

AMENDMENTS

1996—Pub. L. 104-332, §2(h)(1), made technical amendment to Pub. L. 101-646, §1204, which enacted this section.

Subsec. (a). Pub. L. 104-332, §2(e)(6)(A)(i), substituted “State or interstate invasive species management plans” for “State plan” in heading.

Subsec. (a)(1). Pub. L. 104-332, §2(e)(6)(A)(ii)(I), substituted “After providing notice and opportunity for public comment, the Governor of each State may prepare and submit, or the Governors of the States and the governments of the Indian tribes involved in an interstate organization, may jointly prepare and submit” for “The Governor of each State may, after notice and opportunity for public comment, prepare and submit” in introductory provisions.

Subsec. (a)(1)(A). Pub. L. 104-332, §2(e)(6)(A)(ii)(II), (III), inserted “or within the interstate region involved” after “within the State” and substituted “technical, enforcement, or financial assistance (or any combination thereof)” for “technical and financial assistance”.

Subsec. (a)(1)(B). Pub. L. 104-332, §2(e)(6)(A)(ii)(III), inserted “or within the interstate region involved” after “within the State”.

Subsec. (a)(2)(B). Pub. L. 104-332, §2(e)(6)(A)(iii)(I), struck out “and” at end.

Subsec. (a)(2)(C). Pub. L. 104-332, §2(e)(6)(A)(iii)(III), added subpar. (C). Former subpar. (C) redesignated (D).

Subsec. (a)(2)(D). Pub. L. 104-332, §2(e)(6)(A)(iii)(II), (IV), redesignated subpar. (C) as (D) and inserted “, and enabling legislation” before period.

Subsec. (a)(3)(A). Pub. L. 104-332, §2(e)(6)(A)(iv)(I), inserted “or interstate organization” after “the State” and “Indian tribes,” after “local governments and regional entities.”

Subsec. (a)(3)(B). Pub. L. 104-332, §2(e)(6)(A)(iv)(II), inserted “or the appropriate official of an interstate organization” after “a State”.

Subsec. (a)(4). Pub. L. 104-332, §2(e)(6)(A)(v), inserted “or the interstate organization” after “the Governor”.

Subsec. (b)(1). Pub. L. 104-332, §2(e)(6)(B), struck out “or the Assistant Secretary, as appropriate under subsection (a),” after “The Director” and substituted “management plans approved under subsection (a)” for “approved management plans”.

Subsec. (c). Pub. L. 104-332, §2(e)(6)(C), added subsec. (c).

§ 4725. Relationship to other laws

(a) Consistency with environmental laws

All actions taken by Federal agencies in implementing the provisions of section 4722 of this title shall be consistent with all applicable Federal, State, and local environmental laws.

(b) Effect of chapter

(1) In general

Except as provided in paragraph (2), nothing in this chapter shall affect the authority of any State or political subdivision thereof to adopt or enforce control measures for aquatic nuisance species, or diminish or affect the jurisdiction of any State over species of fish and wildlife.

(2) Exception

Any discharge incidental to the normal operation of a vessel, including any discharge of ballast water (as those terms are defined in subsections (a) and (p)(1) of section 1322 of title 33), shall be regulated in accordance with that section.

(c) Effect of compliance

Compliance with the control and eradication measures of any State or political subdivision

thereof regarding aquatic nuisance species shall not relieve any person of the obligation to comply with the provisions of this subchapter.

(Pub. L. 101-646, title I, §1205, Nov. 29, 1990, 104 Stat. 4771; Pub. L. 104-332, §2(h)(1), Oct. 26, 1996, 110 Stat. 4091; Pub. L. 115-282, title IX, §903(h)(2), Dec. 4, 2018, 132 Stat. 4363.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (b)(1), was in the original “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.

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2018—Subsec. (a). Pub. L. 115-282, §903(h)(2)(C), designated first sentence as subsec. (a) and inserted heading.

Subsec. (b). Pub. L. 115-282, §903(h)(2)(B), (D), designated second sentence as subsec. (b)(1), inserted subsec. (b) and par. (1) headings, substituted “Except as provided in paragraph (2), nothing” for “Nothing”, and added par. (2).

Subsec. (c). Pub. L. 115-282, §903(h)(2)(A), designated third sentence as subsec. (c) and inserted heading.

1996—Pub. L. 104-332 made technical amendment to Pub. L. 101-646, §1205, which enacted this section.

§ 4726. International cooperation

(a) Advice

The Task Force shall provide timely advice to the Secretary of State concerning aquatic nuisance species that infest waters shared with other countries.

(b) Negotiations

The Secretary of State, in consultation with the Task Force, is encouraged to initiate negotiations with the governments of foreign countries concerning the planning and implementation of prevention, monitoring, research, education, and control programs related to aquatic nuisance species infesting shared water resources.

(Pub. L. 101-646, title I, §1206, Nov. 29, 1990, 104 Stat. 4771; Pub. L. 104-332, §2(h)(1), Oct. 26, 1996, 110 Stat. 4091.)

AMENDMENTS

1996—Pub. L. 104-332 made technical amendment to Pub. L. 101-646, §1206, which enacted this section.

§ 4727. Intentional introductions policy review

Within one year of November 29, 1990, the Task Force shall, in consultation with State fish and wildlife agencies, other regional, State and local entities, potentially affected industries and other interested parties, identify and evaluate approaches for reducing the risk of adverse consequences associated with intentional introduction of aquatic organisms and submit a report of their findings, conclusions and recommendations to the Congress.

(Pub. L. 101-646, title I, §1207, Nov. 29, 1990, 104 Stat. 4771; Pub. L. 104-332, §2(g), (h)(1), Oct. 26, 1996, 110 Stat. 4091.)