

poxia and harmful algal bloom models, including—

(i) all assumptions built into the models; and

(ii) data quality methods used to ensure the best available data are utilized; and

(D) describe efforts to improve the assessment of the impacts of hypoxia and harmful algal blooms by—

(i) characterizing current and past biological conditions in ecosystems affected by hypoxia and harmful algal blooms; and

(ii) quantifying effects, including economic effects, at the population and community levels.

(3) Requirements

In developing the plan, the Task Force shall—

(A) coordinate with State and local governments;

(B) consult with representatives from academic, agricultural, industry, and other stakeholder groups, including relevant Canadian agencies;

(C) ensure that the plan complements and does not duplicate activities conducted by other Federal or State agencies;

(D) identify critical research for reducing, mitigating, and controlling hypoxia events and their effects;

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

(F) ensure that the plan is technically sound and cost effective;

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

(H) publish a summary of the proposed plan in the Federal Register at least 180 days prior to submitting the completed plan to Congress; and

(I) after submitting the completed plan to Congress, provide biennial progress reports on the activities toward achieving the objectives of the plan.

(Pub. L. 105-383, title VI, §605, Nov. 13, 1998, 112 Stat. 3449; Pub. L. 108-456, title I, §105, Dec. 10, 2004, 118 Stat. 3633; Pub. L. 110-161, div. B, title V, §528, Dec. 26, 2007, 121 Stat. 1930; Pub. L. 113-124, §8, June 30, 2014, 128 Stat. 1384.)

Editorial Notes

CODIFICATION

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

AMENDMENTS

2014—Pub. L. 113-124 amended section generally. Prior to amendment, section authorized appropriations for research, education, and monitoring activities related to the prevention, reduction, and control of harmful algal blooms and hypoxia for fiscal years 1999 to 2010.

2007—Pub. L. 110-161, §528(1), substituted “\$30,000,000 for each of fiscal years 2008 through 2010” for “\$25,500,000 for fiscal year 2008” in introductory provisions.

Pars. (1) to (4). Pub. L. 110-161, §528(2), substituted “2010” for “2008”.

Par. (5). Pub. L. 110-161, §528(3), substituted “each of fiscal years 2008 through 2010” for “fiscal year 2008”.

Par. (6). Pub. L. 110-161, §528(2), substituted “2010” for “2008”.

2004—Pub. L. 108-456, §105(1), (2), in introductory provisions, struck out “and” after “2000,” and inserted “\$23,500,000 for fiscal year 2005, \$24,500,000 for fiscal year 2006, \$25,000,000 for fiscal year 2007, and \$25,500,000 for fiscal year 2008,” after “2001.”

Par. (1). Pub. L. 108-456, §105(1), (3), struck out “and” after “2000,” and inserted “, and \$2,500,000 for each of fiscal years 2005 through 2008” after “2001”.

Par. (2). Pub. L. 108-456, §105(1), (4), struck out “and” after “2000,” and inserted “, and \$6,500,000, of which \$1,000,000 shall be used for the research program described in section 603(f)(2)(B), for each of fiscal years 2005 through 2008” after “2001”.

Par. (3). Pub. L. 108-456, §105(1), (5), (6), struck out “and” after “2000,” and substituted “2001, and \$3,000,000 for each of fiscal years 2005 through 2008” for “2001” and “blooms and to carry out section 603(d);” for “blooms;”.

Par. (4). Pub. L. 108-456, §105(7), substituted “2001, and \$6,000,000 for each of fiscal years 2005 through 2008” for “and 2001”.

Par. (5). Pub. L. 108-456, §105(1), (9), struck out “and” after “2000,” and substituted “2001, \$4,000,000 for fiscal year 2005, \$5,000,000 for fiscal year 2006, \$5,500,000 for fiscal year 2007, and \$6,000,000 for fiscal year 2008” for “2001”.

Par. (6). Pub. L. 108-456, §105(8), (10), (11), added par. (6).

§ 4006. Protection of States’ rights

(a) Nothing in this chapter shall be interpreted to adversely affect existing State regulatory or enforcement power which has been granted to any State through the Clean Water Act [33 U.S.C. 1251 et seq.] or Coastal Zone Management Act of 1972 [16 U.S.C. 1451 et seq.].

