

117TH CONGRESS  
1ST SESSION

# S. 66

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.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 27, 2021

Mr. RUBIO (for himself and Mr. SCOTT of Florida) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## 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 2021”.

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’ means—

13 “(1) all lands and waters within the administra-  
 14 tive boundaries of the South Florida Water Manage-  
 15 ment District;

16 “(2) regional coastal waters, including Biscayne  
 17 Bay, the Caloosahatchee Estuary, Florida Bay, In-  
 18 dian River Lagoon, and St. Lucie River Estuary;  
 19 and

20 “(3) the Florida Reef Tract.

21 “(b) INTEGRATED ASSESSMENT.—

22 “(1) INTERIM INTEGRATED ASSESSMENT.—Not  
 23 later than 540 days after the date of enactment of  
 24 the South Florida Clean Coastal Waters Act of  
 25 2021, the Task Force, in accordance with the au-  
 26 thority under section 603, shall complete and submit

1 to Congress and the President an interim integrated  
2 assessment.

3 “(2) FINALIZED INTEGRATED ASSESSMENT.—  
4 Not later than 3 years after the date of enactment  
5 of the South Florida Clean Coastal Waters Act of  
6 2021, the Task Force shall finalize, and submit to  
7 Congress and the President, the interim integrated  
8 assessment required by paragraph (1).

9 “(3) CONTENTS OF INTEGRATED ASSESS-  
10 MENT.—The integrated assessment required by  
11 paragraphs (1) and (2) shall examine the causes,  
12 consequences, and potential approaches to reduce  
13 harmful algal blooms and hypoxia in South Florida,  
14 and the status of, and gaps within, current harmful  
15 algal bloom and hypoxia research, monitoring, man-  
16 agement, prevention, response, and control activities  
17 that directly affect the region by—

18 “(A) Federal agencies;

19 “(B) State agencies;

20 “(C) regional research consortia;

21 “(D) academia;

22 “(E) private industry;

23 “(F) nongovernmental organizations; and

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

4           “(c) ACTION PLAN.—

5           “(1) IN GENERAL.—Not later than 3 years and  
6           180 days after the date of the enactment of the  
7           South Florida Clean Coastal Waters Act of 2021,  
8           the Task Force shall develop and submit to Con-  
9           gress a plan, based on the integrated assessment  
10          under subsection (b), for reducing, mitigating, and  
11          controlling harmful algal blooms and hypoxia in  
12          South Florida.

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

15                 “(A) address the monitoring needs identi-  
16                 fied in the integrated assessment under sub-  
17                 section (b);

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

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

23                         “(i) all assumptions built into the  
24                         models; and

1                   “(ii) data quality methods used to en-  
2                   sure the best available data are utilized;  
3                   and

4                   “(D) propose a plan to implement a re-  
5                   mote monitoring network and early warning  
6                   system for alerting local communities in the re-  
7                   gion to harmful algal bloom risks that may im-  
8                   pact human health.

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

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

13                  “(B) consult with representatives from re-  
14                  gional academic, agricultural, industry, and  
15                  other stakeholder groups;

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

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

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

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

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

5           “(H) publish a summary of the proposed  
6           plan in the Federal Register at least 180 days  
7           prior to submitting the completed plan to Con-  
8           gress; and

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

13          (b) CLERICAL AMENDMENT AND CORRECTION.—The  
14          table of contents in section 2 of the Coast Guard Author-  
15          ization Act of 1998 (Public Law 105–383) is amended by  
16          striking the items relating to title VI and inserting the  
17          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.”.

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