

109TH CONGRESS
2D SESSION

S. 2545

To establish a collaborative program to protect the Great Lakes, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 5, 2006

Mr. DEWINE (for himself, Mr. LEVIN, Ms. STABENOW, Mr. VOINOVICH, Mrs. CLINTON, and Mr. SCHUMER) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To establish a collaborative program to protect the Great Lakes, and for other purposes.

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

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

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Great Lakes Collaboration Implementation Act of 2006”.

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—INVASIVE SPECIES

Subtitle A—Aquatic Invasive Species

- Sec. 101. Short title.
- Sec. 102. Definitions.
- Sec. 103. Prevention of introduction of aquatic invasive species into waters of the United States by vessels.
- Sec. 104. Armed services whole vessel management program.
- Sec. 105. Priority pathway management program.
- Sec. 106. Screening process for planned importations of live aquatic organisms.
- Sec. 107. Early detection.
- Sec. 108. Rapid response.
- Sec. 109. Environmental soundness.
- Sec. 110. Information, education, and outreach.
- Sec. 111. Ecological and pathway research.
- Sec. 112. Analysis.
- Sec. 113. Dissemination.
- Sec. 114. Technology development, demonstration, and verification.
- Sec. 115. Research to support the setting and implementation of ship pathway standards.
- Sec. 116. Research in systematics and taxonomy.
- Sec. 117. State programs.
- Sec. 118. Program coordination.
- Sec. 119. International coordination.
- Sec. 120. Authorization of appropriations.
- Sec. 121. Conforming amendments.

Subtitle B—Asian Carp Prevention and Control

- Sec. 125. Addition of species of carp to the list of injurious species that are prohibited from being imported or shipped.
- Sec. 126. Dispersal barriers.

Subtitle C—National Invasive Species Council

- Sec. 131. Definitions.
- Sec. 132. Limitation on Federal actions.
- Sec. 133. National Invasive Species Council.
- Sec. 134. Duties.
- Sec. 135. National Invasive Species Management Plan.
- Sec. 136. Invasive Species Advisory Committee.
- Sec. 137. Budget analysis and summary.
- Sec. 138. Existing executive order.
- Sec. 139. Authorization of appropriations.

TITLE II—HABITAT AND SPECIES

- Sec. 201. Short title.
- Sec. 202. Findings.
- Sec. 203. Definitions.
- Sec. 204. Identification, review, and implementation of proposals.
- Sec. 205. Goals of United States Fish and Wildlife Service Programs related to Great Lakes fish and wildlife resources.
- Sec. 206. Establishment of offices.
- Sec. 207. Reports.
- Sec. 208. Authorization of appropriations.

TITLE III—COASTAL HEALTH

- Sec. 301. Technical assistance.
- Sec. 302. Sewer overflow control grants.
- Sec. 303. Water pollution control revolving loan funds.
- Sec. 304. Allotment of funds.
- Sec. 305. Authorization of appropriations.

TITLE IV—AREAS OF CONCERN

- Sec. 401. Great Lakes.

TITLE V—TOXIC SUBSTANCES

- Sec. 501. Mercury reduction grants.

TITLE VI—INDICATORS AND INFORMATION

Subtitle A—Research Program

- Sec. 601. Research reauthorizations.
- Sec. 602. Great Lakes Science Center.
- Sec. 603. Great Lakes Environmental Research Laboratory.

Subtitle B—Ocean and Coastal Observation System

- Sec. 611. Definitions.
- Sec. 612. Integrated ocean and coastal observing system.
- Sec. 613. Research, development, and education.
- Sec. 614. Interagency financing.
- Sec. 615. Application with Outer Continental Shelf Lands Act.
- Sec. 616. Authorization of appropriations.
- Sec. 617. Reporting requirement.

Subtitle C—Great Lakes Water Quality Indicators and Monitoring

- Sec. 621. Great Lakes water quality indicators and monitoring.

TITLE VII—SUSTAINABLE DEVELOPMENT

- Sec. 701. Waterfront restoration and remediation projects.
- Sec. 702. Authority of Secretary to restore and remediate waterfront and related areas.
- Sec. 703. Authorization of appropriations.

