

115TH CONGRESS  
1ST SESSION

# H. R. 3661

To establish a program to award prizes for the development of innovative, environmentally safe solutions for reducing, mitigating, and controlling harmful algal blooms, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

AUGUST 18, 2017

Mr. MAST introduced the following bill; which was referred to the Committee on Science, Space, and Technology, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To establish a program to award prizes for the development of innovative, environmentally safe solutions for reducing, mitigating, and controlling 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Harmful Algal Blooms  
5 Solutions Act of 2017” or the “HABS Act of 2017”.

1 **SEC. 2. ESTABLISHMENT OF PROGRAM.**

2 The Secretary of Commerce shall establish a program  
3 to award prizes to eligible persons for achievement in de-  
4 veloping innovative, environmentally safe technologies and  
5 practices for reducing, mitigating, and controlling harmful  
6 algal blooms in one or more of the following categories:

7 (1) Large-scale physical removal of algal bio-  
8 mass.

9 (2) Removal of, or rendering harmless, harmful  
10 algal bloom toxins in the environment.

11 (3) Reduction of available nutrients that fuel  
12 harmful algal blooms.

13 (4) Real-time monitoring of harmful algal  
14 blooms and early-warning systems.

15 **SEC. 3. ESTABLISHMENT OF BOARD.**

16 (a) IN GENERAL.—The Secretary of Commerce shall  
17 establish a Board to administer the program.

18 (b) MEMBERSHIP.—The Board shall be composed of  
19 30 individuals who have experience in the field of harmful  
20 algal blooms as follows:

21 (1) The Secretary of Commerce shall appoint  
22 six individuals with experience in the fields of envi-  
23 ronmental science, aquatic ecology, or environmental  
24 toxicology, of whom—

25 (A) two shall be employees of institutions  
26 of higher education;

1 (B) two shall be employees of not-for-profit  
2 or nonprofit entities; and

3 (C) two shall be employees of private-sec-  
4 tor entities.

5 (2) The Under Secretary of Commerce for  
6 Oceans and Atmosphere shall appoint two employees  
7 of the National Oceanic and Atmospheric Adminis-  
8 tration.

9 (3) The Administrator of the Environmental  
10 Protection Agency shall appoint two employees of  
11 the Environmental Protection Agency.

12 (4) The Secretary of the Interior shall appoint  
13 two employees of the Department of the Interior.

14 (5) The Secretary of Agriculture shall appoint  
15 two employees of the Department of Agriculture.

16 (6) The Assistant Secretary of the Army for  
17 Civil Works shall appoint two employees of the Army  
18 Corps of Engineers.

19 (7) The Director of the National Institute of  
20 Environmental Health Sciences shall appoint one  
21 employee of the National Institute of Environmental  
22 Health Sciences.

23 (8) The Director of the Centers for Disease  
24 Control and Prevention shall appoint one employee  
25 of the Centers for Disease Control and Prevention.

1           (9) The Commissioner of Food and Drugs shall  
2           appoint one employee of the Food and Drug Admin-  
3           istration.

4           (10) The Under Secretary of Commerce for  
5           Standards and Technology shall appoint one em-  
6           ployee of the National Institute of Standards and  
7           Technology.

8           (11) The Director of the National Science  
9           Foundation shall appoint one employee of the Na-  
10          tional Science Foundation.

11          (12) The Administrator of the National Aero-  
12          nautics and Space Administration shall appoint one  
13          official of the National Aeronautics and Space Ad-  
14          ministration.

15          (13) The Secretary of Commerce, or a designee  
16          of the Secretary's choice, shall appoint eight employ-  
17          ees of State agencies pursuant to subsection (c).

18          (c) SELECTION OF STATE EMPLOYEES.—

19               (1) SELECTION FROM FOUR GROUPS OF  
20               STATES.—Except as provided in paragraphs (2) and  
21               (3), the Secretary of Commerce, or a designee of the  
22               Secretary's choice, shall select one State agency em-  
23               ployee who is nominated pursuant to paragraph (3)  
24               from two of the States listed in each of the following  
25               four groups:

1 (A) Maine, New Hampshire, Massachu-  
2 setts, Rhode Island, Connecticut, New York,  
3 New Jersey, Delaware, Maryland, Virginia,  
4 North Carolina, South Carolina, Georgia, and  
5 Florida.

6 (B) Florida, Alabama, Mississippi, Lou-  
7 isiana, and Texas.

8 (C) New York, Pennsylvania, Ohio, Michi-  
9 gan, Indiana, Illinois, Wisconsin, and Min-  
10 nesota.

11 (D) California, Oregon, and Washington.

