

115TH CONGRESS
1ST SESSION

S. _____

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 SENATE OF THE UNITED STATES

Mr. NELSON (for himself, Mr. PORTMAN, and Mr. PETERS) introduced the following bill; which was read twice and referred to the Committee on _____

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) in subsection (g), as redesignated—

2 (A) in the heading, by inserting “MARINE
3 AND FRESHWATER” after “ASSESSMENTS OF”;

4 and

5 (B) in paragraph (1)—

6 (i) by striking the second sentence;

7 and

8 (ii) by amending the third sentence to
9 read as follows: “Each assessment shall ex-
10 amine both marine and freshwater harmful
11 algal blooms, including those in the Great
12 Lakes and upper reaches of estuaries and
13 those that originate in freshwater lakes or
14 rivers and migrate to coastal waters.”.

15 **SEC. 5. CONSULTATION REQUIRED.**

16 Section 102 of the Harmful Algal Bloom and Hy-
17 poxia Amendments Act of 2004 (33 U.S.C. 4001a) is
18 amended by striking “the amendments made by this title”
19 and inserting “the Harmful Algal Bloom and Hypoxia Re-
20 search and Control Act of 1998”.

21 **SEC. 6. HYPOXIA OR HARMFUL ALGAL BLOOM OF NA-
22 TIONAL SIGNIFICANCE.**

23 (a) RELIEF.—

24 (1) IN GENERAL.—Upon a determination under
25 subsection (b) that there is an event of national sig-

1 nificance, the appropriate Federal official is author-
2 ized to make sums available to the affected State or
3 local government for the purposes of assessing and
4 mitigating the environmental, economic, social, and
5 public health effects of the event of national signifi-
6 cance.

7 (2) FEDERAL SHARE.—The Federal share of
8 the cost of any activity carried out under this sub-
9 section for the purposes described in paragraph (1)
10 may not exceed 75 percent of the cost of that activ-
11 ity.

12 (3) DONATIONS.—Notwithstanding any other
13 provision of law, an appropriate Federal official may
14 accept donations of funds, services, facilities, mate-
15 rials, or equipment that the appropriate Federal offi-
16 cial considers necessary for the purposes described
17 in paragraph (1). Any funds donated to an appro-
18 priate Federal official under this paragraph may be
19 expended without further appropriation and without
20 fiscal year limitation.

21 (b) DETERMINATIONS.—

22 (1) IN GENERAL.—At the discretion of an ap-
23 propriate Federal official, or at the request of the
24 Governor of an affected State, an appropriate Fed-
25 eral official shall determine whether a hypoxia or

1 harmful algal bloom event is an event of national
2 significance.

3 (2) CONSIDERATIONS.—In making a determina-
4 tion under paragraph (1), the appropriate Federal
5 official shall consider such factors as the toxicity of
6 the hypoxia or harmful algal bloom, its potential to
7 spread, the economic impact, and the geographic
8 scope, including the potential to affect several mu-
9 nicipalities, to affect more than 1 State, or to cross
10 an international boundary.

11 (c) DEFINITIONS.—In this section:

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

14 (A) in the case of a marine or coastal hy-
15 poxia or harmful algal bloom event, the Under
16 Secretary of Commerce for Oceans and Atmos-
17 phere; and

18 (B) in the case of a freshwater hypoxia or
19 harmful algal bloom event, the Administrator of
20 the Environmental Protection Agency.

21 (2) EVENT OF NATIONAL SIGNIFICANCE.—The
22 term “event of national significance” means a hy-
23 poxia or harmful algal bloom event that has had or
24 will likely have a significant environmental, eco-
25 nomic, or public health impact on an affected State.

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

6 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

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