

107TH CONGRESS
2D SESSION

H. R. 5396

To amend the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 to reauthorize and improve that Act.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 18, 2002

Mr. GILCHREST (for himself, Mr. EHLERS, Mr. BAIRD, Mr. HOEKSTRA, Mr. SCOTT, Mr. KIRK, Mr. BALDACCI, Mr. ALLEN, Ms. BALDWIN, Mr. BARCIA, Mr. BONIOR, Ms. BROWN of Florida, Mr. BROWN of Ohio, Mr. CAMP, Mr. CARDIN, Mr. CUMMINGS, Mr. DICKS, Mr. EHRLICH, Mr. ENGLISH, Mr. FARR of California, Mr. GREENWOOD, Ms. KAPTUR, Mr. KILDEE, Ms. KILPATRICK, Mr. KIND, Mr. KUCINICH, Mr. LATOURETTE, Mr. LEVIN, Mr. MCHUGH, Mrs. MORELLA, Ms. RIVERS, Mr. ROGERS of Michigan, Ms. SLAUGHTER, Mr. STUPAK, Mrs. BIGGERT, Mr. PALLONE, Mr. BLUMENAUER, Mr. UNDERWOOD, Mrs. MALONEY of New York, Mr. ORTIZ, Mr. UPTON, and Ms. MCCOLLUM) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 to reauthorize and improve that Act.

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

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the
3 “National Aquatic Invasive Species Act of 2002”.

4 (b) **TABLE OF CONTENTS.**—The table of contents of
5 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Definitions.

TITLE I—AQUATIC INVASIVE SPECIES MANAGEMENT

- Sec. 101. Program coordination.
- Sec. 102. Federal consistency.
- Sec. 103. International coordination.
- Sec. 104. Prevention of introduction of aquatic invasive species into waters of the United States by vessels.
- Sec. 105. Prevention of the introduction of aquatic invasive species into waters of the United States by other pathways.
- Sec. 106. Early detection and monitoring.
- Sec. 107. Containment and control.
- Sec. 108. Brown tree snake control program.
- Sec. 109. Information, education, and outreach.

TITLE II—AUTHORIZATION OF APPROPRIATIONS

- Sec. 201. Authorization of appropriations.

TITLE III—CONFORMING AMENDMENTS

- Sec. 301. Conforming amendments.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

- 8 (1) invasive species can cause devastating de-
9 clines in local, regional, and national species diver-
10 sity;
- 11 (2) aquatic invasive species continue to be in-
12 troduced into water of the United States;

1 (3) aquatic invasive species damage infrastruc-
2 ture, disrupt commerce, outcompete native species,
3 reduce biodiversity, and threaten human health;

4 (4) the direct and indirect costs of aquatic
5 invasive species to the economy of the United States
6 amount to billions of dollars per year;

7 (5) in the Great Lakes region, approximately
8 \$3,000,000,000 has been spent in the past 10 years
9 to mitigate the damage caused by a single invasive
10 species, the zebra mussel;

11 (6) recent studies have—

12 (A) demonstrated that, in addition to eco-
13 nomic damage, invasive species can cause enor-
14 mous ecological damage; and

15 (B) cited invasive species as the second
16 leading threat to endangered species;

17 (7) over the past 200 years, the rate of detected
18 marine and freshwater invasions in North America
19 has increased exponentially;

20 (8) wetlands suffer compound impacts from—

21 (A) terrestrial infestations (such as Nu-
22 tria);

23 (B) aquatic infestations (such as Hydrilla);

24 and

1 (C) riparian infestations (such as Purple
2 Loosestrife);

3 (9) the rate of invasions continues to be unac-
4 ceptable;

5 (10) infestations by aquatic invasive species
6 often spread and cause significant, negative regional,
7 national, and international effects;

8 (11) prevention of aquatic invasive species is
9 the most environmentally sound and cost-effective
10 management approach because once established,
11 aquatic invasive species are costly, and sometimes
12 impossible to control;

13 (12) to be effective, the prevention, early detec-
14 tion, and control of and rapid response to aquatic
15 invasive species should be coordinated regionally, na-
16 tionally, and internationally;

17 (13) research underlies every aspect of detect-
18 ing, preventing, controlling, and eradicating invasive
19 species, educating citizens and stakeholders, and re-
20 storing ecosystems;

21 (14) pathway management is the most prom-
22 ising approach to reducing unplanned introductions
23 of aquatic invasive species;

1 (15) consistent national screening criteria are
2 needed to evaluate the potential risk of nonnative
3 aquatic species;

4 (16) States and regions have specific problems
5 with respect to aquatic invasive species and re-
6 sources for addressing aquatic invasive species;

7 (17) an emphasis on research, development, and
8 demonstration to support prevention efforts would
9 likely result in a more cost-effective and successful
10 approach to combating invasive species through pre-
11 venting initial introduction;

12 (18) research, development, and demonstration
13 to support prevention includes monitoring of path-
14 ways and ecosystems to track the introduction and
15 establishment of invasive species, analysis of that
16 data, and development and testing of technologies to
17 prevent introduction through known pathways;

18 (19) the Aquatic Invasive Species Task Force
19 established by section 1201(a) of the Nonindigenous
20 Aquatic Nuisance Prevention and Control Act of
21 1990 (16 U.S.C. 4721(a)) has been directed by Con-
22 gress to coordinate interagency responses to aquatic
23 invasive species, but the provision of additional di-
24 rection, and assignment of specific responsibilities,

1 to various Federal agencies would accelerate those
2 responses; and

3 (20) it is in the interest of the United States
4 to conduct a comprehensive and thorough research,
5 development, and demonstration program on aquatic
6 invasive species in order to better understand how
7 aquatic invasive species are introduced and become
8 established and to support efforts to prevent the in-
9 troduction and establishment of those species.

10 **SEC. 3. DEFINITIONS.**

11 Section 1003 of the Nonindigenous Aquatic Nuisance
12 Prevention and Control Act of 1990 (16 U.S.C. 4702) is
13 amended to read as follows:

14 **“SEC. 1003. DEFINITIONS.**

15 “In this Act:

16 “(1) ADMINISTRATOR.—The term ‘Adminis-
17 trator’ means the Administrator of the Environ-
18 mental Protection Agency.

19 “(2) AQUATIC ECOSYSTEMS IN THE UNITED
20 STATES.—The term ‘aquatic ecosystems in the
21 United States’ means freshwater, marine, and estua-
22 rine environments (including inland waters and wet-
23 lands), located wholly or in part, in the United
24 States.

1 “(3) ASSISTANT SECRETARY.—The term ‘As-
2 sistant Secretary’ means the Assistant Secretary of
3 the Army for Civil Works.

4 “(4) BALLAST WATER.—The term ‘ballast
5 water’ means any water (with its suspended matter)
6 used to maintain the trim and stability of a vessel.

7 “(5) COASTAL VOYAGE.—The term ‘coastal voy-
8 age’ means a voyage conducted entirely within the
9 exclusive economic zone.

10 “(6) CONTROL.—The term ‘control’ means—

11 “(A) the eradication, suppression, reduc-
12 tion, or management of an aquatic invasive spe-
13 cies population;

14 “(B) the containment of spread of an
15 aquatic invasive species; and

16 “(C) any action taken, such as restoration
17 of native species or habitat—

18 “(i) to reduce the effects of an aquatic
19 invasive species; and

20 “(ii) to prevent further invasions by
21 the aquatic invasive species.

22 “(7) DIRECTOR.—The term ‘Director’ means
23 the Director of the United States Fish and Wildlife
24 Service.

1 “(8) ENVIRONMENTALLY SOUND.—The term
2 ‘environmentally sound’, when used in reference to
3 any activity or thing, refers to an activity or thing
4 that prevents introductions, or controls infestations,
5 of aquatic invasive species in a manner that—

6 “(A) minimizes adverse effects on—

7 “(i) the structure and function of an
8 ecosystem; and

9 “(ii) nontarget organisms and eco-
10 systems; and

11 “(B) emphasizes the use of integrated pest
12 management techniques.

13 “(9) EXCLUSIVE ECONOMIC ZONE.—The term
14 ‘exclusive economic zone’ means the area comprised
15 of—

16 “(A) the Exclusive Economic Zone of the
17 United States established by Proclamation
18 Number 5030, dated March 10, 1983; and

19 “(B) the equivalent zones of Canada and
20 Mexico.

21 “(10) GREAT LAKE.—The term “Great Lake”
22 means—

23 “(A) Lake Erie;

24 “(B) Lake Huron (including Lake Saint
25 Clair);

1 “(C) Lake Michigan;

2 “(D) Lake Ontario;

3 “(E) Lake Superior;

4 “(F) the connecting channels of those
5 Lakes, including—

6 “(i) the Saint Mary’s River;

7 “(ii) the Saint Clair River;

8 “(iii) the Detroit River;

9 “(iv) the Niagara River; and

10 “(v) the Saint Lawrence River to the
11 Canadian border; and

12 “(G) any other body of water located with-
13 in the drainage basin of a Lake, River, or con-
14 necting channel described in any of subpara-
15 graphs (A) through (F).

16 “(11) GREAT LAKES REGION.—The term ‘Great
17 Lakes region’ means the region comprised of the
18 States of Illinois, Indiana, Michigan, Minnesota,
19 New York, Ohio, Pennsylvania, and Wisconsin.

20 “(12) HYDROGRAPHICALLY DISTINCT ZONES.—
21 The term ‘hydrographically distinct zones’ means
22 contiguous coastal areas in which (as determined by
23 the Task Force) there is the potential for the move-
24 ment of organisms, both through natural pathways
25 and a multiplicity of anthropogenic means, such that

1 the dispersal of most native organisms may not be
2 significantly altered by the movement of vessels
3 alone.

4 “(13) INDIAN TRIBE.—The term ‘Indian tribe’
5 has the meaning given the term in section 4 of the
6 Indian Self-Determination and Education Assistance
7 Act (25 U.S.C. 450b).

8 “(14) INTERBASIN WATERWAY.—The term
9 ‘interbasin waterway’ means a waterway that con-
10 nects 2 distinct water basins.

11 “(15) INTERNATIONAL JOINT COMMISSION.—
12 The term ‘International Joint Commission’ means
13 the commission established by article VII of the
14 Treaty relating to boundary waters and questions
15 arising along the boundary between the United
16 States and Canada, signed at Washington on Janu-
17 ary 11, 1909 (36 Stat. 2448; TS 548).

18 “(16) INTERSTATE ORGANIZATION.—The term
19 ‘interstate organization’ means an entity that—

20 “(A) is established by—

21 “(i) an interstate compact approved
22 by Congress;

23 “(ii) an Act of Congress; or

24 “(iii) an international agreement to
25 which the United States is a party;

1 “(B)(i) represents 2 or more—

2 “(I) States (or political subdivisions of
3 States); or

4 “(II) Indian tribes;

5 “(ii) represents—

6 “(I) 1 or more States (or political
7 subdivisions of States); and

8 “(II) 1 or more Indian tribes; or

9 “(iii) represents the Federal Government
10 and 1 or more foreign governments; and

11 “(C) has jurisdiction over, serves as a
12 forum for coordinating, or otherwise has a role
13 or responsibility for the management of, any
14 land or other natural resource.

15 “(17) INTRODUCTION.—The term ‘introduction’
16 means the transfer of an organism to an ecosystem
17 outside the historic range of the species of which the
18 organism is a member.

19 “(18) INVASION.—The term ‘invasion’ means
20 an infestation of an aquatic invasive species.

21 “(19) INVASIVE SPECIES.—The term ‘invasive
22 species’ means a nonindigenous species the introduc-
23 tion of which into an ecosystem may cause harm to
24 the economy, environment, human health, recreation,
25 or public welfare.

1 “(20) INVASIVE SPECIES COUNCIL.—The term
2 ‘Invasive Species Council’ means the interagency
3 council established by section 3 of Executive Order
4 No. 13112 (42 U.S.C. 4321 note).

5 “(21) NEW SOURCE.—The term ‘new source’
6 means any source of nonnative species that may be
7 introduced by construction that is commenced after
8 the publication of a proposed regulation prescribing
9 a standard of performance under this Act that is ap-
10 pplicable to the source, if the standard is subse-
11 quently promulgated in accordance with this Act.

12 “(22) NONINDIGENOUS SPECIES.—The term
13 ‘nonindigenous species’ means any species that en-
14 ters an ecosystem outside the historic range of the
15 species.

16 “(23) ORGANISM IN TRADE.—The term ‘orga-
17 nism in trade’ means an organism of a species or
18 subspecies that has a documented history of being
19 commercially imported during the period beginning
20 on January 1, 1990, and ending on January 1,
21 2002.

22 “(24) ORGANISM TRANSFER.—The term ‘orga-
23 nism transfer’ means the movement of an organism
24 of any species from 1 ecosystem to another eco-
25 system.

1 “(25) PATHWAY.—The term ‘pathway’ means 1
2 or more routes by which an invasive species is trans-
3 ferred from 1 ecosystem to another.

4 “(26) PILOT SCALE TEST.—The term ‘pilot
5 scale test’ means a test—

6 “(A) that is conducted at less than full-
7 scale; but

8 “(B) the results of which can potentially
9 be extrapolated to the full scale.

10 “(27) PLANNED IMPORTATION.—The term
11 ‘planned importation’ means the purposeful move-
12 ment of a species into the territorial limits of the
13 United States.

14 “(28) REGIONAL PANEL.—The term ‘regional
15 panel’ means a panel convened in accordance with
16 section 1203.

17 “(29) SECRETARY.—The term ‘Secretary’
18 means the Secretary of the department in which the
19 Coast Guard is operating.

20 “(30) SPECIES.—The term ‘species’ means—

21 “(A) a fundamental category of taxonomic
22 classification, ranking below a genus or
23 subgenus, and consisting of related organisms
24 capable of interbreeding; and

1 “(B) any viable biological material, as de-
2 termined by the Task Force.

