

(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 33¹ equipment for commercial, non-seagoing vessels that operate solely within the Great Lakes System (as defined in section 1268(a)(3) of title 33);

(F) to immediately make available to the public information regarding—

(i) the detection of new aquatic nuisance species within the Great Lakes and Lake Champlain Systems; or

(ii) the spread of aquatic nuisance species within the Great Lakes and Lake Champlain Systems;

(G) to annually submit to appropriate individuals and entities in each affected region a report describing the findings and activities of the Program;

(H) to identify roles and responsibilities of Federal agencies in aquatic nuisance species monitoring and response; and

(I) to provide resource assistance to States implementing State-level programs to enter into partnerships with Federal agencies in enforcing the requirements under subsection (p) of section 1322 of title 33.

(4) Collaboration

In carrying out and developing the Program, the Director shall collaborate with—

(A) applicable Federal, State, local, and Tribal agencies; and

(B) such other research entities or stakeholders as the Director determines to be appropriate.

(5) Data availability

The Director shall—

(A) make the data collected under the Program available on a publicly accessible internet website, including in an annual summary report; and

(B) in coordination with the entities identified under paragraph (4), develop communication and notification protocols for the purpose of communicating the range of aquatic nuisance species and any identification of a new aquatic nuisance species introduced to the Great Lakes and Lake Champlain Systems.

(6) Report to Congress

(A) In general

Not later than December 31, 2019, the Director shall submit to Congress a report summarizing the outcomes of activities carried out under the Program.

(B) Contents

The report under subparagraph (A) shall include—

¹So in original. Probably should be followed by a closing parenthesis.

(i) a description of activities carried out under the Program, including an explanation of how those activities help to achieve the purposes described in paragraph (2)(B);

(ii) an analysis of Federal, State, and local efforts to enhance multidisciplinary approaches to achieve the purposes described in paragraph (2)(B);

(iii) recommendations relating to activities that would contribute to achievement of the purposes described in paragraph (2)(B); and

(iv) recommendations to improve the efficiency and effectiveness of the Program.

(7) Authorization of appropriations

There is authorized to be appropriated to carry out the Program \$50,000,000 for each of fiscal years 2019 through 2023.

(Pub. L. 115–282, title IX, § 903(g), Dec. 4, 2018, 132 Stat. 4359.)

Editorial Notes

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. (g) of section 903 of Pub. L. 115–282. For classification to the Code of other provisions of section 903, see Tables.

SUBCHAPTER IV—AUTHORIZATION OF APPROPRIATIONS

§ 4741. Authorization of appropriations

(a) Prevention of unintentional introductions

There are authorized to be appropriated to develop and implement the provisions of subchapter II—

(1) \$500,000 until the end of fiscal year 1992 to the Secretary to carry out sections 4711¹ and 4712(a)(3) of this title;

(2) \$2,000,000 until the end of fiscal year 1992 to the Director and Under Secretary to carry out the studies under sections 4712(a)(1) and 4712(a)(2)² of this title;

(3) to the Secretary to carry out section 4711¹ of this title—

(A) \$2,000,000 for each of fiscal years 1997 and 1998; and

(B) \$3,000,000 for each of fiscal years 1999 through 2002;

(4) for each of fiscal years 1997 through 2002, to carry out paragraphs (1) and (2) of section 4712(b) of this title—

(A) \$1,000,000 to the Department of the Interior, to be used by the Director; and

(B) \$1,000,000 to the Secretary; and

(5) for each of fiscal years 1997 through 2002—

(A) \$3,000,000, which shall be made available from funds otherwise authorized to be appropriated if such funds are so authorized,

to the Under Secretary to carry out section 4712(e) of this title; and

(B) \$500,000 to the Secretary to carry out section 4712(f) of this title.

(b) Task Force and aquatic nuisance species program

There are authorized to be appropriated for each of fiscal years 1997 through 2002 to develop and implement the provisions of subchapter III—

(1) \$6,000,000 to the Department of the Interior, to be used by the Director to carry out sections 4722 and 4728 of this title;

(2) \$1,000,000 to the Department of Commerce, to be used by the Under Secretary to carry out section 4722 of this title;

(3) \$1,625,000, which shall be made available from funds otherwise authorized to be appropriated if such funds are so authorized, to fund aquatic nuisance species prevention and control research under section 4722(i) of this title at the Great Lakes Environmental Research Laboratory of the National Oceanic and Atmospheric Administration, of which \$500,000 shall be made available for grants, to be competitively awarded and subject to peer review, for research relating to Lake Champlain;

(4) \$5,000,000 for competitive grants for university research on aquatic nuisance species under section 4722(f)(3) of this title as follows:

(A) \$2,800,000, which shall be made available from funds otherwise authorized to be appropriated if such funds are so authorized, to fund grants under section 1124 of title 33;

(B) \$1,200,000 to fund grants to colleges for the benefit of agriculture and the mechanic arts referred to in section 322 of title 7; and

(C) \$1,000,000 to fund grants through the Cooperative Fisheries and Wildlife Research Unit Program of the United States Fish and Wildlife Service;

(5) \$3,000,000 to the Department of the Army, to be used by the Assistant Secretary to carry out section 4722(i)(1)(B) of this title; and

(6) \$300,000 to the Department of the Interior, to be used by the Director to fund regional panels and similar entities under section 4723 of this title, of which \$100,000 shall be used to fund activities of the Great Lakes Commission.

(c) Grants for State management programs

There are authorized to be appropriated for each of fiscal years 1997 through 2002 \$4,000,000 to the Department of the Interior, to be used by the Director for making grants under section 4724 of this title, of which \$1,500,000 shall be used by the Director, in consultation with the Assistant Secretary, for management of aquatic nuisance vegetation species.

(d) Intentional introductions policy review

There are authorized to be appropriated for fiscal year 1991, \$500,000 to the Director and the Under Secretary to conduct the intentional introduction policy review under section 4727 of this title.

(e) Ballast water management demonstration program

There are authorized to be appropriated \$2,500,000 to carry out section 4714 of this title.

¹ See References in Text note below.

² So in original. Probably should be followed by a closing parenthesis.