

SOUTH FLORIDA CLEAN COASTAL WATERS ACT OF 2019

SEPTEMBER 11, 2019.—Committed to the Committee of the Whole House on the State of the Union and Ordered to be printed

Ms. JOHNSON of Texas, from the Committee on Science, Space, and Technology, submitted the following

R E P O R T

[To accompany H.R. 335]

[Including cost estimate of the Congressional Budget Office]

The Committee on Science, Space, and Technology, to whom was referred the bill (H.R. 335) to require the Inter-Agency Task Force on Harmful Algal Blooms and Hypoxia to develop a plan for reducing, mitigating, and controlling harmful algal blooms and hypoxia in South Florida, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

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I. AMENDMENT

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “South Florida Clean Coastal Waters Act of 2019”.

SEC. 2. SOUTH FLORIDA HARMFUL ALGAL BLOOMS AND HYPOXIA ASSESSMENT AND ACTION PLAN.

(a) **IN GENERAL.**—The Harmful Algal Bloom and Hypoxia Research and Control Act of 1998 (Public Law 105–383; 33 U.S.C. 4001 et seq.) is amended—

- (1) by redesignating sections 605 through 609 as sections 606 through 610, respectively; and
- (2) by inserting after section 604 the following:

“SEC. 605. SOUTH FLORIDA HARMFUL ALGAL BLOOMS AND HYPOXIA.

“(a) **SOUTH FLORIDA.**—In this section, the term ‘South Florida’ means—

- “(1) all lands and waters within the administrative boundaries of the South Florida Water Management District;
- “(2) regional coastal waters, including Biscayne Bay, the Caloosahatchee Estuary, Florida Bay, and Indian River Lagoon; and
- “(3) the Florida Reef Tract.

“(b) **INTEGRATED ASSESSMENT.**—Not later than 540 days after the date of enactment of the South Florida Clean Coastal Waters Act of 2019, the Task Force, in accordance with the authority under section 603, shall complete and submit to Congress and the President an interim integrated assessment. Not later than 3 years after such date of enactment, the Task Force shall finalize, and submit to Congress and the President, such assessment. Such assessment shall examine the causes, consequences, and potential approaches to reduce harmful algal blooms and hypoxia in South Florida, and the status of, and gaps within, current harmful algal bloom and hypoxia research, monitoring, management, prevention, response, and control activities that directly affect the region by—

- “(1) Federal agencies;
- “(2) State agencies;
- “(3) regional research consortia;
- “(4) academia;
- “(5) private industry;
- “(6) nongovernmental organizations; and
- “(7) Indian tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)).

“(c) ACTION PLAN.—

“(1) **IN GENERAL.**—Not later than 2 years after the date of the enactment of the South Florida Clean Coastal Waters Act of 2019, the Task Force shall develop and submit to Congress a plan, based on the integrated assessment under subsection (b), for reducing, mitigating, and controlling harmful algal blooms and hypoxia in South Florida.

“(2) **CONTENTS.**—The plan submitted under paragraph (1) shall—

- “(A) address the monitoring needs identified in the integrated assessment under subsection (b);
- “(B) develop a timeline and budgetary requirements for deployment of future assets;
- “(C) identify requirements for the development and verification of South Florida harmful algal bloom and hypoxia models, including—
 - “(i) all assumptions built into the models; and
 - “(ii) data quality methods used to ensure the best available data are utilized; and
- “(D) propose a plan to implement a remote monitoring network and early warning system for alerting local communities in the region to harmful algal bloom risks that may impact human health.

“(3) **REQUIREMENTS.**—In developing the action plan, the Task Force shall—

- “(A) consult with the State of Florida, and affected local and tribal governments;
- “(B) consult with representatives from regional academic, agricultural, industry, and other stakeholder groups;
- “(C) ensure that the plan complements and does not duplicate activities conducted by other Federal or State agencies, including the South Florida Ecosystem Restoration Task Force;

“(D) identify critical research for reducing, mitigating, and controlling harmful algal bloom events and their effects;

“(E) evaluate cost-effective, incentive-based partnership approaches;

“(F) ensure that the plan is technically sound and cost-effective;

“(G) utilize existing research, assessments, reports, and program activities;

“(H) publish a summary of the proposed plan in the Federal Register at least 180 days prior to submitting the completed plan to Congress; and

“(I) after submitting the completed plan to Congress, provide biennial progress reports on the activities toward achieving the objectives of the plan.”

(b) CLERICAL AMENDMENT AND CORRECTION.—The table of contents in section 2 of the Coast Guard Authorization Act of 1998 (Public Law 105–383) is amended by striking the items relating to title VI and inserting the following new items:

“TITLE VI—HARMFUL ALGAL BLOOMS AND HYPOXIA

“Sec. 601. Short title.

“Sec. 602. Findings.

“Sec. 603. Assessments.

“Sec. 603A. National Harmful Algal Bloom and Hypoxia Program.

“Sec. 603B. Comprehensive research plan and action strategy.

“Sec. 604. Northern Gulf of Mexico hypoxia.

“Sec. 605. South Florida harmful algal blooms and hypoxia.

“Sec. 606. Great Lakes hypoxia and harmful algal blooms.

“Sec. 607. Protection of States’ Rights.

“Sec. 608. Effect on other Federal authority.

“Sec. 609. Definitions.

“Sec. 610. Authorization of appropriations.”.

II. PURPOSE OF THE BILL

H.R. 335, sponsored by Rep. Mast, amends the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998 to require the Interagency Task Force on Harmful Algal Blooms (HABs) and Hypoxia to produce an integrated assessment on the causes, consequences, and mitigation options for HABs and hypoxia in South Florida, and to identify gaps in research, monitoring and management.

It also requires the Task Force to develop an action plan, in consultation with local stakeholders, in response to the integrated assessment that details methods for reducing and mitigating HABs and hypoxia in South Florida, and to provide progress reports on the implementation of the plan biennially. The bill is co-sponsored by Representatives Soto, Rooney, Posey, and Waltz.

III. BACKGROUND AND NEED FOR THE LEGISLATION

A harmful algal bloom (HAB) is an explosion of growth of a colony of algae within an ocean or freshwater ecosystem that produces toxins or other harmful effects on wildlife or humans.¹ Depending on the species of algae and the aquatic and atmospheric conditions, HABs can produce toxins that may harm or kill organisms ranging from fish, and other aquatic life, to land inhabitants like birds and mammals, including pets. HABs negatively affect human health as well, and rarely, they have caused human illnesses and even death. HABs can obstruct the gills of fish, cover corals and aquatic vegetation, and contaminate shellfish and drinking water.²

When massive algae blooms die and sink to the bottom, the decomposition of the bloom by bacteria consumes dissolved oxygen in

¹ NOAA, “What is a harmful algal bloom?” April 27, 2016. <https://www.noaa.gov/what-is-harmful-algal-bloom>

² *Ibid.*

the water, creating a condition of hypoxia, or low oxygen.³ Since most organisms require oxygen to survive, hypoxic waters can cause harm or even death to aquatic organisms affected by the hypoxia.

