

Union Calendar No. 243

103D CONGRESS
2D SESSION

H. R. 3360

[Report No. 103-440]

A BILL

To direct the Secretary of Transportation to demonstrate on vessels ballast water management technologies and practices, including vessel modification and design, that will prevent aquatic nonindigenous species from being introduced and spread in United States waters.

MARCH 21, 1994

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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IN THE HOUSE OF REPRESENTATIVES

OCTOBER 26, 1993

Mr. LIPINSKI (for himself, Mr. TAUZIN, Mr. MANTON, Mr. STUPAK, and Mr. LAFALCE) introduced the following bill; which was referred to the Committee on Merchant Marine and Fisheries

MARCH 21, 1994

Additional sponsors: Mr. QUINN, Mr. HOEKSTRA, Mr. DELLUMS, Mr. UPTON, Mr. VENTO, Mr. HUGHES, Ms. KAPTUR, Mr. KINGSTON, Mr. HOCHBRUECKNER, Mr. VISCLOSKY, Mr. BONIOR, Mr. RIDGE, Mr. EVANS, Mr. SANGMEISTER, Mr. HOUGHTON, Mr. DEFazio, Mr. SANDERS, Mr. OBERSTAR, Ms. SLAUGHTER, Mr. ROMERO-BARCELÓ, Mr. BATEMAN, Mr. BARCIA of Michigan, Mr. PICKETT, Mr. GILCHREST, Mr. GILLMOR, Mr. YATES, Mr. SABO, Mrs. BENTLEY, and Mr. HOYER

MARCH 21, 1994

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill see copy of bill as introduced on October 26, 1993]

A BILL

To direct the Secretary of Transportation to demonstrate

on vessels ballast water management technologies and practices, including vessel modification and design, that will prevent aquatic nonindigenous species from being introduced and spread in United States waters.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Ballast Water Manage-*
5 *ment Act”.*

6 **SEC. 2. EVALUATION.**

7 *(a) Subsection 1102(a) of Public Law 101–646 (16*
8 *U.S.C. 4712(a)) is amended by adding the following new*
9 *paragraph at the end:*

10 *“(4) NATIONAL BALLAST WATER MANAGEMENT*
11 *EVALUATION.—*

12 *“(A) Subject to the availability of appro-*
13 *priations, the Task Force shall contract with the*
14 *Marine Board of the National Research Council*
15 *to identify and evaluate ballast water manage-*
16 *ment technologies and practices that prevent the*
17 *introduction and spread of nonindigenous species*
18 *through ballast water discharged into United*
19 *States waters.*

20 *“(B) In conducting the evaluation, the Ma-*
21 *rine Board shall consider, at a minimum, ballast*
22 *water management technologies and practices*

1 *identified in the study prepared under para-*
2 *graph (3).*

3 “(C) *In conducting the evaluation, the Ma-*
4 *rine Board shall identify, at a minimum, ballast*
5 *water management technologies and practices*
6 *that—*

7 “(i) *may be retrofitted on existing ves-*
8 *sels or incorporated in new vessel designs;*

9 “(ii) *are operationally practical;*

10 “(iii) *are safe for vessel and crew;*

11 “(iv) *are environmentally sound;*

12 “(v) *are cost effective;*

13 “(vi) *the vessel operator can monitor;*

14 *and*

15 “(vii) *are effective against a broad*
16 *range of nuisance organisms.”.*

17 (b) *Subsection 1102(c) of Public Law 101–646 (16*
18 *U.S.C. 4712(c)) is amended by adding the following new*
19 *paragraph at the end:*

20 “(3) *NATIONAL BALLAST WATER MANAGEMENT*
21 *EVALUATION REPORT.—Not later than one year after*
22 *the date of enactment of the Ballast Water Manage-*
23 *ment Act, the Task Force shall submit to the appro-*
24 *priate Committees a report on the results of the eval-*

1 *uation conducted under paragraph (4) of subsection*
2 *(a).”.*

3 **SEC. 3. NATIONAL BALLAST WATER MANAGEMENT DEM-**
4 **ONSTRATION PROGRAM.**

5 *(a) Section 1202 of Public Law 101–646 (16 U.S.C.*
6 *4722) is amended by—*

7 *(1) redesignating subsection (k) as subsection (l);*
8 *and*

9 *(2) inserting after subsection (j) the following:*

10 *“(k) NATIONAL BALLAST WATER MANAGEMENT DEM-*
11 *ONSTRATION PROGRAM.—*

12 *“(1) AUTHORIZATION.—Following the submis-*
13 *sion of the evaluation authorized under section*
14 *1102(a)(4) and subject to the availability of appro-*
15 *priations under section 1301(e), the Administrator of*
16 *the Maritime Administration, in consultation with*
17 *the Task Force, shall conduct a national ballast water*
18 *management demonstration program to test and*
19 *evaluate ballast water management technologies and*
20 *practices, including those identified in the evaluation*
21 *authorized under paragraph 1102(a)(4), to prevent*
22 *the introduction and spread of nonindigenous species*
23 *through ballast water discharged into United States*
24 *waters.*

1 “(2) *CRITERIA.*—In carrying out the demonstra-
2 tion program authorized under this subsection, the
3 Administrator of the Maritime Administration shall
4 use vessels that are documented under chapter 121 of
5 title 46, United States Code, including vessels operat-
6 ing on the Great Lakes. Any necessary ballast water
7 management technology installation or construction
8 on a vessel used in the demonstration program shall
9 be performed by a United States shipyard or ship re-
10 pair facility.

11 “(3) *AUTHORITIES.*—In conducting the dem-
12 onstration program under this subsection, the Task
13 Force and the Administrator of the Maritime Admin-
14 istration may accept donations of property and serv-
15 ices.”.

16 (b) Subsection 1202(l), as redesignated by this Act, is
17 amended by adding the following new paragraph at the end:

18 “(3) Not later than one year after the submission
19 of the evaluation authorized under section 1102(a)(4)
20 and periodically as necessary to report new findings,
21 the Administrator of the Maritime Administration, in
22 consultation with the Task Force, shall submit to the
23 appropriate Committees a report on the results of the
24 demonstration program conducted under subsection
25 (k).”.

1 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

2 *Section 1301 of Public Law 101-646 (16 U.S.C. 4741)*
3 *is amended by adding the following new subsection at the*
4 *end:*

5 *“(e) NATIONAL BALLAST WATER MANAGEMENT EVAL-*
6 *UATION AND DEMONSTRATION PROGRAM.—There are au-*
7 *thorized to be appropriated to the Director and the Under*
8 *Secretary \$150,000 for fiscal year 1995 and to the Adminis-*
9 *trator of the Maritime Administration \$1,850,000 for fiscal*
10 *year 1996, to remain available until expended, to carry out*
11 *the evaluation authorized under section 1102(a)(4) and the*
12 *demonstration program authorized under section 1202(k).”.*