

title on the ability of eligible entities to finance water infrastructure projects under this chapter;

(B) a recommendation as to whether the objectives of this chapter would be best served—

(i) by continuing the authority of the Secretary or the Administrator, as applicable, to provide assistance under this chapter;

(ii) by establishing a Government corporation or Government-sponsored enterprise to provide assistance in accordance with this chapter; or

(iii) by terminating the authority of the Secretary and the Administrator under this chapter and relying on the capital markets to fund the types of infrastructure investments assisted by this chapter without Federal participation; and

(C) any proposed changes to improve the efficiency and effectiveness of this chapter in providing financing for water infrastructure projects, taking into consideration the recommendations made under subparagraphs (A) and (B).

(Pub. L. 113–121, title V, § 5034, June 10, 2014, 128 Stat. 1343.)

“SECRETARY” DEFINED

Secretary means the Secretary of the Army, see section 2 of Pub. L. 113–121, set out as a note under section 2201 of this title.

§ 3914. Requirements

(a) In general

Except as provided in subsection (c), none of the amounts made available under this chapter may be used for the construction, alteration, maintenance, or repair of a project eligible for assistance under this chapter unless all of the iron and steel products used in the project are produced in the United States.

(b) Definition of iron and steel products

In this section, the term “iron and steel products” means the following products made primarily of iron or steel: lined or unlined pipes and fittings, manhole covers and other municipal castings, hydrants, tanks, flanges, pipe clamps and restraints, valves, structural steel, reinforced precast concrete, and construction materials.

(c) Application

Subsection (a) shall not apply in any case or category of cases in which the Administrator finds that—

(1) applying subsection (a) would be inconsistent with the public interest;

(2) iron and steel products are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or

(3) inclusion of iron and steel products produced in the United States will increase the cost of the overall project by more than 25 percent.

(d) Waiver

If the Administrator receives a request for a waiver under this section, the Administrator

shall make available to the public, on an informal basis, a copy of the request and information available to the Administrator concerning the request, and shall allow for informal public input on the request for at least 15 days prior to making a finding based on the request. The Administrator shall make the request and accompanying information available by electronic means, including on the official public Internet Web site of the Environmental Protection Agency.

(e) International agreements

This section shall be applied in a manner consistent with United States obligations under international agreements.

(Pub. L. 113–121, title V, § 5035, June 10, 2014, 128 Stat. 1344.)

CHAPTER 53—HARMFUL ALGAL BLOOM AND HYPOXIA RESEARCH AND CONTROL

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§ 4001. Assessments

(a) Establishment of Inter-Agency Task Force

The President, through the Committee on Environment and Natural Resources of the National Science and Technology Council, shall establish an Inter-Agency Task Force on Harmful Algal Blooms and Hypoxia. The Task Force shall consist of a representative from—

(1) the Department of Commerce (who shall serve as Chairman of the Task Force);

(2) the Environmental Protection Agency;

(3) the Department of Agriculture;

(4) the Department of the Interior;

(5) the Department of the Navy;

(6) the Department of Health and Human Services;

(7) the National Science Foundation;

(8) the National Aeronautics and Space Administration;

(9) the Food and Drug Administration;

(10) the Office of Science and Technology Policy;

(11) the Council on Environmental Quality;

(12) the Centers for Disease Control and Prevention; and

(13) other Federal agencies as the President considers appropriate.

(b) Assessment of harmful algal blooms

(1) Not later than 12 months after November 13, 1998, the Task Force, in cooperation with the coastal States, Indian tribes, and local governments, industry (including agricultural organizations), academic institutions, and non-governmental organizations with expertise in coastal zone management, shall complete and submit to

the Congress an assessment which examines the ecological and economic consequences of harmful algal blooms, alternatives for reducing, mitigating, and controlling harmful algal blooms, and the social and economic costs and benefits of such alternatives.

