AN ACT

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
SECTION 1. SHORT TITLE.
This Act may be cited as the “Harmful Algal Bloom and Hypoxia Research and Control Amendments Act of 2017”.

SEC. 2. REFERENCES TO THE HARMFUL ALGAL BLOOM AND HYPOXIA RESEARCH AND CONTROL ACT OF 1998.
Except as otherwise expressly provided, wherever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998 (33 U.S.C. 4001 et seq.).

SEC. 3. INTER-AGENCY TASK FORCE.
Section 603(a) (33 U.S.C. 4001(a)) is amended—
(1) in paragraph (12), by striking “and” at the end;
(2) by redesignating paragraph (13) as paragraph (14); and
(3) by inserting after paragraph (12) the following:
“(13) the Army Corps of Engineers; and”.

SEC. 4. SCIENTIFIC ASSESSMENTS OF FRESHWATER HARMFUL ALGAL BLOOMS.
Section 603 (33 U.S.C. 4001) is amended—
(1) by striking subsection (f);

(2) by redesignating subsections (g), (h), (i), and (j) as subsections (f), (g), (h), and (i), respectively; and

(3) by amending subsection (g) to read as follows:

"(g) SCIENTIFIC ASSESSMENTS OF MARINE AND FRESHWATER HARMFUL ALGAL BLOOMS.—Not less than once every 5 years the Task Force shall complete and submit to Congress a scientific assessment of harmful algal blooms in United States coastal waters and freshwater systems. Each assessment shall examine both marine and freshwater harmful algal blooms, including those in the Great Lakes and upper reaches of estuaries, those in freshwater lakes and rivers, and those that originate in freshwater lakes or rivers and migrate to coastal waters."

SEC. 5. NATIONAL HARMFUL ALGAL BLOOM AND HYPOXIA PROGRAM.

(a) Program Duties.—Section 603A(e) (33 U.S.C. 4002(e)) is amended—

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

(2) in paragraph (3)—

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

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

(C) by adding at the end the following:

“(D) to accelerate the utilization of effective methods of intervention and mitigation to reduce the frequency, severity, and impacts of harmful algal bloom and hypoxia events;”;

(3) in paragraph (4), by striking “and work cooperatively with” and inserting “, and work cooperatively to provide technical assistance to,”; and

(4) in paragraph (7)—

(A) by inserting “and extension” after “existing education”; and

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

(b) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION ACTIVITIES.—Section 603A(f) (33 U.S.C. 4002(f)) is amended—

(1) in paragraph (3), by inserting “, which shall include unmanned systems,” after “infrastructure”;
(2) in paragraph (5), by striking “and” at the end;
(3) in paragraph (6)(C), by striking the period at the end and inserting a semicolon; and
(4) by adding at the end the following:
“(7) use cost effective methods in carrying out this Act; and
“(8) develop contingency plans for the long-term monitoring of hypoxia.”.

SEC. 6. CONSULTATION REQUIRED.

Section 102 of the Harmful Algal Bloom and Hypoxia Amendments Act of 2004 (33 U.S.C. 4001a) is amended by striking “the amendments made by this title” and inserting “the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998”.

SEC. 7. HYPOXIA OR HARMFUL ALGAL BLOOM OF NATIONAL SIGNIFICANCE.

(a) RELIEF.—

(1) IN GENERAL.—Upon a determination under subsection (b) that there is an event of national significance, the appropriate Federal official is authorized to make sums available to the affected State or local government for the purposes of assessing and mitigating the detrimental environmental, economic,
subsistence use, and public health effects of the
event of national significance.

(2) FEDERAL SHARE.—The Federal share of
the cost of any activity carried out under this sub-
section for the purposes described in paragraph (1)
may not exceed 50 percent of the cost of that activ-
ity.

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

(b) DETERMINATIONS.—

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

(2) CONSIDERATIONS.—In making a determina-
tion under paragraph (1), the appropriate Federal
official shall consider the toxicity of the harmful
algal bloom, the severity of the hypoxia, its potential
to spread, the economic impact, the relative size in
relation to the past 5 occurrences of harmful algal
blooms or hypoxia events that occur on a recurrent
or annual basis, and the geographic scope, including
the potential to affect several municipalities, to af-
fect more than 1 State, or to cross an international
boundary.

(c) DEFINITIONS.—In this section:

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

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

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

(2) EVENT OF NATIONAL SIGNIFICANCE.—The
term “event of national significance” means a hy-
poxia or harmful algal bloom event that has had or
will likely have a significant detrimental environ-
mental, economic, subsistence use, or public health
impact on an affected State.
(3) **Hypoxia or Harmful Algal Bloom Event.**—The term “hypoxia or harmful algal bloom event” means the occurrence of hypoxia or a harmful algal bloom as a result of a natural, anthropogenic, or undetermined cause.

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

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

Passed the Senate September 26, 2017.

Attest:

*Secretary.*
AN ACT

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