

without regard to the provisions of title 5, that govern appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of title 5, that relate to classification and General Schedule pay rates.

(b) Incidental expenses

The Secretary is authorized to provide for the incidental expenses of such volunteers, such as transportation, uniforms, lodging, or subsistence.

(c) Volunteers' status as Federal employees

(1) Except as otherwise provided in this subsection, a volunteer shall not be deemed a Federal employee and shall not be subject to the provisions of law relating to Federal employment, including those provisions relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits.

(2) For purposes of chapter 171 of title 28 (commonly referred to as the "Federal Tort Claims Act"), a volunteer under this subsection shall be considered an employee of the government (as defined in section 2671 of such title).

(3) For purposes of subchapter I of chapter 81 of title 5, relating to compensation to Federal employees for work injuries, a volunteer under this subsection shall be considered an employee (as defined in section 8101 of title 5).

(Pub. L. 101-628, title XI, §1105, Nov. 28, 1990, 104 Stat. 4502.)

§ 4605. Authority to execute contracts

The Secretary is authorized to enter into contracts and cooperative agreements and generally to do any and all lawful acts necessary or appropriate to further the purposes of the TPIA Program.

(Pub. L. 101-628, title XI, §1106, Nov. 28, 1990, 104 Stat. 4503.)

§ 4606. Distribution of appropriate items

The Secretary is authorized to distribute pamphlets and other such appropriate items in order to promote the purposes of the TPIA Program.

(Pub. L. 101-628, title XI, §1107, Nov. 28, 1990, 104 Stat. 4503.)

§ 4607. Slogan and logo

The "Take Pride in America" slogan and logo, which are registered by the Department of the Interior, and the goodwill associated with such slogan and logo, shall be administered pursuant to the TPIA Program.

(Pub. L. 101-628, title XI, §1108, Nov. 28, 1990, 104 Stat. 4503.)

§ 4608. Authorization of appropriations

(a) Department of the Interior

There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out the purposes of this chapter, not to exceed the amount expended for such purposes for fiscal year 1990.

(b) Other Federal agencies

There are authorized to be appropriated to other Federal departments and agencies such

sums as may be necessary to carry out the provisions of any other Take Pride in America programs established by such departments or agencies.

(Pub. L. 101-628, title XI, §1109, Nov. 28, 1990, 104 Stat. 4503.)

CHAPTER 67—AQUATIC NUISANCE PREVENTION AND CONTROL

SUBCHAPTER I—GENERAL PROVISIONS

- Sec.
- 4701. Findings and purposes.
- 4702. Definitions.

SUBCHAPTER II—PREVENTION OF UNINTENTIONAL INTRODUCTIONS OF NONINDIGENOUS AQUATIC SPECIES

- 4711. Aquatic nuisance species in waters of United States.
- 4712. National ballast water management information.
- 4713. Armed services ballast water programs.
- 4714. Ballast water management demonstration program.

SUBCHAPTER III—PREVENTION AND CONTROL OF AQUATIC NUISANCE SPECIES DISPERSAL

- 4721. Establishment of Task Force.
- 4722. Aquatic nuisance species program.
- 4723. Regional coordination.
- 4724. State aquatic nuisance species management plans.
- 4725. Relationship to other laws.
- 4726. International cooperation.
- 4727. Intentional introductions policy review.
- 4728. Brown tree snake control program.

SUBCHAPTER IV—AUTHORIZATION OF APPROPRIATIONS

- 4741. Authorization of appropriations.

SUBCHAPTER V—COOPERATIVE ENVIRONMENTAL ANALYSES

- 4751. Environmental impact analyses.

SUBCHAPTER I—GENERAL PROVISIONS

§ 4701. Findings and purposes

(a) Findings

The Congress finds that—

(1) the discharge of untreated water in the ballast tanks of vessels and through other means results in unintentional introductions of nonindigenous species to fresh, brackish, and saltwater environments;

(2) when environmental conditions are favorable, nonindigenous species become established, may compete with or prey upon native species of plants, fish, and wildlife, may carry diseases or parasites that affect native species, and may disrupt the aquatic environment and economy of affected nearshore areas;

(3) the zebra mussel was unintentionally introduced into the Great Lakes and has infested—

(A) waters south of the Great Lakes, into a good portion of the Mississippi River drainage;

(B) waters west of the Great Lakes, into the Arkansas River in Oklahoma; and

(C) waters east of the Great Lakes, into the Hudson River and Lake Champlain;

(4) the potential economic disruption to communities affected by the zebra mussel due

to its colonization of water pipes, boat hulls and other hard surfaces has been estimated at \$5,000,000,000 by the year 2000, and the potential disruption to the diversity and abundance of native fish and other species by the zebra mussel and ruffe, round goby, and other non-indigenous species could be severe;

(5) the zebra mussel was discovered on Lake Champlain during 1993 and the opportunity exists to act quickly to establish zebra mussel controls before Lake Champlain is further infested and management costs escalate;