(2) The assessment shall—

(A) identify alternatives for preventing unnecessary duplication of effort among Federal agencies and departments with respect to harmful algal blooms; and

(B) provide for Federal cooperation and coordination with and assistance to the coastal States, Indian tribes, and local governments in the prevention, reduction, management, mitigation, and control of harmful algal blooms and their environmental and public health impacts.

(c) Assessment of hypoxia

(1) Not later than 12 months after November 13, 1998, the Task Force, in cooperation with the States, Indian tribes, local governments, industry, agricultural, academic institutions, and non-governmental organizations with expertise in watershed and coastal zone management, shall complete and submit to the Congress an assessment which examines the ecological and economic consequences of hypoxia in United States coastal waters, alternatives for reducing, mitigating, and controlling hypoxia, and the social and economic costs and benefits of such alternatives.

(2) The assessment shall—

(A) establish needs, priorities, and guidelines for a peer-reviewed, inter-agency research program on the causes, characteristics, and impacts of hypoxia;

(B) identify alternatives for preventing unnecessary duplication of effort among Federal agencies and departments with respect to hypoxia; and

(C) provide for Federal cooperation and coordination with and assistance to the States, Indian tribes, and local governments in the prevention, reduction, management, mitigation, and control of hypoxia and its environmental impacts.

(d) Report to Congress on harmful algal bloom impacts

(1) Development

Not later than 12 months after December 10, 2004, the President, in consultation with the chief executive officers of the States, shall develop and submit to the Congress a report that describes and evaluates the effectiveness of measures described in paragraph (2) that may be utilized to protect environmental and public health from impacts of harmful algal blooms. In developing the report, the President shall consult with the Task Force, 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, and also consider the scientific assessments developed under this Act.

(2) Requirements

The report shall—

(A) review techniques for prediction of the onset, course, and impacts of harmful algal blooms including evaluation of their accuracy and utility in protecting environmental and public health and provisions for their development;

(B) identify innovative research and development methods for the prevention, control, and mitigation of harmful algal blooms and provisions for their development; and

(C) include incentive-based partnership approaches regarding subparagraphs (A) and (B) where practicable.

(3) Publication and opportunity for comment

At least 90 days before submitting the report to the Congress, the President shall cause a summary of the proposed plan to be published in the Federal Register for a public comment period of not less than 60 days.

(4) Federal assistance

The Secretary of Commerce, in coordination with the Task Force and to the extent of funds available, shall provide for Federal cooperation with and assistance to the coastal States, Indian tribes, and local governments regarding the measures described in paragraph (2), as requested.

(e) Local and regional scientific assessments

(1) In general

The Secretary of Commerce, in coordination with the Task Force and appropriate State, Indian tribe, and local governments, to the extent of funds available, shall provide for local and regional scientific assessments of hypoxia and harmful algal blooms, as requested by States, Indian tribes, and local governments, or for affected areas as identified by the Secretary. If the Secretary receives multiple requests, the Secretary shall ensure, to the extent practicable, that assessments under this subsection cover geographically and ecologically diverse locations with significant ecological and economic impacts from hypoxia or harmful algal blooms. The Secretary shall establish a procedure for reviewing requests for local and regional assessments. The Secretary shall ensure, through consultation with Sea Grant Programs, that the findings of the assessments are communicated to the appropriate State, Indian tribe, and local governments, and to the general public.

(2) Purpose

Local and regional assessments shall examine—

(A) the causes and ecological consequences, and the economic cost, of hypoxia or harmful algal blooms in that area;

(B) potential methods to prevent, control, and mitigate hypoxia or harmful algal blooms in that area and the potential ecological and economic costs and benefits of such methods; and

(C) other topics the Task Force considers appropriate.

(f) Scientific assessment of freshwater harmful algal blooms

(1) Not later than 24 months after December 10, 2004, the Task Force shall complete and sub-

mit to Congress a scientific assessment of current knowledge about harmful algal blooms in freshwater, such as the Great Lakes and upper reaches of estuaries, including a research plan for coordinating Federal efforts to better understand freshwater harmful algal blooms.

