL.—The
12 term “appropriate Federal official” means—

13 (A) in the case of a marine or coastal hy-
14 poxia or harmful algal bloom event, the Under
15 Secretary of Commerce for Oceans and Atmos-
16 phere; and

17 (B) in the case of a freshwater hypoxia or
18 harmful algal bloom event, the Administrator of
19 the Environmental Protection Agency.

20 (2) EVENT OF NATIONAL SIGNIFICANCE.—The
21 term “event of national significance” means a hy-
22 poxia or harmful algal bloom event that has had or
23 will likely have a significant detrimental environ-
24 mental, economic, subsistence use, or public health
25 impact on an affected State.

1 (3) HYPOXIA OR HARMFUL ALGAL BLOOM
 2 EVENT.—The term “hypoxia or harmful algal bloom
 3 event” means the occurrence of hypoxia or a harm-
 4 ful algal bloom as a result of a natural, anthropo-
 5 genic, or undetermined cause.

6 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

7 Section 609(a) (33 U.S.C. 4009(a)) is amended by
 8 inserting “, and \$22,000,000 for each of fiscal years 2019
 9 through 2023” before the period at the end.

Passed the Senate September 26, 2017.

Attest:

Secretary.

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