

109TH CONGRESS  
1ST SESSION

# H. R. 1591

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

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 13, 2005

Mr. GILCHREST (for himself, Mr. EHLERS, Mr. KIRK, Mr. BLUMENAUER, and Mr. DEFAZIO) 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

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## 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,*

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

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “National Aquatic Invasive Species Act of 2005”.

6 (b) TABLE OF CONTENTS.—The table of contents of  
7 this Act is as follows:

Sec. 1. Short title; table of contents.

- Sec. 2. Findings.
- Sec. 3. Definitions.

#### TITLE I—PREVENTION OF INTRODUCTION OF AQUATIC INVASIVE SPECIES INTO WATERS OF THE UNITED STATES BY VESSELS

- Sec. 101. Vessel pathway requirements.
- Sec. 102. Requirements for new vessels.
- Sec. 103. Great Lakes program.
- Sec. 104. Authority of Secretary; regulations.
- Sec. 105. Sanctions.
- Sec. 106. Program coordination.
- Sec. 107. Vessel safety.
- Sec. 108. Relationship to other law.
- Sec. 109. Armed services whole vessel management program.
- Sec. 110. Conforming amendments.

#### TITLE II—PREVENTION OF THE INTRODUCTION OF AQUATIC INVASIVE SPECIES BY OTHER PATHWAYS

- Sec. 201. Priority pathway management program.
- Sec. 202. Screening process for planned importations of live aquatic organisms.

#### TITLE III—EARLY DETECTION; RAPID RESPONSE; CONTROL AND OUTREACH

- Sec. 301. Early detection.
- Sec. 302. Rapid response.
- Sec. 303. Dispersal barriers.
- Sec. 304. Environmental soundness.
- Sec. 305. Information, education, and outreach.

#### TITLE IV—COORDINATION

- Sec. 401. Program coordination.
- Sec. 402. International coordination.

#### TITLE V—AUTHORIZATION OF APPROPRIATIONS

- Sec. 501. Authorization of appropriations.

#### TITLE VI—CONFORMING AMENDMENTS

- Sec. 601. Conforming amendments.

### 1 **SEC. 2. FINDINGS.**

2 Congress finds that—

- 3 (1) aquatic invasive species are second only to
- 4 habitat destruction as a cause of permanent losses
- 5 in biological diversity of aquatic ecosystems of the
- 6 United States;

1           (2) aquatic invasive species continue to be in-  
2           troduced into water of the United States at an unac-  
3           ceptable rate;

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

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

10          (5) in the Great Lakes region, approximately  
11          \$3,000,000,000 has been spent in the past 10 years  
12          to mitigate the damage caused by a single invasive  
13          species, the zebra mussel;

14          (6) wetlands suffer compound impacts from—

15                (A) terrestrial infestations (such as Nu-  
16                tria);

17                (B) aquatic infestations (such as Hydrilla);  
18                and

19                (C) riparian infestations (such as Purple  
20                Loosestrife);

21          (7) prevention of aquatic invasive species is the  
22          most environmentally sound and cost-effective man-  
23          agement approach because once established, aquatic  
24          invasive species are costly, and sometimes impossible  
25          to control;

1           (8) to be effective, the prevention, early detec-  
2           tion, and control of and rapid response to aquatic  
3           invasive species should be coordinated regionally, na-  
4           tionally, and internationally;

5           (9) pathway management is the most promising  
6           approach to reducing unplanned introductions of  
7           aquatic invasive species;

8           (10) consistent national screening criteria are  
9           needed to evaluate the potential risk of nonindige-  
10          nous aquatic species;

11          (11) States and regions have unique  
12          vulnerabilities with respect to aquatic invasive spe-  
13          cies and unique means for addressing aquatic  
14          invasive species;

15          (12) a comprehensive research program which  
16          monitors pathways and ecosystems to detect the es-  
17          tablishment and track the spread of invasive species,  
18          develop and demonstrate effective management and  
19          control methods, and monitor success of prevention  
20          and control efforts, is essential to accurate identi-  
21          fication and management of high risk pathways; and

22          (13) it is in the interest of the United States  
23          to undertake a comprehensive and thorough pro-  
24          gram to research, prevent, manage, and control in-  
25          troductions of aquatic species that may become

1       invasive and to coordinate that program to the ex-  
2       tent possible with neighboring nations and efforts  
3       globally.

4   **SEC. 3. DEFINITIONS.**

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

8   **“SEC. 1003. DEFINITIONS.**

9       “In this Act, the following definitions apply:

10           “(1) ADMINISTRATOR.—The term ‘Adminis-  
11       trator’ means the Administrator of the Environ-  
12       mental Protection Agency.

13           “(2) AQUATIC ECOSYSTEMS IN THE UNITED  
14       STATES.—The term ‘aquatic ecosystems in the  
15       United States’ means freshwater, marine, and estua-  
16       rine environments (including inland waters and wet-  
17       lands), located in waters of the United States.

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

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

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

4           “(6) DIRECTOR.—The term ‘Director’ means  
5           the Director of the United States Fish and Wildlife  
6           Service.

7           “(7) ENVIRONMENTALLY SOUND.—The term  
8           ‘environmentally sound’, when used in reference to  
9           any activity, refers to an activity that prevents or re-  
10          duces introductions, or controls infestations, of  
11          aquatic invasive species in a manner that minimizes  
12          adverse effects on—

13                 “(A) the structure and function of an eco-  
14                 system; and

15                 “(B) nontarget organisms and ecosystems.

16          “(8) EXCLUSIVE ECONOMIC ZONE.—The term  
17          ‘exclusive economic zone’ means the area comprised  
18          of—

19                 “(A) the Exclusive Economic Zone of the  
20                 United States established by Proclamation  
21                 Number 5030, dated March 10, 1983; and

22                 “(B) the equivalent zones of Canada and  
23                 Mexico.

24          “(9) GREAT LAKE.—The term ‘Great Lake’  
25          means—

1 “(A) Lake Erie;

2 “(B) Lake Huron (including Lake Saint  
3 Clair);

4 “(C) Lake Michigan;

5 “(D) Lake Ontario;

6 “(E) Lake Superior;

7 “(F) the connecting channels of those  
8 Lakes, including—

9 “(i) the Saint Mary’s River;

10 “(ii) the Saint Clair River;

11 “(iii) the Detroit River;

12 “(iv) the Niagara River; and

13 “(v) the Saint Lawrence River to the  
14 Canadian border; and

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

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

23 “(11) INDIAN TRIBE.—The term ‘Indian tribe’  
24 has the meaning given the term in section 4 of the

1 Indian Self-Determination and Education Assistance  
2 Act (25 U.S.C. 450b).

3 “(12) INTERBASIN WATERWAY.—The term  
4 ‘interbasin waterway’ means a waterway that con-  
5 nects 2 distinct water basins.

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

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

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

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

24 “(17) INVASIVE SPECIES COUNCIL.—The term  
25 ‘Invasive Species Council’ means the interagency



1 council established by section 3 of Executive Order  
2 No. 13112 (42 U.S.C. 4321 note).

3 “(18) NONINDIGENOUS SPECIES.—The term  
4 ‘nonindigenous species’ means any species in an eco-  
5 system beyond its historic range.

6 “(19) SPECIES IN TRADE.—The term ‘species  
7 in trade’ means a species that has a documented his-  
8 tory of being commercially imported into the United  
9 States in the period beginning on January 1, 1990,  
10 and ending on January 1, 2002.

11 “(20) ORGANISM TRANSFER.—The term ‘orga-  
12 nism transfer’ means the movement of an organism  
13 of any species from one ecosystem to another eco-  
14 system outside the historic range of the species.

15 “(21) PATHWAY.—The term ‘pathway’ means 1  
16 or more vectors by which an invasive species is  
17 transferred from one ecosystem to another.

18 “(22) PLANNED IMPORTATION.—The term  
19 ‘planned importation’ means the purposeful move-  
20 ment of one or more nonindigenous organisms for  
21 use in the territorial limits of the United States.

22 “(23) REGIONAL PANEL.—The term ‘regional  
23 panel’ means a panel convened in accordance with  
24 section 1203.

1           “(24) SECRETARY.—The term ‘Secretary’  
2 means the Secretary of Homeland Security.

3           “(25) SPECIES.—The term ‘species’ means any  
4 fundamental category of taxonomic classification, or  
5 any viable biological material, ranking below a genus  
6 or subgenus.

7           “(26) TASK FORCE.—The term ‘Task Force’  
8 means the Aquatic Invasive Species Task Force es-  
9 tablished by section 1201(a).

10          “(27) TERRITORIAL SEA.—The term ‘territorial  
11 sea’ means the belt of the sea measured from the  
12 baseline of the United States determined in accord-  
13 ance with international law, as set forth in Presi-  
14 dential Proclamation Number 5928, dated December  
15 27, 1988.

16          “(28) TREATMENT.—The term ‘treatment’  
17 means a mechanical, physical, chemical, biological,  
18 or other process or method of killing, removing, or  
19 rendering inviable, organisms.

20          “(29) TYPE APPROVAL.—The term ‘type ap-  
21 proval’ means an approval procedure under which a  
22 type of system is initially certified as meeting a  
23 standard established by law (including a regulation)  
24 for a particular application if operated correctly.

1 “(30) UNDER SECRETARY.—The term ‘Under  
2 Secretary’ means the Under Secretary of Commerce  
3 for Oceans and Atmosphere.

4 “(31) UNDESIRABLE IMPACT.—The term ‘unde-  
5 sirable impact’ means economic, human health, aes-  
6 thetic, or environmental degradation that is not nec-  
7 essary for, and is not clearly outweighed by, public  
8 health, environmental, or welfare benefits.

9 “(32) WATERS OF THE UNITED STATES.—

10 “(A) IN GENERAL.—The term ‘waters of  
11 the United States’ means the navigable waters  
12 and territorial sea of the United States.

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

15 **TITLE I—PREVENTION OF IN-**  
16 **TRODUCTION OF AQUATIC**  
17 **INVASIVE SPECIES INTO WA-**  
18 **TERS OF THE UNITED STATES**  
19 **BY VESSELS**

20 **SEC. 101. VESSEL PATHWAY REQUIREMENTS.**

21 (a) REQUIREMENTS FOR VESSELS OPERATING IN  
22 WATERS OF THE UNITED STATES.—Section 1101 of the  
23 Nonindigenous Aquatic Nuisance Prevention and Control  
24 Act of 1990 (16 U.S.C. 4711) is amended by striking sub-  
25 section (a) and inserting the following:

1       “(a) REQUIREMENTS FOR ALL VESSELS OPERATING  
2 IN WATERS OF THE UNITED STATES.—

3               “(1) INVASIVE SPECIES MANAGEMENT PLAN.—

4                       “(A) IN GENERAL.—Effective beginning on  
5 the date that is 180 days after the issuance of  
6 guidelines pursuant to subparagraph (D) and  
7 the promulgation of guidelines or regulations  
8 under this section, each vessel that is equipped  
9 with ballast, and other towed vessels and struc-  
10 tures, operating in waters of the United States  
11 shall have in effect, and have available for in-  
12 spection, an aquatic invasive species manage-  
13 ment plan that prescribes safe and effective  
14 means by which the master of the vessel shall  
15 minimize introductions and transfers of invasive  
16 species by any part of the vessel, pursuant to  
17 the guidelines or regulations applicable to that  
18 vessel.

19                       “(B) SPECIFICITY.—The management plan  
20 shall be specific to the vessel (or group of ves-  
21 sels with characteristics similar to that of the  
22 vessel, as determined by the Secretary).