(2) The freshwater harmful algal bloom scientific assessment shall—

(A) examine the causes and ecological consequences, and the economic costs, of harmful algal blooms with significant effects on freshwater, including estimations of the frequency and occurrence of significant events;

(B) establish priorities and guidelines for a competitive, peer-reviewed, merit-based inter-agency research program, as part of the Ecology and Oceanography of Harmful Algal Blooms (ECOHAB) project, to better understand the causes, characteristics, and impacts of harmful algal blooms in freshwater locations; and

(C) identify ways to improve coordination and to prevent unnecessary duplication of effort among Federal agencies and departments with respect to research on harmful algal blooms in freshwater locations.

(g) Scientific assessments of hypoxia

(1) Not less than once every 5 years the Task Force shall complete and submit to the Congress a scientific assessment of hypoxia in United States coastal waters including the Great Lakes. The first such assessment shall be completed not less than 24 months after December 10, 2004.

(2) The assessments under this subsection shall—

(A) examine the causes and ecological consequences, and the economic costs, of hypoxia;

(B) describe the potential ecological and economic costs and benefits of possible policy and management actions for preventing, controlling, and mitigating hypoxia;

(C) evaluate progress made by, and the needs of, Federal research programs on the causes, characteristics, and impacts of hypoxia, including recommendations of how to eliminate significant gaps in hypoxia modeling and monitoring data; and

(D) identify ways to improve coordination and to prevent unnecessary duplication of effort among Federal agencies and departments with respect to research on hypoxia.

(h) Scientific assessments of harmful algal blooms

(1) 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. The first such assessment shall be completed not later than 24 months after December 10, 2004, and shall consider only marine harmful algal blooms. All subsequent assessments shall examine both marine and freshwater harmful algal blooms, including those in the Great Lakes and upper reaches of estuaries.

(2) The assessments under this subsection shall—

(A) examine the causes and ecological consequences, and economic costs, of harmful algal blooms;

(B) describe the potential ecological and economic costs and benefits of possible actions for preventing, controlling, and mitigating harmful algal blooms;

(C) evaluate progress made by, and the needs of, Federal research programs on the causes, characteristics, and impacts of harmful algal blooms; and

(D) identify ways to improve coordination and to prevent unnecessary duplication of effort among Federal agencies and departments with respect to research on harmful algal blooms.

(i) National scientific research, development, demonstration, and technology transfer plan on reducing impacts from harmful algal blooms

(1) Not later than 12 months after December 10, 2004, the Task Force shall develop and submit to Congress a plan providing for a comprehensive and coordinated national research program to develop and demonstrate prevention, control, and mitigation methods to reduce the impacts of harmful algal blooms on coastal ecosystems (including the Great Lakes), public health, and the economy.

(2) The plan shall—

(A) establish priorities and guidelines for a competitive, peer reviewed, merit based inter-agency research, development, demonstration, and technology transfer program on methods for the prevention, control, and mitigation of harmful algal blooms;

(B) identify ways to improve coordination and to prevent unnecessary duplication of effort among Federal agencies and departments with respect to the actions described in paragraph (1); and

(C) include to the maximum extent practicable diverse institutions, including Historically Black Colleges and Universities and those serving large proportions of Hispanics, Native Americans, Asian Pacific Americans, and other underrepresented populations.

(3) The Secretary of Commerce, in conjunction with other appropriate Federal agencies, shall establish a research, development, demonstration, and technology transfer program that meets the priorities and guidelines established under paragraph (2)(A). The Secretary shall ensure, through consultation with Sea Grant Programs, that the results and findings of the program are communicated to State, Indian tribe, and local governments, and to the general public.

(j) Report

Not later than 2 years after the date the Action Strategy is submitted under section 4003 of this title, the Under Secretary shall submit a report to Congress that describes—

(1) the proceedings of the annual Task Force meetings;

(2) the activities carried out under the Program, including the regional and subregional parts of the Action Strategy;

(3) the budget related to the activities under paragraph (2);

(4) the progress made on implementing the Action Strategy; and

(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,¹ 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.

