

115TH CONGRESS  
1ST SESSION

# S. 1057

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## 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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