23                       “(C) REQUIREMENTS.—The management  
24 plan shall include, at a minimum, such informa-

tion as is requested by the Secretary pursuant to subparagraph (D), including—

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

“(ii) operational requirements to safely and effectively carry out any actions consistent with rapid response action required by States and approved by the Secretary under section 1211;

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

“(iv) a description of all reporting requirements and a copy of each form necessary to meet those requirements;

“(v) the position of the officer responsible for implementation of ballast water management and reporting procedures on board;

“(vi) documents relevant to any ballast water management equipment or procedures;

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

4 “(viii) a description of requirements  
5 relating to compliance with any approved  
6 rapid response strategy relevant to the voy-  
7 age of the vessel;

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

10 “(x) such requirements described in  
11 subsection (e) as are applicable to the ves-  
12 sel.

13 “(D) GUIDELINES.—Not later than 18  
14 months after the date of enactment of the Na-  
15 tional Aquatic Invasive Species Act of 2005, the  
16 Secretary shall issue final guidelines for the de-  
17 velopment of invasive species management  
18 plans, including guidelines that—

19 “(i) identify types of vessels for which  
20 plans are required;

21 “(ii) establish processes for updating  
22 and revising the plans; and

23 “(iii) establish criteria for compliance  
24 with this subsection.

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

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

4           “(B) permit inspection of the records by  
5           representatives of the Secretary and of the  
6           State in which the vessel has entered a port;  
7           and

8           “(C) transmit records to the National Bal-  
9           last Information Clearinghouse established  
10          under section 1102(f).

11         “(3) BEST MANAGEMENT PRACTICES.—

12                 “(A) IN GENERAL.—Not later than 18  
13                 months after the date of enactment of the Na-  
14                 tional Aquatic Invasive Species Act of 2005, the  
15                 Secretary shall issue guidelines on best manage-  
16                 ment practices to eliminate or minimize and  
17                 monitor organism transfer by vessels.

18                 “(B) PRACTICES TO BE INCLUDED.—The  
19                 best management practices shall include, but  
20                 not be limited to—

21                         “(i) sediment management in trans-  
22                         oceanic vessels;

23                         “(ii) minimization of ballast water up-  
24                         take in areas where there is a greater risk  
25                         of harmful organisms entering ballast

1 tanks (such as areas with toxic algal  
2 blooms or known outbreaks of aquatic  
3 invasive species);

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

7 “(iv) to the maximum extent prac-  
8 ticable, collection and the proper disposal  
9 of debris from the cleaning of the hull;

10 “(v) proper use of antifouling coating;  
11 and

12 “(vi) provision of access points in bal-  
13 last piping for sampling of ballast intake  
14 and discharge.

15 “(4) BALLAST WATER MANAGEMENT.—

16 “(A) IN GENERAL.—Each vessel equipped  
17 with a ballast water tank that enters a United  
18 States port, except for a vessel subject to sub-  
19 paragraph (B) and subsection (c), shall comply  
20 with the standards described in paragraphs (1)  
21 and (2) of subsection (b) and the regulations  
22 promulgated under subsection (e) relating to  
23 ballast water management.

24 “(B) EXCEPTIONS.—



1 “(i) VESSELS OPERATING ENTIRELY  
2 WITHIN THE EXCLUSIVE ECONOMIC  
3 ZONE.—A vessel equipped with a ballast  
4 water tank that operates entirely within  
5 the exclusive economic zone shall not be re-  
6 quired to comply with the standard de-  
7 scribed in subsection (b)(1).

8 “(ii) VESSELS THAT OPERATE EXCLU-  
9 SIVELY IN AN ENCLOSED AQUATIC ECO-  
10 SYSTEM.—

11 “(I) IN GENERAL.—A vessel  
12 equipped with ballast tanks and that  
13 operates exclusively in the upper 4  
14 Great Lakes, or in another enclosed  
15 aquatic ecosystem in which the poten-  
16 tial for movement of organisms by  
17 natural and anthropogenic means is  
18 not significantly altered by the move-  
19 ment of the vessel, is not required to  
20 comply with the standards described  
21 in paragraphs (1) and (2) of sub-  
22 section (b).

23 “(II) ADDITIONAL ENCLOSED  
24 AQUATIC ECOSYSTEMS.—The Admin-  
25 istrator and Under Secretary, in con-

1                   sultation with regional panels of the  
 2                   Task Force, may determine the other  
 3                   enclosed aquatic ecosystems that are  
 4                   covered by subclause (I).”.

5           (b) BALLAST WATER MANAGEMENT STANDARDS  
 6 AND CERTIFICATION PROCEDURES.—Section 1101 of the  
 7 Nonindigenous Aquatic Nuisance Species Prevention and  
 8 Control Act of 1990 (16 U.S.C. 4711) is further amend-  
 9 ed—

10           (1) by striking subsections (b) through (f) and  
 11           subsection (h); and

12           (2) by inserting after subsection (a) the fol-  
 13           lowing:

14           “(b) BALLAST WATER MANAGEMENT STANDARDS  
 15 AND CERTIFICATION PROCEDURES.—

16           “(1) INTERIM STANDARDS.—

17           “(A) IN GENERAL.—Not later than 18  
 18           months after the date of enactment of the Na-  
 19           tional Aquatic Invasive Species Act of 2005, the  
 20           Secretary, with the concurrence of the Adminis-  
 21           trator and in consultation with the Task Force,  
 22           shall promulgate final regulations establishing  
 23           interim standards indicating acceptable—

24           “(i) operational performance for bal-  
 25           last water exchange (including contingency

1 procedures in instances in which a safety  
2 exemption is used pursuant to subsection  
3 (k)); and

4 “(ii) biological effectiveness of ballast  
5 water treatment systems (including on-  
6 shore facilities and facilities on board ves-  
7 sels).

8 “(B) REQUIREMENTS.—

9 “(i) BALLAST WATER EXCHANGE.—  
10 The interim standard for ballast water ex-  
11 change described in subparagraph (A) shall  
12 require—

13 “(I) at least 1 empty-and-refill  
14 cycle on the high sea or in an alter-  
15 native exchange area designated by  
16 the Secretary, of each ballast tank  
17 that contains ballast water to be dis-  
18 charged into waters of the United  
19 States;

20 “(II) in a case in which the mas-  
21 ter of a vessel determines that compli-  
22 ance with subclause (I) is impracti-  
23 cable, a sufficient number of flow-  
24 through exchanges of ballast water, on  
25 the high sea or in an alternative ex-

1 change area designated by the Sec-  
2 retary, to achieve replacement of at  
3 least 95 percent of ballast water in  
4 ballast tanks of the vessel, as deter-  
5 mined by a certification dye study  
6 conducted or model developed in ac-  
7 cordance with protocols developed  
8 under paragraph (3)(B)(i) and re-  
9 corded in the management plan of a  
10 vessel pursuant to subsection  
11 (a)(1)(C)(i); and

12 “(III) an approved contingency  
13 procedure using best practicable tech-  
14 nology or practices in instances in  
15 which a ballast water exchange is not  
16 undertaken pursuant to subsection  
17 (k).

18 “(ii) BALLAST SYSTEM DESIGN AND  
19 WATER TREATMENT SYSTEMS.—The in-  
20 terim standard for a ballast water system  
21 design and treatment system described in  
22 subparagraph (A) shall require that at  
23 least 95 percent of the live aquatic  
24 vertebrates, invertebrates, phytoplankton,  
25 and macroalgae, respectively, in ballast

1 water taken in by a vessel or class of ves-  
2 sels be killed or removed from ballast dis-  
3 charge as determined by the qualified type  
4 approval process promulgated under para-  
5 graph (3)(B)(ii).

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

9 “(I) meet occupational safety and  
10 environmental soundness criteria de-  
11 scribed in paragraph (7); and

12 “(II) cease to apply on the effec-  
13 tive date of final standards developed  
14 pursuant to paragraph (2).

15 “(2) FINAL STANDARDS.—

16 “(A) IN GENERAL.—Not later than 4 years  
17 after the date of enactment of the National  
18 Aquatic Invasive Species Act of 2005, the Ad-  
19 ministrator, in consultation with the Task  
20 Force and with the concurrence of the Sec-  
21 retary, shall promulgate final standards for bal-  
22 last water discharge and other vessel operations  
23 determined to pose a significant risk to the en-  
24 vironment through the introduction of non-  
25 indigenous species.

1                   “(B) REQUIREMENTS.—The final stand-  
2                   ards shall—

3                   “(i) result from application of the best  
4                   available technology for—

5                   “(I) the applicable category or  
6                   class of vessels; and

7                   “(II) the new source or existing  
8                   source status;

9                   “(ii) have the goal of eliminating the  
10                  risk of introduction into waters of the  
11                  United States by vessels of nonindigenous  
12                  species, including plant, animal, and  
13                  human pathogens;

14                  “(iii) consider findings of scientific  
15                  and policy research; and

16                  “(iv) be measurable.

17                  “(3) CERTIFICATION OF TREATMENTS OR PRAC-  
18                  TICES; ENFORCEMENT.—

19                  “(A) IN GENERAL.—Not later than the  
20                  date on which interim standards are promul-  
21                  gated under paragraph (1) and final standards  
22                  are promulgated under paragraph (2), the Sec-  
23                  retary shall, with the concurrence of the Admin-  
24                  istrator, promulgate regulations for—

1 “(i) the certification of treatments or  
2 practices that comply with the standards;  
3 and

4 “(ii) ongoing enforcement of the use  
5 of the treatments or practices.

6 “(B) CERTIFICATION UNDER INTERIM  
7 STANDARDS.—The certification of treatments  
8 and practices in compliance with the interim  
9 standard promulgated pursuant to paragraph  
10 (1) shall be based on a qualified type approval  
11 process, including—

12 “(i) protocol for ballast water ex-  
13 change involving dye studies or models de-  
14 tailing flow dynamics of vessels described  
15 in paragraph (1)(B)(i)(II); and

16 “(ii) protocol for qualified type ap-  
17 proval of ballast water treatment systems  
18 for the interim standard described in para-  
19 graph (1) that—

20 “(I) is capable of determining the  
21 extent to which a ballast water treat-  
22 ment system complies with applicable  
23 standards, including limitations on  
24 that compliance caused by—

1                   “(aa) biological, chemical, or  
2                   physical conditions of water  
3                   taken into ballast; and

4                   “(bb) conditions encountered  
5                   during a voyage;

6                   “(II) is capable of determining  
7                   the extent to which a ballast water  
8                   treatment system—

9                   “(aa) is environmentally  
10                  sound, based on criteria promul-  
11                  gated by the Administrator under  
12                  paragraph (7)(A); and

13                  “(bb) is safe for vessel and  
14                  crew;

15                  “(III) may be used in estimating  
16                  the expected useful life of the ballast  
17                  water treatment system, as deter-  
18                  mined on the basis of voyage patterns  
19                  and normal use conditions;

20                  “(IV) includes a shipboard test-  
21                  ing component, and may include a  
22                  shore-based testing component;

23                  “(V) provides for appropriate  
24                  monitoring; and

25                  “(VI) is cost effective.