Marine and freshwater HABs have been reported in every state in the United States.⁴ HABs negatively affects human health and ecosystems. This can also impact coastal economies, particularly the fishing and tourism industries.⁵

Research shows that climate change will cause significant changes to marine conditions, which overall will increase the frequency, geographic distribution, and intensity of HABs. Warming water, salinity changes, more dissolved carbon dioxide, and sea level rise, will all make conditions more favorable to some species of harmful algae.⁶ Nutrient pollution from upstream human sources such as agriculture, urban runoff, and lawn fertilizers also exacerbates HABs; adding extra nitrogen and phosphorus pollution causes algae to grow faster than ecosystems can handle.⁷

South Florida experiences HABs in both its marine and freshwater systems annually. In the summer, red tide and brown tide blooms occur in the Gulf of Mexico and South Atlantic Ocean along the East coast of Florida, as well as in the Indian River Lagoon system that is also along the Atlantic Coast of Florida. Red tide causes eye and respiratory ailments for coastal residents, large fish kills, and bright crimson water.⁸ Though brown tide has not been found to cause human health concerns, it kills fish and shellfish as well as seagrasses crucial to water quality and protection for fish.⁹ Lake Okeechobee and its surrounding rivers, canals, and estuaries, the Indian River Lagoon, the Everglades, and the Atlantic and Gulf coasts, experience toxic blue-green algal blooms, which cause eye, skin, and respiratory irritation.^{10 11} The red, brown, and blue-green blooms have been intensifying in recent years due to increased nutrient pollution and climate change.¹²

The National Oceanic and Atmospheric Administration (NOAA) conducts research on marine HABs to better understand the conditions under which they form, and NOAA's satellite, buoy, and other observations contribute to detection, forecasting and warnings for HABs.¹³ The Harmful Algal Bloom and Hypoxia Research and Control Act of 1998 (HABHRCA) authorized appropriations for NOAA to conduct research, monitoring, education, and management activities to reduce HABs. In addition, HABHRCA created the Inter-Agency Task Force on Harmful Algal Blooms and Hypoxia to develop action plans combatting HABs and hypoxia. The HABHRCA reauthorizations of 2004, 2014, and 2017 reasserted and expanded this mandate.¹⁴

³ Ibid.

⁴ <https://oceanservice.noaa.gov/hazards/hab/>

⁵ Ibid.

⁶ <https://www.epa.gov/nutrientpollution/climate-change-and-harmful-algal-blooms>

⁷ <https://www.epa.gov/nutrientpollution/issue>

⁸ <https://oceanservice.noaa.gov/news/redtide-florida/>

⁹ <https://myfwc.com/research/redtide/monitoring/historical-events/brown-tide>

¹⁰ <https://miami.cbslocal.com/2019/06/07/blue-green-algae-bloom-florida-lake-okeechobee>

¹¹ <https://fl.audubon.org/crisis-indian-river-lagoon-solutions-imperiled-ecosystem>

¹² https://floridadep.gov/sites/default/files/The%20Effects%20of%20Climate%20Change%20on%20Florida%27s%20Ocean%20and%20Coastal%20Resources_0.pdf

¹³ <https://www.noaa.gov/what-is-harmful-algal-bloom>

¹⁴ <https://coastalscience.noaa.gov/research/stressor-impacts/mitigationhabhrca/>

In the 2014 amendments to HABHRCA, Congress directed the Inter-Agency Task Force on Harmful Algal Blooms and Hypoxia to submit an integrated assessment each for the Great Lakes and northern Gulf of Mexico that examines the causes, impacts, and potential mitigation strategies for HABs and hypoxia in those areas, and to create and submit to Congress a plan for each to carry out mitigation actions.¹⁵ H.R. 335 identifies the need for a similar combination of integrated assessment and action plan, in order to examine and combat the intensifying HABs and hypoxia conditions in South Florida.

IV. COMMITTEE HEARINGS

For the purposes of section 103(i) of H. Res. 6 of the 116th Congress, the following hearings were used to develop the legislation:

On March 7, 2019, the Honorable Lizzie Fletcher presiding over the Environment Subcommittee of the Committee on Science, Space, and Technology held a hearing focused on climate change impacts on our nation's oceans and coasts, where harmful algal blooms were discussed as a major associated impact. There were four witnesses: (1) Dr. Sarah Cooley, Director of the Ocean Acidification Program at Ocean Conservancy. Dr. Cooley provided testimony on the science of ocean warming, acidification, and deoxygenation and resulting impacts to marine ecosystems and human, including more frequent or toxic HABs. (2) Dr. Radley Horton, Lamont Associate Research Professor at Columbia University Earth Institute's Lamont-Doherty Earth Observatory. Dr. Horton testified on sea level rise projections and impacts to coastal communities. (3) Dr. Thomas K. Frazer, Professor and Director of the School of Natural Resources and Environment at the University of Florida, testified on the impacts of climate change to fisheries and the need for increased federal investment in research. In response to a question from Mr. Crist on the causes of severity of the most recent red tide outbreak in Florida, Dr. Frazer highlighted the need for better observations in areas with HABs. (4) Ms. Margaret A. Pilaro, Executive Director of the Pacific Coast Shellfish Growers Association. Ms. Pilaro provided testimony on how acidification, HABs, ocean warming, hypoxia, and other trends affect shellfish hatcheries and how their industry has started to adapt.

V. COMMITTEE CONSIDERATION AND VOTES

As summarized in Section IV of this report, the Subcommittee on Environment heard testimony in the 116th Congress relevant to the activities authorized in H.R. 335 at a hearing held on March 7, 2019.

On January 8, 2019, Representative Brian Mast introduced H.R. 335, the South Florida Clean Coastal Waters Act of 2019, to produce an integrated assessment on the causes, consequences, and potential mitigation options to reduce HABs and hypoxia in South Florida, and to develop a subsequent mitigation plan.

On July 23, 2019 the House Committee on Science, Space and Technology met to consider H.R. 335 and three energy research

¹⁵ <https://www.govinfo.gov/content/pkg/BILLS-113s1254eah/pdf/BILLS-113s1254eah.pdf>

and development bills. The Committee considered the following amendment to the bill:

1. Mr. Waltz offered a manager's amendment that broadens the definition of South Florida to reflect the interconnectedness of Lake Okeechobee, the Indian River Lagoon, the Gulf and Atlantic coasts, and other bodies of water in South Florida to ensure that all of these affected water bodies are eligible for the integrated assessment and action plan required by the bill. The amendment also makes several other minor changes to the bill based on technical assistance from NOAA. *The amendment was agreed to by a voice vote.*

Ms. Johnson moved that the Committee favorably report the bill, H.R. 335, as amended, to the House with the recommendation that the bill be approved. *The motion was agreed to by a voice vote.*

VI. SUMMARY OF MAJOR PROVISIONS OF THE BILL

H.R. 335 requires the Inter-Agency Task Force on Harmful Algal Blooms and Hypoxia to produce an integrated assessment on the causes, consequences, and potential mitigation options to reduce HABs and hypoxia in South Florida, and to develop a plan for reducing, mitigating, and controlling harmful algal blooms and hypoxia in South Florida, among other purposes.

VII. SECTION-BY-SECTION ANALYSIS (BY TITLE AND SECTION)

Section 1. Short title

South Florida Clean Coastal Waters Act of 2019

Section 2. South Florida Harmful Algal Blooms and Hypoxia assessment and action plan

This section amends the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998 to require the Interagency Task Force on Harmful Algal Blooms (HABs) and Hypoxia to produce an integrated assessment on the causes, consequences, and potential mitigation options to reduce HABs and hypoxia in South Florida, as well as identify the current status and gaps in research, monitoring, and management efforts. An interim integrated assessment is required to be submitted to Congress and the President 540 days after enactment of the bill, with the final assessment report required to be submitted no later than 3 years after the bill's enactment.

