

- (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 States determined in accordance with international law, as set forth in Presidential Proclamation Number 5928, dated December 27, 1988;
- (15) “Under Secretary” means the Under Secretary of Commerce for Oceans and Atmosphere;
- (16) “waters of the United States” means the navigable waters and the territorial sea of the United States; and
- (17) “unintentional introduction” means an introduction of nonindigenous species that occurs as the result of activities other than the purposeful or intentional introduction of the species involved, such as the transport of nonindigenous species in ballast or in water used to transport fish, mollusks or crustaceans for aquaculture or other purposes.

(Pub. L. 101-646, title I, §1003, Nov. 29, 1990, 104 Stat. 4762; Pub. L. 102-580, title III, §302(b)(2), Oct. 31, 1992, 106 Stat. 4839; Pub. L. 104-332, §2(a)(2), (h)(1), (3), Oct. 26, 1996, 110 Stat. 4074, 4091.)

#### REFERENCES IN TEXT

This chapter, referred to in text, 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 under section 4701 of this title and Tables.

Proclamation Number 5030, referred to in par. (5), is set out under section 1453 of this title.

The Alaska Native Claims Settlement Act, referred to in par. (9), is Pub. L. 92-203, Dec. 18, 1971, 85 Stat. 688, as amended, which is classified generally to chapter 33 (§1601 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 43 and Tables.

Presidential Proclamation Number 5928, referred to in par. (14), is set out under section 1331 of Title 43.

#### AMENDMENTS

1996—Pub. L. 104-332, §2(h)(1), (3), made technical amendment to Pub. L. 101-646, §1003, which enacted this section.

Par. (1). Pub. L. 104-332, §2(a)(2)(A), redesignated par. (2) as (1) and struck out former par. (1) which read as follows: “‘appropriate Committees’ means the Committee on Public Works and Transportation and the Committee on Merchant Marine and Fisheries in the House of Representatives and the Committee on Environment and Public Works and Committee on Commerce, Science, and Transportation in the Senate; and”.

Par. (2). Pub. L. 104-332, §2(a)(2)(B), substituted “‘Assistant Secretary’ means” for “‘assistant Secretary’ means”.

Pub. L. 104-332, §2(a)(2)(A), redesignated par. (3) as (2). Former par. (2) redesignated (1).

Pars. (3) to (7). Pub. L. 104-332, §2(a)(2)(A), redesignated pars. (4) to (8) as (3) to (7), respectively. Former par. (3) redesignated (2).

Par. (8). Pub. L. 104-332, §2(a)(2)(D), added par. (8).

Pub. L. 104-332, §2(a)(2)(A), redesignated par. (8) as (7).

Pars. (9), (10). Pub. L. 104-332, §2(a)(2)(D), added pars. (9) and (10).

Pub. L. 104-332, §2(a)(2)(C), redesignated pars. (9) and (10) as (11) and (12), respectively.

Pars. (11) to (17). Pub. L. 104-332, §2(a)(2)(C), redesignated pars. (9) to (15) as (11) to (17), respectively.

1992—Par. (1). Pub. L. 102-580 inserted “the Committee on Public Works and Transportation and” after “means”.

#### TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

#### SUBCHAPTER II—PREVENTION OF UNINTENTIONAL INTRODUCTIONS OF NON-INDIGENOUS AQUATIC SPECIES

#### § 4711. Repealed. Pub. L. 115-282, title IX, § 903(a)(2)(A)(i), Dec. 4, 2018, 132 Stat. 4354

Section, Pub. L. 101-646, title I, §1101, Nov. 29, 1990, 104 Stat. 4763; Pub. L. 102-580, title III, §302(b)(1), Oct. 31, 1992, 106 Stat. 4839; Pub. L. 102-587, title IV, §4002, Nov. 4, 1992, 106 Stat. 5068; Pub. L. 104-332, §2(b)(2), Oct. 26, 1996, 110 Stat. 4075, related to aquatic nuisance species in waters of United States.

#### EFFECTIVE DATE OF REPEAL

Pub. L. 115-282, title IX, §903(a)(2)(A), Dec. 4, 2018, 132 Stat. 4354, provided that the repeal of this section by section 903(a)(2)(A) is effective beginning on Dec. 4, 2018.

#### § 4712. National ballast water management information

##### (a) Studies on introduction of aquatic nuisance species by vessels

##### (1) Ballast exchange study

The Task Force, in cooperation with the Secretary, shall conduct a study—

(A) to assess the environmental effects of ballast water exchange on the diversity and abundance of native species in receiving estuarine, marine, and fresh waters of the United States; and

(B) to identify areas within the waters of the United States and the exclusive economic zone, if any, where the exchange of ballast water does not pose a threat of infestation or spread of aquatic nuisance species