

(5) any need to revise or terminate research and activities under the Program.

(Pub. L. 105-383, title VI, § 603, Nov. 13, 1998, 112 Stat. 3448; Pub. L. 108-456, title I, §§ 102-104, Dec. 10, 2004, 118 Stat. 3630, 3631; Pub. L. 113-124, §§ 3, 6, 10(b), June 30, 2014, 128 Stat. 1379, 1383, 1386.)

#### REFERENCES IN TEXT

This Act, referred to in subsec. (d)(1), probably means title I of Pub. L. 108-456, Dec. 10, 2004, 118 Stat. 3630, known as the Harmful Algal Bloom and Hypoxia Amendments Act of 2004, which added subsec. (d) and also added subsecs. (e) to (i) of this section, which relate to scientific assessments.

#### CODIFICATION

Section was formerly set out in a note under section 1451 of Title 16, Conservation.

#### AMENDMENTS

2014—Subsec. (a). Pub. L. 113-124, § 10(b), struck out “(hereinafter referred to as the ‘Task Force’)” after “Hypoxia” in introductory provisions.

Pub. L. 113-124, § 3(1), substituted “a representative from” for “the following representatives from” in introductory provisions.

Subsec. (a)(12). Pub. L. 113-124, § 3(2), (4), added par. (12). Former par. (12) redesignated (13).

Subsec. (a)(13). Pub. L. 113-124, § 3(3), (5), redesignated par. (12) as (13) and struck out “such” before “other”.

Subsec. (j). Pub. L. 113-124, § 6, added subsec. (j).

2004—Subsec. (d). Pub. L. 108-456, § 103, added subsec. (d).

Subsec. (e). Pub. L. 108-456, § 104, added subsec. (e). Former subsec. (e) struck out.

Pub. L. 108-456, § 102, struck out subsec. (e) which provided that the President could disestablish the Task Force after submission of the plan in section 4004 of this title.

Subsecs. (f) to (i). Pub. L. 108-456, § 104, added subsecs. (f) to (i).

#### SHORT TITLE OF 2014 AMENDMENT

Pub. L. 113-124, § 1, June 30, 2014, 128 Stat. 1379, provided that: “This Act [enacting sections 4002, 4003, and 4007 to 4009 of this title and amending this section and sections 4004 and 4005 of this title] may be cited as the ‘Harmful Algal Bloom and Hypoxia Research and Control Amendments Act of 2014.’”

#### SHORT TITLE OF 2004 AMENDMENT

Pub. L. 108-456, title I, § 101, Dec. 10, 2004, 118 Stat. 3630, provided that: “This title [enacting section 4001a of this title and amending this section and section 4005 of this title] may be cited as the ‘Harmful Algal Bloom and Hypoxia Amendments Act of 2004.’”

#### SHORT TITLE

Pub. L. 105-383, title VI, § 601, Nov. 13, 1998, 112 Stat. 3447, provided that: “This title [enacting this chapter] may be cited as the ‘Harmful Algal Bloom and Hypoxia Research and Control Act of 1998.’”

#### FINDINGS

Pub. L. 105-383, title VI, § 602, Nov. 13, 1998, 112 Stat. 3447, provided that: “The Congress finds that—

“(1) the recent outbreak of the harmful microbe *Pfiesteria piscicida* in the coastal waters of the United States is one example of potentially harmful algal blooms composed of naturally occurring species that reproduce explosively and that are increasing in frequency and intensity in the Nation’s coastal waters;

“(2) other recent occurrences of harmful algal blooms include red tides in the Gulf of Mexico and the Southeast; brown tides in New York and Texas; ciguatera fish poisoning in Hawaii, Florida, Puerto

Rico, and the United States Virgin Islands; and shellfish poisonings in the Gulf of Maine, the Pacific Northwest, and the Gulf of Alaska;

“(3) in certain cases, harmful algal blooms have resulted in fish kills, the deaths of numerous endangered West Indian manatees, beach and shellfish bed closures, threats to public health and safety, and concern among the public about the safety of seafood;

“(4) according to some scientists, the factors causing or contributing to harmful algal blooms may include excessive nutrients in coastal waters, other forms of pollution, the transfer of harmful species through ship ballast water, and ocean currents;

“(5) harmful algal blooms may have been responsible for an estimated \$1,000,000,000 in economic losses during the past decade;

“(6) harmful algal blooms and blooms of non-toxic algal species may lead to other damaging marine conditions such as hypoxia (reduced oxygen concentrations), which are harmful or fatal to fish, shellfish, and benthic organisms;

“(7) according to the National Oceanic and Atmospheric Administration in the Department of Commerce, 53 percent of United States estuaries experience hypoxia for at least part of the year and a 7,000 square mile area in the Gulf of Mexico off Louisiana and Texas suffers from hypoxia;

“(8) according to some scientists, a factor believed to cause hypoxia is excessive nutrient loading into coastal waters;

“(9) there is a need to identify more workable and effective actions to reduce nutrient loadings to coastal waters;

“(10) the National Oceanic and Atmospheric Administration, through its ongoing research, education, grant, and coastal resource management programs, possesses a full range of capabilities necessary to support a near and long-term comprehensive effort to prevent, reduce, and control harmful algal blooms and hypoxia;

“(11) funding for the research and related programs of the National Oceanic and Atmospheric Administration will aid in improving the Nation’s understanding and capabilities for addressing the human and environmental costs associated with harmful algal blooms and hypoxia; and

“(12) other Federal agencies such as the Environmental Protection Agency, the Department of Agriculture, and the National Science Foundation, along with the States, Indian tribes, and local governments, conduct important work related to the prevention, reduction, and control of harmful algal blooms and hypoxia.”