This section also requires the Task Force to develop an action plan based on the integrated assessment that details methods for reducing, mitigating, and controlling HABs and hypoxia in South Florida. This includes proposing a monitoring network and early warning system, as well as a timeline and budget requirements for implementation of such strategies. In developing the plan, the Task Force is required to consult with State, affected local and tribal governments, and non-federal stakeholder groups such as academia and industry; ensure the plan does not duplicate existing efforts; and evaluate approaches that are cost-effective and partnership based. A summary of the proposed plan must be published in the Federal Register at least 180 before submitting to Congress. The

Task Force is required to submit the action plan to Congress no later than 2 years after enactment of the bill, followed by biennial progress reports on activities toward achieving the plan.

VIII. COMMITTEE VIEWS

The Committee recognizes the unique need of South Florida to develop a blueprint for action to mitigate HABs, which will help federal, state, and local decision makers mobilize and coordinate actions around this issue. South Florida has been suffering from economically and ecologically costly HABs in its marine and freshwater bodies for decades, and the problem is intensifying with climate change and fertilizer runoff from farms and lawns. For example, in 2018, a toxic red tide bloom in South Florida caused mass mortality of dolphins, manatees, and fish, and \$130 million in damage to local businesses.

The Committee believes that an integrated assessment and action plan for this region will strengthen federal research in this area, resulting in improved forecasts and responses to HABs. The Inter-agency Task Force on Harmful Algal Blooms and Hypoxia has created integrated assessments and action plans for other regions in the past, namely the northern Gulf of Mexico and the Great Lakes, with great success in improving knowledge of those areas and coordinating stakeholders around action. The amended version of H.R. 335 incorporates technical assistance from NOAA and broadens the definition of South Florida to include additional freshwater bodies, coastal waters, and the Florida Reef Tract to ensure all water bodies affected by the most common types of HABs are eligible for evaluation in the assessment.

IX. COST ESTIMATE

Pursuant to clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee adopts as its own the estimate of new budget authority, entitlement authority, or tax expenditures or revenues contained in the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

X. CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 6, 2019.

Hon. EDDIE BERNICE JOHNSON,
*Chairwoman, Committee on Science, Space, and Technology,
House of Representatives, Washington, DC.*

DEAR MADAM CHAIRWOMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 335, the South Florida Clean Coastal Waters Act of 2019.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Robert Reese.

Sincerely,

MARK P. HADLEY
(For Phillip L. Swagel, Director).

Enclosure.

H.R. 335, South Florida Clean Coastal Waters Act of 2019			
As ordered reported by the House Committee on Science, Space, and Technology on July 24, 2019			
By Fiscal Year, Millions of Dollars	2019	2019-2024	2019-2029
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	0	*	*
Statutory pay-as-you-go procedures apply?	No	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2030?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No
* = between zero and \$500,000.			

H.R. 335 would amend the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998 to direct the interagency task force on harmful algal blooms to develop and submit to the Congress within two years a plan to reduce, mitigate, and control harmful algal blooms in southern Florida. The interagency task force includes the National Oceanic and Atmospheric Administration, the Environmental Protection Agency, the Department of the Interior, the Department of Agriculture, and other agencies.

Using information on the cost of completing similar reports, CBO estimates that implementing H.R. 335 would cost less than \$500,000 over the 2019–2024 period. Any such spending would be subject to the availability of appropriated funds.

The CBO staff contact for this estimate is Robert Reese. The estimate was reviewed by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

XI. FEDERAL MANDATES STATEMENT

H.R. 335 contains no unfunded mandates.

XII. COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

The Committee's oversight findings and recommendations are reflected in the body of this report.

XIII. STATEMENT ON GENERAL PERFORMANCE GOALS AND OBJECTIVES

The goal of H.R. 335 is to require the Inter-Agency Task Force on Harmful Algal Blooms and Hypoxia (Task Force) to produce an integrated assessment on the causes, consequences, and potential mitigation options to reduce HABs and hypoxia in South Florida. Congress and the President will receive an interim assessment 540 days after the enactment of the bill and the final assessment no later than 3 years after enactment of the bill. The goal is also to require the Task Force to develop a plan for reducing, mitigating, and controlling harmful algal blooms and hypoxia in South Florida. A summary of the proposed plan must be published in the Federal

Register at least 180 before submitting to Congress. The Task Force is required to submit the action plan to Congress no later than 2 years after enactment of the bill, followed by biennial progress reports on activities toward achieving the plan.

XIV. FEDERAL ADVISORY COMMITTEE STATEMENT

H.R. 335 does not create any advisory committees.

XV. DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII of the Rules of the House of Representatives, the Committee finds that no provision of H.R. 335 establishes or reauthorizes a program of the federal government known to be duplicative of another federal program, including any program that was included in a report to Congress pursuant to section 21 of Public Law 111–139 or the most recent Catalog of Federal Domestic Assistance.

XVI. EARMARK IDENTIFICATION

Pursuant to clause 9(e), 9(f), and 9(g) of rule XXI, the Committee finds that H.R. 335 contains no earmarks, limited tax benefits, or limited tariff benefits.

XVII. APPLICABILITY TO THE LEGISLATIVE BRANCH

The Committee finds that H.R. 335 does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act (Public Law 104–1).

XVIII. STATEMENT ON PREEMPTION OF STATE, LOCAL, OR TRIBAL LAW

This bill is not intended to preempt any state, local, or tribal law.

XIX. CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

COAST GUARD AUTHORIZATION ACT OF 1998

* * * * *

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.

* * * * *

【TITLE VI—HARMFUL ALGAL BLOOMS AND HYPOXIA

- 【**Sec. 601. Short title.
- 【**Sec. 602. Findings.
- 【**Sec. 603. Assessments.
- 【**Sec. 604. Northern Gulf of Mexico hypoxia.
- 【**Sec. 605. Authorization of appropriations.
- 【**Sec. 606. Protection of States’ rights.**】**

TITLE VI—HARMFUL ALGAL BLOOMS AND HYPOXIA

- Sec. 601. Short title.*
- Sec. 602. Findings.*
- Sec. 603. Assessments.*
- Sec. 603A. National Harmful Algal Bloom and Hypoxia Program.*
- Sec. 603B. Comprehensive research plan and action strategy.*
- Sec. 604. Northern Gulf of Mexico hypoxia.*
- Sec. 605. South Florida harmful algal blooms and hypoxia.*
- Sec. 606. Great Lakes hypoxia and harmful algal blooms.*
- Sec. 607. Protection of States’ Rights.*
- Sec. 608. Effect on other Federal authority.*
- Sec. 609. Definitions.*
- Sec. 610. Authorization of appropriations.*

* * * * *

TITLE VI—HARMFUL ALGAL BLOOMS AND HYPOXIA

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SEC. 605. SOUTH FLORIDA HARMFUL ALGAL BLOOMS AND HYPOXIA.