1                   “(C) CERTIFICATION UNDER FINAL  
2 STANDARDS.—The certification of treatments in  
3 compliance with the final standards issued pur-  
4 suant to paragraph (2) shall—

5                   “(i) apply to all methods of ballast  
6 water management and system design, in-  
7 cluding—

8                   “(I) ballast water exchange;

9                   “(II) ballast water treatment sys-  
10 tems; and

11                   “(III) other vessel operations de-  
12 termined to pose a significant risk to  
13 the environment through the introduc-  
14 tion of nonindigenous organisms;

15                   “(ii) be reviewed and, as appropriate,  
16 revised not less often than every 3 years  
17 pursuant to subsection (f)(1);

18                   “(iii) meet occupational safety and en-  
19 vironmental soundness criteria described in  
20 paragraph (7); and

21                   “(iv) apply beginning not later than  
22 October 1, 2011.

23                   “(4) EXPERIMENTAL APPROVAL FOR BALLAST  
24 WATER TREATMENT.—

1           “(A) IN GENERAL.—Subject to subpara-  
2 graph (B), if, before the date on which the Sec-  
3 retary promulgates interim ballast water man-  
4 agement standards under paragraph (1), an  
5 owner or operator of a vessel seeks to conduct  
6 a treatment of ballast water—

7           “(i) the owner or operator shall apply  
8 to the Secretary for experimental approval  
9 of the treatment; and

10          “(ii) the Secretary shall approve the  
11 treatment if—

12           “(I) the owner or operator pro-  
13 vides to the Secretary independently  
14 peer-reviewed, pilot-scale information  
15 relating to the effectiveness and envi-  
16 ronmental soundness of the treatment;

17           “(II) the Secretary and the Ad-  
18 ministrator, in consultation with the  
19 Task Force (including relevant re-  
20 gional panels, and the Prevention  
21 Committee, of the Task Force), deter-  
22 mine that the technology to be used  
23 for the treatment has significant po-  
24 tential to kill or remove at least 95  
25 percent of the aquatic vertebrates, in-

1 vertebrates, phytoplankton, and macro  
2 algae, respectively, in ballast water  
3 taken in by the class of vessel for  
4 which the treatment is sought to be  
5 conducted; and

6 “(III) the Administrator deter-  
7 mines that the treatment meets envi-  
8 ronmental regulations.

9 “(B) LIMITATIONS.—

10 “(i) PERIOD OF TESTING.—Testing of  
11 the treatment system approved under this  
12 section may cease prior to the termination  
13 of the approval period described in clause  
14 (ii).

15 “(ii) PERIOD OF APPROVAL.—Ap-  
16 proval under subparagraph (A) shall be  
17 granted for—

18 “(I) a period of 10 years or the  
19 expected useful life of the treatment  
20 system, whichever is earlier; or

21 “(II) until such time as the Sec-  
22 retary or Administrator (as appro-  
23 priate) determine that (based on  
24 available information, including infor-  
25 mation developed pursuant to clause

1 (iii)) there exists a serious deficiency  
2 in performance or environmental  
3 soundness of the system relative to  
4 anticipated performance or environ-  
5 mental soundness.

6 “(iii) INFORMATION.—As a condition  
7 of receiving experimental approval for a  
8 treatment under subparagraph (A)(ii), the  
9 owner or operator of a vessel shall agree to  
10 collect and report such information regard-  
11 ing the operational and biological effective-  
12 ness of the treatment through sampling of  
13 the intake and discharge ballast as the  
14 Secretary may request.

15 “(iv) RENEWAL.—An experimental  
16 approval may be renewed pursuant to  
17 paragraph (7)(B).

18 “(5) INCENTIVES FOR USE OF TREATMENT SYS-  
19 TEMS.—

20 “(A) IN GENERAL.—The Secretary, the  
21 Secretary of Transportation, and the Adminis-  
22 trator shall assist owners or operators of vessels  
23 that seek to obtain experimental or interim ap-  
24 proval for installation of ballast water treat-

1           ment systems, including through providing  
2           guidance on—

3                   “(i) a sampling protocol and test pro-  
4                   gram for cost-effective treatment evalua-  
5                   tion;

6                   “(ii) sources of sampling equipment  
7                   and field biological expertise; and

8                   “(iii) examples of shipboard evalua-  
9                   tion studies.

10           “(B) SELECTION OF TECHNOLOGIES AND  
11           PRACTICES.—In selecting technologies and  
12           practices for shipboard demonstration under  
13           section 1104(b), the Secretary of the Interior  
14           and the Secretary of Commerce shall give pri-  
15           ority consideration to technologies and practices  
16           that have received or are in the process of re-  
17           ceiving approval under paragraphs (1) and (4)  
18           of this subsection.

19           “(C) ANNUAL SUMMARIES.—The Secretary  
20           shall annually summarize, and make available  
21           to interested parties, all available information  
22           on the performance of technologies proposed for  
23           ballast treatment to facilitate the application  
24           process for experimental approval for ballast  
25           water treatment under paragraph (4).

1 “(6) APPLICATION FOR APPROVAL.—

2 “(A) IN GENERAL.—The Secretary and the  
3 Administrator may approve only such applica-  
4 tions for qualified type approval of the ballast  
5 water treatment system that are in such form  
6 and contain such information as the Secretary  
7 and Administrator may require.

8 “(B) APPROVAL AND DISAPPROVAL.—

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

11 “(I) the Administrator shall, not  
12 later than 90 days after the date of  
13 receipt of the application—

14 “(aa) review the application  
15 for compliance and consistency  
16 with environmental soundness  
17 criteria promulgated under para-  
18 graph (7)(A); and

19 “(bb) approve those ballast  
20 water treatment systems that  
21 meet those criteria; and

22 “(II) the Secretary, in consulta-  
23 tion with the Task Force, shall, not  
24 later than 180 days after the date of  
25 receipt of the application—

1                   “(aa) determine whether the  
2                   ballast water treatment system  
3                   covered by the application meets  
4                   the requirements of this sub-  
5                   section, as appropriate;

6                   “(bb) approve or disapprove  
7                   the application; and

8                   “(cc) provide the applicant  
9                   written notice of approval or dis-  
10                  approval.

11                  “(ii) LIMITATIONS.—An application  
12                  approved under clause (i) shall—

13                       “(I) be qualified with any limita-  
14                       tions relating to voyage pattern, dura-  
15                       tion, or any other characteristic that  
16                       may affect the effectiveness or envi-  
17                       ronmental soundness of the ballast  
18                       water treatment system covered by  
19                       the application, as determined by the  
20                       Secretary in consultation with the Ad-  
21                       ministrators;

22                       “(II) be applicable to a specific  
23                       ship or group of ships, as determined  
24                       by the Secretary;

25                       “(III) be valid for the lesser of—

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

5           “(bb) until such time as the  
6           Secretary or Administrator (as  
7           appropriate) determines that  
8           (based on available information,  
9           including information developed  
10          pursuant to paragraph  
11          (4)(B)(iii)) there exists a serious  
12          deficiency in performance or envi-  
13          ronmental soundness of the sys-  
14          tem relative to anticipated per-  
15          formance or environmental  
16          soundness; and  
17          “(IV) be renewed if—

18          “(aa) the Secretary deter-  
19          mines that the ballast water  
20          treatment system remains in  
21          compliance with applicable stand-  
22          ards as of the date of application  
23          for renewal; or



1 “(bb) the remaining useful  
2 life of the vessel is less than 10  
3 years.

4 “(7) ENVIRONMENTAL SOUNDNESS CRITERIA  
5 FOR BALLAST TREATMENTS.—

6 “(A) IN GENERAL.—The Administrator  
7 shall include in criteria promulgated under sec-  
8 tion 1202(k)(1)(A) specific criteria—

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

11 “(ii) to grant environmental sound-  
12 ness exceptions under subparagraph (B).

13 “(B) EXCEPTIONS.—

14 “(i) IN GENERAL.—In reviewing appli-  
15 cations under paragraph (6)(B)(i)(I) in an  
16 emergency situation to achieve reductions  
17 in significant and acute risk of transfers of  
18 invasive species by vessels, the Secretary  
19 and the Administrator may jointly deter-  
20 mine to make an exception to criteria de-  
21 scribed in subparagraph (A)(i).

22 “(ii) QUALIFICATION OF APPROV-  
23 ALS.—To be eligible for an exception under  
24 clause (i), an approval under paragraph

1 (6)(B)(i)(I) shall be qualified under para-  
 2 graph (6)(B)(ii).

3 “(8) PENALTIES.—Paragraphs (1) and (2) of  
 4 subsection (g) shall apply to a violation of a regula-  
 5 tion promulgated under this subsection.”.

6 **SEC. 102. REQUIREMENTS FOR NEW VESSELS.**

7 Section 1101 of the Nonindigenous Aquatic Nuisance  
 8 Prevention and Control Act of 1990 (16 U.S.C. 4711) is  
 9 further amended by inserting after subsection (b) the fol-  
 10 lowing:

11 “(c) DESIGN FEATURES AND TREATMENT SYSTEMS  
 12 FOR NEW VESSELS.—A vessel of which construction be-  
 13 gins on or after January 1, 2006, shall be equipped with  
 14 design features and ballast water treatment systems that  
 15 meet, at a minimum—

16 “(1) the interim standards described in sub-  
 17 section (b)(1)(B)(ii); or

18 “(2) on promulgation of final standards pursu-  
 19 ant to subsection (b)(2)(A), such final standard as  
 20 is applicable to the vessel.”.

21 **SEC. 103. GREAT LAKES PROGRAM.**

22 Section 1101 of the Nonindigenous Aquatic Nuisance  
 23 Prevention and Control Act of 1990 (16 U.S.C. 4711) is  
 24 further amended by inserting after subsection (c) the fol-  
 25 lowing:

1 “(d) GREAT LAKES PROGRAM.—

2 “(1) CONTINUITY OF REGULATIONS AND GREAT  
3 LAKES PROGRAM.—

4 “(A) REGULATIONS.—Regulations promul-  
5 gated under subsection (b) of this section, as in  
6 effect immediately before the enactment of the  
7 National Aquatic Invasive Species Act of 2005,  
8 shall remain in effect until such time as the  
9 regulations are revised or replaced by regula-  
10 tions promulgated pursuant to the National  
11 Aquatic Invasive Species Act of 2005.

12 “(B) RELATIONSHIP TO OTHER PRO-  
13 GRAMS.—Upon implementation of a national  
14 mandatory ballast management program that is  
15 at least as comprehensive as the Great Lakes  
16 program established under subsection (b) of  
17 this section, as in effect immediately before the  
18 enactment of the National Aquatic Invasive  
19 Species Act of 2005, including regulations  
20 under that section (as determined by the Sec-  
21 retary, in consultation with the Governors of  
22 Great Lakes States)—

23 “(i) the program regulating vessels  
24 and ballast water in the Great Lakes  
25 under this section shall terminate; and

1 “(ii) the national program shall apply  
2 to such vessels and ballast water.

3 “(2) REVIEW AND REVISION.—

4 “(A) IN GENERAL.—Not later than 18  
5 months after the date of enactment of the Na-  
6 tional Aquatic Invasive Species Act of 2005, the  
7 Secretary shall—

8 “(i) review and revise regulations pro-  
9 mulgated under this subsection; and

10 “(ii) promulgate the revised regula-  
11 tions.

12 “(B) CONTENTS.—The revised regulations  
13 shall include at a minimum requirements under  
14 subsections (a) and (b) of this section.”.

15 **SEC. 104. AUTHORITY OF SECRETARY; REGULATIONS.**

16 Section 1101 of the Nonindigenous Aquatic Nuisance  
17 Prevention and Control Act of 1990 (16 U.S.C. 4711) is  
18 further amended by inserting after subsection (d) the fol-  
19 lowing:

20 “(e) AUTHORITY OF SECRETARY; REGULATIONS.—

21 “(1) IN GENERAL.—Not later than 18 months  
22 after the date of enactment of the National Aquatic  
23 Invasive Species Act of 2005, the Secretary shall  
24 promulgate regulations to implement this section.

