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) the term “aquatic invasive species” has the meaning given that term “aquatic nuisance species” in section 1003 of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4702);

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

(3) the term “reclamation State” has the meaning given that term in section 4014 of the Water Infrastructure Improvements for the Nation Act (43 U.S.C. 390b note);

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

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

(b) WATERCRAFT INSPECTION IN RECLAMATION STATES.—The Secretary shall provide financial assistance to a reclamation State to prevent the spread of aquatic invasive species into, within, and out of reclamation projects, including financial assistance to purchase, estab-
lish, operate, or maintain a watercraft inspection and de-
contamination station, if the Secretary determines that
the financial assistance is—

(1) necessary; and

(2) in the interests of the United States.

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

(1) 25 percent; and

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

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

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

(2) a project that—
(A) would prevent the spread of an aquatic invasive species to waters under the jurisdiction of the Secretary, including an irrigation, reclamation, or other water project;

(B) aligns with—

(i) priorities of the reclamation State;

and

(ii) the document submitted to the Aquatic Nuisance Species Task Force entitled “Quagga-Zebra Mussel Action Plan for Western U.S. Waters” and dated September 29, 2020, and any subsequent updates to such document submitted to the Task Force; and

(C) includes a plan for minimizing disruptions to boating access for non-contaminated recreational vessels to the greatest extent practicable, which may include recommendations provided by the Aquatic Nuisance Species Task Force established under section 1201(b) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4721(b)).

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

(1) each of the reclamation States;
(2) affected federally recognized Indian Tribes; and

(3) the heads of appropriate Federal agencies.

(f) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $25,000,000 for fiscal year 2022 and each fiscal year thereafter.

SEC. 3. RECREATIONAL VESSEL INSPECTION AND DECONTAMINATION AUTHORITY.

(a) Recreational Vessel Defined.—Section 1003 of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4702) is amended—

(1) by inserting after paragraph (12) the following:

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

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

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

(4) by redesignating paragraphs (13) through (17) as paragraphs (14) through (18), respectively; and
(5) by adding at the end the following:

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

(b) OBSERVERS.—Section 1201 of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4721) is amended by adding at the end the following:

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

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

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

(2) by redesignating paragraph (7) as paragraph (10); and

(3) by inserting after paragraph (6) the following:

“(7) the Director of the National Park Service;
“(8) the Director of the Bureau of Land Management;

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

(d) AQUATIC NUISANCE SPECIES PROGRAM.—Section 1202 of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4722) is amended—

(1) in subsection (b)—

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

(B) in paragraph (6), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(7) not later than 90 days after the date of enactment of the Stop the Spread of Invasive Mussels Act of 2021, recommend legislative, programmatic, or regulatory changes to eliminate remaining gaps in authorities between members of the Task Force to effectively manage and control the movement of aquatic nuisance species into, within, or out of waters of the United States.”;

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

“(3) MANDATORY INSPECTION AND DECONTAMINATION.—To limit the movement of aquatic
nuisance species into, within, or out of waters of the United States, each member of the Task Force may, as appropriate and in coordination with States—

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

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

“(C) partner with State and local governmental agencies to conduct inspections and decontaminations under this paragraph and accept any such inspections and decontamination by States and local government agencies for the purposes of allowing entry by recreational vessels to water regulated by such member of the Task Force.

“(4) EXCEPTIONS.—

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

“(i) limit the authority of the Commandant of the Coast Guard to regulate vessels provided under any other provision of law;

“(ii) limit the authority, jurisdiction, or responsibilities of a State to manage,
control, or regulate fish and wildlife under
the laws and regulations of the State;

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

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

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

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

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

“(iii) inspection or decontamination
activities are conducted by the Coast
Guard under any other provision of law; or
“(iv) the Coast Guard is exercising its authority to direct vessel traffic pursuant to section 70002 or section 70021 of title 46, United States Code.”; and

(3) in subsection (e)—

(A) in paragraph (1)—

(i) in the first sentence, by inserting “, economy, infrastructure,” after “environment”; and

(ii) in the second sentence, by inserting “(including through the use of recreational vessel inspection and decontamination stations)” after “aquatic nuisance species”;

(B) in paragraph (2), in the second sentence, by inserting “infrastructure, and the” after “ecosystems,”; and

(C) by adding at the end the following:

“(4) TECHNICAL ASSISTANCE AND RECOMMENDATIONS.—The Task Force may provide technical assistance and recommendations for best practices to an agency or entity engaged in inspections or decontaminations under subsection (e) or receiving funds under section 2 of the Stop the Spread
of Invasive Mussels Act of 2021 for the purpose of—

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

“(B) inspecting recreational vessels in a manner that minimizes disruptions to public access for boating and recreation in non-contaminated vessels.

“(5) COORDINATION.—In carrying out paragraph (4), including the development of recommendations, the Task Force may coordinate with—

“(A) State fish and wildlife management agencies;

“(B) other State agencies that manage fishery resources of the State, sustain fishery habitat, or manage and remove aquatic nuisance species; and

“(C) relevant nongovernmental entities.”.
SEC. 4. TECHNICAL CORRECTIONS AND CONFORMING AMENDMENTS.

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

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

(2) in section 1003, in paragraph (7), by striking “Canadain” and inserting “Canadian”;

(3) in section 1203(a)—

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

(B) in paragraph (3), by striking “encourage” and inserting “encouraged”;  

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

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

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

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