(a) *SOUTH FLORIDA.*—*In this section, the term “South Florida” means—*

- (1) *all lands and waters within the administrative boundaries of the South Florida Water Management District;*
- (2) *regional coastal waters, including Biscayne Bay, the Caloosahatchee Estuary, Florida Bay, and Indian River Lagoon; and*
- (3) *the Florida Reef Tract.*

(b) *INTEGRATED ASSESSMENT.*—*Not later than 540 days after the date of enactment of the South Florida Clean Coastal Waters Act of 2019, the Task Force, in accordance with the authority under section 603, shall complete and submit to Congress and the President an interim integrated assessment. Not later than 3 years after such date of enactment, the Task Force shall finalize, and submit to Congress and the President, such assessment. Such assessment shall examine the causes, consequences, and potential approaches to reduce harmful algal blooms and hypoxia in South Florida, and the status of, and gaps within, current harmful algal bloom and hypoxia research, monitoring, management, prevention, response, and control activities that directly affect the region by—*

- (1) *Federal agencies;*
- (2) *State agencies;*
- (3) *regional research consortia;*
- (4) *academia;*

- (5) private industry;
- (6) nongovernmental organizations; and
- (7) Indian tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)).

(c) ACTION PLAN.—

(1) IN GENERAL.—Not later than 2 years after the date of the enactment of the South Florida Clean Coastal Waters Act of 2019, the Task Force shall develop and submit to Congress a plan, based on the integrated assessment under subsection (b), for reducing, mitigating, and controlling harmful algal blooms and hypoxia in South Florida.

(2) CONTENTS.—The plan submitted under paragraph (1) shall—

(A) address the monitoring needs identified in the integrated assessment under subsection (b);

(B) develop a timeline and budgetary requirements for deployment of future assets;

(C) identify requirements for the development and verification of South Florida harmful algal bloom and hypoxia models, including—

(i) all assumptions built into the models; and

(ii) data quality methods used to ensure the best available data are utilized; and

(D) propose a plan to implement a remote monitoring network and early warning system for alerting local communities in the region to harmful algal bloom risks that may impact human health.

(3) REQUIREMENTS.—In developing the action plan, the Task Force shall—

(A) consult with the State of Florida, and affected local and tribal governments;

(B) consult with representatives from regional academic, agricultural, industry, and other stakeholder groups;

(C) ensure that the plan complements and does not duplicate activities conducted by other Federal or State agencies, including the South Florida Ecosystem Restoration Task Force;

(D) identify critical research for reducing, mitigating, and controlling harmful algal bloom events and their effects;

(E) evaluate cost-effective, incentive-based partnership approaches;

(F) ensure that the plan is technically sound and cost-effective;

(G) utilize existing research, assessments, reports, and program activities;

(H) publish a summary of the proposed plan in the Federal Register at least 180 days prior to submitting the completed plan to Congress; and

(I) after submitting the completed plan to Congress, provide biennial progress reports on the activities toward achieving the objectives of the plan.

SEC. [605.] 606. GREAT LAKES HYPOXIA AND HARMFUL ALGAL BLOOMS.

(a) **INTEGRATED ASSESSMENT.**—Not later than 18 months after the date of enactment of the Harmful Algal Bloom and Hypoxia Research and Control Amendments Act of 2014, the Task Force, in accordance with the authority under section 603, shall complete and submit to the Congress and the President an integrated assessment that examines the causes, consequences, and approaches to reduce hypoxia and harmful algal blooms in the Great Lakes, including the status of and gaps within current research, monitoring, management, prevention, response, and control activities by—

- (1) Federal agencies;
- (2) State agencies;
- (3) regional research consortia;
- (4) academia;
- (5) private industry; and
- (6) nongovernmental organizations.

(b) **PLAN.**—

(1) **IN GENERAL.**—Not later than 2 years after the date of enactment of the Harmful Algal Bloom and Hypoxia Research and Control Amendments Act of 2014, the Task Force shall develop and submit to the Congress a plan, based on the integrated assessment under subsection (a), for reducing, mitigating, and controlling hypoxia and harmful algal blooms in the Great Lakes.

(2) **CONTENTS.**—The plan shall—

(A) address the monitoring needs identified in the integrated assessment under subsection (a);

(B) develop a timeline and budgetary requirements for deployment of future assets;

(C) identify requirements for the development and verification of Great Lakes hypoxia and harmful algal bloom models, including—

(i) all assumptions built into the models; and

(ii) data quality methods used to ensure the best available data are utilized; and

(D) describe efforts to improve the assessment of the impacts of hypoxia and harmful algal blooms by—

(i) characterizing current and past biological conditions in ecosystems affected by hypoxia and harmful algal blooms; and

(ii) quantifying effects, including economic effects, at the population and community levels.

(3) **REQUIREMENTS.**—In developing the plan, the Task Force shall—

(A) coordinate with State and local governments;

(B) consult with representatives from academic, agricultural, industry, and other stakeholder groups, including relevant Canadian agencies;

(C) ensure that the plan complements and does not duplicate activities conducted by other Federal or State agencies;

(D) identify critical research for reducing, mitigating, and controlling hypoxia events and their effects;

(E) evaluate cost-effective, incentive-based partnership approaches;

(F) ensure that the plan is technically sound and cost effective;

(G) utilize existing research, assessments, reports, and program activities;

(H) publish a summary of the proposed plan in the Federal Register at least 180 days prior to submitting the completed plan to Congress; and

(I) after submitting the completed plan to Congress, provide biennial progress reports on the activities toward achieving the objectives of the plan.

SEC. [606.] 607. PROTECTION OF STATES' RIGHTS.

(a) Nothing in this title shall be interpreted to adversely affect existing State regulatory or enforcement power which has been granted to any State through the Clean Water Act or Coastal Zone Management Act of 1972.

(b) Nothing in this title shall be interpreted to expand the regulatory or enforcement power of the Federal Government which has been delegated to any State through the Clean Water Act or Coastal Zone Management Act of 1972.

SEC. [607.] 608. EFFECT ON OTHER FEDERAL AUTHORITY.

(a) **AUTHORITY PRESERVED.**—Nothing in this title supersedes or limits the authority of any agency to carry out its responsibilities and missions under other laws.

(b) **REGULATORY AUTHORITY.**—Nothing in this title may be construed as establishing new regulatory authority for any agency.

SEC. [608.] 609. DEFINITIONS.

In this title:

(1) **ACTION STRATEGY.**—The term “Action Strategy” means the comprehensive research plan and action strategy established under section 603B.

(2) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(3) **HARMFUL ALGAL BLOOM.**—The term “harmful algal bloom” means marine and freshwater phytoplankton that proliferate to high concentrations, resulting in nuisance conditions or harmful impacts on marine and aquatic ecosystems, coastal communities, and human health through the production of toxic compounds or other biological, chemical, and physical impacts of the algae outbreak.

(4) **HYPOXIA.**—The term “hypoxia” means a condition where low dissolved oxygen in aquatic systems causes stress or death to resident organisms.

(5) **PROGRAM.**—The term “Program” means the national harmful algal bloom and hypoxia program established under section 603A.

(6) **STATE.**—The term “State” means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, any other territory or possession of the United States, and any Indian tribe.

(7) TASK FORCE.—The term “Task Force” means the Inter-Agency Task Force on Harmful Algal Blooms and Hypoxia under section 603(a).

(8) UNDER SECRETARY.—The term “Under Secretary” means the Under Secretary of Commerce for Oceans and Atmosphere.

(9) UNITED STATES COASTAL WATERS.—The term “United States coastal waters” includes the Great Lakes.