(6) in 1992, the zebra mussel was discovered at the northernmost reaches of the Chesapeake Bay watershed;

(7) the zebra mussel poses an imminent risk of invasion in the main waters of the Chesapeake Bay;

(8) since the Chesapeake Bay is the largest recipient of foreign ballast water on the East Coast, there is a risk of further invasions of other nonindigenous species;

(9) the zebra mussel is only one example of thousands of nonindigenous species that have become established in waters of the United States and may be causing economic and ecological degradation with respect to the natural resources of waters of the United States;

(10) since their introduction in the early 1980's in ballast water discharges, ruffe—

(A) have caused severe declines in populations of other species of fish in Duluth Harbor (in Minnesota and Wisconsin);

(B) have spread to Lake Huron; and

(C) are likely to spread quickly to most other waters in North America if action is not taken promptly to control their spread;

(11) examples of nonindigenous species that, as of October 26, 1996, infest coastal waters of the United States and that have the potential for causing adverse economic and ecological effects include—

(A) the mitten crab (*Eriocheir sinensis*) that has become established on the Pacific Coast;

(B) the green crab (*Carcinus maenas*) that has become established in the coastal waters of the Atlantic Ocean;

(C) the brown mussel (*Perna perna*) that has become established along the Gulf of Mexico; and

(D) certain shellfish pathogens;

(12) many aquatic nuisance vegetation species, such as Eurasian watermilfoil, hydrilla, water hyacinth, and water chestnut, have been introduced to waters of the United States from other parts of the world causing or having a potential to cause adverse environmental, ecological, and economic effects;

(13) if preventive management measures are not taken nationwide to prevent and control unintentionally introduced nonindigenous aquatic species in a timely manner, further introductions and infestations of species that are as destructive as, or more destructive than, the zebra mussel or the ruffe infestations may occur;

(14) once introduced into waters of the United States, aquatic nuisance species are unintentionally transported and introduced

into inland lakes and rivers by recreational boaters, commercial barge traffic, and a variety of other pathways; and

(15) resolving the problems associated with aquatic nuisance species will require the participation and cooperation of the Federal Government and State governments, and investment in the development of prevention technologies.

(b) Purposes

The purposes of this chapter are—

(1) to prevent unintentional introduction and dispersal of nonindigenous species into waters of the United States through ballast water management and other requirements;

(2) to coordinate federally conducted, funded or authorized research, prevention¹ control, information dissemination and other activities regarding the zebra mussel and other aquatic nuisance species;

(3) to develop and carry out environmentally sound control methods to prevent, monitor and control unintentional introductions of nonindigenous species from pathways other than ballast water exchange;

(4) to understand and minimize economic and ecological impacts of nonindigenous aquatic nuisance species that become established, including the zebra mussel; and

(5) to establish a program of research and technology development and assistance to States in the management and removal of zebra mussels.

(Pub. L. 101-646, title I, §1002, Nov. 29, 1990, 104 Stat. 4761; Pub. L. 104-182, title III, §308(a), Aug. 6, 1996, 110 Stat. 1689; Pub. L. 104-332, §2(a)(1), (h)(1), Oct. 26, 1996, 110 Stat. 4073, 4091.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (b), was in the original “this Act”, which, to reflect the probable intent of Congress, was translated as reading “this title” meaning title I of Pub. L. 101-646, Nov. 29, 1990, 104 Stat. 4761, known as the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990, which is classified principally to this chapter. For complete classification of title I to the Code, see Short Title note set out below and Tables.

AMENDMENTS

1996—Pub. L. 104-332, §2(h)(1), made technical amendment to Pub. L. 101-646, §1002, which enacted this section.

Subsec. (a)(2), (3). Pub. L. 104-332, §2(a)(1)(A), added pars. (2) and (3) and struck out former pars. (2) and (3) which read as follows:

“(2) when environmental conditions are favorable, nonindigenous species, such as the zebra mussel (*Dreissena polymorpha*), become established and may disrupt the aquatic environment and economy of affected coastal areas;

“(3) the zebra mussel was unintentionally introduced into the Great Lakes and, if left uncontrolled, is expected to infest over two-thirds of the continental United States through the unintentional transportation of larvae and adults by vessels operating in inland waters;”.

Subsec. (a)(4). Pub. L. 104-332, §2(a)(1)(B)(i), inserted “by the zebra mussel and ruffe, round goby, and other nonindigenous species” after “other species”.

Subsec. (a)(5). Pub. L. 104-182 added par. (5).

¹ So in original. Probably should be followed by a comma.

Subsec. (a)(6) to (15). Pub. L. 104-332, §2(a)(1)(B)(ii), (C), (D), added pars. (6) to (15).

