

117TH CONGRESS
1ST SESSION

H. R. 5692

To prevent the spread of aquatic invasive species in western waters, and
for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 22, 2021

Mr. GARAMENDI (for himself and Mr. AMODEI) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Natural 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 prevent the spread of aquatic invasive species in western
waters, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Stop the Spread of
5 Invasive Mussels Act of 2021”.

6 **SEC. 2. BUREAU OF RECLAMATION ASSISTANCE.**

7 (a) DEFINITIONS.—In this section—

1 (1) the term “aquatic invasive species” has the
2 meaning given that term “aquatic nuisance species”
3 in section 1003 of the Nonindigenous Aquatic Nui-
4 sance Prevention and Control Act of 1990 (16
5 U.S.C. 4702);

6 (2) the term “reclamation project” has the
7 meaning given that term in section 2803(3) of the
8 Reclamation Projects Authorization and Adjustment
9 Act of 1992 (16 U.S.C. 460l-32(3));

10 (3) the term “reclamation State” has the mean-
11 ing given that term in section 4014 of the Water In-
12 frastructure Improvements for the Nation Act (43
13 U.S.C. 390b note);

14 (4) the term “recreational vessel” has the
15 meaning given that term in section 502(25) of the
16 Federal Water Pollution Control Act (33 U.S.C.
17 1362(25)); and

18 (5) the term “Secretary” means the Secretary
19 of the Interior, acting through the Commissioner of
20 Reclamation.

21 (b) WATERCRAFT INSPECTION IN RECLAMATION
22 STATES.—The Secretary shall provide financial assistance
23 to a reclamation State to prevent the spread of aquatic
24 invasive species into, within, and out of reclamation
25 projects, including financial assistance to purchase, estab-

1 lish, operate, or maintain a watercraft inspection and de-
2 contamination station, if the Secretary determines that
3 the financial assistance is—

4 (1) necessary; and

5 (2) in the interests of the United States.

6 (c) COST SHARE.—The non-Federal share of the cost
7 of purchasing, establishing, operating, and maintaining a
8 watercraft inspection and decontamination station (includ-
9 ing a non-Federal watercraft inspection and decontamina-
10 tion station) under subsection (b), including personnel
11 costs, shall be—

12 (1) 25 percent; and

13 (2) provided by the reclamation State, or a unit
14 of local government in the reclamation State, in
15 which the watercraft inspection and decontamination
16 station or other project is located.

17 (d) PRIORITY.—In providing financial assistance to
18 a reclamation State under subsection (b), the Secretary
19 shall give priority to—

20 (1) a watercraft inspection and decontamination
21 station that has the highest likelihood of preventing
22 the spread of aquatic invasive species at reservoirs
23 of reclamation projects; and

24 (2) a project that—

1 (A) would prevent the spread of an aquatic
2 invasive species to waters under the jurisdiction
3 of the Secretary, including an irrigation, rec-
4 lamation, or other water project;

5 (B) aligns with—

6 (i) priorities of the reclamation State;

7 and

8 (ii) the document submitted to the
9 Aquatic Nuisance Species Task Force enti-
10 tled “Quagga-Zebra Mussel Action Plan
11 for Western U.S. Waters” and dated Sep-
12 tember 29, 2020, and any subsequent up-
13 dates to such document submitted to the
14 Task Force; and

15 (C) includes a plan for minimizing disrup-
16 tions to boating access for non-contaminated
17 recreational vessels to the greatest extent prac-
18 ticable, which may include recommendations
19 provided by the Aquatic Nuisance Species Task
20 Force established under section 1201(b) of the
21 Nonindigenous Aquatic Nuisance Prevention
22 and Control Act of 1990 (16 U.S.C. 4721(b)).

23 (e) COORDINATION.—In carrying out this section, the
24 Secretary shall consult and coordinate with—

25 (1) each of the reclamation States;

1 (2) affected federally recognized Indian Tribes;
2 and

3 (3) the heads of appropriate Federal agencies.

4 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
5 authorized to be appropriated to carry out this section
6 \$25,000,000 for fiscal year 2022 and each fiscal year
7 thereafter.