SEC. [609.] 610. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to the Under Secretary to carry out sections 603A and 603B \$20,500,000 for each of fiscal years 2014 through 2018, and \$20,500,000 for each of fiscal years 2019 through 2023.

(b) EXTRAMURAL RESEARCH ACTIVITIES.—The Under Secretary shall ensure that a substantial portion of funds appropriated pursuant to subsection (a) that are used for research purposes are allocated to extramural research activities. For each fiscal year, the Under Secretary shall publish a list of all grant recipients and the amounts for all of the funds allocated for research purposes, specifying those allocated for extramural research activities.

* * * * *

XX. EXCHANGE OF COMMITTEE CORRESPONDENCE

EDDIE BERNICE JOHNSON, Texas
CHAIRWOMAN

FRANK D. LUCAS, Oklahoma
RANKING MEMBER

Congress of the United States
House of Representatives

COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

2321 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6301

(202) 225-6375
www.science.house.gov

September 5, 2019

Chairman Raúl M. Grijalva
Committee on Natural Resources
U.S. House of Representatives
1324 Longworth House Office Building
Washington, DC 20515

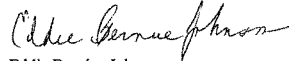
Dear Chairman Grijalva,

I am writing to you concerning H.R. 335, the "South Florida Clean Coastal Waters Act of 2019," which was referred to the Committee on Science, Space, and Technology, and in addition to the Committee on Natural Resources on January 8, 2019.

I appreciate your willingness to work cooperatively on this bill. I recognize that the bill contains provisions that fall within the jurisdiction of the Committee on Natural Resources. I acknowledge that your Committee will waive further consideration of H.R. 335 and that this action is not a waiver of future jurisdictional claims by the Committee on Natural Resources over this subject matter.

I will make sure to include our exchange of letters in the *Congressional Record* and legislative report. Thank you for your cooperation on this legislation.

Sincerely,



Eddie Bernice Johnson
Chairwoman

cc: Ranking Member Frank D. Lucas, Committee on Science, Space, and Technology
Ranking Member Rob Bishop, Committee on Natural Resources
Mr. Tom Wickham, Parliamentarian

RAÚL M. GRIJALVA OF ARIZONA
CHAIRMAN

DAVID WATKINS
STAFF DIRECTOR

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

ROB BISHOP OF UTAH
RANKING REPUBLICAN

FARISH BRADEN
REPUBLICAN STAFF DIRECTOR

September 6, 2019

The Honorable Eddie Bernice Johnson
Chair
Committee on Science, Space, and Technology
U.S. House of Representatives
Washington, D.C. 20515

Dear Madame Chair,

In recognition of the goal of expediting consideration H.R. 335, the "South Florida Clean Coastal Waters Act of 2019," the Committee on Natural Resources agrees to waive formal consideration of the bill as to provisions that fall within the Rule X jurisdiction of the Committee on Natural Resources.

The Committee on Natural Resources takes this action with the mutual understanding that, in doing so, we do not waive any jurisdiction over the subject matter contained in this or similar legislation, and that the Committee will be appropriately consulted and involved as the bill or similar legislation moves forward so that we may address any remaining issues within our jurisdiction. Our Committee also reserves the right to seek appointment of conferees to any House-Senate conference involving this or similar legislation.

Thank you for agreeing to include our exchange of letters in the *Congressional Record*. I appreciate your cooperation regarding this legislation and look forward to continuing to work with you as this measure moves through the legislative process.

Sincerely,



Raúl M. Grijalva
Chairman
House Natural Resources Committee

cc: Ranking Member Frank D. Lucas, Committee on Science, Space, and Technology
Ranking Member Rob Bishop, Committee on Natural Resources
Mr. Tom Wickham, Parliamentarian

XXI. PROCEEDINGS OF THE FULL COMMITTEE MARKUP

**MARKUPS:
H.R. 3597, SOLAR ENERGY RESEARCH
AND DEVELOPMENT ACT OF 2019;
H.R. 3607, FOSSIL ENERGY RESEARCH
AND DEVELOPMENT ACT OF 2019;
H.R. 3609, WIND ENERGY RESEARCH
AND DEVELOPMENT ACT OF 2019; AND
H.R. 335, SOUTH FLORIDA CLEAN
COASTAL WATERS ACT OF 2019**

MARKUP
BEFORE THE
COMMITTEE ON SCIENCE, SPACE, AND
TECHNOLOGY
HOUSE OF REPRESENTATIVES
ONE HUNDRED SIXTEENTH CONGRESS
FIRST SESSION

—————
JULY 24, 2019
—————

Serial No. CP: 116–6
—————

Printed for the use of the Committee on Science, Space, and Technology



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—————
U.S. GOVERNMENT PUBLISHING OFFICE

WASHINGTON : 2019

COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

HON. EDDIE BERNICE JOHNSON, Texas, *Chairwoman*

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DANIEL LIPINSKI, Illinois
SUZANNE BONAMICI, Oregon
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ANTHONY GONZALEZ, Ohio
MICHAEL WALTZ, Florida
JIM BAIRD, Indiana
JAIME HERRERA BEUTLER, Washington
JENNIFFER GONZALEZ-COLÓN, Puerto Rico
VACANCY

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H.R. 3609— <i>Wind Energy Research and Development Act of 2019</i>	1
H.R. 335— <i>South Florida Clean Coastal Waters Act of 2019</i>	1

MARKUPS:
**H.R. 3597, SOLAR ENERGY RESEARCH
AND DEVELOPMENT ACT OF 2019;**
**H.R. 3607, FOSSIL ENERGY RESEARCH
AND DEVELOPMENT ACT OF 2019;**
**H.R. 3609, WIND ENERGY RESEARCH
AND DEVELOPMENT ACT OF 2019; AND**
**H.R. 335, SOUTH FLORIDA CLEAN
COASTAL WATERS ACT OF 2019**

WEDNESDAY, JULY 24, 2019

HOUSE OF REPRESENTATIVES,
COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY,
Washington, D.C.

The Committee met, pursuant to notice, at 10:07 a.m., in room 2318 of the Rayburn House Office Building, Hon. Eddie Bernice Johnson [Chairwoman of the Committee] presiding.

Chairwoman JOHNSON. Good morning. The Committee will come to order. And without objection, the Chair is authorized to declare recess at any time. Pursuant to Committee rule 2(e) and House rule XI, the Chair announces that she may postpone roll call votes.

Pursuant to the notice, the Committee meets to consider the following measures: H.R. 3597, the *Solar Energy Research and Development Act of 2019*; H.R. 3607, the *Fossil Energy Research and Development Act of 2019*; H.R. 3609, the *Wind Energy Research and Development Act of 2019*; and H.R. 335, the *South Florida Clean Coastal Waters Act of 2019*.

Welcome to today's markup of four bipartisan bills. The first three bills, H.R. 3597 and 3607, as well as 3609, all deal with various aspects of research, development, and demonstration of advanced energy technology. All of these bills directly address the growing issue of climate change by focusing the Federal Government's energy research efforts toward cutting greenhouse gas emissions.

Our Committee has held five hearings this Congress on various topics related to climate change. We've heard firsthand of the dangers to our society from increases in extreme heat, extreme weather, droughts, rising oceans, and the many other dangers associated with climate change. These climate change impacts are not just problems in the future. Our communities are already being affected by climate change. If we don't take serious steps to address this problem, our people are going to needlessly suffer as the effects of

climate get worse. I say “needlessly suffer” because we have the power to address climate change before worse impacts occur.