3 “(31) TASK FORCE.—The term ‘Task Force’
4 means the Aquatic Invasive Species Task Force es-
5 tablished by section 1201(a).

6 “(32) TERRITORIAL SEA.—The term ‘territorial
7 sea’ means the belt of the sea measured from the
8 baseline of the United States determined in accord-
9 ance with international law, as set forth in Presi-
10 dential Proclamation Number 5928, dated December
11 27, 1988.

12 “(33) TREATMENT.—The term ‘treatment’
13 means a mechanical, physical, chemical, biological,
14 or other process or method of killing, removing, or
15 rendering infertile, harmful organisms.

16 “(34) TYPE APPROVAL.—The term ‘type ap-
17 proval’ means an approval procedure under which a
18 type of system is certified as meeting a standard es-
19 tablished by law (including a regulation) for a par-
20 ticular application.

21 “(35) UNDER SECRETARY.—The term ‘Under
22 Secretary’ means the Under Secretary of Commerce
23 for Oceans and Atmosphere.

24 “(36) UNDESIRABLE IMPACT.—The term ‘unde-
25 sirable impact’ means economic, aesthetic, or envi-

1 ronmental degradation that is not necessary for, and
2 is not clearly outweighed by, public health, environ-
3 mental, or welfare benefits.

4 “(37) WATERS OF THE UNITED STATES.—

5 “(A) IN GENERAL.—The term ‘waters of
6 the United States’ means the navigable waters
7 and territorial sea of the United States.

8 “(B) INCLUSION.—The term ‘waters of the
9 United States’ includes the Great Lakes.”.

10 **TITLE I—AQUATIC INVASIVE**
11 **SPECIES MANAGEMENT**

12 **SEC. 101. PROGRAM COORDINATION.**

13 (a) MEMBERSHIP OF TASK FORCE.—Section 1201(b)
14 of the Nonindigenous Aquatic Nuisance Prevention and
15 Control Act of 1990 (16 U.S.C. 4721) is amended—

16 (1) in paragraph (6), by striking “and” at the
17 end;

18 (2) by redesignating paragraph (7) as para-
19 graph (10); and

20 (3) by inserting after paragraph (6) the fol-
21 lowing:

22 “(7) the Director of the United States Geologi-
23 cal Survey;

24 “(8) the Director of the Smithsonian Environ-
25 mental Research Center;

1 “(9) the Secretary of State; and”.

2 (b) COORDINATION WITH INVASIVE SPECIES COUN-
3 CIL.—Section 1201(f) of the Nonindigenous Aquatic Nui-
4 sance Prevention and Control Act of 1990 (16 U.S.C.
5 4721(f)) is amended—

6 (1) by striking “Each Task Force member” and
7 inserting the following:

8 “(1) IN GENERAL.—Each member of the Task
9 Force”; and

10 (2) by adding at the end the following:

11 “(2) INVASIVE SPECIES COUNCIL.—The
12 Invasive Species Council shall—

13 “(A) coordinate and cooperate with the
14 Task Force in carrying out the duties of the
15 Invasive Species Council relating to aquatic
16 invasive species;

17 “(B) not later than 2 years after the date
18 of enactment of the National Aquatic Invasive
19 Species Act of 2002, and every 3 years there-
20 after, submit to Congress a report that summa-
21 rizes the status of the conduct of activities au-
22 thorized by and required under this Act; and

23 “(C) establish any regional panels or task
24 forces in coordination with the regional panels

1 of the Task Force convened under section
2 1203.”.

3 (c) REGIONAL COORDINATION.—Section 1203 of the
4 Nonindigenous Aquatic Nuisance Prevention and Control
5 Act of 1990 (16 U.S.C. 4723) is amended by adding at
6 the end the following:

7 “(d) ANNUAL INTER-REGIONAL MEETING.—The
8 Task Force shall annually convene all regional panels es-
9 tablished pursuant to this Act for the purpose of informa-
10 tion transfer between and among panels, and between the
11 panels and the Task Force, regarding aquatic invasive
12 species management.”.

13 (d) ORGANIZATIONS.—Section 1203 of the Non-
14 indigenous Aquatic Nuisance Prevention and Control Act
15 of 1990 (16 U.S.C. 4723) (as amended by subsection (c))
16 is amended by adding at the end the following:

17 “(e) ORGANIZATIONS.—An interstate organization
18 that has a Federal charter authorized by law, interstate
19 agreement, or executive order for purposes of fisheries or
20 natural resource management may receive funds under
21 this Act to implement activities authorized under this
22 Act.”.

23 (e) COORDINATION WITH OTHER PROGRAMS.—Sec-
24 tion 1202(c) of the Nonindigenous Aquatic Nuisance Pre-

1 vention and Control Act of 1990 (16 U.S.C. 4722(c)) is
2 amended by adding at the end the following:

3 “(3) RECOMMENDATIONS FOR LISTS.—

4 “(A) IN GENERAL.—The Task Force shall
5 annually recommend to Federal agencies of ju-
6 risdiction such additions of aquatic invasive
7 species as the Task Force determines to be ap-
8 propriate for inclusion on—

9 “(i) any list of species of wildlife
10 under the Lacey Act Amendments of 1981
11 (16 U.S.C. 3371 et seq.);

12 “(ii) any list of noxious weeds under
13 the Plant Protection Act (7 U.S.C. 7701 et
14 seq.) (including regulations promulgated
15 under that Act contained in part 360 of
16 title 7, Code of Federal Regulations (or
17 any successor regulations)); or

18 “(iii) any list of species of wildlife
19 under part 16 of title 50, Code of Federal
20 Regulations (or any successor regulations).

21 “(B) PROCESS.—The Task Force may use
22 the screening process developed pursuant to
23 section 1105 to identify species pursuant to
24 subparagraph (A).”.

1 (f) STATE AQUATIC INVASIVE SPECIES MANAGE-
2 MENT PLANS.—Section 1204(a) of the Nonindigenous
3 Aquatic Nuisance Prevention and Control Act of 1990 (16
4 U.S.C. 4724(a)) is amended—

5 (1) in paragraph (1), by inserting “(including
6 tribal governments within a State)” after “Indian
7 tribes”;

8 (2) in paragraph (2)—

9 (A) in subparagraph (A), by inserting be-
10 fore the semicolon at the end the following: “,
11 including, in accordance with guidelines issued
12 by the Task Force under paragraph (5)—

13 “(i) rapid response contingency strate-
14 gies under section 1211;

15 “(ii) early detection strategies under
16 section 1211(a)(2)(D);

17 “(iii) aquatic plant control programs
18 under section 1210; and

19 “(iv) screening of planned introduc-
20 tions pursuant to section 1105”; and

21 (B) in subparagraph (D), by inserting “in-
22 clude” after “(D)”; and

23 (3) by adding at the end the following:

24 “(5) GUIDELINES.—

1 “(A) IN GENERAL.—Not later than 1 year
2 after the date of enactment of the National
3 Aquatic Invasive Species Act of 2002, the Task
4 Force shall publish in the Federal Register
5 guidelines for the development of plans under
6 this subsection, including guidelines for report-
7 ing progress in implementing the plans, to en-
8 courage consistency in implementation of and
9 reporting under those plans.

10 “(B) GUIDELINES.—The guidelines pub-
11 lished under subparagraph (A) shall include, for
12 the purpose of paragraph (2)(A), guidelines
13 concerning—

14 “(i) rapid response contingency strate-
15 gies;

16 “(ii) early detection and monitoring
17 strategies;

18 “(iii) aquatic plant control programs;

19 “(iv) screening of planned introduc-
20 tions pursuant to section 1105; and

21 “(v) the review and revision of re-
22 quirements of this subsection and the re-
23 approval process under this subsection.

24 “(6) RELATIONSHIP TO OTHER PLANS.—

1 “(A) IN GENERAL.—A plan approved
2 under paragraph (4) shall be deemed to meet
3 any State planning requirement of the program
4 established under section 104 of the River and
5 Harbor Act of 1958 (33 U.S.C. 610) for a plan
6 to control noxious aquatic plant growths.

7 “(B) ENFORCEMENT.—Funds provided to
8 States for implementation of plans pursuant to
9 section 1204 may be used by any Federal agen-
10 cy of jurisdiction to enforce requirements relat-
11 ing to aquatic invasive species under—

12 “(i) the Plant Protection Act (7
13 U.S.C. 7701 et seq.) (including regulations
14 promulgated under that Act contained in
15 part 360 of title 7, Code of Federal Regu-
16 lations (or any successor regulations)); or

17 “(ii) part 16 of title 50, Code of Fed-
18 eral Regulations (or any successor regula-
19 tions).

20 “(7) REVIEW AND REVISION.—Each State shall
21 periodically review and, as necessary, revise the
22 management plan of the State in accordance with
23 guidelines of the Task Force.

24 “(8) OTHER STATE MANAGEMENT PLANS.—In
25 addition to the management plans required under

1 this subsection, the Director shall encourage each
 2 State to develop and implement new, and expand ex-
 3 isting, State management plans to improve State ac-
 4 tions to prevent and control aquatic invasive spe-
 5 cies.”.

6 (g) GRANT PROGRAM.—Section 1204(b)(1) of the
 7 Nonindigenous Aquatic Nuisance Prevention and Control
 8 Act of 1990 (16 U.S.C. 4724(b)(1)) is amended by strik-
 9 ing “subsection (a) for the implementation of those
 10 plans.” and inserting the following: “subsection (a)—

11 “(A) to develop those plans with a total
 12 amount that does not exceed 10 percent of the
 13 amounts made available for grants under this
 14 section for each fiscal year; and

15 “(B) to implement those plans.”.

16 **SEC. 102. FEDERAL CONSISTENCY.**

17 Subtitle E of the Nonindigenous Aquatic Nuisance
 18 Prevention and Control Act of 1990 (16 U.S.C. 4751 et
 19 seq.) is amended—

20 (1) by striking the subtitle heading and insert-
 21 ing the following:

22 **“Subtitle E—Administration”;**

23 and

24 (2) by adding at the end the following:

1 **“SEC. 1402. FEDERAL CONSISTENCY.**

2 “To the maximum extent practicable, no Federal
3 agency shall authorize, fund, or carry out any action that
4 would likely cause or promote the introduction or spread
5 of an invasive species in the United States or any other
6 location unless the Federal agency has issued guidelines
7 in accordance with applicable requirements of Executive
8 Order 13112 (42 U.S.C. 4321 note) relating to invasive
9 species under which the Federal agency first determines,
10 and makes public the determination, that—

11 “(1) the benefits of the action to be authorized,
12 funded, or carried out clearly outweigh the potential
13 harm caused by the introduction or spread of an
14 invasive species; and

15 “(2) all feasible and prudent measures to mini-
16 mize risk of harm will be taken in carrying out the
17 actions.”.

18 **SEC. 103. INTERNATIONAL COORDINATION.**

19 Subtitle E of the Nonindigenous Aquatic Nuisance
20 Prevention and Control Act of 1990 (16 U.S.C. 4751 et
21 seq.) (as amended by section 102) is amended by adding
22 at the end the following:

23 **“SEC. 1403. INTERNATIONAL COORDINATION.**

24 “(a) IN GENERAL.—The Task Force, the Invasive
25 Species Council, and the Secretary of State shall, to the
26 maximum extent practicable, coordinate activities to en-

1 sure that international efforts to prevent and manage
2 aquatic invasive species (including through the Inter-
3 national Maritime Organization, the International Con-
4 vention on the Exploration of the Sea, the Global Invasive
5 Species Program, and other appropriate programs) are co-
6 ordinated with policies of the United States established by
7 this Act.

8 “(b) COORDINATION WITH NEIGHBORING COUN-
9 TRIES.—

10 “(1) IN GENERAL.—The Task Force, in con-
11 sultation with the Secretary of State, shall include in
12 the report required by section 1202(m) a description
13 of the means by which international agreements and
14 regulations with countries that share a border with
15 the United States will be implemented and enforced
16 by Federal agencies (including a clarification of the
17 roles and responsibilities of those agencies).

18 “(2) NEGOTIATIONS.—

19 “(A) IN GENERAL.—As soon as practicable
20 after the date of enactment of the National
21 Aquatic Invasive Species Act of 2002, the Sec-
22 retary of State may enter into negotiations
23 with—

24 “(i) Canada to issue a request that
25 the International Joint Commission, not

1 later than 18 months after the date of en-
2 actment of that Act, review, research, con-
3 duct hearings on, and submit to the parties
4 represented on the International Joint
5 Commission a report that describes the
6 success of current policies of governments
7 in the United States and Canada having
8 jurisdiction over the Great Lakes in antici-
9 pating and preventing biological invasions
10 of the aquatic ecosystem in the Great
11 Lakes, including—

12 “(I) an analysis of current Fed-
13 eral, State or Provincial, local, and
14 international laws and agreements;

15 “(II) an analysis of all likely
16 pathways for biological invasions of
17 the aquatic ecosystem in the Great
18 Lakes; and

19 “(III) recommendations of the
20 International Joint Commission for
21 means by which to improve the poli-
22 cies referred to in clause (i); and

23 “(ii) Mexico, to ensure coordination of
24 efforts of the United States with efforts of
25 Mexico to manage invasive species estab-

1 lished in the United States-Mexico border
2 region.”.

3 **SEC. 104. PREVENTION OF INTRODUCTION OF AQUATIC**
4 **INVASIVE SPECIES INTO WATERS OF THE**
5 **UNITED STATES BY VESSELS.**

6 (a) IN GENERAL.—Section 1101 of the Nonindige-
7 nous Aquatic Nuisance Prevention and Control Act of
8 1990 (16 U.S.C. 4711) is amended—

9 (1) by striking subsection (a) and inserting the
10 following:

11 “(a) MINIMUM REQUIREMENTS FOR ALL VESSELS
12 ENTERING PORTS OF THE UNITED STATES.—

13 “(1) INVASIVE SPECIES MANAGEMENT PLAN.—

14 “(A) IN GENERAL.—Effective beginning on
15 the date that is 180 days after the promulga-
16 tion of applicable guidelines or regulations
17 under the National Aquatic Invasive Species
18 Act of 2002, each vessel entering a port of the
19 United States shall have in effect an aquatic
20 invasive species management plan that pre-
21 scribes safe and effective means by which the
22 master of the vessel shall minimize introduc-
23 tions and transfers of invasive species by any
24 part of the vessel (including towed vessels), pur-
25 suant to the guidelines or regulations.