12 (2) SELECTION OF DIFFERENT STATES.—If the  
13 Secretary determines that there is only one State  
14 listed in any of subparagraphs (A), (B), (C), or (D)  
15 of paragraph (1), that has an employee of a State  
16 agency with experience in the field of harmful algal  
17 blooms, the Secretary, or a designee of the Sec-  
18 retary's choice, shall select two such employees from  
19 such State.

20 (3) NOMINATION BY GOVERNOR.—Not later  
21 than 60 days after the date on which the first indi-  
22 vidual is appointed to the Board pursuant to sub-  
23 section (b), the Governor of each State listed in  
24 paragraph (1) may nominate up to two employees of  
25 a State agency with experience in the field of harm-

1       ful algal blooms for purposes of the selection pursu-  
2       ant to paragraph (1). The Secretary, or a designee  
3       of the Secretary's choice, may not select an employee  
4       from a State if the Governor of such State has failed  
5       to make a nomination pursuant to this paragraph.

6   **SEC. 4. ACTIVITIES OF BOARD.**

7       (a) COMPETITION ESTABLISHMENT.—In carrying  
8       out the program, the Board may hold one or more com-  
9       petitions to award to eligible persons who apply for such  
10      competitions—

11           (1) financial prizes, awarded in amounts deter-  
12          mined by the Board before commencement of the  
13          competition, to winners of a competition based on  
14          criteria established by the Board; and

15           (2) recognition prizes for superlative achieve-  
16          ment in one or more of the categories in section 2.

17      (b) FUND ESTABLISHMENT.—

18           (1) IN GENERAL.—There is established within  
19          the Department of Commerce the “HABS Fund”.

20           (2) RESPONSIBILITY OF SECRETARY.—The Sec-  
21          retary shall take such action as the Secretary deter-  
22          mines to be necessary to assist in implementing the  
23          establishment of the HABS Fund in accordance with  
24          this Act.

1           (3) USE OF FUNDS.—All donations received  
2           under subsection (c) shall be deposited in the HABS  
3           Fund and shall be used only to carry out the com-  
4           petitions described in subsection (a).

5           (4) EXCLUSIVE SOURCE OF FUNDS.—

6                 (A) FUNDS FOR COMPETITIONS.—All  
7                 funds used for the competitions described in  
8                 subsection (a) shall be derived from the HABS  
9                 Fund.

10                (B) DONATIONS TO HABS FUND.—The  
11                HABS Fund shall consist solely of donations  
12                received pursuant to subsection (c)(2).

13           (c) ADMINISTRATION.—

14                (1) CONTRACTING.—The Board may contract  
15                with a private organization to administer the com-  
16                petitions described in subsection (a).

17                (2) SOLICITATION OF FUNDS.—A member of  
18                the Board or any administering organization with  
19                which the Board has a contract under paragraph (1)  
20                may solicit funds from a private individual or entity  
21                to be used for a competition under subsection (a).

22                (3) CRITERIA FOR AWARD.—The Board shall  
23                approve, by a majority vote, the criteria governing  
24                the selection of prize winners.

1           (4) NO ADVANTAGE FOR DONATION.—A private  
2           individual or entity described in paragraph (2) shall  
3           not be entitled to any special consideration or advan-  
4           tage with respect to the selection of recipients for a  
5           prize, or the receipt of a prize, under subsection  
6           (a)(1), but such individual or entity may provide ad-  
7           vice to the Board regarding the criteria described in  
8           paragraph (3).

9           (d) INTELLECTUAL PROPERTY.—The Federal Gov-  
10          ernment may not acquire an intellectual property right in  
11          any product or idea by virtue of the submission of such  
12          product or idea in a competition under subsection (a).

13          (e) LIABILITY.—The Board may require a competitor  
14          in a competition under subsection (a) to waive liability  
15          against the Federal Government for injury or damage that  
16          results from participation in such competition.

17          (f) ANNUAL REPORT.—Not later than one year after  
18          the termination of a competition under subsection (a)(1),  
19          the Board shall submit to Congress a report on the pro-  
20          gram.

21       **SEC. 5. NONSUBSTITUTION.**

22           The program shall not be considered a substitute for  
23          Federal research and development programs to under-  
24          stand, reduce, mitigate, and control harmful algal blooms.



1 **SEC. 6. DEFINITIONS.**

2 In this Act:

3 (1) **BOARD.**—The term “Board” means the  
4 board established in section 3.

5 (2) **ELIGIBLE PERSON.**—The term “eligible per-  
6 son” means—

7 (A) an individual who is a citizen or na-  
8 tional of the United States;

9 (B) an alien lawfully admitted for perma-  
10 nent residence in the United States whose resi-  
11 dence is in the United States; or

12 (C) an entity that is incorporated in a  
13 State and maintains its primary place of busi-  
14 ness in the United States.

15 (3) **PROGRAM.**—The term “program” means  
16 the program established in section 2.

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