Supporting the three energy research bills today is part of that effort. These bills support continuous investment in these critical areas of energy research: Solar power, wind power, and fossil fuel power. It is abundantly clear that we will need more renewable energy connected to our grid if we are going to reduce carbon emissions in America. H.R. 3597 and H.R. 3609 provide for sustained investments in solar and wind research and development (R&D) to help drive down the costs of these technologies, and to help get them into the market. I want to recognize the bills’ sponsors, Mr. McAdams and Mr. Tonko, for their hard work on these bills.

It is also abundantly clear that fossil energy will continue to be a part of our electric grid for some time to come. Without real and sustained investments in research and development to more cleanly utilize fossil fuels, it would be extremely difficult to meaningfully cut carbon dioxide emissions from our power sector.

H.R. 3607 calls for these investments, and I want to recognize my colleague from Texas, Mr. Veasey, for his efforts in moving this legislation forward.

These three bills are all endorsed by industry trade groups like the Chamber of Commerce, the Solar Industry Association, the Wind Energy Association, and the Carbon Utilization Research Council. And they’re also endorsed by environmental organizations like the Natural Resources Defense Council (NRDC) and the Environmental Defense Fund (EDF).

Finally, scientific societies like the American Chemical Society have also endorsed these bills. I hope folks can take a moment to realize how unusual it is to have these different organizations endorse the same bills. I’ll ask that the full list of endorsements be placed into the record.

[The information referred to follows:]

Chairwoman JOHNSON. And finally, we are considering H.R. 335, which is sponsored by Mr. Mast from Florida. This bill addresses harmful algal blooms, and I support Mr. Mast’s efforts to address the problem.

[The prepared statement of Chairwoman Johnson follows:]

Welcome to today’s markup of four good bipartisan bills. The first three bills: H.R. 3597, H.R. 3607, and H.R. 3609, all deal with various aspects of research, development, and demonstration of advanced energy technology. All of these bills directly address the growing issue of climate change by focusing the Federal Government’s energy research efforts toward cutting greenhouse gas emissions.

Our Committee has held five hearings this Congress on various topics related to climate change. We have heard first-hand of the dangers to our society from increases in extreme heat, extreme weather, droughts, rising oceans, and the many other dangers associated with climate change. These climate change impacts are not just problems in the future. Our communities are already being affected by climate change. If we don’t take serious steps to address this problem, our people are going to needlessly suffer as the effects of climate get worse.

I say “needlessly suffer” because we have the power to address climate change before the worst impacts occur. Supporting the three energy research bills before us today is part of that effort. These bills support continued investment in three critical areas of energy research: solar power, wind power, and fossil fuel power.

It is abundantly clear that we will need more renewable energy connected to our grid if we are going to reduce carbon emissions in America. H.R. 3597 and H.R. 3609 provide for sustained investments in solar and wind research and development to help drive down the costs of these technologies, and help get them into the mar-

ket. I want to recognize the bill sponsors, Mr. McAdams and Mr. Tonko for their hard work on these bills.

It is also abundantly clear that fossil energy will continue to be a part of our electric grid for some time to come. Without real and sustained investments in research and development to more cleanly utilize fossil fuels, it will be extremely difficult to meaningfully cut carbon dioxide emissions from our power sector. H.R. 3607 calls for these investments, and I want to recognize my colleague from Texas, Mr. Veasey, for his efforts in moving this legislation forward. These three bills are all endorsed by industry trade groups like the Chamber of Commerce, the Solar Industry Association, the Wind Energy Association, and the Carbon Utilization Research Council. They are also endorsed by environmental organizations like the Natural Resources Defense Council and the Environmental Defense Fund. Finally scientific societies like the American Chemical Society have also endorsed these bills. I hope folks can take a moment to realize how unusual it is to have those different organizations endorse the same bills. I'll ask that the full list of endorsements be placed into the record.

Finally, we are considering H.R. 335, which is sponsored by Mr. Mast from Florida. This bill addresses harmful algal blooms, and I support Mr. Mast's efforts to address the problem.

Chairwoman JOHNSON. I now recognize our Ranking Member for his opening statements.

Mr. LUCAS. Thank you, Chairwoman Johnson, for holding this markup.

Today, we consider four pieces of legislation, three of which are bills the Committee is, as of this moment, unable to reach a bipartisan agreement on. I'm disappointed that we haven't made more progress in reaching a bipartisan consensus, especially since this Committee has one of the best track records in Congress of passing productive, bipartisan legislation.

Now, I want to be clear. These three bills are well-intentioned. I believe there is still a chance for bipartisanship in the future. Matter of fact, I expect it. But the fact is, our job in Congress is to set priorities and focus our limited Federal funds where we can see the best return on investment. Unfortunately, the bills we'll consider today don't meet that standard. Instead, they offer aspirational funding levels that we simply cannot afford.

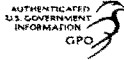
Now, we're reporting the bill.

H.R. 335.

Chairwoman JOHNSON. OK. We'll move now to I think the last bill, H.R. 335. We'll now consider the *South Florida Clean Coastal Waters Act of 2019*. The clerk will report the bill.

The CLERK. H.R. 335, a bill.

[The bill follows:]



116TH CONGRESS
1ST SESSION

H. R. 335

To require the Inter-Agency Task Force on Harmful Algal Blooms and Hypoxia to develop a plan for reducing, mitigating, and controlling harmful algal blooms and hypoxia in South Florida, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 8, 2019

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

A BILL

To require the Inter-Agency Task Force on Harmful Algal Blooms and Hypoxia to develop a plan for reducing, mitigating, and controlling harmful algal blooms and hypoxia in South Florida, 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 “South Florida Clean
5 Coastal Waters Act of 2019”.

1 **SEC. 2. SOUTH FLORIDA HARMFUL ALGAL BLOOMS AND**
2 **HYPOXIA ASSESSMENT AND ACTION PLAN.**

3 (a) IN GENERAL.—The Harmful Algal Bloom and
4 Hypoxia Research and Control Act of 1998 (Public Law
5 105–383, 33 U.S.C. 4001 et seq.) is amended—

6 (1) by redesignating sections 605 through 609
7 as sections 606 through 610, respectively; and

8 (2) by inserting after section 604 the following:

9 **“SEC. 605. SOUTH FLORIDA HARMFUL ALGAL BLOOMS AND**
10 **HYPOXIA.**

11 “(a) SOUTH FLORIDA.—In this section, the term
12 ‘South Florida’ has the same meaning given the term
13 ‘South Florida ecosystem’ in section 601(a)(5) of the
14 Water Resources Development Act of 2000 (Public Law
15 106–541).

16 “(b) INTEGRATED ASSESSMENT.—Not later than
17 540 days after the date of enactment of the South Florida
18 Clean Coastal Waters Act of 2019, the Task Force, in ac-
19 cordance with the authority under section 603, shall com-
20 plete and submit to Congress and the President an inte-
21 grated assessment that examines the causes, con-
22 sequences, and potential approaches to reduce harmful
23 algal blooms and hypoxia in South Florida, and the status
24 of, and gaps within, current harmful algal bloom and hy-
25 poxia research, monitoring, management, prevention, re-

1 sponse, and control activities that directly affect the region
2 by—

3 “(1) Federal agencies;

4 “(2) State agencies;

5 “(3) regional research consortia;

6 “(4) academia;

7 “(5) private industry; and

8 “(6) nongovernmental organizations.

