

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.

AMENDMENTS

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.)

AMENDMENTS

1996—Pub. L. 104-332, §2(h)(1), made technical amendment to Pub. L. 101-646, §1207, which enacted this section.

Pub. L. 104-332, §2(g), substituted “Congress” for “appropriate Committees”.

§ 4728. Brown tree snake control program

The Task Force shall, within the program developed under subsection (a),¹ undertake a com-

¹ So in original. Probably should be “subsection (a) of section 4722 of this title.”

prehensive, environmentally sound program in coordination with regional, territorial, State and local entities to control the brown tree snake (*Boiga irregularis*) in Guam and other areas where the species is established outside of its historic range.

(Pub. L. 101-646, title I, §1209, Nov. 29, 1990, 104 Stat. 4772; 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, §1209, which enacted this section.

§ 4729. Coastal Aquatic Invasive Species Mitigation Grant Program and Mitigation Fund

(1) Definitions

In this section:

(A) Coastal zone

The term “coastal zone” has the meaning given the term in section 1453 of this title.

(B) Eligible entity

The term “eligible entity” means—

- (i) a State;
 - (ii) a unit of local government;
 - (iii) an Indian Tribe;
 - (iv) a nongovernmental organization;
- and
- (v) an institution of higher education.

(C) Exclusive Economic Zone

The term “Exclusive Economic Zone” means the Exclusive Economic Zone of the United States, as established by Presidential Proclamation 5030, dated March 10, 1983 (16 U.S.C. 1453 note).

(D) Foundation

The term “Foundation” means the National Fish and Wildlife Foundation established by section 3701(a) of this title.

(E) Fund

The term “Fund” means the Coastal Aquatic Invasive Species Mitigation Fund established by paragraph (3)(A).

(F) Program

The term “Program” means the Coastal Aquatic Invasive Species Mitigation Grant Program established under paragraph (2)(A).

(G) Secretary

The term “Secretary” means the Secretary of Commerce.

(2) Grant program

(A) Establishment

The Secretary and the Foundation shall establish a program, to be known as the “Coastal Aquatic Invasive Species Mitigation Grant Program”, under which the Secretary and the Foundation shall award grants to eligible entities in accordance with this paragraph.

(B) Purposes

The purposes of the Program are—

- (i) to improve the understanding, prevention, and mitigation of, and response to, aquatic invasive species in—

- (I) the coastal zone; and
- (II) the Exclusive Economic Zone;

(ii) to support the prevention and mitigation of impacts from aquatic invasive species in the coastal zone; and

(iii) to support the restoration of Pacific Island habitats, marine, estuarine, and Great Lakes environments in the coastal zone and the Exclusive Economic Zone that are impacted by aquatic invasive species.

(C) Use of grants

(i) In general

A grant awarded under the Program shall be used for an activity to carry out the purposes of the Program, including an activity—

(I) to develop and implement procedures and programs, including permissible State ballast water inspection programs, to prevent, detect, control, mitigate, and rapidly or progressively eradicate aquatic invasive species in the coastal zone or the Exclusive Economic Zone, particularly in areas with high numbers of established aquatic invasive species;

(II) to restore habitat impacted by an aquatic invasive species;

(III) to develop new shipboard and land-based ballast water treatment system technologies and performance standards to prevent the introduction of aquatic invasive species;

(IV) to develop mitigation measures to protect natural and cultural living resources, including shellfish, from the impacts of aquatic invasive species; or

(V) to develop mitigation measures to protect infrastructure, such as hydroelectric infrastructure, from aquatic invasive species.

(ii) Prohibition on funding litigation

A grant awarded under the Program may not be used to fund litigation in any matter.

(D) Administration

Not later than 90 days after December 4, 2018, the Foundation, in consultation with the Secretary, shall establish the following:

(i) Application and review procedures for awarding grants under the Program.

(ii) Approval procedures for awarding grants under the Program, including a requirement for consultation with—

- (I) the Secretary of the Interior; and
- (II) the Administrator.

(iii) Performance accountability and monitoring measures for activities funded by a grant awarded under the Program.

(iv) Procedures and methods to ensure accurate accounting and appropriate administration of grants awarded under the Program, including standards of record-keeping.

(E) Matching requirement

Each eligible entity that receives a grant under the Program shall provide, in cash or

through in-kind contributions from non-Federal sources, matching funds to carry out the activities funded by the grant in an amount equal to not less than 25 percent of the cost of the activities.

(F) Funding

The Secretary and the Foundation are authorized to use the amounts available in the Fund to award grants under the Program.

(3) Mitigation Fund

(A) Establishment

There is established in the Treasury of the United States a trust fund, to be known as the “Coastal Aquatic Invasive Species Mitigation Fund”, consisting of such amounts as are appropriated or credited to the Fund in accordance with this paragraph or section 9602 of title 26.

(B) Transfers to Fund

(i) Appropriation

There is authorized to be appropriated from the Treasury to the Fund, for each fiscal year, an amount equal to the amount of penalties assessed for violations of subsection (p) of section 1322 of title 33 during the preceding fiscal year.

(ii) Additional authorization

In addition to the amounts transferred to the Fund under clause (i), there is authorized to be appropriated to the Fund \$5,000,000 for each fiscal year.

(C) Use of Fund

Subject to appropriations, the amounts in the Fund shall be available to the Secretary and the Foundation to award grants under the Program.

(Pub. L. 115–282, title IX, §903(f), Dec. 4, 2018, 132 Stat. 4357.)

REFERENCES IN TEXT

Presidential Proclamation 5030, referred to in par. (1)(C), is Proc. No. 5030, Mar. 10, 1983, 48 F.R. 10605, which is set out as a note under section 1453 of this title.

CODIFICATION

Section was enacted as part of the Vessel Incidental Discharge Act of 2018 and also as part of the Frank LoBiondo Coast Guard Authorization Act of 2018, and not as part of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 which comprises this chapter.

Section is comprised of subsec. (f) of section 903 of Pub. L. 115–282. For classification to the Code of other provisions of section 903, see Tables.

§ 4730. Great Lakes and Lake Champlain Invasive Species Program

(1) Definitions

In this section:

(A) Administrator

The term “Administrator” means the Administrator of the Environmental Protection Agency.

(B) Aquatic nuisance species

The term “aquatic nuisance species” has the meaning given that term in subsection (p)(1) of section 1322 of title 33.