25 “(2) PROGRAM COMPONENTS.—

1           “(A) IN GENERAL.—In carrying out para-  
2 graph (1), the Secretary shall promulgate a  
3 separate set of regulations for—

4           “(i) ships that enter the Great Lakes  
5 after operating outside the exclusive eco-  
6 nomic zone; and

7           “(ii) ships that enter United States  
8 ports after operating outside the exclusive  
9 economic zone, excluding United States  
10 ports on the Great Lakes.

11          “(B) DURATION.—Regulations promul-  
12 gated under subparagraph (A)(i) shall remain  
13 in effect until the Great Lakes program is ter-  
14 minated pursuant to subsection (d)(1)(B).

15          “(3) REQUIREMENTS.—The regulations promul-  
16 gated under paragraphs (1) shall—

17           “(A) be consistent with interim and final  
18 standards issued under paragraphs (1) and (2)  
19 of subsection (b), as applicable;

20           “(B) apply to all vessels to which the re-  
21 spective standards apply;

22           “(C) protect the safety of—

23           “(i) each vessel; and

24           “(ii) the crew and passengers of each  
25 vessel;

1           “(D) require a vessel described in para-  
2 graph (1)—

3           “(i) to carry out the exchange of bal-  
4 last water of the vessel in waters beyond  
5 the exclusive economic zone in accordance  
6 with the standards and certification proce-  
7 dures promulgated under subsection (b);

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

16           “(iii) to use environmentally sound al-  
17 ternative ballast water management meth-  
18 ods, including modification of the vessel  
19 ballast water tanks and intake systems, if  
20 the Secretary determines that such alter-  
21 native methods are in accordance with  
22 standards and certification procedures pro-  
23 mulgated under subsection (b);

1           “(E) provide for sampling of ballast intake  
2           and discharge flows through ballast piping to  
3           monitor compliance with the regulations;

4           “(F) take into consideration—

5                 “(i) vessel types;

6                 “(ii) variations in the ecological condi-  
7                 tions of waters and coastal areas of the  
8                 United States; and

9                 “(iii) different operating conditions;  
10            and

11           “(G) be based on the best scientific infor-  
12           mation available.

13           “(4) EDUCATION AND TECHNICAL ASSIST-  
14           ANCE.—The Secretary may carry out education and  
15           technical assistance programs and other measures to  
16           promote compliance with the regulations promul-  
17           gated under this subsection.

18           “(f) PERIODIC REVIEW AND REVISION OF REGULA-  
19           TIONS.—

20           “(1) IN GENERAL.—Not later than 3 years  
21           after the date of enactment of the National Aquatic  
22           Invasive Species Act of 2005, and not less often  
23           than every 3 years thereafter, the Secretary shall  
24           (with the concurrence of the Administrator, based on  
25           recommendations of the Task Force and information

1 collected and analyzed by relevant research, and in  
2 accordance with criteria developed by the Task  
3 Force under paragraph (3))—

4 “(A) assess the compliance by vessels with  
5 regulations promulgated under this section;

6 “(B) assess the effectiveness of the regula-  
7 tions referred to in subparagraph (A) in reduc-  
8 ing the introduction and spread of aquatic  
9 invasive species by vessels; and

10 “(C) as necessary, on the basis of the best  
11 scientific information available—

12 “(i) revise the regulations referred to  
13 in subparagraph (A); and

14 “(ii) promulgate additional regula-  
15 tions.

16 “(2) SPECIAL REVIEW AND REVISION.—Not  
17 later than 90 days after the date on which the Task  
18 Force makes a request to the Secretary for a special  
19 review and revision of the program, the Secretary  
20 shall (with the concurrence of the Administrator)—

21 “(A) conduct a special review of regula-  
22 tions in accordance with paragraph (1); and

23 “(B) as necessary, in the same manner as  
24 provided under paragraph (1)(C)—

25 “(i) revise those guidelines; or



1 “(ii) promulgate additional regula-  
2 tions.

3 “(3) CRITERIA FOR EFFECTIVENESS.—Not  
4 later than 1 year after the date of enactment of the  
5 National Aquatic Invasive Species Act of 2005, and  
6 every 3 years thereafter, the Task Force shall sub-  
7 mit to the Secretary criteria for determining the  
8 adequacy and effectiveness of all regulations promul-  
9 gated under this section.”.

10 **SEC. 105. SANCTIONS.**

11 Section 1101(g) of the Nonindigenous Aquatic Nui-  
12 sance Prevention and Control Act of 1990 (16 U.S.C.  
13 1101(g)) is amended to read as follows:

14 “(g) SANCTIONS.—

15 “(1) CIVIL PENALTIES.—

16 “(A) IN GENERAL.—Any person that vio-  
17 lates a regulation promulgated under this sec-  
18 tion shall be liable for a civil penalty in an  
19 amount not to exceed \$50,000.

20 “(B) SEPARATE VIOLATIONS.—Each day  
21 of a continuing violation constitutes a separate  
22 violation.

23 “(C) LIABILITY OF VESSELS.—A vessel op-  
24 erated in violation of a regulation promulgated  
25 under this Act shall be liable in rem for any

1 civil penalty assessed under this subsection for  
2 that violation.

3 “(2) CRIMINAL PENALTIES.—Any person that  
4 knowingly violates the regulations promulgated  
5 under subsection (b) is guilty of a class C felony.

6 “(3) REVOCATION OF CLEARANCE.—On request  
7 of the Secretary, the Secretary of the Treasury shall  
8 withhold or revoke the clearance of a vessel required  
9 by section 4197 of the Revised Statutes (46 App.  
10 U.S.C. 91), if the owner or operator of that vessel  
11 is in violation of the regulations promulgated under  
12 subsection (b).

13 “(4) EXCEPTION TO SANCTIONS.—This sub-  
14 section does not apply to a failure to exchange bal-  
15 last water if—

16 “(A) the master of a vessel, acting in good  
17 faith, decides that the exchange of ballast water  
18 will threaten the safety or stability of the vessel  
19 or the crew or passengers of the vessel; and

20 “(B) the vessel complies with—

21 “(i) recordkeeping requirements of  
22 this title;

23 “(ii) contingency requirements of sec-  
24 tion 1211; and

1 “(iii) reporting requirements of this  
2 title.”.

3 **SEC. 106. PROGRAM COORDINATION.**

4 Section 1101 of the Nonindigenous Aquatic Nuisance  
5 Prevention and Control Act of 1990 (16 U.S.C. 1101) is  
6 further amended by striking subsections (h), (i), and (j)  
7 and inserting the following:

8 “(h) COORDINATION WITH OTHER AGENCIES.—The  
9 Secretary is encouraged to use (with consent) the exper-  
10 tise, facilities, members, or personnel of, appropriate Fed-  
11 eral and State agencies and organizations that have rou-  
12 tine contact with vessels, as determined by the Secretary.

13 “(i) CONSULTATION WITH CANADA, MEXICO, AND  
14 OTHER FOREIGN GOVERNMENTS.—In developing the  
15 guidelines issued and regulations promulgated under this  
16 section, the Secretary is encouraged to consult with the  
17 Government of Canada, the Government of Mexico, and  
18 any other government of a foreign country that the Sec-  
19 retary, in consultation with the Task Force, determines  
20 to be necessary to develop and implement an effective  
21 international program for preventing the unintentional in-  
22 troduction and spread of nonindigenous species.

23 “(j) INTERNATIONAL COOPERATION.—The Sec-  
24 retary, in cooperation with the International Maritime Or-  
25 ganization of the United Nations and the Commission on

1 Environmental Cooperation established pursuant to the  
2 North American Free Trade Agreement, is encouraged to  
3 enter into negotiations with the governments of foreign  
4 countries to develop and implement an effective inter-  
5 national program for preventing the unintentional intro-  
6 duction and spread of nonindigenous species.”.

7 **SEC. 107. VESSEL SAFETY.**

8 Section 1101(k) of the Nonindigenous Aquatic Nui-  
9 sance Prevention and Control Act of 1990 (16 U.S.C.  
10 1101(k)) is amended to read as follows:

11 “(k) SAFETY EXEMPTION.—

12 “(1) MASTER DISCRETION.—The Master of a  
13 vessel is not required to conduct a ballast water ex-  
14 change if the Master determines that the exchange  
15 would threaten the safety or stability of the vessel,  
16 or the crew or passengers of the vessel, because of  
17 adverse weather, vessel architectural design, equip-  
18 ment failure, or any other extraordinary conditions.

19 “(2) OTHER REQUIREMENTS.—A vessel that  
20 does not exchange ballast water on the high seas  
21 under paragraph (1) shall not discharge ballast  
22 water in any harbor, except in accordance with a  
23 contingency strategy approved by the Secretary (and  
24 included in the invasive species management plan of  
25 the vessel) to reduce the risk of organism transfer

1 by the discharge (using the best practicable tech-  
 2 nology and practices pursuant to regulations promul-  
 3 gated under subsection (b)(1)(B)(iii)).”.

4 **SEC. 108. RELATIONSHIP TO OTHER LAW.**

5 Section 1101 of the Nonindigenous Aquatic Nuisance  
 6 Prevention and Control Act of 1990 (16 U.S.C. 1101) is  
 7 further amended by adding at the end the following:

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

14 **SEC. 109. ARMED SERVICES WHOLE VESSEL MANAGEMENT**  
 15 **PROGRAM.**

16 (a) IN GENERAL.—Section 1103 of the Nonindige-  
 17 nous Aquatic Nuisance Prevention and Control Act of  
 18 1990 (16 U.S.C. 4713) is amended—

19 (1) by striking the section heading and insert-  
 20 ing the following:

21 **“SEC. 1103. ARMED SERVICES WHOLE VESSEL MANAGE-**  
 22 **MENT PROGRAM.”;**

23 and

24 (2) in subsection (a)—

1 (A) by striking “Subject to” and inserting  
2 the following:

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

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

5 “(2) TOWED VESSEL MANAGEMENT PRO-  
6 GRAM.—

7 “(A) IN GENERAL.—Subject to operational  
8 conditions, the Secretary of Defense, in con-  
9 sultation with the Secretary, the Task Force,  
10 and the International Maritime Organization,  
11 shall implement a towed vessel management  
12 program for Department of Defense vessels to  
13 minimize the risk of introductions of aquatic  
14 invasive species through hull and associated hull  
15 aperture transfers by towed vessels.

16 “(B) CURRENT BALLAST PROGRAM.—Sub-  
17 paragraph (A) shall not affect the ballast pro-  
18 gram for Department of Defense vessels in ef-  
19 fect immediately before the enactment of the  
20 National Aquatic Invasive Species Act of 2005.

21 “(3) REPORTS.—Not later than 3 years after  
22 the date of enactment of the National Aquatic  
23 Invasive Species Act of 2005, and every 3 years  
24 thereafter, the Secretary of Defense shall submit to  
25 the Congress a report that includes a summary and

1 analysis of the program carried out under this sec-  
 2 tion.”.

3 **SEC. 110. CONFORMING AMENDMENTS.**

4 (a) Section 1101(g) of the Nonindigenous Aquatic  
 5 Nuisance Prevention and Control Act of 1990 (16 U.S.C.  
 6 4711(g)) is amended by striking “under subsection (b) or  
 7 (f)” each place it appears and inserting “under this sec-  
 8 tion”.