1 “(B) SPECIFICITY.—The management plan
2 shall be specific to the vessel (or group of ves-
3 sels with characteristics similar to that of the
4 vessel, as determined by the Secretary).

5 “(C) REQUIREMENTS.—The management
6 plan shall include, at a minimum, such informa-
7 tion as is requested by the Secretary pursuant
8 to subparagraph (D), including—

9 “(i) operational requirements to safely
10 and effectively comply with the ballast
11 water management requirements under
12 paragraph (4);

13 “(ii) operational requirements to safe-
14 ly and effectively carry out any actions re-
15 quired under a rapid response contingency
16 strategy approved by the Secretary under
17 section 1211;

18 “(iii) other requirements specified in
19 guidelines adopted by the International
20 Maritime Organization;

21 “(iv) a description of all reporting re-
22 quirements and a copy of each form nec-
23 essary to meet those requirements;

24 “(v) the position of the officer respon-
25 sible for implementation of ballast water

1 management and reporting procedures on
2 board;

3 “(vi) documents relevant to any bal-
4 last water management equipment or pro-
5 cedures;

6 “(vii) a description of the location of
7 access points for sampling ballast or sedi-
8 ments pursuant to paragraph (3)(B)(vi);

9 “(viii) a description of requirements
10 relating to compliance with any approved
11 rapid response strategy relevant to the voy-
12 age of the vessel;

13 “(ix) a contingency strategy applicable
14 under subsection (k), if appropriate; and

15 “(x) such requirements described in
16 subsection (e) as are applicable to the ves-
17 sel.

18 “(D) GUIDELINES.—Not later than 18
19 months after the date of enactment of the Na-
20 tional Aquatic Invasive Species Act of 2002, the
21 Secretary shall issue final guidelines for the de-
22 velopment of invasive species management
23 plans, including guidelines that—

24 “(i) identify types of vessels for which
25 plans are required;

1 “(ii) establish processes for updating
2 and revising the plans; and

3 “(iii) establish criteria for compliance
4 with this subsection.

5 “(2) RECORDS.—The master of a vessel shall—

6 “(A) maintain records of all ballast oper-
7 ations, for such period of time and including
8 such information as the Secretary may specify;

9 “(B) permit inspection of the records by
10 representatives of the Secretary and of the
11 State in which the port is located; and

12 “(C) transmit records to the National Bal-
13 last Information Clearinghouse established
14 under section 1102(f).

15 “(3) BEST MANAGEMENT PRACTICES.—

16 “(A) IN GENERAL.—Not later than 18
17 months after the date of enactment of the Na-
18 tional Aquatic Invasive Species Act of 2002, the
19 Secretary shall promulgate best management
20 practices to minimize and monitor the transfer
21 by vessels of organisms between
22 hydrographically distinct zones.

23 “(B) PRACTICES TO BE INCLUDED.—The
24 best management practices shall include—

1 “(i) regular removal or purging of
2 sediments from ballast tanks in the open
3 ocean (or in other areas in accordance with
4 guidelines adopted by the International
5 Maritime Organization) so that there is lit-
6 tle or no sediment accumulation in ballast
7 tanks of transoceanic vessels;

8 “(ii) minimization of ballast water
9 operations—

10 “(I) in areas with toxic algal
11 blooms, known outbreaks of aquatic
12 invasive species, and sewage outfalls;

13 “(II) in darkness, when bottom-
14 dwelling organisms may rise in the
15 water column;

16 “(III) in areas with naturally
17 high levels of suspended sediments
18 (including river mouths and deltas);

19 “(IV) in areas that have been af-
20 fected significantly by soil erosion
21 from inland drainage); and

22 “(V) in areas in which sediments
23 have been disturbed (including areas
24 near dredging operations and areas of
25 shallow water in which the propellers

1 of a vessel may have disturbed the
2 sediment);

3 “(iii) avoidance of unnecessary dis-
4 charge of ballast water in a port that was
5 taken up in another port;

6 “(iv) to the maximum extent prac-
7 ticable, collection and disposal of debris
8 from the cleaning of the hull, sea chests,
9 sea suction grids, and other hull apertures
10 so that the debris does not remain in the
11 water or fall to the seabed;

12 “(v)(I) at the time at which an anti-
13 fouling coating is applied, coating of great-
14 er than 95 percent of the surface of the
15 hull that is exposed to water below the
16 water line; and

17 “(II) reapplication of anti-fouling
18 paint prior to coating failure on any part
19 of the vessel to which an anti-fouling coat-
20 ing is applied; and

21 “(vi) provision of sample access ports
22 in ballast piping for sampling of ballast in-
23 take and discharge.

24 “(4) DESIGN FEATURES AND TREATMENT SYS-
25 TEMS FOR NEW VESSELS.—A vessel of which con-

1 struction begins on or after January 1, 2006, shall
2 be equipped with design features and ballast water
3 treatment systems that meet, at a minimum—

4 “(A) the standards described in subsection
5 (e)(1)(B)(ii); or

6 “(B) on promulgation of final standards
7 pursuant to subsection (e)(2)(A), such final
8 standard as is applicable to the vessel.”;

9 (2) in subsection (b), by adding at the end the
10 following:

11 “(5) ADDITIONAL REQUIREMENTS FOR VESSELS
12 ENTERING GREAT LAKES AFTER OPERATING OUT-
13 SIDE THE EEZ.—

14 “(A) IN GENERAL.—Not later than the
15 date that is 18 months after the date of enact-
16 ment of the National Aquatic Invasive Species
17 Act of 2002, the Secretary shall—

18 “(i) review and revise regulations pro-
19 mulgated under this section; and

20 “(ii) promulgate the revised regula-
21 tions.

22 “(B) CONTENTS.—The revised regulations
23 shall include—

24 “(i) requirements under subsections
25 (a) and (e) (as amended by that Act); and

1 “(ii) such other provisions as are nec-
2 essary to improve the effectiveness of the
3 program under this Act to prevent intro-
4 ductions of aquatic invasive species into
5 the Great Lakes.”;

6 (3) by striking subsections (c) through (f) and
7 subsection (h);

8 (4) by redesignating subsection (g) as sub-
9 section (h);

10 (5) by inserting after subsection (b) the fol-
11 lowing:

12 “(c) ADDITIONAL REQUIREMENTS FOR VESSELS EN-
13 TERING UNITED STATES PORTS AFTER OPERATING OUT-
14 SIDE EEZ.—

15 “(1) IN GENERAL.—Effective beginning on the
16 date that is 18 months after the date of enactment
17 of the National Aquatic Invasive Species Act of
18 2002, in addition to complying with applicable re-
19 quirements under subsection (a) and except as pro-
20 vided in subsection (e)(2)(B)(v), each vessel
21 equipped with a ballast water tank that, after oper-
22 ating on the waters beyond the exclusive economic
23 zone, enters a United States port, other than a
24 United States port on the Great Lakes, shall comply

1 with the regulations promulgated under paragraph
2 (2).

3 “(2) REGULATIONS.—Not later than 18 months
4 after the date of enactment of the National Aquatic
5 Invasive Species Act of 2002, the Secretary shall
6 promulgate, with the concurrence of the Adminis-
7 trator, regulations to implement this subsection
8 that—

9 “(A) ensure, to the maximum extent prac-
10 ticable, that aquatic invasive species are not
11 discharged into waters of the United States
12 from vessels, including through requirements
13 consistent with interim and final standards
14 issued under paragraph (1)(B)(ii) or (2) of sub-
15 section (e), as applicable;

16 “(B) apply to all vessels described in para-
17 graph (1);

18 “(C) protect the safety of—

19 “(i) each vessel; and

20 “(ii) the crew and passengers of each
21 vessel;

22 “(D) direct a vessel described in paragraph
23 (1)—

24 “(i) to carry out the exchange of bal-
25 last water of the vessel in waters beyond

1 the exclusive economic zone in accordance
2 with the standards and certification proce-
3 dures promulgated under subsection (e);

4 “(ii) in a case in which the master of
5 the vessel determines that compliance with
6 clause (i) is impracticable, to exchange the
7 ballast water of the vessel in other waters
8 in which the exchange does not pose a
9 threat of invasion or spread of nonindige-
10 nous species in waters of the United
11 States, as designated by the Secretary; or

12 “(iii) use environmentally sound alter-
13 native ballast water management methods,
14 including modification of the vessel ballast
15 water tanks and intake systems, if the Sec-
16 retary determines that such alternative
17 methods are in accordance with standards
18 and certification procedures promulgated
19 under subsection (e);

20 “(E) provide for in-line sampling proce-
21 dures of ballast piping to monitor compliance
22 with the regulations;

23 “(F) take into consideration—

24 “(i) vessel types;

1 “(ii) variations in the ecological condi-
2 tions of waters and coastal areas of the
3 United States; and

4 “(iii) different operating conditions;
5 and

6 “(G) are based on the best scientific infor-
7 mation available.

8 “(d) ADDITIONAL REQUIREMENT FOR VESSELS EN-
9 GAGED IN COASTAL VOYAGES.—

10 “(1) IN GENERAL.—A vessel engaged in a
11 coastal voyage shall minimize the introduction and
12 spread of an aquatic invasive species between
13 hydrographically distinct zones in a manner that is
14 consistent with limitations and requirements on
15 transoceanic voyages imposed under the final stand-
16 ard promulgated and applied under subsection
17 (e)(2).

18 “(2) DESIGNATION OF HYDROGRAPHICALLY
19 DISTINCT ZONES.—Not later than 18 months after
20 the date of enactment of the National Aquatic
21 Invasive Species Act of 2002, and periodically there-
22 after but not less frequently than once every 3 years,
23 the Task Force shall, based on available research
24 and monitoring data and in consultation with re-
25 gional panels of the Task Force, with the concur-

1 rence of the Secretary, designate hydrographically
2 distinct zones for purposes of this Act.

3 “(e) BALLAST WATER MANAGEMENT STANDARDS
4 AND CERTIFICATION PROCEDURES.—

5 “(1) INTERIM STANDARDS.—

6 “(A) IN GENERAL.—Not later than 1 year
7 after the date of enactment of the National
8 Aquatic Invasive Species Act of 2002, the Sec-
9 retary, with the concurrence of the Adminis-
10 trator and in consultation with the Task Force,
11 shall promulgate regulations establishing in-
12 terim standards indicating acceptable—

13 “(i) operational performance for bal-
14 last water exchange (including contingency
15 procedures in instances in which a safety
16 exemption is used pursuant to subsection
17 (k)); and

18 “(ii) biological effectiveness of ballast
19 water treatment systems (including on-
20 shore facilities and facilities on board ves-
21 sels).

22 “(B) REQUIREMENTS.—

23 “(i) BALLAST WATER EXCHANGE.—
24 The interim standard for ballast water ex-

1 change described in subparagraph (A) shall
2 require—

3 “(I) at least 1 empty-and-refill
4 cycle on the high sea or in an alter-
5 native exchange area designated by
6 the Secretary, of each ballast tank
7 that contains ballast water to be dis-
8 charged into waters of the United
9 States;

10 “(II) in a case in which the mas-
11 ter of a vessel determines that compli-
12 ance with subclause (I) is impracti-
13 cable, a sufficient number of flow-
14 through exchanges of ballast water, on
15 the high sea or in an alternative ex-
16 change area designated by the Sec-
17 retary, to achieve replacement of at
18 least 95 percent of ballast water in
19 ballast tanks of the vessel, as deter-
20 mined by a certification dye study
21 conducted or model developed in ac-
22 cordance with protocols developed
23 under paragraph (5)(B)(i) and re-
24 corded in the management plan of a

1 vessel pursuant to subsection
2 (a)(1)(C)(i); and

3 “(III) an approved contingency
4 procedure using best practicable tech-
5 nology in instances in which a ballast
6 water exchange is not undertaken
7 pursuant to subsection (k).

8 “(ii) BALLAST SYSTEM DESIGN AND
9 WATER TREATMENT SYSTEMS.—The in-
10 terim standard for a ballast water system
11 design and treatment system described in
12 subparagraph (A) shall require that at
13 least 95 percent of each of the live aquatic
14 vertebrates, invertebrates, phytoplankton,
15 and macroalgae, respectively, in ballast
16 water taken in by a vessel or class of ves-
17 sels be killed or removed from ballast dis-
18 charge in the qualified type approved proc-
19 ess promulgated under paragraph
20 (5)(B)(ii)

21 “(iii) CRITERIA; PERIOD OF EFFEC-
22 TIVENESS.—The interim standards de-
23 scribed in clauses (i) and (ii) shall—

1 “(I) meet occupational safety and
2 environmental soundness criteria de-
3 scribed in paragraph (6); and

4 “(II) cease to apply on the effec-
5 tive date of final standards developed
6 pursuant to subsection (e)(2).

7 “(2) FINAL STANDARDS.—

8 “(A) IN GENERAL.—Not later than 4 years
9 after the date of enactment of the National
10 Aquatic Invasive Species Act of 2002, the Sec-
11 retary and the Administrator, in consultation
12 with the Task Force, shall promulgate final
13 standards for ballast water discharge and other
14 vessel operations determined to pose a signifi-
15 cant risk to the environment through the intro-
16 duction of nonnative species.