(b) Nothing in this chapter shall be interpreted to expand the regulatory or enforcement power of the Federal Government which has been delegated to any State through the Clean Water Act or Coastal Zone Management Act of 1972.

(Pub. L. 105-383, title VI, §606, Nov. 13, 1998, 112 Stat. 3450.)

Editorial Notes

REFERENCES IN TEXT

The Clean Water Act, referred to in text, is act June 30, 1948, ch. 758, as amended generally by Pub. L. 92-500, §2, Oct. 18, 1972, 86 Stat. 816, also known as the Federal Water Pollution Control Act, which is classified generally to chapter 26 (§1251 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1251 of this title and Tables.

The Coastal Zone Management Act of 1972, referred to in text, is title III of Pub. L. 89-454, as added by Pub. L. 92-583, Oct. 27, 1972, 86 Stat. 1280, which is classified generally to chapter 33 (§1451 et seq.) of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 1451 of Title 16 and Tables.

CODIFICATION

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

§ 4007. Effect on other Federal authority

(a) Authority preserved

Nothing in this chapter supersedes or limits the authority of any agency to carry out its responsibilities and missions under other laws.

(b) Regulatory authority

Nothing in this chapter may be construed as establishing new regulatory authority for any agency.

(Pub. L. 105-383, title VI, §607, as added Pub. L. 113-124, §9, June 30, 2014, 128 Stat. 1385.)

§ 4008. Definitions

In this chapter:

(1) Action Strategy

The term “Action Strategy” means the comprehensive research plan and action strategy established under section 4003 of this title.

(2) Administrator

The term “Administrator” means the Administrator of the Environmental Protection Agency.

(3) Harmful algal bloom

The term “harmful algal bloom” means marine and freshwater phytoplankton that proliferate to high concentrations, resulting in nuisance conditions or harmful impacts on marine and aquatic ecosystems, coastal communities, and human health through the production of toxic compounds or other biological, chemical, and physical impacts of the algae outbreak.

(4) Hypoxia

The term “hypoxia” means a condition where low dissolved oxygen in aquatic systems causes stress or death to resident organisms.

(5) Program

The term “Program” means the national harmful algal bloom and hypoxia program established under section 4002 of this title.

(6) State

The term “State” means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, any other territory or possession of the United States, and any Indian tribe.

(7) Task Force

The term “Task Force” means the Inter-Agency Task Force on Harmful Algal Blooms and Hypoxia under section 4001(a) of this title.

(8) Under Secretary

The term “Under Secretary” means the Under Secretary of Commerce for Oceans and Atmosphere.

(9) United States coastal waters

The term “United States coastal waters” includes the Great Lakes.

(Pub. L. 105-383, title VI, §608, as added Pub. L. 113-124, §10(a), June 30, 2014, 128 Stat. 1385.)

§ 4009. Authorization of appropriations

(a) In general

There is authorized to be appropriated to the Under Secretary to carry out sections 4002 and 4003 of this title \$20,500,000 for each of fiscal years 2014 through 2018, and \$20,500,000 for each of fiscal years 2019 through 2023.

(b) Extramural research activities

The Under Secretary shall ensure that a substantial portion of funds appropriated pursuant

to subsection (a) that are used for research purposes are allocated to extramural research activities. For each fiscal year, the Under Secretary shall publish a list of all grant recipients and the amounts for all of the funds allocated for research purposes, specifying those allocated for extramural research activities.

(Pub. L. 105-383, title VI, §609, as added Pub. L. 113-124, §11, June 30, 2014, 128 Stat. 1386; amended Pub. L. 115-423, §9(h), Jan. 7, 2019, 132 Stat. 5464.)

Editorial Notes

AMENDMENTS

2019—Subsec. (a). Pub. L. 115-423 inserted “, and \$20,500,000 for each of fiscal years 2019 through 2023” before period at end.

§ 4010. Hypoxia or harmful algal bloom of national significance

(1) Relief

(A) In general

Upon a determination under paragraph (2) 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) Federal share

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

(C) Donations

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

(2) Determinations

(A) In general

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) Considerations

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 municipi-