Purpose: To make amendments to the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998.


H.R. 6147

Making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2019, and for other purposes.

Referred to the Committee on ________________ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. NELSON (for himself and Mr. PORTMAN) to the amendment (No. 3399) proposed by Mr. SHELBY

Viz:

1 At the appropriate place in title IV of division A, insert the following:

HARMFUL ALGAL BLOOM AND HYPOXIA RESEARCH AND

CONTROL ACT OF 1998 AMENDMENTS

SEC. 4. (a) Except as otherwise expressly provided, wherever in this section 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

(b) 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’’.

(c) 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) (as so redesignated) to read as follows:

“(g) Scientific Assessments of Marine and Freshwater Harmful Algal Blooms.—

“(1) In general.—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.
“(2) REQUIREMENT.—Each assessment under paragraph (1) 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.”.

(d)(1) Section 603A(e) (33 U.S.C. 4002(e)) is amended—

(A) 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 Program activities completed under this section” after “Program”; 

(B) in paragraph (3)—

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

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

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

(v) in paragraph (7)—

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

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

(2) Section 603A(f) (33 U.S.C. 4002(f)) is amended—

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

(B) in paragraph (5), by striking “and” at the end;

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

(D) 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.”.

(e) 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 Re-
search and Control Act of 1998”.

(f)(1) In this subsection:

(A) The term “appropriate Federal official”
means—

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

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

(B) The term “event of national significance”
means a hypoxia or harmful algal bloom event that
has had or will likely have a significant detrimental
environmental, economic, subsistence use, or public
health impact on an affected State.

(C) The term “hypoxia or harmful algal bloom
event” means the occurrence of hypoxia or a harm-
ful algal bloom as a result of a natural, anthropo-
genic, or undetermined cause.

(2)(A) On a determination under paragraph (3) 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.

(B) The Federal share of the cost of any activity carried out under this subsection for the purposes described in subparagraph (A) may not exceed 50 percent of the cost of that activity.

(C)(i) Notwithstanding any other provision of law, an appropriate Federal official may accept donations of funds, services, facilities, materials, or equipment that the appropriate Federal official considers necessary for the purposes described in subparagraph (A).

(ii) Any funds donated to an appropriate Federal official under this paragraph may be expended without further appropriation and without fiscal year limitation.

(3)(A) At the discretion of an appropriate Federal official, or at the request of the Governor of an affected State, an appropriate Federal official shall determine whether a hypoxia or harmful algal bloom event is an event of national significance.

(B) In making a determination under subparagraph (A), 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 affect more than 1 State, or to cross an international boundary.

(g) Section 609(a) (33 U.S.C. 4009(a)) is amended—

(1) by striking the period at the end and inserting ‘‘; and’’;

(2) by striking ‘‘603B $20,500,000’’ and inserting the following: ‘‘603B—

‘‘(1) $20,500,000’’; and

(3) by adding at the end the following:

‘‘(2) $22,000,000 for each of fiscal years 2019 through 2023.’’.