17 “(B) REQUIREMENTS.—The final stand-
18 ards shall—

19 “(i) result from application of the best
20 available technology that is economically
21 achievable for—

22 “(I) the applicable category or
23 class of vessels; and

24 “(II) the new source or existing
25 source status;

1 “(ii) have the goal of eliminating the
2 risk of introduction into waters of the
3 United States by vessels of nonnative spe-
4 cies, including plant, animal, and human
5 pathogens;

6 “(iii) consider findings of scientific
7 and policy research, including research
8 conducted pursuant to title II, particularly
9 section 203;

10 “(iv) apply to all methods of ballast
11 water management and system design,
12 including—

13 “(I) ballast water exchange;

14 “(II) ballast water treatment sys-
15 tems; and

16 “(III) other vessel operations de-
17 termined to pose a significant risk to
18 the environment through the introduc-
19 tion of nonnative organisms;

20 “(v) be measurable;

21 “(vi) be reviewed and, as appropriate,
22 revised not less often than every 3 years
23 pursuant to subsection (g)(1);

1 “(vii) meet occupational safety and
2 environmental soundness criteria described
3 in paragraph (6); and

4 “(viii) apply beginning not later than
5 October 1, 2011.

6 “(3) EXPERIMENTAL APPROVAL FOR BALLAST
7 WATER TREATMENT.—

8 “(A) IN GENERAL.—Subject to subpara-
9 graph (B), if, before the date on which the Sec-
10 retary promulgates interim ballast water man-
11 agement standards under paragraph (1), an
12 owner or operator of a vessel seeks to conduct
13 a treatment of ballast water—

14 “(i) the owner or operator shall apply
15 to the Secretary for experimental approval
16 of the treatment; and

17 “(ii) the Secretary shall approve the
18 treatment if—

19 “(I) the owner or operator pro-
20 vides to the Secretary peer-reviewed,
21 pilot-scale information relating to the
22 effectiveness and environmental
23 soundness of the treatment;

24 “(II) the Secretary and the Ad-
25 ministrators, in consultation with the

1 Task Force (including relevant re-
2 gional panels, and the Ballast Water
3 and Shipping Committee, of the Task
4 Force), determine that the technology
5 to be used for the treatment has sig-
6 nificant potential to kill or remove at
7 least 95 percent of the aquatic
8 vertebrates, invertebrates, phyto-
9 plankton, and macro algae, respec-
10 tively, in ballast water taken in by the
11 class of vessel for which the treatment
12 is sought to be conducted; and

13 “(III) the Administrator deter-
14 mines that the treatment meets envi-
15 ronmental regulations.

16 “(B) LIMITATIONS.—

17 “(i) PERIOD OF TESTING.—Testing of
18 the treatment system approved under this
19 section may cease prior to the termination
20 of the approval period described in clause
21 (ii).

22 “(ii) PERIOD OF APPROVAL.—Ap-
23 proval granted under subparagraph (A)
24 shall be for the lesser of—

1 “(I) a period of 10 years or the
2 expected life of the treatment system,
3 whichever is earlier; or

4 “(II) such period of time for
5 which the Secretary or Administrator
6 (as appropriate) determines that
7 (based on available information, in-
8 cluding information developed pursu-
9 ant to clause (iii)) there exists a seri-
10 ous deficiency in performance or envi-
11 ronmental soundness of the system
12 relative to anticipated performance or
13 environmental soundness.

14 “(iii) INFORMATION.—As a condition
15 of receiving experimental approval for a
16 treatment under subparagraph (A)(ii), the
17 owner or operator of a vessel shall agree to
18 collect and report such information regard-
19 ing the operational and biological effective-
20 ness of the treatment through sampling of
21 the intake and discharge ballast as the
22 Secretary may request.

23 “(iv) RENEWAL.—An experimental
24 approval may be renewed pursuant to
25 paragraph (7)(B)(ii)(III).

1 “(4) INCENTIVES FOR USE OF TREATMENT SYS-
2 TEMS.—

3 “(A) IN GENERAL.—The Secretary and the
4 Administrator shall assist owners or operators
5 of vessels that seek to obtain experimental or
6 interim approval for installation of ballast water
7 treatment systems, including through providing
8 guidance on—

9 “(i) a sampling protocol and test pro-
10 gram for cost effective treatment evalua-
11 tion;

12 “(ii) sources of sampling equipment
13 and field biological expertise; and

14 “(iii) examples of shipboard evalua-
15 tion studies.

16 “(B) PREFERENCE.—The Secretary of the
17 Interior and the Secretary of Commerce shall
18 give preference to grant applications submitted
19 under section 1104(b) for research relative to
20 tests on vessels of treatment systems that have
21 received approval for ballast water treatment
22 under paragraphs (1) and (3).

23 “(C) ANNUAL SUMMARIES.—The Secretary
24 shall annually summarize, and make available
25 to interested parties, all available information

1 on the performance of technologies proposed for
2 ballast treatment to facilitate the application
3 process for experimental approval for ballast
4 water treatment under paragraph (3).

5 “(5) CERTIFICATION PROCESS.—

6 “(A) IN GENERAL.—Not later than the
7 date on which interim standards are promul-
8 gated under paragraph (1) and final standards
9 are promulgated under paragraph (2), the Sec-
10 retary shall establish, with the concurrence of
11 the Administrator, a certification process for
12 use in determining compliance of vessels with
13 the standards.

14 “(B) REQUIREMENTS.—In carrying out
15 subparagraph (A), the Secretary shall establish
16 by regulation—

17 “(i) a certification protocol for ballast
18 water exchange involving dye studies or
19 models detailing flow dynamics of vessels
20 described in paragraph (1)(B)(i)(II); and

21 “(ii) a shipboard protocol for qualified
22 type approval of ballast water treatment
23 systems for the interim and final standards
24 described in paragraphs (1) and (2) that—

1 “(I) is capable of determining the
2 extent to which a ballast water treat-
3 ment system complies with applicable
4 standards for the prevention of the
5 transfer of aquatic organisms, includ-
6 ing limitations on that compliance
7 caused by—

8 “(aa) biological, chemical, or
9 physical conditions of water
10 taken into ballast; and

11 “(bb) conditions encountered
12 during a voyage;

13 “(II) is capable of determining
14 the extent to which a ballast water
15 treatment system—

16 “(aa) is environmentally
17 sound, based on criteria promul-
18 gated by the Administrator under
19 paragraph (6)(A);

20 “(bb) is safe for vessel and
21 crew; and

22 “(cc) complies with this Act;

23 “(III) may be used in estimating
24 the expected useful life of the ballast
25 water treatment system, as deter-

1 mined on the basis of voyage patterns
2 and normal use conditions;

3 “(IV) may include a shore-based
4 testing component;

5 “(V) is applicable to a specific
6 vessel or group of vessels, as deter-
7 mined by the Secretary;

8 “(VI) includes such limitations as
9 are appropriate;

10 “(VII) provides for appropriate
11 monitoring; and

12 “(VIII) is cost effective.

13 “(6) ENVIRONMENTAL SOUNDNESS CRITERIA
14 FOR BALLAST TREATMENTS.—

15 “(A) IN GENERAL.—The Administrator
16 shall include in criteria promulgated under sec-
17 tion 1202(k)(1)(A) specific criteria—

18 “(i) to ensure environmental sound-
19 ness of ballast treatment systems; and

20 “(ii) to grant environmental sound-
21 ness exceptions under subparagraph (B).

22 “(B) EXCEPTIONS.—

23 “(i) IN GENERAL.—In reviewing appli-
24 cations under paragraph (7)(B)(i)(I) in an
25 emergency situation to achieve reductions

1 in significant and acute risk of transfers
2 of invasive species by vessels, the Secretary
3 and the Administrator may jointly deter-
4 mine to make an exception to criteria de-
5 scribed in subparagraph (A)(i).

6 “(ii) QUALIFICATION OF APPROV-
7 ALS.—To be eligible for an exception under
8 clause (i), an approval under paragraph
9 (7)(B)(i)(I) shall be qualified under para-
10 graph (7)(B)(ii).

11 “(7) APPLICATION.—

12 “(A) IN GENERAL.—The owner or operator
13 of a ballast water treatment system shall sub-
14 mit to the Secretary and the Administrator an
15 application for qualified type approval of the
16 ballast water treatment system that is in such
17 form and contains such information as the Sec-
18 retary may require.

19 “(B) APPROVAL AND DISAPPROVAL.—

20 “(i) IN GENERAL.—On receipt of an
21 application under subparagraph (A)—

22 “(I) the Administrator shall, not
23 later than 90 days after the date of
24 receipt of the application—

1 “(aa) review the application
2 for compliance and consistency
3 with environmental soundness
4 criteria promulgated under para-
5 graph (6)(A); and

6 “(bb) approve those ballast
7 water treatment systems that
8 meet those criteria; and

9 “(II) the Secretary, in coopera-
10 tion with the Task Force, shall, not
11 later than 180 days after the date of
12 receipt of the application—

13 “(aa) determine whether the
14 ballast water treatment system
15 covered by the application meets
16 the requirements of this sub-
17 section, as appropriate;

18 “(bb) approve or disapprove
19 the application; and

20 “(cc) provide the applicant
21 written notice of approval or dis-
22 approval.

23 “(ii) LIMITATIONS.—An application
24 approved under clause (i) shall—

1 “(I) be qualified with any limita-
2 tions relating to voyage pattern, dura-
3 tion, or any other characteristic that
4 may affect the effectiveness or envi-
5 ronmental soundness of the ballast
6 water treatment system covered by
7 the application, as determined by the
8 Secretary in consultation with the Ad-
9 ministrators;

10 “(II) be valid for the lesser of—

11 “(aa) the expected useful life
12 of the ballast water treatment
13 system;

14 “(bb) 10 years; or

15 “(cc) such period of time for
16 which the Secretary or Adminis-
17 trator (as appropriate) deter-
18 mines that (based on available in-
19 formation, including information
20 developed pursuant to subsection
21 (e)(3)B(iii)) there exists a serious
22 deficiency in performance or envi-
23 ronmental soundness of the sys-
24 tem relative to anticipated per-

1 formance or environmental
2 soundness; and

3 “(III) be renewed if—

4 “(aa) the Secretary deter-
5 mines that the ballast water
6 treatment system remains in
7 compliance with applicable stand-
8 ards as of the date of application
9 for renewal; or

10 “(bb) the remaining useful
11 life of the vessel is less than 10
12 years.

13 “(8) PENALTIES.—Paragraphs (1) and (2) of
14 subsection (h) shall apply to a violation of a regula-
15 tion promulgated under this subsection.

16 “(f) COORDINATION WITH OTHER AGENCIES.—The
17 Secretary may coordinate with, and (with consent) use the
18 expertise, facilities, members, or personnel of, appropriate
19 Federal and State agencies and organizations that have
20 routine contact with vessels, as determined by the Sec-
21 retary.

22 “(g) PERIODIC REVIEW AND REVISION, AND EFFEC-
23 TIVE DATE, OF REGULATIONS.—

24 “(1) PERIODIC REVIEW AND REVISION.—

1 “(A) IN GENERAL.—Not later than 3 years
2 after the date of enactment of the National
3 Aquatic Invasive Species Act of 2002, and not
4 less often than every 3 years thereafter, the
5 Secretary shall (with the concurrence of the Ad-
6 ministrator, based on recommendations of the
7 Task Force, and in accordance with criteria de-
8 veloped by the Task Force under subparagraph
9 (C))—

10 “(i) assess the compliance by vessels
11 with regulations promulgated under this
12 section;

13 “(ii) assess the effectiveness of the
14 regulations referred to in clause (i) in re-
15 ducing the introduction and spread of
16 aquatic invasive species by vessels; and

17 “(iii) as necessary, on the basis of the
18 best scientific information available—

19 “(I) revise the regulations re-
20 ferred to in clause (i); and

21 “(II) promulgate additional regu-
22 lations.

23 “(B) SPECIAL REVIEW AND REVISION.—
24 Not later than 90 days after the date on which
25 the Task Force makes a request to the Sec-

1 retary for a special review and revision, the Sec-
2 retary shall (with the concurrence of the Ad-
3 ministrator)—

4 “(i) conduct a special review of regu-
5 lations in accordance with subparagraph
6 (A); and

7 “(ii) as necessary, in the same man-
8 ner as provided under subparagraph
9 (A)(iv)—

10 “(I) revise those guidelines; or

11 “(II) promulgate additional regu-
12 lations.

13 “(C) CRITERIA FOR EFFECTIVENESS.—Not
14 later than 1 year after the date of enactment of
15 the National Aquatic Invasive Species Act of
16 2002, and every 3 years thereafter, the Task
17 Force shall submit to the Secretary criteria for
18 determining the adequacy and effectiveness of
19 all regulations promulgated under this section.

20 “(2) INTERNATIONAL REGULATIONS.—

21 “(A) IN GENERAL.—The Secretary shall
22 revise regulations promulgated under this sub-
23 section as necessary to ensure that the regula-
24 tions relating to any matter are consistent with
25 the treatment of the matter in any international

1 agreement to which the United States is a
2 party that governs management of the transfer
3 by vessel of aquatic nonindigenous species.

4 “(B) LIMITATION.—The revisions carried
5 out pursuant to subparagraph (A) shall not
6 lessen the protectiveness of the overall program
7 established under this Act.”;

8 (6) in subsection (h) (as redesignated by para-
9 graph (4))—

10 (A) in the first sentence of paragraph (1),
11 by striking “\$25,000” and inserting “\$50,000”;
12 and

13 (B) in paragraph (4)(B), by inserting “,
14 contingency requirements under subsection
15 (k),” after “recordkeeping”;

16 (7) by striking subsection (k) and inserting the
17 following:

18 “(k) SAFETY EXEMPTION.—

19 “(1) MASTER DISCRETION.—The Master of a
20 vessel is not required to conduct a ballast water ex-
21 change if the Master determines that the exchange
22 would threaten the safety or stability of the vessel,
23 or the crew or passengers of the vessel, because of
24 adverse weather, vessel architectural design, equip-
25 ment failure, or any other extraordinary conditions.

