

(2) Application

An application for a grant under this subsection shall include an identification and description of the best management practices and measures which the State proposes to utilize in implementing an approved management plan with any Federal assistance to be provided under the grant.

(3) Federal share

(A) The Federal share of the cost of each comprehensive management plan implemented with Federal assistance under this section in any fiscal year shall not exceed 75 percent of the cost incurred by the State in implementing such management program and the non-Federal share of such costs shall be provided from non-Federal sources.

(B) The Federal share of the cost of each public facility management plan implemented with Federal assistance under this section in any fiscal year shall not exceed 50 percent of the cost incurred by the State in implementing such management program and the non-Federal share of such costs shall be provided from non-Federal sources.

(4) Administrative¹ costs

For the purposes of this section, administrative costs for activities and programs carried out with a grant in any fiscal year shall not exceed 5 percent of the amount of the grant in that year.

(5) In-kind contributions

In addition to cash outlays and payments, in-kind contributions of property or personnel services by non-Federal interests for activities under this section may be used for the non-Federal share of the cost of those activities.

(c) Enforcement assistance

Upon request of a State or Indian tribe, the Director or the Under Secretary, to the extent allowable by law and in a manner consistent with section 141² of title 14, may provide assistance to a State or Indian tribe in enforcing an approved State or interstate invasive species management plan.

(Pub. L. 101-646, title I, §1204, Nov. 29, 1990, 104 Stat. 4770; Pub. L. 104-332, §2(e)(6), (h)(1), Oct. 26, 1996, 110 Stat. 4089, 4091.)

Editorial Notes**REFERENCES IN TEXT**

Section 141 of title 14, referred to in subsec. (c), was redesignated section 701 of title 14 by Pub. L. 115-282, title I, §106(b), Dec. 4, 2018, 132 Stat. 4203, and references to section 141 of title 14 deemed to refer to such redesignated section, see section 123(b)(1) of Pub. L. 115-282, set out as a References to Sections of Title 14 as Redesignated by Pub. L. 115-282 note preceding section 101 of Title 14, Coast Guard.

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.

¹ So in original. Probably should be “Administrative”.

² See References in Text note below.

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.)

Editorial Notes

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.

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.)

Editorial Notes

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.)

Editorial Notes

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 comprehensive, 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.)

Editorial Notes

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.

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