¹ 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;

(4) enhance communication and coordination among Federal agencies carrying out marine and freshwater harmful algal bloom and hypoxia activities and research;

(5) to the greatest extent practicable, leverage existing resources and expertise available from local research universities and institutions; and

(6) increase the availability to appropriate public and private entities of—

- (A) analytical facilities and technologies;
- (B) operational forecasts; and
- (C) reference and research materials.

(g) Cooperative efforts

The Under Secretary shall work cooperatively and avoid duplication of effort with other offices, centers, and programs within the National Oceanic and Atmospheric Administration, other agencies on the Task Force, and States, tribes, and nongovernmental organizations concerned with marine and freshwater issues to coordinate harmful algal bloom and hypoxia (and related) activities and research.

(h) Freshwater

With respect to the freshwater aspects of the Program, the Administrator, through the Task Force, shall carry out the duties otherwise assigned to the Under Secretary under this section, except the activities described in subsection (f).

(1) Participation

The Administrator's participation under this section shall include—

- (A) research on the ecology and impacts of freshwater harmful algal blooms; and
- (B) forecasting and monitoring of and event response to freshwater harmful algal blooms in lakes, rivers, estuaries (including their tributaries), and reservoirs.

(2) Nonduplication

The Administrator shall ensure that activities carried out under this chapter focus on new approaches to addressing freshwater harmful algal blooms and are not duplicative of existing research and development programs authorized by this chapter or any other law.

(i) Integrated Coastal and Ocean Observation System

The collection of monitoring and observation data under this chapter shall comply with all data standards and protocols developed pursuant to the Integrated Coastal and Ocean Observation System Act of 2009 (33 U.S.C. 3601 et seq.). Such data shall be made available through the system established under that Act.

(Pub. L. 105-383, title VI, §603A, as added Pub. L. 113-124, § 4, June 30, 2014, 128 Stat. 1379.)

REFERENCES IN TEXT

The Integrated Coastal and Ocean Observation System Act of 2009, referred to in subsec. (i), is subtitle C (§12301 et seq.) of title XII of Pub. L. 111-11, Mar. 30, 2009, 123 Stat. 1427, which is classified generally to chapter 49 (§3601 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 3601 of this title and Tables.

§ 4003. Comprehensive research plan and action strategy

(a) In general

Not later than 1 year after June 30, 2014, the Under Secretary, through the Task Force, shall develop and submit to Congress a comprehensive research plan and action strategy to address marine and freshwater harmful algal blooms and hypoxia. The Action Strategy shall identify—

- (1) the specific activities to be carried out by the Program and the timeline for carrying out those activities;
- (2) the roles and responsibilities of each Federal agency in the Task Force in carrying out the activities under paragraph (1); and
- (3) the appropriate regions and subregions requiring specific research and activities to address harmful algal blooms and hypoxia.

(b) Regional focus

The regional and subregional parts of the Action Strategy shall identify—

- (1) regional priorities for ecological, economic, and social research on issues related to the impacts of harmful algal blooms and hypoxia;
- (2) research, development, and demonstration activities needed to develop and advance technologies and techniques for minimizing the occurrence of harmful algal blooms and hypoxia and improving capabilities to detect, predict, monitor, control, mitigate, respond to, and remediate harmful algal blooms and hypoxia;
- (3) ways to reduce the duration and intensity of harmful algal blooms and hypoxia, including deployment of response technologies in a timely manner;
- (4) research and methods to address human health dimensions of harmful algal blooms and hypoxia;
- (5) mechanisms, including the potential costs and benefits of those mechanisms, to protect ecosystems that may be or have been affected by harmful algal bloom and hypoxia events;
- (6) mechanisms by which data, information, and products may be transferred between the Program and the State, tribal, and local governments and research entities;
- (7) communication and information dissemination methods that State, tribal, and local governments may undertake to educate and inform the public concerning harmful algal blooms and hypoxia; and
- (8) roles that Federal agencies may have to assist in the implementation of the Action Strategy, including efforts to support local and regional scientific assessments under section 4001(e) of this title.