9 “(e) ACTION PLAN.—

10 “(1) IN GENERAL.—Not later than 2 years
11 after the date of the enactment of the South Florida
12 Clean Coastal Waters Act of 2019, the Task Force
13 shall develop and submit to Congress a plan, based
14 on the integrated assessment under subsection (b),
15 for reducing, mitigating, and controlling harmful
16 algal blooms and hypoxia in South Florida.

17 “(2) CONTENTS.—The plan submitted under
18 paragraph (1) shall—

19 “(A) address the monitoring needs identi-
20 fied in the integrated assessment under sub-
21 section (b);

22 “(B) develop a timeline and budgetary re-
23 quirements for deployment of future assets;

1 “(C) identify requirements for the develop-
2 ment and verification of South Florida harmful
3 algal bloom and hypoxia models, including—

4 “(i) all assumptions built into the
5 models; and

6 “(ii) data quality methods used to en-
7 sure the best available data are utilized;
8 and

9 “(D) propose a plan to implement a re-
10 mote monitoring network and early warning
11 system for alerting local communities in the re-
12 gion to harmful algal bloom risks that may im-
13 pact human health.

14 “(3) REQUIREMENTS.—In developing the action
15 plan, the Task Force shall—

16 “(A) coordinate and consult with the State
17 of Florida, and affected local and tribal govern-
18 ments;

19 “(B) consult with representatives from re-
20 gional academic, agricultural, industry, and
21 other stakeholder groups;

22 “(C) ensure that the plan complements
23 and does not duplicate activities conducted by
24 other Federal or State agencies, including the

1 South Florida Ecosystem Restoration Task
2 Force;

3 “(D) identify critical research for reducing,
4 mitigating, and controlling harmful algal bloom
5 events and their effects;

6 “(E) evaluate cost-effective, incentive-
7 based partnership approaches;

8 “(F) ensure that the plan is technically
9 sound and cost-effective;

10 “(G) utilize existing research, assessments,
11 reports, and program activities;

12 “(H) publish a summary of the proposed
13 plan in the Federal Register at least 180 days
14 prior to submitting the completed plan to Con-
15 gress; and

16 “(I) after submitting the completed plan to
17 Congress, provide biennial progress reports on
18 the activities toward achieving the objectives of
19 the plan.”.

20 (b) CLERICAL AMENDMENT AND CORRECTION.—The
21 table of contents in section 2 of the Coast Guard Author-
22 ization Act of 1998 (Public Law 105–383) is amended by
23 striking the items relating to title VI and inserting the
24 following new items:

“TITLE VI—HARMFUL ALGAL BLOOMS AND HYPOXIA

“Sec. 601. Short title.

- "Sec. 602. Findings.
- "Sec. 603. Assessments.
- "Sec. 603A. National Harmful Algal Bloom and Hypoxia Program.
- "Sec. 603B. Comprehensive research plan and action strategy.
- "Sec. 604. Northern Gulf of Mexico hypoxia.
- "Sec. 605. South Florida harmful algal blooms and hypoxia.
- "Sec. 606. Great Lakes hypoxia and harmful algal blooms.
- "Sec. 607. Protection of States' Rights.
- "Sec. 608. Effect on other Federal authority.
- "Sec. 609. Definitions.
- "Sec. 610. Authorization of appropriations."

○

Chairwoman JOHNSON. Without objection, the bill is considered as read and open to amendment at any point.

I recognize myself for a brief statement on the bill.

H.R. 335, the bipartisan *South Florida Clean Coastal Waters Act of 2019*, authorizes a scientific assessment and action plan to help address the problem of harmful algal blooms or HABs in south Florida. The assessment and action plan will be conducted by the Harmful Algal Bloom and Hypoxia Research and Control Task Force, which was established in 1998 and consists of 13 Federal agencies. The assessment and action plan will help identify research gaps and detailed methods for mitigating and controlling the HABs and hypoxia in south Florida. These documents will help serve as a blueprint for Federal, State, and local decisionmakers and other stakeholders to coordinate actions to reduce these HABs and hypoxia in the region.

South Florida has been suffering from the economically and ecologically costly blooms of harmful algae in both its marine and freshwater systems for years. It's only gotten worse in recent years. In 2018, a toxic red tide algal bloom persisted for well over a year. This bloom caused mass mortality of marine life, including dolphins, manatees, sea turtles, and hundreds of tons of dead fish to be collected from the beaches. It also caused local businesses at least \$130 million in damages. Red tide and other types of HABs also pose health risks to humans from direct exposure and from eating infected seafood.

This bill takes an important step in helping address the HABs and the hypoxia issue in south Florida, and I urge my colleagues to support it.

Does anyone else wish to be recognized?

Ms. Bonamici.

Ms. BONAMICI. I move to strike the last word.

Chairwoman JOHNSON. The Chair recognizes Ms. Bonamici.

Ms. BONAMICI. Thank you very much, Chairwoman Johnson and Members.

I'm the co-Chair of both the House Oceans Caucus and the congressional Estuary Caucus, so I'm glad our Committee is considering this bipartisan legislation to strengthen efforts to predict and monitor harmful algal blooms in marine and freshwater systems.

I was pleased to work with Congressman Posey to reauthorize the *Harmful Algal Blooms and Hypoxia Research and Control Act in 2014* and again last Congress, but there are still opportunities to strengthen Federal research efforts so we can better forecast and respond to blooms and recognize the distinct effects of harmful algal blooms and hypoxia on our oceans, estuaries, and waterways.

The *South Florida Clean Coastal Waters Act of 2019* is an important step to improve regional assessments of these progressing environmental stressors. Harmful algal blooms, HABs, affect marine coastal estuary and freshwater systems in all 50 States and U.S. territories. HABs can occur naturally and in response to certain environment stressors such as increased nutrient runoff, pollution, and changes in water flow. The presence of these blooms is expected to increase substantially as a result of climate change and warming water temperatures.

HABs result in significant economic losses for our communities that rely on fishing, shellfish harvesting, tourism. In northwest Oregon, HABs have made our State's prized Dungeness crabs toxic. They've deprived fishing communities of income. The blooms have also stifled recreation activities on the Willamette River in Oregon and limited access to clean drinking water for residents of Salem, Oregon. And it wasn't too long ago that I heard about Lake Okeechobee in Florida being described as looking like guacamole.

And as the algae die and decompose, they consume oxygen, leaving waterways in a hypoxic state that can result in the formation of dead zones where marine life cannot survive. According to the West Coast Ocean Acidification and Hypoxia Science Panel, Oregon now has a hypoxia season much like the wildfire season. We must improve our understanding of harmful algal blooms and develop a stronger strategy to help communities better predict and reduce the number of harmful algal blooms and hypoxic events.

I'm working on another bill to strengthen Federal support for these important research programs at NOAA (National Oceanic and Atmospheric Administration), and I look forward to working with Congressman Posey, Congressman Mast, and others to clarify that the scientific assessments of marine and freshwater harmful algal blooms required under current law should have a regional focus so all communities, including those in the greater Everglades region, have the information necessary to respond to HABs and hypoxia.

I thank Congressman Mast for his leadership on this bill. I urge all my colleagues to support it, and I yield back the balance of my time.

Chairwoman JOHNSON. Thank you very much.