1 “(2) OTHER REQUIREMENTS.—A vessel that
2 does not exchange ballast water on the high seas
3 under paragraph (1) shall not discharge ballast
4 water in any harbor, except in accordance with a
5 contingency strategy approved by the Secretary (and
6 included in the invasive species management plan of
7 the vessel) to reduce the risk of organism transfer
8 by the discharge (using the best practicable tech-
9 nology pursuant to regulations promulgated under
10 subsection (e)(1)(B)(iii)).”; and

11 (8) by adding at the end the following:

12 “(m) APPLICABILITY; EFFECT ON OTHER LAW.—
13 Nothing in this section or any regulation promulgated
14 under this section supersedes or otherwise affects any re-
15 quirement or prohibition relating to the discharge of bal-
16 last water under the Federal Water Pollution Control Act
17 (33 U.S.C. 1251 et seq.).

18 “(n) CONTINUITY OF REGULATIONS AND GREAT
19 LAKES PROGRAM.—

20 “(1) REGULATIONS.—Until such time as regu-
21 lations are promulgated to implement the amend-
22 ments made by the National Aquatic Invasive Spe-
23 cies Act of 2002, regulations shall remain in effect
24 as of the date of enactment of that Act.

1 “(2) GREAT LAKES PROGRAM.—On implemen-
2 tation of a national mandatory ballast management
3 program that is at least as comprehensive as the
4 Great Lakes program (as determined by the Sec-
5 retary, in consultation with the Governors of Great
6 Lakes States)—

7 “(A) the program regulating vessels and
8 ballast water in Great Lakes under this section
9 shall terminate; and

10 “(B) the national program shall apply to
11 such vessels and ballast water.”.

12 (b) ARMED SERVICES WHOLE VESSEL MANAGEMENT
13 PROGRAM.—Section 1103 of the Nonindigenous Aquatic
14 Nuisance Prevention and Control Act of 1990 (16 U.S.C.
15 4713) is amended—

16 (1) by striking the section heading and insert-
17 ing the following:

18 **“SEC. 1103. ARMED SERVICES WHOLE VESSEL MANAGE-
19 MENT PROGRAM.”;**

20 and

21 (2) in subsection (a)—

22 (A) by striking “Subject to” and inserting
23 the following:

24 “(1) BALLAST WATER.—Subject to”; and

25 (B) by adding at the end the following:

1 “(2) TOWED VESSEL MANAGEMENT PRO-
2 GRAM.—Subject to operational conditions, the Sec-
3 retary of Defense, in consultation with the Sec-
4 retary, the Task Force, and the International Mari-
5 time Organization, shall implement a towed vessel
6 management program for Department of Defense
7 vessels to minimize the risk of introductions of
8 aquatic invasive species through hull and associated
9 hull aperture transfers by towed vessels.

10 “(3) REPORTS.—Not later than 3 years after
11 the date of enactment of the National Aquatic
12 Invasive Species Act of 2002, and every 3 years
13 thereafter, the Secretary of Defense shall submit to
14 Congress a report that includes a summary and
15 analysis of the program carried out under paragraph
16 (2).”.

17 (c) CONFORMING AMENDMENTS.—

18 (1) Section 1101(g) of the Nonindigenous
19 Aquatic Nuisance Prevention and Control Act of
20 1990 (16 U.S.C. 4711(g)) is amended by striking
21 “under subsection (b) of (f)” each place it appears
22 and inserting “under this section”.

23 (2) Section 1102(c)(1) of the Nonindigenous
24 Aquatic Nuisance Prevention and Control Act of
25 1990 (16 U.S.C. 4712(c)(1)) is amended by striking

1 “issued under section 1101(b)” and inserting “pro-
2 mulgated under section 1101(b)”.

3 (3) Section 1102(f)(1)(B) of the Nonindigenous
4 Aquatic Nuisance Prevention and Control Act of
5 1990 (16 U.S.C. 4712(f)(1)(B)) is amended by
6 striking “guidelines issued pursuant to section
7 1101(e)” and inserting “regulations promulgated
8 under section 1101(c)”.

9 **SEC. 105. PREVENTION OF THE INTRODUCTION OF AQUAT-**
10 **IC INVASIVE SPECIES INTO WATERS OF THE**
11 **UNITED STATES BY OTHER PATHWAYS.**

12 (a) PRIORITY PATHWAY MANAGEMENT PROGRAM.—
13 Subtitle C of title I of the Nonindigenous Aquatic Nui-
14 sance Prevention and Control Act of 1990 (16 U.S.C.
15 4721 et seq.) is amended by adding at the end the fol-
16 lowing:

17 **“SEC. 1210. PRIORITY PATHWAY MANAGEMENT PROGRAM.**

18 “(a) IDENTIFICATION OF HIGH PRIORITY PATH-
19 WAYS.—Not later than 18 months after the date of enact-
20 ment of the National Aquatic Invasive Species Act of
21 2002, and every 3 years thereafter, the Task Force, in
22 coordination with the Invasive Species Council and in con-
23 sultation with representatives of States, industry, and
24 other interested parties, shall, based on pathway surveys
25 conducted under title II and other available research relat-

1 ing to the rates of introductions in waters of the United
2 States—

3 “(1) publish for public review and comment a
4 system for identifying and evaluating the relative
5 risk of pathways of the introductions;

6 “(2) identify any pathways that, according to
7 that system, pose the highest risk for introductions,
8 both nationally and on a region-by-region basis;

9 “(3) develop recommendations for management
10 strategies for those high-risk pathways; and

11 “(4) include in the report to Congress required
12 under section 1201(f)(2)(B) a description of the
13 identifications, strategies, and recommendations
14 based on research collected under title II.

15 “(b) MANAGEMENT OF HIGH PRIORITY PATH-
16 WAYS.—Not later than 3 years after the date of enactment
17 of the National Aquatic Invasive Species Act of 2002, the
18 Task Force shall, to the maximum extent practicable, im-
19 plement the strategies described in subsection (a)(3).”.

20 (b) SCREENING PROCESS FOR PLANNED IMPORTA-
21 TIONS OF LIVE AQUATIC ORGANISMS.—Subtitle B of the
22 Nonindigenous Aquatic Nuisance Prevention and Control
23 Act of 1990 (16 U.S.C. 4711 et seq.) is amended by add-
24 ing at the end the following:

1 **“SEC. 1105. SCREENING PROCESS FOR PLANNED IMPORTA-**
2 **TIONS OF LIVE AQUATIC ORGANISMS.**

3 “(a) IN GENERAL.—Not later than 30 months after
4 the date of enactment of the National Aquatic Invasive
5 Species Act of 2002, no live aquatic organism not in trade
6 shall be imported into the United States without screening
7 and approval in accordance with subsections (c) and (d).

8 “(b) GUIDELINES.—

9 “(1) IN GENERAL.—Not later than 30 months
10 after the date of enactment of the National Aquatic
11 Invasive Species Act of 2002, in consultation with
12 regional panels convened under section 1203, States,
13 tribes, and other stakeholders, the Invasive Species
14 Council (in conjunction with the Task Force) shall
15 promulgate guidelines for screening proposed
16 planned importations of live aquatic organisms into
17 the United States that include—

18 “(A) guidelines for minimum information
19 requirements for determinations under sub-
20 section (c); and

21 “(B) guidelines for a simplified notification
22 procedure for any additional shipments of orga-
23 nisms that may occur after completion of an
24 initial screening process and determination
25 under subsection (c).

1 “(2) PURPOSE.—The purpose of the screening
2 process shall be to prevent the establishment of
3 aquatic invasive species in waters of the United
4 States and contiguous waters of Canada and Mexico.

5 “(3) FACTORS.—In developing guidelines under
6 this subsection and reviewing and revising the guide-
7 lines under subsection (i), the Invasive Species
8 Council and the Task Force shall consider—

9 “(A) the likelihood of the spread of orga-
10 nisms by human or natural means;

11 “(B) organisms that may occur in associa-
12 tion with the organism planned for importation;
13 and

14 “(C) regional differences.

15 “(c) CATEGORIES.—The screening process shall re-
16 quire the identification (to at least the genus level) of live
17 aquatic organisms and shall designate—

18 “(1) species with high or moderate probability
19 of undesirable impacts to areas within the bound-
20 aries of the United States and contiguous areas of
21 neighboring countries, to which the organism is like-
22 ly to spread; and

23 “(2) species with insufficient information to de-
24 termine the risk category based on guidelines issued
25 pursuant to section 1105(b)(1)(B).

1 “(d) EVALUATION.—

2 “(1) IN GENERAL.—Not later than 180 days
3 after the date of promulgation of guidelines under
4 subsection (b), in consultation with regional panels
5 convened under section 1203, States, tribes, and
6 other stakeholders, a Federal agency with authority
7 over an importation into the United States of a live
8 organism not in trade (other than through this Act)
9 shall screen the organism in accordance with guide-
10 lines promulgated under subsection (b).

11 “(2) DELEGATION AND AUTHORITY.—If no
12 agency has authority described in paragraph (1) or
13 an agency delegates the screening to the Director
14 under subsection (g), the Director shall screen the
15 organisms in accordance with subsections (a) and
16 (b).

17 “(3) MULTIPLE JURISDICTION.—If more than 1
18 agency has jurisdiction over the importation of a live
19 organism, the agencies shall conduct only 1 screen-
20 ing process in accordance with an agreement of the
21 agencies, except that the Secretary of Agriculture
22 shall have sole responsibility for screening cultured
23 aquatic organisms.

24 “(e) REQUIREMENTS.—A Federal agency of jurisdic-
25 tion, or the Director under subsection (a)(2), shall—

1 “(1) restrict or prohibit the importation into
2 the United States from outside the United States of
3 any species that is described in subsection (c)(1);

4 “(2) prohibit the importation of any species de-
5 scribed in subsection (c)(2), unless the importation
6 is for the sole purpose of research that is conducted
7 in accordance with section 1202(f)(2); and

8 “(3) make a determination under this sub-
9 section not later than 60 days after receiving a re-
10 quest for permission to import a live aquatic species.

11 “(f) SCREENING REQUIREMENTS.—The Director
12 shall promulgate screening requirements consistent with
13 the guidelines promulgated under subsection (b) to evalu-
14 ate any planned live aquatic species importation (including
15 an importation carried out by a Federal agency) from out-
16 side the borders of the United States into waters of the
17 United States that is—

18 “(1) not otherwise subject to Federal authority
19 to permit the importation; or

20 “(2) delegated to the Director by another agen-
21 cy of jurisdiction under subsection (g).

22 “(g) DELEGATION TO DIRECTOR.—Any agency with
23 authority over the planned importation of a live aquatic
24 organism may delegate to the Director the screening proc-
25 ess carried out under this section.

1 “(h) CATALOG OF ORGANISMS IN TRADE.—Not later
2 than 1 year after the date of enactment of the National
3 Aquatic Invasive Species Act of 2002, the Director of the
4 United States Geological Survey and the Director of the
5 Smithsonian Environmental Research Center, in coopera-
6 tion with agencies with jurisdiction over planned importa-
7 tions of live organisms, shall—

8 “(1) develop a catalog of organisms in trade;
9 and

10 “(2) include the list in the information provided
11 to the public pursuant to section 1102(f).

12 “(i) FUNDS FOR STATE AND INTERSTATE IMPLE-
13 MENTATION OF SCREENING PROCESS.—Each State that
14 implements a screening process for movements of live or-
15 ganisms, into and within the State, that is consistent with
16 the Federal screening process established under this sec-
17 tion, as part of the State invasive species management
18 plan approved under section 1204(a), shall be eligible to
19 receive a grant under section 1204(b) for the implementa-
20 tion of the screening process.

21 “(j) REVIEW AND REVISION.—

22 “(1) IN GENERAL.—At least once every 3 years,
23 the Council, in conjunction with the Task Force,
24 shall use research on early detection and monitoring
25 under section 1106, among other information

1 sources, to review and revise to the screening, guide-
2 lines, and process carried out under this section.

3 “(2) REPORT.—The Invasive Species Council
4 shall include in its report to Congress required pur-
5 suant to section 1201(f)(2)(B)—

6 “(A) an evaluation of the effectiveness of
7 the screening processes carried out under this
8 section; and

9 “(B) recommendations for revisions of the
10 processes.

11 “(k) PENALTIES.—Paragraphs (1) and (2) of section
12 1101(h) shall apply to a violation of this section.

13 “(l) FEES.—The head of any agency that has juris-
14 diction over a planned importation of a live organism sub-
15 ject to screening under this Act may increase the amount
16 of any appropriate fee that is charged under an authority
17 of law to offset the cost of any screening process carried
18 out under this section.

19 “(m) INFORMATION.—A Federal agency conducting
20 a screening process under this section shall make the re-
21 sults of the process available to the public (including inter-
22 national organizations).”.

23 **SEC. 106. EARLY DETECTION AND MONITORING.**

24 Subtitle B of the Nonindigenous Aquatic Nuisance
25 Prevention and Control Act of 1990 (16 U.S.C. 4711 et

1 seq.) (as amended by section 105(b)) is amended by add-
2 ing at the end the following:

3 **“SEC. 1106. EARLY DETECTION AND MONITORING.**

4 “(a) EARLY DETECTION.—

5 “(1) IN GENERAL.—Not later than 18 months
6 after the date of enactment of the National Aquatic
7 Invasive Species Act of 2002, in conjunction with
8 the Council, the Task Force shall develop (based on
9 the standard protocol for early detection surveys de-
10 veloped under title II), publish for public comment,
11 and promulgate a set of sampling protocols, a geo-
12 graphic plan, and budget to support a national sys-
13 tem of ecological surveys to rapidly detect recently-
14 established aquatic invasive species in waters of the
15 United States.