9 (b) Section 1102(c)(1) of the Nonindigenous Aquatic  
 10 Nuisance Prevention and Control Act of 1990 (16 U.S.C.  
 11 4712(c)(1)) is amended by striking “issued under section  
 12 1101(b)” and inserting “promulgated under section  
 13 1101(e)”.

14 (c) Section 1102(f)(1)(B) of the Nonindigenous  
 15 Aquatic Nuisance Prevention and Control Act of 1990 (16  
 16 U.S.C. 4712(f)(1)(B)) is amended by striking “guidelines  
 17 issued pursuant to section 1101(c)” and inserting “regula-  
 18 tions promulgated under section 1101(e)”.

19 **TITLE II—PREVENTION OF THE**  
 20 **INTRODUCTION OF AQUATIC**  
 21 **INVASIVE SPECIES BY OTHER**  
 22 **PATHWAYS**

23 **SEC. 201. PRIORITY PATHWAY MANAGEMENT PROGRAM.**

24 Subtitle C of title I of the Nonindigenous Aquatic  
 25 Nuisance Prevention and Control Act of 1990 (16 U.S.C.

1 4721 et seq.) is amended by adding at the end the fol-  
2 lowing:

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

4 “(a) IDENTIFICATION OF HIGH PRIORITY PATH-  
5 WAYS.—Not later than 2 years after the date of enactment  
6 of the National Aquatic Invasive Species Act of 2005, and  
7 every 3 years thereafter, the Task Force, in coordination  
8 with the Invasive Species Council and in consultation with  
9 representatives of States, industry, and other interested  
10 parties, shall, based on pathway surveys and other avail-  
11 able research relating to the rates of introductions in wa-  
12 ters of the United States—

13 “(1) identify those pathways that pose the high-  
14 est risk for introductions of invasive species, both  
15 nationally and on a region-by-region basis unless  
16 further managed;

17 “(2) develop recommendations for management  
18 strategies for those high-risk pathways;

19 “(3) include in the report to the Congress re-  
20 quired under section 1201(f)(2)(B) a description of  
21 the identifications, strategies, and recommendations;  
22 and

23 “(4) identify aquatic invasive species not yet in-  
24 troduced into waters of the United States that are



1       likely to be introduced into waters of the United  
2       States unless preventative measures are taken.

3       “(b) MANAGEMENT OF HIGH PRIORITY PATH-  
4       WAYS.—Not later than 3 years after the date of enactment  
5       of the National Aquatic Invasive Species Act of 2005, the  
6       Task Force or agencies of jurisdiction shall, to the max-  
7       imum extent practicable, implement the strategies de-  
8       scribed in subsection (a)(2).”.

9       **SEC. 202. SCREENING PROCESS FOR PLANNED IMPORTA-**  
10       **TIONS OF LIVE AQUATIC ORGANISMS.**

11       Subtitle B of the Nonindigenous Aquatic Nuisance  
12       Prevention and Control Act of 1990 (16 U.S.C. 4711 et  
13       seq.) is amended by adding at the end the following:

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

16       “(a) IN GENERAL.—Not later than 3 years after the  
17       date of enactment of the National Aquatic Invasive Spe-  
18       cies Act of 2005, no live aquatic organism of a species  
19       not in trade shall be imported into the United States with-  
20       out screening and approval in accordance with subsections  
21       (c) and (d).

22       “(b) GUIDELINES.—

23               “(1) IN GENERAL.—Not later than 30 months  
24       after the date of enactment of the National Aquatic  
25       Invasive Species Act of 2005, in consultation with

1 regional panels convened under section 1203, States,  
2 tribes, and other stakeholders, the Invasive Species  
3 Council (in conjunction with the Task Force) shall  
4 issue guidelines for screening proposed planned im-  
5 portations of live aquatic organisms into the United  
6 States, that include—

7 “(A) guidelines for minimum information  
8 requirements for determinations under sub-  
9 section (c); and

10 “(B) guidelines for a simplified notification  
11 procedure for any additional shipments of orga-  
12 nisms that may occur after completion of an  
13 initial screening process and determination  
14 under subsection (c).

15 “(2) PURPOSE.—The purpose of the screening  
16 process shall be to prevent the introduction or estab-  
17 lishment of aquatic invasive species in waters of the  
18 United States and contiguous waters of Canada and  
19 Mexico.

20 “(3) FACTORS.—In developing guidelines under  
21 this subsection and reviewing and revising the guide-  
22 lines under subsection (j), the Invasive Species  
23 Council and the Task Force shall consider—

24 “(A) the likelihood of the spread of species  
25 by human or natural means;

1           “(B) species that may occur in association  
2           with the species planned for importation, in-  
3           cluding pathogens, parasites, and free-living or-  
4           ganisms; and

5           “(C) regional differences in probability of  
6           invasion and associated impacts.

7           “(c) CATEGORIES.—The screening process conducted  
8           pursuant to subsection (d) shall require the identification,  
9           to the maximum extent practicable, to the species level or,  
10          at least, to the genus level, of live aquatic organisms pro-  
11          posed for importation and shall list—

12           “(1) species with high or moderate probability  
13           of undesirable impacts to areas within the bound-  
14           aries of the United States and contiguous areas of  
15           neighboring countries, to which the species is likely  
16           to spread; and

17           “(2) species on which there is insufficient infor-  
18           mation to determine the risk category based on  
19           guidelines issued pursuant to subsection (b)(1)(B).

20          “(d) EVALUATION.—

21           “(1) IN GENERAL.—Not later than 180 days  
22           after the date of promulgation of guidelines under  
23           subsection (b), in consultation with regional panels  
24           convened under section 1203, States, tribes, and  
25           other stakeholders, a Federal agency with authority

1 over an importation into the United States of a live  
2 organism of a species not in trade shall screen the  
3 species in accordance with guidelines promulgated  
4 under subsection (b).

5 “(2) DELEGATION AND AUTHORITY.—If no  
6 agency has authority described in paragraph (1) or  
7 an agency delegates the screening to the Director  
8 under subsection (h)—

9 “(A) the Director shall screen the orga-  
10 nisms in accordance with subsections (a) and  
11 (b); and

12 “(B) the Director may prohibit the impor-  
13 tation of an organism of a species not in trade  
14 if the Director determines, based on evaluations  
15 consistent with the screening requirements pro-  
16 mulgated under section (f), that the species has  
17 a high or moderate probability of undesirable  
18 impacts on areas within the boundaries of the  
19 United States and contiguous areas of neigh-  
20 boring countries to which the species may  
21 spread.

22 “(3) MULTIPLE JURISDICTION.—If more than 1  
23 agency has jurisdiction over the importation of a live  
24 organism, the agencies shall conduct only 1 screen-  
25 ing process as determined by a memorandum of un-

1       derstanding consistent with subsection (f), except  
2       that the Secretary of Agriculture, shall conduct  
3       screening of organisms imported to be cultured.

4       “(e) REQUIREMENTS.—A Federal agency of jurisdic-  
5       tion, or the Director, shall—

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

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

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

16      “(f) MEMORANDUM OF UNDERSTANDING.—

17              “(1) IN GENERAL.—The Director of the United  
18      States Fish and Wildlife Service shall enter into a  
19      Memorandum of Understanding with the heads of  
20      the agencies of jurisdiction regarding the screening  
21      requirements contained in this section.

22              “(2) CONTENTS.—The Memorandum of Under-  
23      standing shall contain, at a minimum—

24                      “(A) a description of the relationship be-  
25      tween and responsibilities of the agencies of ju-

1 jurisdiction, including a process designating a  
2 lead agency in cases in which multiple agencies  
3 may have jurisdiction over the screening of an  
4 aquatic species;

5 “(B) the process by which the Director will  
6 delegate screening duties to and receive delega-  
7 tion from other agencies of jurisdiction; and

8 “(C) the process by which agencies of ju-  
9 risdiction will coordinate and share information  
10 required for the screening process.

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

15 “(h) CATALOG OF SPECIES IN TRADE.—Not later  
16 than 1 year after the date of enactment of the National  
17 Aquatic Invasive Species Act of 2005, the Director of the  
18 United States Geological Survey and the Director of the  
19 Smithsonian Environmental Research Center, in coopera-  
20 tion with agencies with jurisdiction over planned importa-  
21 tions of live organisms, shall—

22 “(1) develop and update as necessary a catalog  
23 of species in trade; and

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

1 “(i) REVIEW AND REVISION.—

2 “(1) IN GENERAL.—At least once every 3 years,  
3 the Council, in conjunction with the Task Force,  
4 shall use research on early detection and monitoring  
5 under section 1106, among other information  
6 sources, to review and revise the screening, guide-  
7 lines, and process carried out under this section.

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

11 “(A) an evaluation of the effectiveness of  
12 the screening processes carried out under this  
13 section;

14 “(B) an evaluation of the consistency of  
15 the application of the screening by agencies;  
16 and

17 “(C) recommendations for revisions of the  
18 processes.

19 “(j) PROHIBITIONS.—It shall be unlawful for any  
20 person subject to the jurisdiction of the United States to  
21 import an organism of a species described under sub-  
22 section (c) or (d) or in violation of regulations promul-  
23 gated under this section.

24 “(k) PENALTIES.—

1           “(1) CIVIL PENALTIES.—Any person who vio-  
2           lates subsection (j) shall be liable for a civil penalty  
3           in an amount not to exceed \$50,000.

4           “(2) CRIMINAL PENALTIES.—Any person who  
5           knowingly violates subsection (j) is guilty of a class  
6           C felony.

7           “(l) FEES.—The head of any agency that has juris-  
8           diction over a planned importation of a species subject to  
9           screening under this Act may increase the amount of any  
10          appropriate fee that is charged under an authority of law  
11          to offset the cost of any screening process carried out  
12          under this section.

13          “(m) INFORMATION.—A Federal agency conducting  
14          a screening process under this section shall make the re-  
15          sults of the process available to the public (including inter-  
16          national organizations).

17          “(n) REGULATIONS.—The Director may issue regula-  
18          tions to implement this section.

19          “(o) APPLICABILITY: EFFECT ON OTHER LAWS.—  
20          Nothing in this section shall be construed as repealing,  
21          superseding, or modifying any provision of Federal or  
22          state law.”.



1 **TITLE III—EARLY DETECTION;**  
2 **RAPID RESPONSE; CONTROL**  
3 **AND OUTREACH**

4 **SEC. 301. EARLY DETECTION.**

5 Subtitle B of the Nonindigenous Aquatic Nuisance  
6 Prevention and Control Act of 1990 (16 U.S.C. 4711 et  
7 seq.) (as amended by section 202) is amended by adding  
8 at the end the following:

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

10 **“(a) EARLY DETECTION.—**

11 **“(1) IN GENERAL.—**Not later than 18 months  
12 after the date of enactment of the National Aquatic  
13 Invasive Species Act of 2005, in conjunction with  
14 the Council, the Task Force shall develop and pro-  
15 mulgate a set of sampling protocols, a geographic  
16 plan, and budget to support a national system of ec-  
17 ological surveys to rapidly detect recently established  
18 aquatic invasive species in waters of the United  
19 States.

20 **“(2) CONTENTS.—**The protocols, plan, and  
21 budget shall, at a minimum—

22 **“(A)** address a diversity of aquatic eco-  
23 systems of the United States (including inland  
24 and coastal waters);

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

3           “(C) balance scientific rigor with practica-  
4           bility, timeliness, and breadth of sampling activ-  
5           ity;

6           “(D) consider the pathways and/or orga-  
7           nisms identified under section 1210;

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

11          “(F) include clear lines of communication  
12          with appropriate Federal, State, and regional  
13          rapid response authorities.

