

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),<sup>1</sup> 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.

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

**(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.)

**Editorial Notes**

## 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.

**(C) Director**

The term “Director” means the Director of the Great Lakes National Program Office established by section 1268(b) of title 33.

**(D) Great Lakes and Lake Champlain Systems**

The term “Great Lakes and Lake Champlain Systems” includes—

- (i) Lake Champlain; and
- (ii) all bodies of water (including wetlands) within—
  - (I) the Great Lakes System (as defined in section 1268(a)(3) of title 33); or
  - (II) the Lake Champlain drainage basin (as defined in section 1270(g) of title 33).

**(E) Program**

The term “Program” means the Great Lakes and Lake Champlain Invasive Species Program established under paragraph (2)(A).

**(2) Establishment of program**

**(A) In general**

The Administrator shall establish within the Great Lakes National Program Office a program, to be known as the “Great Lakes and Lake Champlain Invasive Species Program”—

- (i) in collaboration with—
  - (I) the Director of the United States Fish and Wildlife Service;
  - (II) the Administrator of the National Oceanic and Atmospheric Administration;
  - (III) the Director of the United States Geological Survey; and
  - (IV) the Secretary of the department in which the Coast Guard is operating; and
- (ii) in consultation with—
  - (I) the head of Great Lakes Aquatic Nonindigenous Species Information System of the National Oceanic and Atmospheric Administration; and
  - (II) the head of Great Lakes Environmental Research Laboratory of the National Oceanic and Atmospheric Administration.

**(B) Purposes**

The purposes of the Program shall be—

- (i) to monitor for the introduction and spread of aquatic nuisance species into or

within the Great Lakes and Lake Champlain Systems;

- (ii) to detect newly introduced aquatic nuisance species prior to the establishment of the aquatic nuisance species in the Great Lakes and Lake Champlain Systems;

- (iii) to inform, and assist with, management and response actions to prevent or stop the establishment or spread of an aquatic nuisance species;

- (iv) to establish a watch list of candidate aquatic nuisance species that may be introduced or spread, and that may survive and establish, within the Great Lakes and Lake Champlain Systems;

- (v) to monitor vectors likely to be contributing to the introduction or spread of aquatic nuisance species, including ballast water operations;

- (vi) to work collaboratively with the Federal, State, local, and Tribal agencies to develop criteria for prioritizing and distributing monitoring efforts;

- (vii) to develop, achieve type approval for, and pilot shipboard or land-based ballast water management systems installed on, or available for use by, commercial vessels operating solely within the Great Lakes and Lake Champlain Systems to prevent the spread of aquatic nuisance species populations within the Great Lakes and Lake Champlain Systems; and

- (viii) to facilitate meaningful Federal and State implementation of the regulatory framework in this section, including monitoring, shipboard education, inspection, and compliance conducted by States.

**(3) Methodology**

The Program shall seek—

(A) to build on—

- (i) existing aquatic nuisance species monitoring efforts; and
- (ii) efforts to develop criteria for prioritizing and distributing monitoring efforts, geographically and among taxa, in the Great Lakes and Lake Champlain Systems;

(B) to advance early detection and monitoring, and capacity to control the establishment and spread, of aquatic nuisance species within the Great Lakes and Lake Champlain Systems;

(C) to identify opportunities to interdict the introduction and spread of aquatic nuisance species through sound science and technological advancements;

(D) to assess the risk of aquatic nuisance species introduction and spread via the range of vectors active within the Great Lakes and Lake Champlain Systems;

(E) to advance the development of type-approved ballast water management system (as defined in subsection (p)(1) of section 1322 of title 33<sup>1</sup> equipment for commercial, non-seagoing vessels that operate solely within

<sup>1</sup>So in original. Probably should be followed by a closing parenthesis.