16 “(2) CONTENTS.—The protocols, plan, and
17 budget shall, at a minimum—

18 “(A) address a diversity of water bodies of
19 the United States (including inland and coastal
20 waters);

21 “(B) encourage State, local, port, and trib-
22 al participation in monitoring;

23 “(C) balance scientific rigor with practica-
24 bility, timeliness, and breadth of sampling activ-
25 ity;

1 “(D) provide for the identification of pos-
2 sible pathways causing or influencing distribu-
3 tion of newly-detected populations of harmful
4 aquatic organisms;

5 “(E) include a capacity to evaluate the im-
6 pacts of permitted importations screened by the
7 processes established under section 1105; and

8 “(F) include clear lines of communication
9 with appropriate Federal, State, and regional
10 rapid response authorities.

11 “(3) IMPLEMENTATION.—Not later than 2
12 years after the date of enactment of the National
13 Aquatic Invasive Species Act of 2002, the Director
14 of the United States Fish and Wildlife Service, the
15 Administrator of the National Oceanic and Atmos-
16 pheric Administration, and the Administrator (in
17 consultation with the Invasive Species Council and
18 in coordination with other agencies) shall implement
19 a national system of ecological surveys that is—

20 “(A) carried out in cooperation with State,
21 local, port, tribal authorities, and other non-
22 Federal entities (likes colleges and universities);

23 “(B) based on the protocols, plan, and
24 budget published under subsection (a)(1) and
25 any public comment.

1 “(b) LIST OF POTENTIAL INVADERS.—

2 “(1) IN GENERAL.—Not later than 180 days
3 after the date of enactment of the National Aquatic
4 Invasive Species Act of 2002, and annually there-
5 after, the Task Force (building on prior efforts to
6 create lists, to the maximum extent practicable)
7 shall publish a list that identifies, based on research
8 (including research conducted under title II)—

9 “(A) aquatic invasive species not yet intro-
10 duced into waters of the United States that are
11 likely to be introduced into waters of the United
12 States unless preventative measures are taken;
13 and

14 “(B) the likely pathways for introduction
15 of the species and transfer of the species.

16 “(2) USE.—The Task Force shall use the list
17 to inform and make recommendations regarding en-
18 forcement, voluntary actions, early detection, moni-
19 toring, pathway management, rapid response plan-
20 ning, and screening efforts.

21 “(3) PUBLIC AVAILABILITY.—The Task Force
22 shall—

23 “(A) make the list available to the public
24 on the Internet pursuant to section
25 1202(h)(4)(D); and

1 “(B) in conjunction with the Invasive Spe-
2 cies Council, include the list in the report under
3 section 1201(f)(2)(B).

4 “(4) EXCHANGE OF INFORMATION.—The Task
5 Force shall exchange information on invasive species
6 with interested agencies, States, Indian tribes, inter-
7 national organizations (such as the International
8 Council for the Exploration of the Sea), and other
9 stakeholder groups to assist in efforts to prevent and
10 detect introductions.”.

11 **SEC. 107. CONTAINMENT AND CONTROL.**

12 (a) NATIONAL DISPERSAL BARRIER PROGRAM.—

13 (1) IN GENERAL.—Section 1202 of the Non-
14 indigenous Aquatic Nuisance Prevention and Control
15 Act of 1990 (16 U.S.C. 4722) is amended—

16 (A) by redesignating subsections (j) and
17 (k) as subsections (l) and (m), respectively;

18 (B) by inserting after subsection (i) the
19 following:

20 “(j) NATIONAL DISPERSAL BARRIER PROGRAM.—

21 “(1) CHICAGO RIVER SHIP AND SANITARY
22 CANAL DISPERSAL BARRIER PROJECT.—

23 “(A) IN GENERAL.—The Assistant Sec-
24 retary, with the concurrence of the Adminis-
25 trator, shall complete construction of, and

1 maintain, the Chicago River Ship and Sanitary
2 Canal dispersal barrier project.

3 “(B) CONSULTATION.—Subparagraph (A)
4 shall be carried out in consultation with—

5 “(i) the Task Force;

6 “(ii) the Great Lakes Aquatic Nui-
7 sance Species Panel;

8 “(iii) the Great Lakes Fishery Com-
9 mission;

10 “(iv) the Upper Mississippi River
11 Basin Association;

12 “(v) the Illinois Natural History Sur-
13 vey;

14 “(vi) the Mississippi Interstate Coop-
15 erative Resources Association;

16 “(vii) the city of Chicago;

17 “(viii) local water and power authori-
18 ties; and

19 “(ix) other appropriate entities.

20 “(C) CONSTRUCTION OF BARRIER.

21 “(i) IN GENERAL.—Not later than 1
22 year after the date of enactment of the
23 National Aquatic Invasive Species Act of
24 2002, the Assistant Secretary, with the
25 concurrence of the Administrator, shall

1 complete construction of and maintain the
2 Chicago River Ship and Sanitary Canal
3 dispersal barrier project.

4 “(ii) REQUIRED ELEMENTS OF
5 PROJECT.—The completed project under
6 clause (i) shall include—

7 “(I) additions to the existing dis-
8 persal barrier, including—

9 “(aa) backup power;

10 “(bb) a research vessel
11 launching crane;

12 “(cc) replacement electrodes;

13 “(dd) other barrier ele-
14 ments, as available and appro-
15 priate;

16 “(ee) an acoustic monitoring
17 system; and

18 “(ff) emergency egress sys-
19 tem; and

20 “(II) construction of a second
21 long-service life dispersal barrier.

22 “(D) OPERATION OF BARRIER.—Not later
23 than 1 year after the date of enactment of the
24 National Aquatic Invasive Species Act of 2002,
25 the Assistant Secretary shall operate and main-

1 tain the Chicago River Ship and Sanitary Canal
2 dispersal barrier project.

3 “(E) FEASIBILITY STUDY OF CHICAGO
4 RIVER SHIP AND SANITARY CANAL.—

5 “(i) IN GENERAL.—Not later than 3
6 years after the date of enactment of the
7 National Aquatic Invasive Species Act of
8 2002, the Assistant Secretary, in consulta-
9 tion with the entities specified in subpara-
10 graph (B), shall conduct a feasibility
11 study, incorporating information from the
12 interbasin transfer monitoring program
13 under paragraph (2)(C) and any relevant
14 research, dispersal of the full range of op-
15 tions available to prevent the spread of
16 aquatic invasive species through the Chi-
17 cago River Ship and Sanitary Canal dis-
18 persal barrier.

19 “(ii) MATTERS TO BE STUDIED.—The
20 study shall—

21 “(I) provide recommendations
22 concerning additional measures nec-
23 essary to improve the performance of
24 the Chicago River Ship and Sanitary
25 Canal dispersal barrier; and

1 “(II) examine methods and meas-
2 ures necessary to achieve—

3 “(aa) to the maximum ex-
4 tent practicable, 100 percent effi-
5 cacy of the barrier with respect
6 to aquatic invasive species of
7 fish; and

8 “(bb) maximum efficacy of
9 the barrier with respect to other
10 taxa of aquatic invasive species;
11 and

12 “(III) examine additional long-
13 term measures, including structural
14 modifications, needed to prevent the
15 spread of aquatic invasive species
16 through the Chicago River Ship and
17 Sanitary Canal.

18 “(2) MONITORING PROGRAM.—

19 “(A) ESTABLISHMENT.—Not later than 1
20 year after the date of enactment of the Na-
21 tional Aquatic Invasive Species Act of 2002, the
22 Secretary of the Interior (acting through the
23 Director and in consultation with the Task
24 Force) shall establish a program to be known
25 as the ‘interbasin and intrabasin transfer moni-

1 toring program’ (referred to in this paragraph
2 as the ‘monitoring program’).

3 “(B) REQUIRED ELEMENTS.—The moni-
4 toring program shall—

5 “(i) track aquatic invasive species
6 moving through—

7 “(I) the Chicago River Ship and
8 Sanitary Canal;

9 “(II) the Lake Champlain Canal;

10 “(III) other interbasin water-
11 ways; and

12 “(IV) major river systems, such
13 as the Mississippi River, as rec-
14 ommended by regional panels con-
15 vened under section 1203;

16 “(ii) assess the efficacy of dispersal
17 barriers and other measures in preventing
18 the spread of aquatic invasive species
19 through the waterways specified in clause
20 (i);

21 “(iii) identify waterways suitable for
22 dispersal barrier demonstration projects, in
23 addition to the waterways at which dis-
24 persal barrier demonstration projects were
25 carried out before the date of enactment of

1 the National Aquatic Invasive Species Act
2 of 2002;

3 “(iv) conduct a feasibility study of the
4 full range of options available to prevent
5 the spread of aquatic invasive species
6 through the Lake Champlain Canal;

7 “(v) build on and provide data to the
8 early detection and monitoring system es-
9 tablished pursuant to section 1106; and

10 “(vi) use information collected under
11 title II.

12 “(C) REPORTS.—

13 “(i) IN GENERAL.—The Secretary of
14 Interior, acting through the Director, shall
15 make available to the public—

16 “(I) not later than 1 year after
17 the date of enactment of the National
18 Aquatic Invasive Species Act of 2002
19 and annually thereafter, a report that
20 contains the information described in
21 clauses (i) and (ii) of subparagraph
22 (B); and

23 “(II) not later than 2 years after
24 the date of enactment of the National
25 Aquatic Invasive Species Act of 2002

1 and biennially thereafter, a report
2 that contains the information de-
3 scribed in clauses (iii) and (iv) of sub-
4 paragraph (B).

5 “(ii) REPORT TO CONGRESS.—Not
6 later than 3 years after the date of enact-
7 ment of the National Aquatic Invasive Spe-
8 cies Act of 2002, the Assistant Secretary
9 and the Director shall jointly submit to
10 Congress a report that describes—

11 “(I) the efficacy of the Chicago
12 River Ship and Sanitary Canal dis-
13 persal barrier project;

14 “(II) the results of the programs
15 conducted under paragraphs (2) and
16 (3); and

17 “(III) a plan to provide for addi-
18 tional dispersal barrier demonstration
19 projects and further research needs.

20 “(iii) INFORMATION.—The Invasive
21 Species Council, in conjunction with the
22 Task Force, shall include information de-
23 scribed in subparagraph (B) in the report
24 of the Task Force under section
25 1201(f)(2)(B).

1 “(3) PREVENTION AND MITIGATION PLANS FOR
2 CORPS PROJECTS.—In developing projects involving
3 interbasin waterways or other hydrologic alterations
4 that could create pathways for aquatic invasive spe-
5 cies, the Assistant Secretary shall develop adequate
6 prevention and mitigation plans for controlling the
7 dispersal of aquatic invasive species.

8 “(4) TECHNICAL ASSISTANCE.—The Great
9 Lakes Environmental Research Laboratory of the
10 National Oceanic and Atmospheric Administration
11 shall provide technical assistance to appropriate enti-
12 ties to assist in the research conducted under this
13 subsection.”.

14 (2) CONFORMING AMENDMENTS.—

15 (A) Section 1202(i) of the Nonindigenous
16 Aquatic Nuisance Prevention and Control Act
17 of 1990 (16 U.S.C. 4722(i)) is amended—

18 (i) by striking the subsection heading
19 and inserting the following:

20 “(i) INVASIVE SPECIES DEMONSTRATION PRO-
21 GRAM.—”;

22 (ii) by striking paragraph (3);

23 (iii) in paragraph (4), by striking
24 “studies under paragraphs (2) and (3)”

1 and inserting “study under paragraph
2 (2)”; and

3 (iv) by redesignating paragraphs (4)
4 and (5) as paragraphs (3) and (4), respec-
5 tively.

6 (B) Subsections (a)(1)(B) and (b)(2) of
7 section 1203 of the Nonindigenous Aquatic
8 Nuisance Prevention and Control Act of 1990
9 (16 U.S.C. 4723) are amended by striking “sec-
10 tion 1202(i) of this Act” each place it appears
11 and inserting “subsections (i) and (j) of section
12 1202”.

13 (b) IMPROVEMENT OF TREATMENT METHODS FOR
14 AQUATIC INVASIVE SPECIES.—Section 1202 of the Non-
15 indigenous Aquatic Nuisance Prevention and Control Act
16 of 1990 (16 U.S.C. 4722) (as amended by subsection
17 (a)(1)) is amended by inserting after subsection (j) the
18 following:

19 “(k) IMPROVEMENT OF TREATMENT METHODS FOR
20 AQUATIC INVASIVE SPECIES.—

21 “(1) CRITERIA TO EVALUATE ENVIRONMENTAL
22 SOUNDNESS OF TREATMENT METHODS.—

23 “(A) IN GENERAL.—Not later than 18
24 months after the date of enactment of the Na-
25 tional Aquatic Invasive Species Act of 2002, the

1 Administrator, in consultation and cooperation
2 with the Secretary, the Invasive Species Coun-
3 cil, and the Task Force (including any regional
4 panels of the Task Force) shall promulgate cri-
5 teria to evaluate the treatment methods de-
6 scribed in subparagraph (B) for the purpose of
7 ensuring that the treatment methods pose no
8 significant threat of adverse effect on human
9 health, public safety, or the environment (in-
10 cluding air quality and the aquatic environ-
11 ment) that is acute, chronic, cumulative, or col-
12 lective.

13 “(B) TREATMENT METHODS.—The treat-
14 ment methods referred to in subparagraph (A)
15 are all chemical, biological, and other treatment
16 methods used in bodies of water of the United
17 States (regardless of whether the bodies of
18 water are navigable and regardless of the origin
19 of the waters), to prevent, treat, or respond to
20 the introduction of aquatic invasive species.

21 “(C) CONSULTATION.—In carrying out
22 subparagraph (A), the Administrator shall con-
23 sult with—

24 “(i) the Secretary of Transportation;

1 “(ii) the Task Force (including the re-
2 gional panels of the Task Force established
3 under section 1203);

4 “(iii) the Director;

5 “(iv) the Assistant Secretary;

6 “(v) the Director of the National Ma-
7 rine Fisheries Service; and

8 “(vi) relevant State agencies.