14          “(3) IMPLEMENTATION.—Not later than 3  
15          years after the date of enactment of the National  
16          Aquatic Invasive Species Act of 2005, the Director  
17          of the United States Fish and Wildlife Service, the  
18          Administrator of the National Oceanic and Atmos-  
19          pheric Administration, and the Administrator (in  
20          consultation with the Invasive Species Council and  
21          in coordination with other agencies) shall implement  
22          a national system of ecological surveys that is—

23                 “(A) carried out in cooperation with State,  
24                 local, port, tribal authorities, and other non-

1 Federal entities (such as colleges and univer-  
2 sities); and

3 “(B) based on the protocols, plan, and  
4 budget published under subsection (a)(1) and  
5 any public comment.”.

6 **SEC. 302. RAPID RESPONSE.**

7 Subtitle C of title I of the Nonindigenous Aquatic  
8 Nuisance Prevention and Control Act of 1990 (16 U.S.C.  
9 4721 et seq.) is further amended by adding at the end  
10 the following:

11 **“SEC. 1211. RAPID RESPONSE.**

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

14 “(1) EMERGENCY FUNDS FOR RAPID RE-  
15 SPONSE.—A State that has in effect a rapid re-  
16 sponse contingency strategy for invasive species in  
17 the State, including rapid assessment capabilities,  
18 that is approved under paragraph (2) shall be eligi-  
19 ble to receive emergency funding to remain available  
20 until expended to implement rapid response meas-  
21 ures for aquatic invasive species under the strategy,  
22 subject to renewal, as determined by the Secretary  
23 of the Interior and the Secretary in accordance with  
24 paragraph (2).

1           “(2) APPROVAL OF RAPID RESPONSE CONTIN-  
2           GENCY STRATEGIES.—The Task Force, in consulta-  
3           tion with the Invasive Species Council, shall approve  
4           a State rapid response contingency strategy de-  
5           scribed in paragraph (1) if the strategy—

6                   “(A) identifies all key governmental and  
7                   nongovernmental partners to be involved in car-  
8                   rying out the strategy;

9                   “(B) clearly designates the authorities and  
10                  responsibilities of each partner, including the  
11                  authority of any State or government of an In-  
12                  dian tribe to distribute emergency funds;

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

15                          “(i) distinguishes cases in which rapid  
16                          response has a likelihood of success and  
17                          cases in which rapid response has no likeli-  
18                          hood of success;

19                          “(ii) distinguishes rapid response  
20                          measures from ongoing management and  
21                          control of established populations of aquat-  
22                          ic invasive species; and

23                          “(iii) distinguishes instances in which  
24                          the rate and probability of organism dis-

1           persal is significantly altered by vessel  
2           movements;

3           “(D) includes an early detection strategy  
4           that supports or complements the early detec-  
5           tion and monitoring system developed under  
6           section 1106;

7           “(E) provides for a monitoring capability  
8           to assess—

9           “(i) the extent of infestations; and

10           “(ii) the effectiveness of rapid re-  
11           sponse efforts;

12           “(F) to the maximum extent practicable, is  
13           integrated into the State aquatic invasive spe-  
14           cies management plan approved under section  
15           1204;

16           “(G) to the maximum extent possible, does  
17           not use rapid response tools that do not meet  
18           environmental criteria developed under sub-  
19           section (e)(4);

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

22           “(i) potential pathways for spread of  
23           aquatic invasive species; and

1                   “(ii) persons involved in industries  
2                   and recreational activities associated with  
3                   those pathways; and

4                   “(I) to the extent that the strategy involves  
5                   vessels, conforms with guidelines issued by the  
6                   Secretary under subsection (c)(2).

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

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

15                   “(2) are approved by—

16                           “(A) the Secretary; and

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

19           “(c) MODEL RAPID RESPONSE CONTINGENCY  
20 STRATEGIES.—Not later than 18 months after the date  
21 of enactment of the National Aquatic Invasive Species Act  
22 of 2005—

23                   “(1) the Task Force, with the concurrence of  
24                   the Invasive Species Council and the regional panels

1 of the Task Force established under section 1203,  
2 shall develop—

3 “(A) a model State rapid response contin-  
4 gency strategy for aquatic invasive species, in-  
5 cluding rapid assessment capability, that in-  
6 cludes, to the maximum extent practicable, the  
7 components listed under subparagraphs (A)  
8 through (H) of subsection (a)(2); and

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

12 “(2) the Secretary, in concurrence with the  
13 Task Force and the regional panels, shall issue  
14 guidelines that describe vessel-related requirements  
15 that may be used in a rapid response contingency  
16 strategy, including specific requirements for strategy  
17 approved under this section.

18 “(d) COST SHARING.—

19 “(1) STATE RAPID RESPONSE CONTINGENCY  
20 STRATEGIES.—The Federal share of the cost of ac-  
21 tivities carried out under a State rapid response con-  
22 tingency strategy approved under subsection (a)  
23 shall be not less than 50 percent.

24 “(2) REGIONAL RAPID RESPONSE CONTINGENCY  
25 STRATEGIES.—The Federal share of the cost of ac-

1       tivities carried out under a regional rapid response  
2       contingency strategy approved under subsection (b)  
3       shall be not less than 75 percent.

4               “(3) IN-KIND CONTRIBUTIONS.—States or re-  
5       gions that receive Federal funds for rapid response  
6       activities may provide matching funds in the form of  
7       in-kind contributions.

8       “(e) FEDERAL RAPID RESPONSE TEAMS.—

9               “(1) ESTABLISHMENT OF TEAMS.—Not later  
10      than 1 year after the date of enactment of the Na-  
11      tional Aquatic Invasive Species Act of 2005, the  
12      Invasive Species Council, in coordination with the  
13      Task Force and the heads of appropriate Federal  
14      agencies, shall establish a Federal rapid response  
15      team for each of the 10 Federal regions that com-  
16      prise the Standard Federal Regional Boundary Sys-  
17      tem.

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

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

23                   “(B) carry out, or assist in carrying out,  
24                  rapid responses for newly detected aquatic  
25                  invasive species on non-Federal land at the re-



1           quest of a State, Indian tribe, or group of  
2           States or Indian tribes;

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

5           “(D) provide central sources of informa-  
6           tion for rapid responders;

7           “(E) maintain a list of researchers and  
8           rapid response volunteers; and

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

15          “(3) CRITERIA FOR IDENTIFYING CASES OF  
16          RAPID RESPONSE WARRANTING FEDERAL ASSIST-  
17          ANCE.—Not later than 1 year after the date of en-  
18          actment of the National Aquatic Invasive Species  
19          Act of 2005, the Task Force, with the concurrence  
20          of the Invasive Species Council, shall develop criteria  
21          to identify cases of rapid response warranting Fed-  
22          eral assistance under this subsection, including cri-  
23          teria relating to, at a minimum—

1           “(A) the extent to which infestations of  
2           aquatic invasive species may be managed suc-  
3           cessfully by rapid response;

4           “(B) the extent to which rapid response ef-  
5           forts may differ from ongoing management and  
6           control; and

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

10           “(i) biodiversity of native fish and  
11           wildlife;

12           “(ii) habitats of native fish and wild-  
13           life; or

14           “(iii) human health.

15           “(4) ENVIRONMENTAL CRITERIA.—Not later  
16           than 1 year after the date of enactment of the Na-  
17           tional Aquatic Invasive Species Act of 2005, the Ad-  
18           ministrator, in consultation with the Invasive Spe-  
19           cies Council, the Secretary of Transportation, the  
20           Task Force (including regional panels of the Task  
21           Force established under section 1203), the Director,  
22           and the Director of the National Marine Fisheries  
23           Service, shall develop environmental criteria to mini-  
24           mize nontarget environmental impacts of rapid re-  
25           sponses carried out pursuant to this section.”.

1 **SEC. 303. DISPERSAL BARRIERS.**

2 Section 1202 of the Nonindigenous Aquatic Nuisance  
3 Prevention and Control Act of 1990 (16 U.S.C. 4722) is  
4 amended—

5 (1) by redesignating subsections (j) and (k) as  
6 subsections (l) and (m), respectively; and

7 (2) by inserting after subsection (i) the fol-  
8 lowing:

9 “(j) NATIONAL DISPERSAL BARRIER PROGRAM.—

10 “(1) CHICAGO RIVER SHIP AND SANITARY  
11 CANAL DISPERSAL BARRIER PROJECT.—

12 “(A) IN GENERAL.—The Assistant Sec-  
13 retary, with the concurrence of the Adminis-  
14 trator, shall complete construction of, operate,  
15 and maintain, the Chicago River Ship and Sani-  
16 tary Canal dispersal barrier project.

17 “(B) CONSULTATION.—Subparagraph (A)  
18 shall be carried out in consultation with the ap-  
19 propriate Federal, State, local, and other non-  
20 governmental entities.

21 “(C) CONSTRUCTION.—The completed bar-  
22 rier project shall include additions to the dis-  
23 persal barrier in existence on the date of enact-  
24 ment of the National Aquatic Species Act of  
25 2005, including—

26 “(i) backup power;

1 “(ii) a research vessel launching  
2 crane;

3 “(iii) replacement electrodes;

4 “(iv) other barrier elements, as avail-  
5 able and appropriate;

6 “(v) an acoustic monitoring system;

7 “(vi) an emergency egress system; and

8 “(vii) a second long-service life dis-  
9 persal barrier.

10 “(D) FEASIBILITY STUDY OF CHICAGO  
11 RIVER SHIP AND SANITARY CANAL.—

12 “(i) IN GENERAL.—Not later than 3  
13 years after the date of enactment of the  
14 National Aquatic Invasive Species Act of  
15 2005, the Assistant Secretary, in consulta-  
16 tion with appropriate Federal, State, local,  
17 and nongovernmental entities, shall con-  
18 duct a feasibility study of the full range of  
19 options available to prevent the spread of  
20 aquatic species through the Chicago River  
21 Ship and Sanitary dispersal barrier.

22 “(ii) MATTERS TO BE STUDIED.—The  
23 study shall—

24 “(I) provide recommendations  
25 concerning additional and long-term

1 measures necessary to improve the  
2 performance of the Chicago River  
3 Ship and Sanitary Canal dispersal  
4 barrier; and

5 “(II) examine methods and meas-  
6 ures necessary to achieve, to the max-  
7 imum extent practicable, 100-percent  
8 efficacy of the barrier with respect to  
9 aquatic invasive species of fish and  
10 maximum efficacy of the barrier with  
11 respect to other taxa of aquatic  
12 invasive species.

13 “(2) MONITORING PROGRAM.—

14 “(A) ESTABLISHMENT.—Not later than 1  
15 year after the date of enactment of the Na-  
16 tional Aquatic Invasive Species Act of 2005, the  
17 Secretary of the Interior shall establish an  
18 interbasin and intrabasin monitoring program.

19 “(B) REQUIRED ELEMENTS.—The moni-  
20 toring program shall—

21 “(i) track aquatic invasive species  
22 moving through the Chicago River Ship  
23 and Sanitary Canal, the Lake Champlain  
24 Canal, other interbasin waterways, and

1 major river systems as recommended by re-  
2 gional panels convened under section 1203;

3 “(ii) assess the efficacy of dispersal  
4 barriers and other measures in preventing  
5 the spread of aquatic invasive species  
6 through the waterways; and

7 “(iii) identify waterways suitable for  
8 dispersal barrier demonstration projects, in  
9 addition to the waterways at which dis-  
10 persal barrier demonstration projects were  
11 carried out before the date of enactment of  
12 the National Aquatic Invasive Species Act  
13 of 2005.