SHORT TITLE OF 1996 AMENDMENT

Pub. L. 104-332, §1(a), Oct. 26, 1996, 110 Stat. 4073, provided that: "This Act [enacting sections 4713 and 4714 of this title, amending sections 941 to 941g, 4701, 4702, 4711, 4712, 4721 to 4728, 4741 and 4751 of this title, section 42 of Title 18, Crimes and Criminal Procedure, and section 2761 of Title 33, Navigation and Navigable Waters, enacting provisions set out as a note under this section, and amending provisions set out as notes under this section, section 941 of this title, and section 2701 of Title 33] may be cited as the 'National Invasive Species Act of 1996'."

SHORT TITLE

Pub. L. 101-646, title I, §1001, Nov. 29, 1990, 104 Stat. 4761, as amended by Pub. L. 104-332, §2(h)(1), Oct. 26, 1996, 110 Stat. 4091, provided that: "This title [enacting this chapter and amending section 42 of Title 18, Crimes and Criminal Procedure] may be cited as the 'Non-indigenous Aquatic Nuisance Prevention and Control Act of 1990'."

CONSTRUCTION OF 1996 AMENDMENT

Pub. L. 104-332, §3, Oct. 26, 1996, 110 Stat. 4092, provided that: "Nothing in this Act [see Short Title of 1996 Amendment note above] or the amendments made by this Act is intended to affect the authorities and responsibilities of the Great Lakes Fishery Commission established under article II of the Convention on Great Lakes Fisheries between the United States of America and Canada, signed at Washington on September 10, 1954 (hereafter in this section referred to as the 'Convention'), including the authorities and responsibilities of the Great Lakes Fishery Commission—

"(1) for developing and implementing a comprehensive program for eradicating or minimizing populations of sea lamprey in the Great Lakes watershed; and

"(2) carrying out the duties of the Commission specified in the Convention (including any amendment thereto) and the Great Lakes Fishery Act of 1956 (16 U.S.C. 931 et seq.)."

REPORT ON ESTABLISHMENT OF PROGRAM

Pub. L. 102-567, title II, §203(b), Oct. 29, 1992, 106 Stat. 4281, provided that: "Not later than one year after the date of the enactment of this Act [Oct. 29, 1992], the Secretary of Commerce shall submit a report to the Congress on progress toward establishing a nonindigenous aquatic nuisance prevention and control program within the National Oceanic and Atmospheric Administration and projected funding for such a program for the following five fiscal years."

§ 4702. Definitions

As used in this chapter, the term—

(1) "aquatic nuisance species" means a non-indigenous species that threatens the diversity or abundance of native species or the ecological stability of infested waters, or commercial, agricultural, aquacultural or recreational activities dependent on such waters;

(2) "Assistant Secretary" means the Assistant Secretary of the Army (Civil Works);

(3) "ballast water" means any water and associated sediments used to manipulate the trim and stability of a vessel;

(4) "Director" means the Director of the United States Fish and Wildlife Service;

(5) "exclusive economic zone" means the Exclusive Economic Zone of the United States established by Proclamation Number 5030, dated March 10, 1983, and the equivalent zone of Canada;

(6) "environmentally sound" methods, efforts, actions or programs means methods, efforts, actions or programs to prevent introductions or control infestations of aquatic nuisance species that minimize adverse impacts to the structure and function of an ecosystem and adverse effects on non-target organisms and ecosystems and emphasize integrated pest management techniques and nonchemical measures;

(7) "Great Lakes" means Lake Ontario, Lake Erie, Lake Huron (including Lake St. Clair), Lake Michigan, Lake Superior, and the connecting channels (Saint Mary's River, Saint Clair River, Detroit River, Niagara River, and Saint Lawrence River to the Canadian¹ Border), and includes all other bodies of water within the drainage basin of such lakes and connecting channels.

(8) "Great Lakes region" means the 8 States that border on the Great Lakes;

(9) "Indian tribe" means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional corporation (as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.)) that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians;

(10) "interstate organization" means an entity—

(A) established by—

(i) an interstate compact that is approved by Congress;

(ii) a Federal statute; or

(iii) a treaty or other international agreement with respect to which the United States is a party; and

(B)(i) that represents 2 or more—

(I) States or political subdivisions thereof; or

(II) Indian tribes; or

(ii) that represents—

(I) 1 or more States or political subdivisions thereof; and

(II) 1 or more Indian tribes; or

(iii) that represents the Federal Government and 1 or more foreign governments; and

(C) has jurisdiction over, serves as forum for coordinating, or otherwise has a role or responsibility for the management of, any land or other natural resource;

(11) "nonindigenous species" means any species or other viable biological material that enters an ecosystem beyond its historic range, including any such organism transferred from one country into another;

(12) "Secretary" means the Secretary of the department in which the Coast Guard is operating;

(13) "Task Force" means the Aquatic Nuisance Species Task Force established under section 4721 of this title;

(14) "territorial sea" means the belt of the sea measured from the baseline of the United

¹ So in original. Probably should be "Canadian".