9 “(2) PUBLICATION OF INFORMATION ON ENVI-
10 RONMENTALLY SOUND TREATMENT METHODS.—The
11 Administrator, in consultation with the Invasive Spe-
12 cies Council, shall publish (not later than 1 year
13 after the date of enactment of the National Aquatic
14 Invasive Species Act of 2002) and update
15 annually—

16 “(A) a list of environmentally sound treat-
17 ment methods that may apply to a potential
18 aquatic invasive species response effort;

19 “(B) accompanying research that supports
20 the environmental soundness of each approved
21 treatment method; and

22 “(C) explicit guidelines under which each
23 treatment method can be used in an environ-
24 mentally sound manner.

1 “(3) REPORTS.—The Invasive Species Council
2 and Task Force shall include the information de-
3 scribed in paragraph (2) in the reports submitted
4 under section 1201(f)(2)(B).”.

5 (c) RAPID RESPONSE.—Subtitle C of title I of the
6 Nonindigenous Aquatic Nuisance Prevention and Control
7 Act of 1990 (16 U.S.C. 4721 et seq.) (as amended by sec-
8 tion 103(a)) is amended by adding at the end the fol-
9 lowing:

10 **“SEC. 1211. RAPID RESPONSE.**

11 “(a) STATE RAPID RESPONSE CONTINGENCY STRAT-
12 EGIES.—

13 “(1) EMERGENCY FUNDS FOR RAPID RE-
14 SPONSE.—

15 “(A) IN GENERAL.—A State that has in
16 effect a rapid response contingency strategy for
17 invasive species in the State that is approved
18 under paragraph (2) shall be eligible to receive
19 emergency funding for a period of 1 fiscal year
20 to implement rapid response measures for
21 aquatic invasive species under the strategy, sub-
22 ject to renewal, as determined by the Secretary
23 of the Interior and the Secretary in accordance
24 with paragraph (2).

1 “(B) FEDERAL ASSISTANCE.—If a Federal
2 agency carries out a rapid response measure
3 under subparagraph (A) on behalf of a State,
4 the Federal agency shall receive such emergency
5 funding as would have been awarded to the
6 State to carry out the rapid response measure.

7 “(2) APPROVAL OF RAPID RESPONSE CONTIN-
8 GENCY STRATEGIES.—The Task Force, in consulta-
9 tion with the Invasive Species Council, and, with re-
10 spect to any vessels involved, the Secretary, shall ap-
11 prove a State rapid response contingency strategy
12 described in subparagraph (A) if the strategy—

13 “(A) identifies all key governmental and
14 nongovernmental partners to be involved in car-
15 rying out the strategy;

16 “(B) clearly designates the authorities and
17 responsibilities of each partner, including the
18 authority of any State or government of an In-
19 dian tribe to distribute emergency funds;

20 “(C) specifies criteria for rapid response
21 measures, including a diagnostic system that—

22 “(i) distinguishes cases in which rapid
23 response has a likelihood of success and
24 cases in which rapid response has no likeli-
25 hood of success;

1 “(ii) distinguishes rapid response
2 measures from ongoing management and
3 control of established populations of aquatic
4 invasive species; and

5 “(iii) distinguishes instances in which
6 the rate and probability of organism dis-
7 persal is significantly altered by vessel
8 movements;

9 “(D) includes an early detection strategy
10 that supports or complements the early detec-
11 tion and monitoring system developed under
12 section 1106;

13 “(E) provides for a monitoring capability
14 to assess—

15 “(i) the extent of infestations; and

16 “(ii) the effectiveness of rapid re-
17 sponse efforts;

18 “(F) to the maximum extent practicable, is
19 integrated into the State aquatic invasive spe-
20 cies management plan approved under section
21 1204;

22 “(G) does not use any rapid response tools
23 that do not meet environmental criteria devel-
24 oped under subsection (e)(4);

1 “(H) includes a public education and out-
2 reach component directed at—

3 “(i) potential pathways for spread of
4 aquatic invasive species; and

5 “(ii) persons involved in industries
6 and recreational activities associated with
7 those pathways; and

8 “(I) to the extent that the strategy involves
9 vessels, conforms with guidelines issued by the
10 Secretary under subsection (c)(2).

11 “(b) REGIONAL RAPID RESPONSE CONTINGENCY
12 STRATEGIES.—The Task Force, with the concurrence of
13 the Invasive Species Council and in consultation with the
14 regional panels of the Task Force established under sec-
15 tion 1203, shall encourage the development of regional
16 rapid response contingency strategies that—

17 “(1) provide a consistent and coordinated ap-
18 proach to rapid response; and

19 “(2) are approved by—

20 “(A) the Secretary; and

21 “(B) the Governors and Indian tribes hav-
22 ing jurisdiction over areas within a region.

23 “(c) MODEL RAPID RESPONSE CONTINGENCY
24 STRATEGIES.—Not later than 18 months after the date

1 of enactment of the National Aquatic Invasive Species Act
2 of 2002—

3 “(1) the Task Force, with the concurrence of
4 the Invasive Species Council and the regional panels
5 of the Task Force established under section 1203,
6 shall develop—

7 “(A) a model State rapid response contin-
8 gency strategy for aquatic invasive species; and

9 “(B) a model regional rapid response con-
10 tingency strategy for aquatic invasive species;
11 and

12 “(2) the Secretary shall issue guidelines for the
13 inclusion of vessel-related requirements into a rapid
14 response contingency strategy, including specific re-
15 quirements for strategy provisions that may be ap-
16 proved under subsection (a)(2)(J).

17 “(d) COST SHARING.—

18 “(1) STATE RAPID RESPONSE CONTINGENCY
19 STRATEGIES.—The Federal share of the cost of ac-
20 tivities carried out under a State rapid response con-
21 tingency strategy approved under subsection (a)
22 shall be 50 percent.

23 “(2) REGIONAL RAPID RESPONSE CONTINGENCY
24 STRATEGIES.—The Federal share of the cost of ac-
25 tivities carried out under a regional rapid response

1 contingency strategy approved under subsection (b)
2 shall be 75 percent.

3 “(e) FEDERAL RAPID RESPONSE TEAMS.—

4 “(1) ESTABLISHMENT OF TEAMS.—Not later
5 than 1 year after the date of enactment of the Na-
6 tional Aquatic Invasive Species Act of 2002, the
7 Invasive Species Council, in coordination with the
8 Task Force and the heads of appropriate Federal
9 agencies, shall establish a Federal rapid response
10 team for each of the 10 Federal regions that com-
11 prise the Standard Federal Regional Boundary Sys-
12 tem.

13 “(2) DUTIES OF TEAMS.—Each Federal rapid
14 response team shall, at a minimum—

15 “(A) implement rapid eradication or con-
16 trol responses for newly detected aquatic
17 invasive species on Federal and tribal land;

18 “(B) carry out, or assist in carrying out,
19 rapid responses for newly detected aquatic
20 invasive species on non-Federal land at the re-
21 quest of a State, Indian tribe, or group of
22 States or Indian tribes, with a rapid response
23 contingency strategy approved under subsection
24 (a) or (b);

1 “(C) provide training and expertise for
2 State, tribal, or regional rapid responders;

3 “(D) provide central sources of informa-
4 tion for rapid responders;

5 “(E) maintain a list of researchers and
6 rapid response volunteers; and

7 “(F) in carrying out any rapid response
8 activity with respect to an aquatic noxious weed
9 listed under section 412(f) of the Plant Protec-
10 tion Act (7 U.S.C. 7712(f)), include representa-
11 tives of the Animal and Plant Health Inspection
12 Service.

13 “(3) CRITERIA FOR IDENTIFYING CASES OF
14 RAPID RESPONSE WARRANTING FEDERAL ASSIST-
15 ANCE.—Not later than 1 year after the date of en-
16 actment of the National Aquatic Invasive Species
17 Act of 2002, the Task Force, with the concurrence
18 of the Invasive Species Council, shall develop criteria
19 to identify cases of rapid response warranting Fed-
20 eral assistance under this subsection, including cri-
21 teria relating to, at a minimum—

22 “(A) the extent to which infestations of
23 aquatic invasive species may be managed suc-
24 cessfully by rapid response;

1 “(B) the extent to which rapid response ef-
2 forts may differ from ongoing management and
3 control; and

4 “(C) the extent to which infestations of
5 nonindigenous aquatic invasive species are con-
6 sidered to be an acute or chronic threat to—

7 “(i) biodiversity of native fish and
8 wildlife;

9 “(ii) habitats of native fish and wild-
10 life; or

11 “(iii) human health.

12 “(4) ENVIRONMENTAL CRITERIA.—Not later
13 than 1 year after the date of enactment of the Na-
14 tional Aquatic Invasive Species Act of 2002, the Ad-
15 ministrator, in consultation with the Invasive Spe-
16 cies Council, the Secretary of Transportation, the
17 Task Force (including regional panels of the Task
18 Force established under section 1203), the Director,
19 and the Director of the National Marine Fisheries
20 Service, shall develop environmental criteria to mini-
21 mize nontarget environmental impacts of rapid re-
22 sponses carried out pursuant to this section.

23 “(f) NATIONAL NUTRIA CONTROL PROGRAM.—

24 “(1) IN GENERAL.—Not later than 180 days
25 after the date of enactment of the National Aquatic

1 Invasive Species Act of 2002, the Task Force shall
2 establish a national subcommittee on nutria com-
3 posed of representatives of—

4 “(A) the United States Fish and Wildlife
5 Service;

6 “(B) the United States Geological Survey;

7 “(C) State fish and wildlife agencies in
8 States affected by nutria; and

9 “(D) nonprofit and commercial interests in
10 nutria and the impact of nutria on native habi-
11 tat and species.

12 “(2) PROPOSAL FOR NUTRIA CONTROL.—Not
13 later than 1 year after the date of enactment of the
14 National Aquatic Invasive Species Act of 2002, the
15 subcommittee shall—

16 “(A) report to the Task Force on actions
17 taken to carry out this subsection;

18 “(B) draft a proposal for—

19 “(i) nutria control guidelines; and

20 “(ii) support, criteria, and processes
21 for grants to promote State and regional
22 partnership efforts to control nutria in ac-
23 cordance with the guidelines; and

24 “(C) submit the proposal to the Task
25 Force for approval, including a recommendation

1 to the Task Force on national priority tasks
2 and resources required to carry out the pro-
3 posal.

4 “(3) OTHER DUTIES.—In addition to the re-
5 sponsibilities described in paragraph (2), the sub-
6 committee shall—

7 “(A) oversee and coordinate implementa-
8 tion of approved national priority tasks relating
9 to nutria control;

10 “(B) review State and regional partnership
11 grant proposals and make recommendations to
12 the Task Force on making grants to carry out
13 the proposals; and

14 “(C) carry out additional duties assigned
15 to the subcommittee by the Task Force (includ-
16 ing a co-chairperson of the Task Force).”.

17 **SEC. 108. BROWN TREE SNAKE CONTROL PROGRAM.**

18 Section 1209 of the Nonindigenous Aquatic Nuisance
19 Prevention and Control Act of 1990 (16 U.S.C. 4728) is
20 amended to read as follows:

21 **“SEC. 1209. BROWN TREE SNAKE CONTROL PROGRAM.**

22 “(a) IN GENERAL.—The Task Force and the
23 Invasive Species Council shall support the continuation
24 and expansion of a regionally-based comprehensive, envi-
25 ronmentally sound program, conducted in coordination

1 with territories and possessions of the United States,
2 States, and political subdivisions, to control the brown tree
3 snake on Guam, the Commonwealth of the Northern Mar-
4 iana Islands, the State of Hawaii, and other areas in
5 which the brown tree snake is, or may become, established
6 outside of the historic range of the brown tree snake.

7 “(b) COMPONENTS.—The program shall include—

8 “(1) the expansion of Federal and territorial
9 control programs on Guam that reduce the undesir-
10 able impact of the brown tree snake on Guam and
11 reduce the risk of spread to areas in which the snake
12 is not established;

13 “(2) the expansion of existing control programs
14 in the Commonwealth of the Northern Mariana Is-
15 lands and the State of Hawaii, including the estab-
16 lishment of interagency rapid response teams to as-
17 sist local governments with detecting brown tree
18 snakes and incipient brown tree snake populations in
19 areas in which brown tree snakes are not estab-
20 lished;

21 “(3) product-oriented research based on control
22 program needs, including projects to reduce the
23 number of brown tree snakes on Guam and an anal-
24 ysis of pathways for brown tree snake introduction
25 into areas in which the species is not established;

1 “(4) the appointment of a coordinator by the
2 Invasive Species Council to provide oversight and di-
3 rection over Federal actions dealing with brown tree
4 snake control; and

5 “(5) the continuation of the Brown Tree Snake
6 Control Committee, which shall—

7 “(A) be chaired by the coordinator; and

8 “(B) meet annually to plan and coordinate
9 ongoing brown tree snake control activities on
10 a regional and national level.”.

11 **SEC. 109. INFORMATION, EDUCATION, AND OUTREACH.**

12 Section 1202(h) of the Nonindigenous Aquatic Nui-
13 sance Prevention and Control Act of 1990 (16 U.S.C.
14 4722(h)) is amended—

15 (1) by striking “(h) EDUCATION.—The Task
16 Force” and inserting the following

17 “(h) INFORMATION, EDUCATION, AND OUTREACH.—

18 “(1) IN GENERAL.—The Task Force”; and

19 (2) by adding at the end the following:

20 “(2) ACTIVITIES.—

21 “(A) IN GENERAL.—The programs carried
22 out under paragraph (1) shall include the ac-
23 tivities described in this paragraph.

24 “(B) PUBLIC OUTREACH.—

1 “(i) PUBLIC WARNINGS.—Not later
2 than 180 days after the date of enactment
3 of the National Aquatic Invasive Species
4 Act of 2002, each Federal officer of an
5 agency that provides Federal funds to
6 States for building or maintaining public
7 access points to United States water bodies
8 shall amend the guidelines of the agency,
9 in consultation with relevant State agen-
10 cies, to encourage the posting of regionally-
11 specific public warnings or other suitable
12 informational and educational materials at
13 the access points regarding—

14 “(I) the danger of spread of
15 aquatic invasive species through the
16 transport of recreational watercraft;
17 and

18 “(II) methods for removing orga-
19 nisms prior to transporting a
20 watercraft.