14 “(C) REPORTS.—The Secretary of the In-  
15 terior shall issue biennial reports on the find-  
16 ings of the monitoring program.

17 “(3) PREVENTION AND MITIGATION PLANS FOR  
18 ARMY CORPS OF ENGINEERS PROJECTS.—In devel-  
19 oping projects involving interbasin waterways or  
20 other hydrologic alternations that could create path-  
21 ways for aquatic invasive species, the Assistant Sec-  
22 retary shall develop adequate prevention and mitiga-  
23 tion plans for controlling the dispersal of aquatic  
24 invasive species.

1           “(4) TECHNICAL ASSISTANCE.—The Great  
2       Lakes Environmental Research Laboratory of the  
3       National Oceanic and Atmospheric Administration  
4       shall provide technical assistance to appropriate enti-  
5       ties to assist in the research conducted under this  
6       subsection.

7           “(5) REPORTS.—Not later than 3 years after  
8       the date of enactment of the National Aquatic  
9       Invasive Species Act of 2005, the Assistant Sec-  
10      retary and the Director shall jointly submit to the  
11      Congress a report that describes—

12               “(A) the efficacy of the Chicago River Ship  
13              and Sanitary Canal dispersal barrier project;  
14              and

15               “(B) a plan to provide for additional dis-  
16              persal barrier demonstration projects and fur-  
17              ther research needs.

18           “(6) ADDITIONAL WATERWAYS.—The Assistant  
19      Secretary, with the concurrence of the Adminis-  
20      trator, and other relevant Federal agencies, shall—

21               “(A) identify additional waterways suitable  
22              for the construction of new dispersal barriers  
23              (based on the monitoring program established  
24              under paragraph (2)); and

1                   “(B) construct, maintain, and operate such  
2                   dispersal barriers as necessary.”.

3 **SEC. 304. ENVIRONMENTAL SOUNDNESS.**

4           Section 1202 of the Nonindigenous Aquatic Nuisance  
5 Prevention and Control Act of 1990 (16 U.S.C. 4722) is  
6 further amended by inserting after subsection (j) the fol-  
7 lowing:

8           “(k) IMPROVEMENT OF TREATMENT METHODS FOR  
9 AQUATIC INVASIVE SPECIES.—

10           “(1) CRITERIA TO EVALUATE ENVIRONMENTAL  
11 SOUNDNESS OF TREATMENT METHODS.—

12           “(A) IN GENERAL.—Not later than 1 year  
13 after the date of enactment of the National  
14 Aquatic Invasive Species Act of 2005, the Ad-  
15 ministrator, in consultation and cooperation  
16 with the Secretary, the Invasive Species Coun-  
17 cil, and the Task Force (including any regional  
18 panels of the Task Force) shall promulgate cri-  
19 teria to evaluate the treatment methods de-  
20 scribed in subparagraph (B) for the purpose of  
21 ensuring that the treatment methods pose no  
22 significant threat of adverse effect on human  
23 health, public safety, or the environment (in-  
24 cluding air quality and the aquatic environ-



ment) that is acute, chronic, cumulative, or collective.

“(B) TREATMENT METHODS.—The treatment methods referred to in subparagraph (A) are all mechanical, physical, chemical, biological, and other treatment methods used in bodies of water of the United States (regardless of whether the bodies of water are navigable and regardless of the origin of the waters), to prevent, treat, or respond to the introduction of aquatic invasive species.

“(C) CONSULTATION.—In carrying out subparagraph (A), the Administrator shall consult with—

“(i) the Secretary of Transportation;

“(ii) the Task Force (including the regional panels of the Task Force established under section 1203);

“(iii) the Director;

“(iv) the Assistant Secretary;

“(v) the Director of the National Marine Fisheries Service; and

“(vi) relevant State agencies.

“(2) PUBLICATION OF INFORMATION ON ENVIRONMENTALLY SOUND TREATMENT METHODS.—The

1 Administrator, in consultation with the Invasive Spe-  
 2 cies Council, shall publish (not later than 1 year  
 3 after the date of enactment of the National Aquatic  
 4 Invasive Species Act of 2005) and update annu-  
 5 ally—

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

9 “(B) accompanying research that supports  
 10 the environmental soundness of each approved  
 11 treatment method; and

12 “(C) explicit guidelines under which each  
 13 treatment method can be used in an environ-  
 14 mentally sound manner.

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

19 **SEC. 305. INFORMATION, EDUCATION, AND OUTREACH.**

20 Section 1202(h) of the Nonindigenous Aquatic Nui-  
 21 sance Prevention and Control Act of 1990 (16 U.S.C.  
 22 4722(h)) is amended—

23 (1) by striking “(h) Education.—The Task  
 24 Force” and inserting the following:

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

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

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

3 “(2) ACTIVITIES.—

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

7 “(B) PUBLIC OUTREACH.—

8 “(i) PUBLIC WARNINGS.—Not later  
9 than 180 days after the date of enactment  
10 of the National Aquatic Invasive Species  
11 Act of 2005, each Federal officer of an  
12 agency that provides Federal funds to  
13 States for building or maintaining public  
14 access points to United States water bodies  
15 shall amend the guidelines of the agency,  
16 in consultation with relevant State agen-  
17 cies, to encourage the posting of regionally  
18 specific public warnings or other suitable  
19 informational and educational materials at  
20 the access points regarding—

21 “(I) the danger of spread of  
22 aquatic invasive species through the  
23 transport of recreational watercraft;  
24 and

1 “(II) methods for removing orga-  
2 nisms prior to transporting a  
3 watercraft.

4 “(ii) CLEANING OF WATERCRAFT AT  
5 MARINAS.—Not later than 1 year after the  
6 date of enactment of the National Aquatic  
7 Invasive Species Act of 2005, the Under  
8 Secretary and the Director (in cooperation  
9 with the Task Force and in consultation  
10 with the States, relevant industry groups,  
11 and Indian tribes) shall develop an edu-  
12 cation, outreach, and training program di-  
13 rected toward marinas and marina opera-  
14 tors regarding—

15 “(I) checking watercraft for live  
16 organisms;

17 “(II) removing live organisms  
18 from the watercraft before the  
19 watercraft are commercially or  
20 recreationally trailered;

21 “(III) encouraging regular hull  
22 cleaning and maintenance, avoiding  
23 in-water hull cleaning; and

24 “(IV) other activities, as identi-  
25 fied by the Secretary.

1           “(iii) PROPER DISPOSAL OF NON-  
2           INDIGENOUS LIVE AQUATIC ORGANISMS IN  
3           TRADE.—The Task Force shall—

4                   “(I) not later than 1 year after  
5                   the date of enactment of the National  
6                   Aquatic Invasive Species Act of 2005,  
7                   develop (in consultation with industry  
8                   and other affected parties) issue  
9                   guidelines for proper disposal of live  
10                  nonindigenous aquatic organisms in  
11                  trade; and

12                  “(II) use the guidelines in appro-  
13                  priate public information and out-  
14                  reach efforts.

15           “(C) 100th meridian program.—

16                   “(i) IN GENERAL.—Not later than 1  
17                   year after the date of enactment of the  
18                   National Aquatic Invasive Species Act of  
19                   2005, the Task Force shall expand the in-  
20                   formation and education program directed  
21                   at recreational boaters in States from  
22                   which watercraft are transported westward  
23                   across the 100th meridian.

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

1                   “(I) survey owners of watercraft  
2                   transported westward across the  
3                   100th meridian to determine the  
4                   States of origin of most such owners;

5                   “(II) provide information directly  
6                   to watercraft owners concerning the  
7                   importance of cleaning watercraft car-  
8                   rying live organisms before trans-  
9                   porting the watercraft; and

10                  “(III) support education and in-  
11                  formation programs of the States of  
12                  origin to ensure that the State pro-  
13                  grams address westward spread.

14                  “(D) INFORMATION AND EDUCATION PRO-  
15                  GRAM BY NATIONAL PARK SERVICE.—The Sec-  
16                  retary of the Interior, acting through the Direc-  
17                  tor of the National Park Service, shall develop  
18                  a program to provide public outreach and other  
19                  educational activities to prevent the spread of  
20                  aquatic invasive species by recreational  
21                  watercraft in parkland or through events spon-  
22                  sored by the National Park Service.

23                  “(3) OUTREACH TO INDUSTRY.—The Task  
24                  Force, in conjunction with the Invasive Species  
25                  Council, shall carry out activities to inform and pro-

1 mote voluntary cooperation and regulatory compli-  
2 ance by members of the national and international  
3 maritime, horticultural, aquarium, aquaculture, and  
4 pet trade industries with screening, monitoring, and  
5 control of the transportation of aquatic invasive spe-  
6 cies.

7 “(4) PUBLIC ACCESS TO MONITORING INFORMA-  
8 TION.—The Task Force, the Invasive Species Coun-  
9 cil, and other relevant agencies, shall maintain infor-  
10 mation on the Internet regarding—

11 “(A) the best approaches for the public  
12 and private interests to use in assisting with  
13 national early detection and monitoring of  
14 aquatic invasive species in waters of the United  
15 States;

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

18 “(C) approved State Management Plans  
19 under section 1204(a) and Rapid Response  
20 Contingency Strategies under sections  
21 1211(a)(2) and 1211(c); and

22 “(D) the list of potential invaders under  
23 section 1201(a)(4).”.

## 1           **TITLE IV—COORDINATION**

### 2   **SEC. 401. PROGRAM COORDINATION.**

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

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

8                 (2) by redesignating paragraph (7) as para-  
9 graph (12); and

10                (3) by inserting after paragraph (6) the fol-  
11 lowing:

12                   “(7) the Director of the United States Geologi-  
13 cal Survey;

14                   “(8) the Director of the Smithsonian Environ-  
15 mental Research Center;

16                   “(9) the Secretary of State;

17                   “(10) the Secretary of Transportation;

18                   “(11) the Secretary of Homeland Security;  
19 and”.

20           (b) COORDINATION WITH INVASIVE SPECIES COUN-  
21 CIL.—Section 1201(f) of the Nonindigenous Aquatic Nui-  
22 sance Prevention and Control Act of 1990 (16 U.S.C.  
23 4721(f)) is amended—

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



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

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

4           “(2)     INVASIVE     SPECIES     COUNCIL.—The  
5       Invasive Species Council shall—

6           “(A) coordinate and cooperate with the  
7       Task Force in carrying out the duties of the  
8       Invasive Species Council relating to aquatic  
9       invasive species;

10          “(B) not later than 2 years after the date  
11       of enactment of the National Aquatic Invasive  
12       Species Act of 2005, and every 3 years there-  
13       after, submit to Congress a report that summa-  
14       rizes the status of the conduct of activities au-  
15       thorized by and required under this Act; and

16          “(C) establish any regional panels or task  
17       forces in coordination with the regional panels  
18       of the Task Force convened under section  
19       1203.”.

20       (c) COORDINATION WITH OTHER PROGRAMS.—Sec-  
21       tion 1202(c) of the Nonindigenous Aquatic Nuisance Pre-  
22       vention and Control Act of 1990 (16 U.S.C. 4722(c)) is  
23       amended by adding at the end the following:

24          “(3) RECOMMENDATIONS FOR LISTS.—

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

6                   “(i) any list of species of wildlife  
 7                   under the Lacey Act Amendments of 1981  
 8                   (16 U.S.C. 3371 et seq.) (including regula-  
 9                   tions under such Act); or

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

16           “(B) PROCESS.—The Task Force may use  
 17           the screening process developed pursuant to  
 18           section 1105 to identify species pursuant to  
 19           subparagraph (A).”.