8 **SEC. 3. RECREATIONAL VESSEL INSPECTION AND DECON-**
9 **TAMINATION AUTHORITY.**

10 (a) RECREATIONAL VESSEL DEFINED.—Section
11 1003 of the Nonindigenous Aquatic Nuisance Prevention
12 and Control Act of 1990 (16 U.S.C. 4702) is amended—

13 (1) by inserting after paragraph (12) the fol-
14 lowing:

15 “(13) ‘State’ means each of the several States,
16 the District of Columbia, American Samoa, Guam,
17 Puerto Rico, the Northern Mariana Islands, and the
18 Virgin Islands of the United States.”;

19 (2) in paragraph (16), by striking “and” at the
20 end;

21 (3) in paragraph (17), by striking the period
22 and inserting “; and”;

23 (4) by redesignating paragraphs (13) through
24 (17) as paragraphs (14) through (18), respectively;
25 and

1 (5) by adding at the end the following:

2 “(19) ‘recreational vessel’ has the meaning
3 given that term in section 502(25) of the Federal
4 Water Pollution Control Act (33 U.S.C.
5 1362(25)).”.

6 (b) OBSERVERS.—Section 1201 of the Nonindigenous
7 Aquatic Nuisance Prevention and Control Act of 1990 (16
8 U.S.C. 4721) is amended by adding at the end the fol-
9 lowing:

10 “(g) OBSERVERS.—The chairpersons designated
11 under subsection (d) may invite representatives of non-
12 governmental entities to participate as observers of the
13 Task Force.”.

14 (c) AQUATIC NUISANCE SPECIES TASK FORCE.—
15 Section 1201(b) of the Nonindigenous Aquatic Nuisance
16 Prevention and Control Act of 1990 (16 U.S.C. 4721(b))
17 is amended—

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

20 (2) by redesignating paragraph (7) as para-
21 graph (10); and

22 (3) by inserting after paragraph (6) the fol-
23 lowing:

24 “(7) the Director of the National Park Service;

1 “(8) the Director of the Bureau of Land Man-
2 agement;

3 “(9) the Commissioner of Reclamation; and”.

4 (d) AQUATIC NUISANCE SPECIES PROGRAM.—Sec-
5 tion 1202 of the Nonindigenous Aquatic Nuisance Preven-
6 tion and Control Act of 1990 (16 U.S.C. 4722) is amend-
7 ed—

8 (1) in subsection (b)—

9 (A) in paragraph (5), by striking “and” at
10 the end;

11 (B) in paragraph (6), by striking the pe-
12 riod at the end and inserting “; and”; and

13 (C) by adding at the end the following:

14 “(7) not later than 90 days after the date of
15 enactment of the Stop the Spread of Invasive Mus-
16 sels Act of 2021, recommend legislative, pro-
17 grammatic, or regulatory changes to eliminate re-
18 maining gaps in authorities between members of the
19 Task Force to effectively manage and control the
20 movement of aquatic nuisance species into, within,
21 or out of waters of the United States.”;

22 (2) in subsection (c), by adding at the end the
23 following:

24 “(3) MANDATORY INSPECTION AND DECON-
25 TAMINATION.—To limit the movement of aquatic

1 nuisance species into, within, or out of waters of the
2 United States, each member of the Task Force may,
3 as appropriate and in coordination with States—

4 “(A) conduct mandatory inspections and
5 decontamination of recreational vessels;

6 “(B) if necessary, impound, quarantine, or
7 otherwise prevent entry of a recreational vessel;
8 and

9 “(C) partner with State and local govern-
10 mental agencies to conduct inspections and de-
11 contaminations under this paragraph and ac-
12 cept any such inspections and decontamination
13 by States and local government agencies for the
14 purposes of allowing entry by recreational ves-
15 sels to water regulated by such member of the
16 Task Force.

