

(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-