The Chair now recognizes Ms. Sherrill.

Ms. SHERRILL. Thank you, Madam Chair.

And thank you to Congressman Mast and to the Chairwoman for your bipartisan work on this important issue.

Last week, I visited Lake Hopatcong, which is the largest freshwater lake in New Jersey. In June, the New Jersey Department of Environmental Protection issued an advisory against swimming in Lake Hopatcong and three other New Jersey lakes due to a harmful algal bloom or HAB.

During the visit, I met with residents, business owners, and local leaders to discuss the impact this outbreak is having on the community. Imagine during the heat wave this past week to live on a beautiful lake and not be able to jump in and swim, waterski, kayak, or paddleboard.

But this is not just about the loss of a recreational resource. The economic ripple effects on local businesses are devastating as fewer and fewer visitors travel to the lake due to the HAB. Local marina owners have seen their boat rental businesses plummet to a few boats each weekend despite the fact that the lake is still open to boats. The marina owners I spoke with estimate they are losing \$20,000 per weekend. The story was the same for local restaurant owners. The community fears that the summer season is over for them already and worry about how this or future HAB outbreaks will continue to affect tourism in the coming years.

So it's essential that we conduct additional research to better understand how and why these blooms form and to improve detection and forecasting of these events.

I look forward to working with the Committee in a bipartisan way to continue advancing HAB research so we can help communities prepare and prevent adverse environmental, economic, and health effects associated with the HABs.

Thank you so much, and I yield back.

Chairwoman JOHNSON. Thank you very much.

Now, we move—any further—Mr. Waltz.

Mr. WALTZ. Madam Chair, I have an amendment at the desk.

Chairwoman JOHNSON. The clerk will report the amendment.

The CLERK. Amendment No. 1 offered by Mr. Waltz of Florida.
[The amendment of Mr. Waltz follows:]

AMENDMENT TO H.R. 335

OFFERED BY MR. WALTZ OF FLORIDA

Page 2, line 12, strike “has the same meaning” and all that follows through “541).” on line 15 and insert the following: “means—”

- (1) all lands and waters within the administrative boundaries of the South Florida Water Management District;
- (2) regional coastal waters, including Biscayne Bay, the Caloosahatchee Estuary, Florida Bay, and Indian River Lagoon; and
- (3) the Florida Reef Tract.

Page 2, line 20, insert “interim” after “President an”.

Page 2, line 21, strike “assessment that examines” and insert the following: “assessment. Not later than 3 years after such date of enactment, the Task Force shall finalize, and submit to Congress and the President, such assessment. Such assessment shall examine”.

Page 3, line 7, strike “and” at the end.

Page 3, line 8, strike the period at the end and insert “; and”.

Page 3, after line 8, add the following:

- (7) Indian tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)).

Page 4, line 16, strike “coordinate and”.

Chairwoman JOHNSON. I ask unanimous consent to dispense with the reading, and without objection.

Mr. Waltz is recognized.

Mr. WALTZ. Thank you, Madam Chair. I want to thank my colleagues, Congressman Mast and Senator Rubio, for drafting this important bill, the *South Florida Clean Coastal Waters Act of 2019* to address the harmful algal blooms and to improve water quality in our State.

I also want to give credit to Governor DeSantis for prioritizing clean water and to Congressman Posey for cosponsoring this manager's amendment.

As the Chairwoman described, red tides and blue-green algae have plagued Florida in recent years, impacting Lake Okeechobee, the Everglades, and both the Gulf and Atlantic coasts. This bill assures that the interagency task force on harmful algal blooms will produce an integrated assessment on the causes, consequences, and potential mitigation options to reduce the blooms. It will identify current gaps in research and produce an action plan.

The focus of the task force is the Everglades, and the health of the Everglades obviously impacts water quality of the entire State. And I think the key point here is that this is a Statewide issue. For example, Lake Okeechobee feeds into the Indian River Lagoon on the Atlantic coast. The Indian River Lagoon stretches as far north as my district in northeast Florida just south of Daytona, and as a result, the water quality discharges from Lake Okeechobee have a direct impact on much of the Atlantic coast.

So the manager's amendment takes that into account and clarifies that adjacent bodies of water like the Indian River Lagoon estuary and others are eligible for the assessment and action plan required by the underlying bill. My hope is that these best practices will improve water quality management and prevent HABs across the State.

In my district, we have already seen blue-green algae in the St. Johns River this year, so that means that it's spreading north and spreading across the State. And protecting the Blue Springs in Volusia County in my district is an ongoing effort. This bill should provide a coherent strategy for Florida to improve water quality.

Moving forward, Congress should examine the Clean Water State Revolving Fund formula, especially if there is an effort to reauthorize the program. Currently, Florida has the third-lowest allocation-to-population ratio. Given the water infrastructure needs of the State, frankly, that's unacceptable.

I want to thank the Chairwoman, the Ranking Member, Representative Mast, Representative Posey for working with me on this amendment and assuring that we can move this important legislation through the Committee. I urge support for the amendment and passage of the underlying bill.

Madam Chairwoman, I yield the balance of my time.

Chairwoman JOHNSON. Thank you very much, Mr. Waltz.

I'll offer a few quick comments on the amendment.

The amendment offered by Mr. Waltz makes some improvements to the bill that take into account technical assistance of NOAA. The amendment also changes the definition of south Florida to ensure the assessment and action plan address the harmful red and brown tides of the west and east coasts of Florida. I appreciate the minority staff that worked with us to make this happen, and I support the amendment.

Any further discussion?

If not, the vote occurs on the amendment.

All in favor, say aye.

Those opposed, say nay.

The amendment is adopted.

Now, are there more amendments?

If not, then a reporting quorum being present, I move that the Committee on Science, Space, and Technology report H.R. 335, as

amended, to the House with the recommendation that the bill be approved.

Those in favor of the motion will signify by saying aye.

Those opposed, no.

The ayes have it, and the bill is favorably reported.

Without objection, the motion to reconsider is laid upon the table, and I ask unanimous consent that the staff be authorized to make any necessary technical and conforming changes to the bill. Without objection, so ordered.

And Members will have 2 subsequent calendar days in which to submit the supplementary minority or additional views on this measure.

Now, we're at a point where we will ask for a 10-minute break, a recess, and we'll come back and vote the postponed votes. And I would ask all Members to please return for the markup. Thank you.

[Recess.]

Chairwoman JOHNSON. The Committee will come to order.

We will start with the Norman amendment on bill H.R. 3597. And does everybody remember what the Norman amendment was? If not, vote anyway. The clerk will call the roll.

The CLERK. Chairwoman Johnson?

Chairwoman JOHNSON. No.

The CLERK. Chairwoman Johnson, no.

Ms. Lofgren?

Ms. LOFGREN. No.

The CLERK. Ms. Lofgren, no.

Mr. Lipinski?

Mr. LIPINSKI. No.

The CLERK. Mr. Lipinski, no.

Ms. Bonamici?

Ms. BONAMICI. No.

The CLERK. Ms. Bonamici, no.

Mr. Bera?

Mr. BERA. No.

The CLERK. Mr. Bera, no.

Mr. Lamb?

Mr. LAMB. No.

The CLERK. Mr. Lamb, no.

Mrs. Fletcher?

Mrs. FLETCHER. No.

The CLERK. Mrs. Fletcher, no.

Ms. Stevens?