#### § 4001a. Consultation required

In developing the assessments, reports, and plans under the amendments made by this title,<sup>1</sup> the Task Force shall consult with the coastal States, Indian tribes, local governments, appropriate industries (including fisheries, agriculture, and fertilizer), academic institutions, and nongovernmental organizations with expertise in coastal zone science and management.

(Pub. L. 108-456, title I, § 102 (part), Dec. 10, 2004, 118 Stat. 3630.)

#### REFERENCES IN TEXT

This title, referred to in text, means title I of Pub. L. 108-456, Dec. 10, 2004, 118 Stat. 3630, known as the Harmful Algal Bloom and Hypoxia Amendments Act of 2004, which enacted this section, amended sections 4001 and 4005 of this title, and enacted provisions set out as a note under section 4001 of this title. For complete classification of this Act to the Code, see Short Title of 2004 Amendment note set out under section 4001 of this title and Tables.

<sup>1</sup> See References in Text note below.

## CODIFICATION

Section is comprised of part of section 102 of Pub. L. 108-456. Remainder of section 102 amended section 4001 of this title.

Section was enacted as part of the Harmful Algal Bloom and Hypoxia Amendments Act of 2004, and not as part of the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998 which comprises this chapter.

Section was formerly set out as a note under section 1451 of Title 16, Conservation.

**§ 4002. National harmful algal bloom and hypoxia program**

**(a) Establishment**

Not later than 1 year after June 30, 2014, the Under Secretary, acting through the Task Force, shall maintain and enhance a national harmful algal bloom and hypoxia program, including—

(1) a statement of objectives, including understanding, detecting, predicting, controlling, mitigating, and responding to marine and freshwater harmful algal bloom and hypoxia events; and

(2) the comprehensive research plan and action strategy under section 4003 of this title.

**(b) Periodic revision**

The Task Force shall periodically review and revise the Program, as necessary.

**(c) Task Force functions**

The Task Force shall—

(1) coordinate interagency review of the objectives and activities of the Program;

(2) expedite the interagency review process by ensuring timely review and dispersal of required reports and assessments under this chapter;

(3) support the implementation of the Action Strategy, including the coordination and integration of the research of all Federal programs, including ocean and Great Lakes science and management programs and centers, that address the chemical, biological, and physical components of marine and freshwater harmful algal blooms and hypoxia;

(4) support the development of institutional mechanisms and financial instruments to further the objectives and activities of the Program;

(5) review the Program's distribution of Federal funding to address the objectives and activities of the Program;

(6) promote the development of new technologies for predicting, monitoring, and mitigating harmful algal bloom and hypoxia conditions; and

(7) establish such interagency working groups as it considers necessary.

**(d) Lead Federal agency**

Except as provided in subsection (h), the National Oceanic and Atmospheric Administration shall have primary responsibility for administering the Program.

**(e) Program duties**

In administering the Program, the Under Secretary shall—

(1) promote the Program;

(2) prepare work and spending plans for implementing the research and activities identified under the Action Strategy;

(3) administer peer-reviewed, merit-based, competitive grant funding—

(A) to maintain and enhance baseline monitoring programs established by the Program;

(B) to support the projects maintained and established by the Program; and

(C) to address the research and management needs and priorities identified in the Action Strategy;

(4) coordinate with and work cooperatively with regional, State, tribal, and local government agencies and programs that address marine and freshwater harmful algal blooms and hypoxia;

(5) coordinate with the Secretary of State to support international efforts on marine and freshwater harmful algal bloom and hypoxia information sharing, research, prediction, mitigation, control, and response activities;

(6) identify additional research, development, and demonstration needs and priorities relating to monitoring, prevention, control, mitigation, and response to marine and freshwater harmful algal blooms and hypoxia, including methods and technologies to protect the ecosystems affected by marine and freshwater harmful algal blooms and hypoxia;

(7) integrate, coordinate, and augment existing education programs to improve public understanding and awareness of the causes, impacts, and mitigation efforts for marine and freshwater harmful algal blooms and hypoxia;

(8) facilitate and provide resources to train State and local coastal and water resource managers in the methods and technologies for monitoring, preventing, controlling, and mitigating marine and freshwater harmful algal blooms and hypoxia;

(9) support regional efforts to control and mitigate outbreaks through—

(A) communication of the contents of the Action Strategy and maintenance of online data portals for other information about harmful algal blooms and hypoxia to State, tribal, and local stakeholders; and

(B) overseeing the development, review, and periodic updating of the Action Strategy;

(10) convene at least 1 meeting of the Task Force each year; and

(11) perform such other tasks as may be delegated by the Task Force.

**(f) National Oceanic and Atmospheric Administration activities**

The Under Secretary shall—

(1) maintain and enhance the existing competitive programs at the National Oceanic and Atmospheric Administration relating to harmful algal blooms and hypoxia;

(2) carry out marine and Great Lakes harmful algal bloom and hypoxia events response activities;

(3) develop and enhance, including with respect to infrastructure as necessary, critical observations, monitoring, modeling, data management, information dissemination, and operational forecasts relevant to harmful algal blooms and hypoxia events;