(c) Utilizing available studies and information

In developing the Action Strategy, the Under Secretary shall utilize existing research, assessments, reports, and program activities, including—

- (1) those carried out under existing law; and
- (2) other relevant peer-reviewed and published sources.

(d) Development of the Action Strategy

In developing the Action Strategy, the Under Secretary shall, as appropriate—

- (1) coordinate with—
 - (A) State coastal management and planning officials;
 - (B) tribal resource management officials; and
 - (C) water management and watershed officials from both coastal States and non-coastal States with water sources that drain into water bodies affected by harmful algal blooms and hypoxia; and
- (2) consult with—
 - (A) public health officials;
 - (B) emergency management officials;
 - (C) science and technology development institutions;
 - (D) economists;
 - (E) industries and businesses affected by marine and freshwater harmful algal blooms and hypoxia;
 - (F) scientists with expertise concerning harmful algal blooms or hypoxia from academic or research institutions; and
 - (G) other stakeholders.

(e) Federal Register

The Under Secretary shall publish the Action Strategy in the Federal Register.

(f) Periodic revision

The Under Secretary, in coordination and consultation with the individuals and entities under subsection (d), shall periodically review and revise the Action Strategy prepared under this section, as necessary.

(Pub. L. 105-383, title VI, § 603B, as added Pub. L. 113-124, § 5, June 30, 2014, 128 Stat. 1382.)

§ 4004. Northern Gulf of Mexico hypoxia

(a) Initial progress reports

Beginning not later than 12 months after June 30, 2014, and biennially thereafter, the Administrator, through the Mississippi River/Gulf of Mexico Watershed Nutrient Task Force, shall submit a progress report to the appropriate congressional committees and the President that describes the progress made by activities directed by the Mississippi River/Gulf of Mexico Watershed Nutrient Task Force and carried out or funded by the Environmental Protection Agency and other State and Federal partners toward attainment of the goals of the Gulf Hypoxia Action Plan 2008.

(b) Contents

Each report required under this section shall—

- (1) assess the progress made toward nutrient load reductions, the response of the hypoxic zone and water quality throughout the Mississippi/Atchafalaya River Basin, and the economic and social effects;
- (2) evaluate lessons learned; and
- (3) recommend appropriate actions to continue to implement or, if necessary, revise the strategy set forth in the Gulf Hypoxia Action Plan 2008.

(Pub. L. 105-383, title VI, § 604, Nov. 13, 1998, 112 Stat. 3449; Pub. L. 113-124, § 7, June 30, 2014, 128 Stat. 1384.)

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 required the Task Force to submit an integrated assessment of hypoxia in the northern Gulf of Mexico and develop a plan for reducing, mitigating, and controlling such hypoxia.

§ 4005. Great Lakes hypoxia and harmful algal blooms

(a) Integrated assessment

Not later than 18 months after June 30, 2014, the Task Force, in accordance with the authority under section 4001 of this title, shall complete and submit to the Congress and the President an integrated assessment that examines the causes, consequences, and approaches to reduce hypoxia and harmful algal blooms in the Great Lakes, including the status of and gaps within current research, monitoring, management, prevention, response, and control activities by—

- (1) Federal agencies;
- (2) State agencies;
- (3) regional research consortia;
- (4) academia;
- (5) private industry; and
- (6) nongovernmental organizations.

(b) Plan

(1) In general

Not later than 2 years after June 30, 2014, the Task Force shall develop and submit to the Congress a plan, based on the integrated assessment under subsection (a), for reducing, mitigating, and controlling hypoxia and harmful algal blooms in the Great Lakes.

(2) Contents

The plan shall—

- (A) address the monitoring needs identified in the integrated assessment under subsection (a);
- (B) develop a timeline and budgetary requirements for deployment of future assets;
- (C) identify requirements for the development and verification of Great Lakes hypoxia 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.)

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 regu-

latory 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.)

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.

(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.)