

115TH CONGRESS
1ST SESSION

H. R. 4417

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

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 16, 2017

Ms. BONAMICI (for herself, Ms. KAPTUR, Mr. JOYCE of Ohio, and Ms. EDDIE BERNICE JOHNSON of Texas) 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

A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Harmful Algal Bloom
5 and Hypoxia Research and Control Amendments Act of
6 2017”.

1 **SEC. 2. REFERENCES TO THE HARMFUL ALGAL BLOOM**
2 **AND HYPOXIA RESEARCH AND CONTROL ACT**
3 **OF 1998.**

4 Except as otherwise expressly provided, wherever in
5 this Act an amendment or repeal is expressed in terms
6 of an amendment to, or repeal of, a section or other provi-
7 sion, the reference shall be considered to be made to a
8 section or other provision of the Harmful Algal Bloom and
9 Hypoxia Research and Control Act of 1998 (33 U.S.C.
10 4001 et seq.).

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

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

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

15 (2) by redesignating paragraph (13) as para-
16 graph (14); and

17 (3) by inserting after paragraph (12) the fol-
18 lowing:

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

20 **SEC. 4. SCIENTIFIC ASSESSMENTS OF FRESHWATER HARM-**
21 **FUL ALGAL BLOOMS.**

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

23 (1) by striking subsection (f);

24 (2) by redesignating subsections (g), (h), (i),
25 and (j) as subsections (f), (g), (h), and (i), respec-
26 tively; and

1 (3) by amending subsection (g) to read as fol-
2 lows:

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

13 **SEC. 5. NATIONAL HARMFUL ALGAL BLOOM AND HYPOXIA**
14 **PROGRAM.**

15 (a) **PROGRAM DUTIES.**—Section 603A(e) (33 U.S.C.
16 4002(e)) is amended—

17 (1) in paragraph (1), by inserting “, including
18 to local and regional stakeholders through the estab-
19 lishment and maintenance of a publicly accessible
20 Internet website that provides information as to Pro-
21 gram activities completed under this section” after
22 “Program”;

23 (2) in paragraph (3)—

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

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

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

4 “(D) to accelerate the utilization of effec-
5 tive methods of intervention and mitigation to
6 reduce the frequency, severity, and impacts of
7 harmful algal bloom and hypoxia events;”;

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

11 (4) in paragraph (7)—

12 (A) by inserting “and extension” after “ex-
13 isting education”; and

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

16 (b) NATIONAL OCEANIC AND ATMOSPHERIC ADMIN-
17 ISTRATION ACTIVITIES.—Section 603A(f) (33 U.S.C.
18 4002(f)) is amended—

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

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

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

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

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

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

5 **SEC. 6. CONSULTATION REQUIRED.**

6 Section 102 of the Harmful Algal Bloom and Hy-
7 poxia Amendments Act of 2004 (33 U.S.C. 4001a) is
8 amended by striking “the amendments made by this title”
9 and inserting “the Harmful Algal Bloom and Hypoxia Re-
10 search and Control Act of 1998”.

11 **SEC. 7. HYPOXIA OR HARMFUL ALGAL BLOOM OF NA-**
12 **TIONAL SIGNIFICANCE.**

13 (a) RELIEF.—

14 (1) IN GENERAL.—Upon a determination under
15 subsection (b) that there is an event of national sig-
16 nificance, the appropriate Federal official is author-
17 ized to make sums available to the affected State or
18 local government for the purposes of assessing and
19 mitigating the detrimental environmental, economic,
20 subsistence use, and public health effects of the
21 event of national significance.

22 (2) FEDERAL SHARE.—The Federal share of
23 the cost of any activity carried out under this sub-
24 section for the purposes described in paragraph (1)

1 may not exceed 50 percent of the cost of that activ-
2 ity.

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

12 (b) DETERMINATIONS.—

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

19 (2) CONSIDERATIONS.—In making a determina-
20 tion under paragraph (1), the appropriate Federal
21 official shall consider the toxicity of the harmful
22 algal bloom, the severity of the hypoxia, its potential
23 to spread, the economic impact, the relative size in
24 relation to the past 5 occurrences of harmful algal
25 blooms or hypoxia events that occur on a recurrent

1 or annual basis, and the geographic scope, including
2 the potential to affect several municipalities, to af-
3 fect more than 1 State, or to cross an international
4 boundary.

5 (c) DEFINITIONS.—In this section:

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

8 (A) in the case of a marine or coastal hy-
9 poxia or harmful algal bloom event, the Under
10 Secretary of Commerce for Oceans and Atmos-
11 phere; and

12 (B) in the case of a freshwater hypoxia or
13 harmful algal bloom event, the Administrator of
14 the Environmental Protection Agency.

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

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

1 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

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

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