17 “(4) EXCEPTIONS.—

18 “(A) Nothing in paragraph (3) shall be
19 construed to—

20 “(i) limit the authority of the Com-
21 mandant of the Coast Guard to regulate
22 vessels provided under any other provision
23 of law;

24 “(ii) limit the authority, jurisdiction,
25 or responsibilities of a State to manage,

1 control, or regulate fish and wildlife under
2 the laws and regulations of the State;

3 “(iii) authorize members of the Task
4 Force to control or regulate within a State
5 the fishing or hunting of fish and wildlife;
6 or

7 “(iv) authorize State and local govern-
8 mental agencies to impound or quarantine
9 vessels using Federal authority.

10 “(B) Authorities granted in paragraph (3)
11 shall not apply at locations where—

12 “(i) inspection or decontamination ac-
13 tivities would duplicate efforts by the Coast
14 Guard under the Vessel Incidental Dis-
15 charge Act of 2018 (Title IX of Public
16 Law 115–282; 132 Stat. 4322);

17 “(ii) inspection or decontamination
18 activities would duplicate efforts by the
19 Coast Guard under section 312(o) of the
20 Federal Water Pollution Control Act (33
21 U.S.C. 1322(o));

22 “(iii) inspection or decontamination
23 activities are conducted by the Coast
24 Guard under any other provision of law; or

1 “(iv) the Coast Guard is exercising its
2 authority to direct vessel traffic pursuant
3 to section 70002 or section 70021 of title
4 46, United States Code.”; and

5 (3) in subsection (e)—

6 (A) in paragraph (1)—

7 (i) in the first sentence, by inserting
8 “, economy, infrastructure,” after “envi-
9 ronment”; and

10 (ii) in the second sentence, by insert-
11 ing “(including through the use of rec-
12 reational vessel inspection and decon-
13 tamination stations)” after “aquatic nui-
14 sance species”;

15 (B) in paragraph (2), in the second sen-
16 tence, by inserting “infrastructure, and the”
17 after “ecosystems,”; and

18 (C) by adding at the end the following:

19 “(4) TECHNICAL ASSISTANCE AND REC-
20 COMMENDATIONS.—The Task Force may provide
21 technical assistance and recommendations for best
22 practices to an agency or entity engaged in inspec-
23 tions or decontaminations under subsection (c) or re-
24 ceiving funds under section 2 of the Stop the Spread

1 of Invasive Mussels Act of 2021 for the purpose
2 of—

3 “(A) effectively managing and controlling
4 the movement of aquatic nuisance species into,
5 within, or out of waters of the United States;
6 and

7 “(B) inspecting recreational vessels in a
8 manner that minimizes disruptions to public ac-
9 cess for boating and recreation in non-contami-
10 nated vessels.

11 “(5) COORDINATION.—In carrying out para-
12 graph (4), including the development of rec-
13 ommendations, the Task Force may coordinate
14 with—

15 “(A) State fish and wildlife management
16 agencies;

17 “(B) other State agencies that manage
18 fishery resources of the State, sustain fishery
19 habitat, or manage and remove aquatic nui-
20 sance species; and

21 “(C) relevant nongovernmental entities.”.

1 **SEC. 4. TECHNICAL CORRECTIONS AND CONFORMING**
2 **AMENDMENTS.**

3 The Nonindigenous Aquatic Nuisance Prevention and
4 Control Act of 1990 (16 U.S.C. 4701 et seq.) is further
5 amended—

6 (1) in section 1002(b)(2), by inserting a comma
7 after “funded”;

8 (2) in section 1003, in paragraph (7), by strik-
9 ing “Canandian” and inserting “Canadian”;

10 (3) in section 1203(a)—

11 (A) in paragraph (1)(F), by inserting
12 “and” after “research,”; and

13 (B) in paragraph (3), by striking “encour-
14 age” and inserting “encouraged”;

15 (4) in section 1204(b)(4), in the paragraph
16 heading, by striking “ADMINISRATIVE” and inserting
17 “ADMINISTRATIVE”;

18 (5) in section 1209, by striking “subsection
19 (a)” and inserting “section 1202(a)”;

20 (6) in section 1301(a)(2), by striking
21 “4712(a)(2)” and inserting “4712(a)(2)”.

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