20           (d) REGIONAL COORDINATION.—Section 1203 of the  
 21           Nonindigenous Aquatic Nuisance Prevention and Control  
 22           Act of 1990 (16 U.S.C. 4723) is amended by adding at  
 23           the end the following:

24                   “(d) ANNUAL INTERREGIONAL MEETING.—The Task  
 25           Force shall annually convene all regional panels estab-

1 lished pursuant to this Act for the purpose of information  
 2 transfer between and among panels, and between the pan-  
 3 els and the Task Force, regarding aquatic invasive species  
 4 management.

5 “(e) ORGANIZATIONS.—An interstate organization  
 6 that has a Federal charter authorized by law, interstate  
 7 agreement, or Executive order for purposes of fisheries or  
 8 natural resource management may receive funds under  
 9 this Act to implement activities authorized under this  
 10 Act.”.

11 (e) STATE AQUATIC INVASIVE SPECIES MANAGE-  
 12 MENT PLANS.—Section 1204(a) of the Nonindigenous  
 13 Aquatic Nuisance Prevention and Control Act of 1990 (16  
 14 U.S.C. 4724(a)) is amended—

15 (1) in paragraph (2)(A) by inserting before the  
 16 semicolon at the end the following: “, including, in  
 17 accordance with guidelines issued by the Task Force  
 18 under paragraph (5)”—

19 (A) rapid response contingency strategies  
 20 under section 1211;

21 (B) early detection strategies under section  
 22 1211(a)(2)(D);

23 (C) aquatic plant control programs pursu-  
 24 ant to other law; and

1 (D) screening of planned introductions  
2 pursuant to section 1105;

3 (2) in paragraph (2)(D) by inserting “include”  
4 after “(D)”;

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

6 “(5) GUIDELINES.—

7 “(A) IN GENERAL.—Not later than 1 year  
8 after the date of enactment of the National  
9 Aquatic Invasive Species Act of 2005, the Task  
10 Force shall publish in the Federal Register  
11 guidelines for the development of plans under  
12 this subsection, including guidelines for report-  
13 ing progress in implementing the plans, to en-  
14 courage consistency in implementation of and  
15 reporting under those plans.

16 “(B) GUIDELINES.—The guidelines pub-  
17 lished under subparagraph (A) shall include, for  
18 the purpose of paragraph (2)(A), guidelines  
19 concerning—

20 “(i) rapid response contingency strate-  
21 gies under section 1211;

22 “(ii) early detection and monitoring  
23 strategies under section 1211(a)(2)(D);

24 “(iii) aquatic plant control programs;

1 “(iv) screening of planned introduc-  
2 tions pursuant to and consistent with sec-  
3 tion 1105; and

4 “(v) the review and revision of re-  
5 quirements of this subsection and the re-  
6 approval process under this subsection.

7 “(6) RELATIONSHIP TO OTHER PLANS.—

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

14 “(B) ENFORCEMENT.—Funds provided to  
15 States for implementation of plans pursuant to  
16 section 1204 may be used by States to enforce  
17 requirements relating to aquatic invasive species  
18 under the Plant Protection Act (7 U.S.C. 7701  
19 et seq.) (including regulations promulgated  
20 under that Act contained in part 360 of title 7,  
21 Code of Federal Regulations (or any successor  
22 regulations)).

23 “(7) REVIEW AND REVISION.—

24 “(A) IN GENERAL.—Each State shall peri-  
25 odically review and, as necessary and subject to

1           subparagraph (B), revise the management plan  
2           of the State in accordance with guidelines of  
3           the Task Force under paragraph (5).

4           “(B) UPDATE OF EXISTING PLANS.—A  
5           State plan approved under the section before  
6           the date of the enactment of the National  
7           Aquatic Species Act of 2005 shall be revised by  
8           the State under guidelines issued by the Direc-  
9           tor to conform to the guidelines published  
10          under paragraph (5), but shall be treated as a  
11          plan approved under this subsection for pur-  
12          poses of grants under this section.

13          “(8) OTHER STATE MANAGEMENT PLANS.—In  
14          addition to the management plans required under  
15          this subsection, the Director shall encourage each  
16          State to develop and implement new, and expand ex-  
17          isting, State management plans to improve State ac-  
18          tions to prevent and control aquatic invasive spe-  
19          cies.”.

20          (f) GRANT PROGRAM.—Section 1204(b)(1) of the  
21          Nonindigenous Aquatic Nuisance Prevention and Control  
22          Act of 1990 (16 U.S.C. 4724(b)(1)) is amended by strik-  
23          ing “subsection (a) for the implementation of those  
24          plans.” and inserting the following:

25          “subsection (a)—

1           “(A) to develop those plans with a total  
2           amount that does not exceed 10 percent of the  
3           amounts made available for grants under this  
4           section for each fiscal year; and  
5           “(B) to implement those plans.”.

6 **SEC. 402. INTERNATIONAL COORDINATION.**

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

10           (1) by striking the subtitle heading and insert-  
11           ing the following:

12           **“Subtitle E—Administration”;**

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

14 **“SEC. 1402. INTERNATIONAL COORDINATION.**

15           “(a) IN GENERAL.—The Task Force, the Invasive  
16           Species Council, and the Secretary of State shall, to the  
17           maximum extent practicable, coordinate activities to en-  
18           sure that international efforts to prevent and manage  
19           aquatic invasive species (including through the Inter-  
20           national Maritime Organization, the International Con-  
21           vention on the Exploration of the Sea, the Global Invasive  
22           Species Program, and other appropriate programs) are co-  
23           ordinated with policies of the United States established by  
24           this Act.

1       “(b) COORDINATION WITH NEIGHBORING COUN-  
2 TRIES.—

3               “(1) IN GENERAL.—The Task Force, in con-  
4 sultation with the Secretary of State, shall include in  
5 the report required by section 1202(m) a description  
6 of the means by which international agreements and  
7 regulations with countries that share a border with  
8 the United States will be implemented and enforced  
9 by Federal agencies (including a clarification of the  
10 roles and responsibilities of those agencies).

11              “(2) NEGOTIATIONS.—As soon as practicable  
12 after the date of enactment of the National Aquatic  
13 Invasive Species Act of 2005, the Secretary of State  
14 may enter into negotiations with—

15              “(A) Canada to issue a request that the  
16 International Joint Commission, by not later  
17 than 18 months after the date of enactment of  
18 that Act, review, research, conduct hearings on,  
19 and submit to the parties represented on the  
20 International Joint Commission a report that  
21 describes the success of current policies of gov-  
22 ernments in the United States and Canada hav-  
23 ing jurisdiction over the Great Lakes in antici-  
24 pating and preventing biological invasions of



the aquatic ecosystem in the Great Lakes, including—

“(i) an analysis of current Federal, State or Provincial, local, and international laws, enforcement practices, and agreements;

“(ii) an analysis of prevention efforts related to all likely pathways for biological invasions of the aquatic ecosystem in the Great Lakes; and

“(iii) recommendations of the International Joint Commission for means by which to improve and harmonize the policies and enforcement practices referred to in clause (i); and

“(B) Mexico, to ensure coordination of efforts of the United States with efforts of Mexico to manage invasive species established in the United States-Mexico border region.”.

## **TITLE V—AUTHORIZATION OF APPROPRIATIONS**

### **SEC. 501. AUTHORIZATION OF APPROPRIATIONS.**

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

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

2 “(a) IN GENERAL.—Except as otherwise provided in  
3 this section, there are authorized to be appropriated such  
4 sums as are necessary to carry out this Act for each of  
5 fiscal years 2006 through 2010.

6 “(b) TASK FORCE AND AQUATIC NUISANCE SPECIES  
7 PROGRAM.—There are authorized to be appropriated for  
8 each of fiscal years 2006 through 2010—

9 “(1) \$8,000,000, to carry out activities of the  
10 Task Force under section 1202, of which—

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

13 “(B) \$3,000,000 shall be used by the Na-  
14 tional Oceanic and Atmospheric Administration;  
15 and

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

18 “(2) \$30,000,000, to provide grants under sec-  
19 tion 1204(b);

20 “(3) \$3,000,000, to provide assistance to the  
21 regional panels of the Task Force; and

22 “(4) \$1,000,000, to be used by the Director to  
23 carry out section 1105(g).

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

1 to carry out section 1403 \$1,000,000 for each of fiscal  
2 years 2006 through 2010.

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 2006 through 2010—

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 2006 through  
21 2010—

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(g).

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          2006 and 2007 and \$10,000,000 for each of fiscal years  
17          2008 through 2010, of which—

18               “(1) for each of fiscal years 2006 and 2007—

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 2008 through  
25          2010—

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 2006  
9           through 2010—

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 2006  
6           through 2010—

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 2006 through  
2       2009.

3       “(h) INFORMATION, EDUCATION, AND OUTREACH.—  
4       There are authorized to be appropriated for each of fiscal  
5       years 2006 through 2010—

6               “(1) \$500,000, to be used by the Secretary of  
7       the Interior to carry out the information and edu-  
8       cation program under section 1202(h)(2)(D);

9               “(2) \$750,000, to be used by the Director in  
10      carrying out the 100th meridian program under sec-  
11      tion 1202(h)(2)(C);

12              “(3) \$2,000,000, to be used to carry out infor-  
13      mational and educational activities of the Task  
14      Force under section 1202(h), of which—

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

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

20                      “(4) \$500,000, to be used by the National Oce-  
21                      anic and Atmospheric Administration to carry out  
22                      section 1202(h)(2)(B)(ii).”.

# TITLE VI—CONFORMING AMENDMENTS

## SEC. 601. CONFORMING AMENDMENTS.

(a) IN GENERAL.—The Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 is amended—

(1) in section 1101 (16 U.S.C. 4711) by striking the section heading and inserting the following:

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

(2) in section 1102 (16 U.S.C. 4712)—

(A) in subsection (a) by striking the subsection heading and inserting the following:

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

(B) in subsection (b)—

(i) by striking paragraph (1); and

(ii) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively;

(3) in subtitle C (16 U.S.C. 4721 et seq.) by striking the subtitle heading and inserting the following:



1 **“Subtitle C—Prevention and Con-**  
 2 **trol of Aquatic Invasive Species**  
 3 **Dispersal”;**

4 (4) in section 1201(a) (16 U.S.C. 4721(a)) by  
 5 striking “Nuisance Species” and inserting “Invasive  
 6 Species”;

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

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

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

12 **“SEC. 1204. STATE AQUATIC INVASIVE SPECIES MANAGE-**  
 13 **MENT PLANS.”;**

14 and

15 (7) by striking “aquatic nuisance species” each  
 16 place it appears and inserting “aquatic invasive spe-  
 17 cies”.

18 (b) SHORT TITLE.—

19 (1) Section 1001 of the Nonindigenous Aquatic  
 20 Nuisance Prevention and Control Act of 1990 (16  
 21 U.S.C. 4701) is amended by striking “Nonindige-  
 22 nous Aquatic Nuisance” and inserting “Nonindige-  
 23 nous Aquatic Invasive Species”.

24 (2) REFERENCES.—Any reference in a law,  
 25 map, regulation, document, paper, or other record of

1       the United States to the Nonindigenous Aquatic  
2       Nuisance Prevention and Control Act of 1990 shall  
3       be deemed to be a reference to the Nonindigenous  
4       Aquatic Invasive Species Prevention and Control Act  
5       of 1990.

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