21 “(ii) CLEANING OF WATERCRAFT AT
22 MARINAS.—Not later than 1 year after the
23 date of enactment of the National Aquatic
24 Invasive Species Act of 2002, the Under
25 Secretary (in consultation with the States,

1 relevant industry groups, and Indian
2 tribes) shall develop a concerted education,
3 outreach, and training program directed
4 toward marinas and marina operators
5 regarding—

6 “(I) checking watercraft for live
7 organisms;

8 “(II) removing live organisms
9 from the watercraft before the
10 watercraft are commercially or
11 recreationally trailered;

12 “(III) encouraging regular hull
13 cleaning and maintenance, avoiding
14 in-water hull cleaning; and

15 “(IV) other activities, as identi-
16 fied by the Secretary.

17 “(iii) PROPER DISPOSAL OF NON-
18 NATIVE LIVE AQUATIC ORGANISMS IN
19 TRADE.—The Task Force shall—

20 “(I) not later than 1 year after
21 the date of enactment of the National
22 Aquatic Invasive Species Act of 2002,
23 develop (in consultation with industry
24 and other affected parties) guidelines

1 for proper disposal of live nonnative
2 aquatic organisms in trade; and

3 “(II) use the guidelines in appro-
4 priate public information and out-
5 reach efforts.

6 “(C) 100TH MERIDIAN PROGRAM.—

7 “(i) IN GENERAL.—Not later than 1
8 year after the date of enactment of the
9 National Aquatic Invasive Species Act of
10 2002, the Task Force shall develop an in-
11 formation and education program directed
12 at recreational boaters in States from
13 which watercraft are transported westward
14 across the 100th meridian.

15 “(ii) ACTIVITIES.—In carrying out the
16 program, the task force shall—

17 “(I) survey owners of watercraft
18 transported westward across the
19 100th meridian to determine the
20 States of origin of most such owners;

21 “(II) provide information directly
22 to watercraft owners concerning the
23 importance of cleaning watercraft car-
24 rying live organisms before trans-
25 porting the watercraft; and

1 “(III) support education and in-
2 formation programs of the States of
3 origin to ensure that the State pro-
4 grams address westward spread.

5 “(D) INFORMATION AND EDUCATION PRO-
6 GRAM BY NATIONAL PARK SERVICE.—The Sec-
7 retary of the Interior, acting through the Direc-
8 tor of the National Park Service, shall develop
9 a program to provide public outreach and other
10 educational activities to prevent the spread of
11 aquatic invasive species by recreational
12 watercraft in parkland or through events spon-
13 sored by the National Park Service, including
14 the Lewis and Clark Bicentennial Expedition.

15 “(3) OUTREACH TO INDUSTRY.—The Task
16 Force, in conjunction with the Invasive Species
17 Council, shall carry out activities to inform and pro-
18 mote voluntary cooperation and regulatory compli-
19 ance by members of the national and international
20 maritime, horticultural, aquarium, aquaculture, and
21 pet trade industries with screening, monitoring, and
22 control of the transportation of aquatic invasive spe-
23 cies.

24 “(4) PUBLIC ACCESS TO MONITORING INFORMA-
25 TION.—The Task Force, in consultation with the

1 Smithsonian Environmental Research Center, the
2 Invasive Species Council, and other agencies, shall
3 maintain information on the Internet regarding—

4 “(A) the best approaches for the public
5 and private interests to use in assisting with
6 national early detection and monitoring of
7 aquatic invasive species in waters of the United
8 States;

9 “(B) contact locations for joining a na-
10 tional network of monitoring stations;

11 “(C) approved State Management Plans
12 under section 1204(a) and Rapid Response
13 Contingency Strategies under sections
14 1211(a)(2) and 1211(c); and

15 “(D) the list of potential invaders under
16 section 1106(e).”.

17 **TITLE II—AUTHORIZATION OF** 18 **APPROPRIATIONS**

19 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

20 Section 1301 of the Nonindigenous Aquatic Nuisance
21 Prevention and Control Act of 1990 (16 U.S.C. 4741) is
22 amended to read as follows:

23 **“SEC. 1301. AUTHORIZATION OF APPROPRIATIONS.**

24 “(a) IN GENERAL.—Except as otherwise provided in
25 this section, there are authorized to be appropriated such

1 sums as are necessary to carry out this Act for each of
2 fiscal years 2003 through 2007.

3 “(b) TASK FORCE AND AQUATIC NUISANCE SPECIES
4 PROGRAM.—There are authorized to be appropriated for
5 each of fiscal years 2003 through 2007—

6 “(1) \$8,000,000, to carry out activities of the
7 Task Force under section 1202, of which—

8 “(A) \$4,000,000 shall be used by the Di-
9 rector;

10 “(B) \$3,000,000 shall be used by the Na-
11 tional Oceanic and Atmospheric Administration;
12 and

13 “(C) \$1,000,000 shall be used by the
14 Invasive Species Council;

15 “(2) \$30,000,000, to provide grants under sec-
16 tion 1204(b);

17 “(3) \$3,000,000, to provide assistance to the
18 regional panels of the Task Force;

19 “(4) \$1,000,000, to be used by the Director to
20 carry out section 1105(f); and

21 “(5) \$6,000,000, to be used by the Secretary of
22 the Interior to carry out section 1209.

23 “(c) INTERNATIONAL COORDINATION.—There is au-
24 thorized to be appropriated to the Department of State

1 to carry out section 1403 \$1,000,000 for each of fiscal
2 years 2003 through 2007.

3 “(d) PREVENTION OF INTRODUCTION BY VESSELS
4 OF AQUATIC INVASIVE SPECIES INTO WATERS OF THE
5 UNITED STATES.—There are authorized to be appro-
6 priated for each of fiscal years 2003 through 2007—

7 “(1) \$6,000,000, to be used by the Secretary to
8 carry out section 1101;

9 “(2) \$2,500,000, to be used by the Adminis-
10 trator to carry out section 1101; and

11 “(3) \$2,750,000, to be used by the Task Force
12 to carry out section 1101, of which—

13 “(A) \$1,500,000 shall be used by the Di-
14 rector; and

15 “(B) \$1,250,000 shall be used by the Na-
16 tional Oceanic and Atmospheric Administration.

17 “(e) PREVENTION OF THE INTRODUCTION BY NON-
18 VESSEL PATHWAYS OF AQUATIC INVASIVE SPECIES INTO
19 WATERS OF THE UNITED STATES.—There are authorized
20 to be appropriated for each of fiscal years 2003 through
21 2007—

22 “(1) \$5,000,000, to carry out the priority path-
23 way management program under section 1210, of
24 which—

1 “(A) \$2,000,000 shall be used by the Na-
2 tional Oceanic and Atmospheric Administration;
3 and

4 “(B) \$3,000,000 shall be used by the Di-
5 rector;

6 “(2) \$1,000,000, to be used by the Invasive
7 Species Council to establish screening guidelines
8 under section 1105(b); and

9 “(3) \$3,500,000, to be used by the Director to
10 promulgate and implement screening requirements
11 under section 1105(f).

12 “(f) EARLY DETECTION AND MONITORING.—There
13 is authorized to be appropriated, to carry out early detec-
14 tion, monitoring, and survey planning and implementation
15 under section 1106, \$2,000,000 for each of fiscal years
16 2003 and 2004 and \$10,000,000 for each of fiscal years
17 2005 through 2007, of which—

18 “(1) for each of fiscal years 2003 and 2004—

19 “(A) \$1,000,000 shall be used by the Na-
20 tional Oceanic and Atmospheric Administration;
21 and

22 “(B) \$1,000,000 shall be used by the Di-
23 rector; and

24 “(2) for each of fiscal years 2005 through
25 2007—

1 “(A) \$5,000,000 shall be used by the Na-
2 tional Oceanic and Atmospheric Administration;
3 and

4 “(B) \$5,000,000 shall be used by the Di-
5 rector.

6 “(g) CONTAINMENT AND CONTROL.—

7 “(1) DISPERSAL BARRIERS.—There are author-
8 ized to be appropriated for each of fiscal years 2003
9 through 2007—

10 “(A) \$300,000, to be used by the Assistant
11 Secretary in carrying out operation and mainte-
12 nance of the Chicago River Canal Dispersal
13 Barrier under section 1202(j)(1);

14 “(B) \$1,800,000, to be used by the Assist-
15 ant Secretary in carrying out the complete con-
16 struction of the Chicago River Canal Dispersal
17 Barrier;

18 “(C) \$8,000,000, to be used by the Assist-
19 ant Secretary for the construction of a second
20 long-service life barrier for the Chicago River
21 Canal;

22 “(D) \$500,000, to be used by the Assist-
23 ant Secretary to carry out a feasibility study for
24 the construction described in subparagraph (C);
25 and

1 “(E) \$2,150,000, to be used by the Direc-
2 tor to carry out the monitoring program under
3 section 1202(j)(2).

4 “(2) RAPID RESPONSE.—There are authorized
5 to be appropriated for each of fiscal years 2003
6 through 2007—

7 “(A) \$25,000,000, to the rapid response
8 fund of the Secretary of the Interior established
9 under section 1211;

10 “(B) \$1,000,000, to be used by the
11 Invasive Species Council in developing the State
12 and regional rapid response contingency strat-
13 egy under section 1211; and

14 “(C) \$1,500,000, to be used for Federal
15 rapid response teams under section 1211(e), of
16 which—

17 “(i) \$500,000 shall be used by the
18 National Oceanic and Atmospheric Admin-
19 istration; and

20 “(ii) \$1,000,000 shall be used by the
21 Director.

22 “(3) ENVIRONMENTAL SOUNDNESS.—There is
23 authorized to be appropriated for establishment
24 under section 1202(k) of criteria for the improve-
25 ment of treatment methods for aquatic invasive spe-

1 cies \$600,000 for each of fiscal years 2003 through
2 2007.

3 “(4) NATIONAL NUTRIA CONTROL PROGRAM.—
4 There is authorized to be appropriated to the Direc-
5 tor to carry out the national nutria control program
6 under section 1211(f) \$3,000,000 for each of fiscal
7 years 2003 through 2007.

8 “(h) INFORMATION, EDUCATION AND OUTREACH.—
9 There are authorized to be appropriated for each of fiscal
10 years 2003 through 2007—

11 “(1) \$500,000, to be used by the Secretary of
12 the Interior to carry out the information and edu-
13 cation program under section 1202(h)(2)(D);

14 “(2) \$750,000, to be used by the Director in
15 carrying out the 100th meridian program under sec-
16 tion 1202(h)(2)(C);

17 “(3) \$2,000,000, to be used to carry out infor-
18 mational and educational activities of the Task
19 Force under section 1202(h), of which—

20 “(A) \$1,000,000 shall be used by the Na-
21 tional Oceanic and Atmospheric Administration;
22 and

23 “(B) \$1,000,000 shall be used by the Di-
24 rector; and

1 “(4) \$500,000, to be used by the National Ocea-
2 nic and Atmospheric Administration to carry out
3 section 1202(h)(2)(B)(ii).”.

4 **TITLE III—CONFORMING** 5 **AMENDMENTS**

6 **SEC. 301. CONFORMING AMENDMENTS.**

7 (a) IN GENERAL.—The Nonindigenous Aquatic Nui-
8 sance Prevention and Control Act of 1990 is amended—

9 (1) in section 1101 (16 U.S.C. 4711), by strik-
10 ing the section heading and inserting the following:

11 **“SEC. 1101. PREVENTION OF INTRODUCTION OF AQUATIC**
12 **INVASIVE SPECIES INTO WATERS OF THE**
13 **UNITED STATES BY VESSELS.”;**

14 (2) in section 1102 (16 U.S.C. 4712)—

15 (A) in subsection (a), by striking the sub-
16 section heading and inserting the following:

17 **“(a) STUDIES ON INTRODUCTION OF AQUATIC INVASIVE**
18 **SPECIES BY VESSELS.—”;** and

19 (B) in subsection (b)—

20 (i) by striking paragraph (1); and

21 (ii) by redesignating paragraphs (2)
22 and (3) as paragraphs (1) and (2), respec-
23 tively;

1 (3) in subtitle C (16 U.S.C. 4721 et seq.), by
2 striking the subtitle heading and inserting the fol-
3 lowing:

4 **“Subtitle C—Prevention and Con-**
5 **trol of Aquatic Invasive Species**
6 **Dispersal”;**

7 (4) in section 1201(a) (16 U.S.C. 4721(a)), by
8 striking “Nuisance Species” and inserting “Invasive
9 Species”;

10 (5) in section 1202 (16 U.S.C. 4722), by strik-
11 ing the section heading and inserting the following:

12 **“SEC. 1202. AQUATIC INVASIVE SPECIES PROGRAM.”;**

13 (6) in section 1204 (16 U.S.C. 4724), by strik-
14 ing the section heading and inserting the following:

15 **“SEC. 1204. STATE AQUATIC INVASIVE SPECIES MANAGE-**
16 **MENT PLANS.”;**

17 and

18 (7) by striking “aquatic nuisance species” each
19 place it appears and inserting “aquatic invasive spe-
20 cies”.

21 (b) SHORT TITLE.—

22 (1) Section 1001 of the Nonindigenous Aquatic
23 Nuisance Prevention and Control Act of 1990 (16
24 U.S.C. 4701) is amended by striking “Nonindige-

1 nous Aquatic Nuisance” and inserting “Nonindige-
2 nous Aquatic Invasive Species”.

3 (2) REFERENCES.—Any reference in a law,
4 map, regulation, document, paper, or other record of
5 the United States to the Nonindigenous Aquatic
6 Nuisance Prevention and Control Act of 1990 shall
7 be deemed to be a reference to the Nonindigenous
8 Aquatic Invasive Species Prevention and Control Act
9 of 1990.

○