TITLE VIII—COORDINATION AND OVERSIGHT

- Sec. 801. Definitions.
- Sec. 802. Great Lakes Interagency Task Force.
- Sec. 803. Executive Committee.
- Sec. 804. Great Lakes Regional Collaboration.

1 SEC. 2. FINDINGS.

2 Congress finds that—

1 (1) the Great Lakes, containing approximately
2 20 percent of the Earth's fresh surface water, are a
3 treasure of global significance;

4 (2) the Great Lakes provide drinking water for
5 millions of people, facilitate commerce, and provide
6 recreational opportunities for people from across the
7 United States and around the world;

8 (3) renewed efforts and investments are critical
9 to aid in meeting the goals and objectives of the
10 Great Lakes Water Quality Agreement between the
11 United States and Canada;

12 (4) in a report issued in December 2005, a
13 group of leading scientists from top institutions in
14 the Great Lakes area found that—

15 (A) the Great Lakes are on the brink of an
16 ecologic catastrophe;

17 (B) the primary stressors straining the
18 health of the Great Lakes are—

19 (i) toxic chemicals;

20 (ii) overloading of human waste and
21 urban and agricultural runoff;

22 (iii) physical changes to the shorelines
23 and wetlands;

24 (iv) invasive plant and animal species;

25 (v) changes in water patterns; and

1 (vi) overfishing;

2 (C) the deterioration of the Great Lakes
3 ecosystem is accelerating dramatically; and

4 (D) if the pattern of deterioration is not
5 reversed immediately, the damage could be ir-
6 reparable;

7 (5) as a result of the stressors described in
8 paragraph (4)(B)—

9 (A) over 1,800 beaches were closed in
10 2003;

11 (B) Lake Erie has developed a 6,300
12 square mile dead zone that forms every sum-
13 mer;

14 (C) zebra mussels, an aquatic invasive spe-
15 cies, cause \$500,000,000 per year in economic
16 and environmental damage in the Great Lakes;

17 (D) there is no appreciable natural repro-
18 duction of lake trout in the lower 4 Great
19 Lakes; and

20 (E) wildlife habitats have been destroyed,
21 which has diminished fishing, hunting, and
22 other outdoor recreation opportunities in the
23 Great Lakes;

24 (6) because of the patchwork approach to fixing
25 the problems facing the Great Lakes, the problems

1 have not only persisted in, but have also gotten
2 worse in some areas of, the Great Lakes;

3 (7) rather than dealing with 1 problem or loca-
4 tion of the Great Lakes at a time, a comprehensive
5 restoration of the system is needed to prevent the
6 Great Lakes from collapsing;

7 (8) in December 2004, work began on the
8 Great Lakes Regional Collaboration, a unique part-
9 nership that was—

10 (A) formed for the purpose of developing a
11 strategic action plan for Great Lakes restora-
12 tion; and

13 (B) composed of—

14 (i) key members from the Federal
15 Government, State and local governments,
16 and Indian tribes; and

17 (ii) other stakeholders;

18 (9) over 1,500 people throughout the Great
19 Lakes region participated in this collaborative proc-
20 ess, with participants working on 1 or more of the
21 8 strategy teams that focused on different issues af-
22 fecting the Great Lakes basin;

23 (10) the recommendations of the Great Lakes
24 Regional Collaboration, which was released on De-
25 cember 12, 2005, identify actions to address the

1 issues affecting the Great Lake basin on the Fed-
2 eral, State, local, and tribal level; and

3 (11) comprehensive restoration must be adapt-
4 ive, and ongoing efforts will be required to contin-
5 ually implement the recommendations of the Great
6 Lakes Regional Collaboration as the recommenda-
7 tions relate to buffers, river restoration, wetlands,
8 emerging toxic pollutants, and other issues affecting
9 the Great Lakes basin.

10 **SEC. 3. DEFINITIONS.**

11 In this Act:

12 (1) **ADMINISTERING AGENCIES.**—The term “ad-
13 ministering agencies” means—

14 (A) the National Oceanic and Atmospheric
15 Administration (including the Great Lakes En-
16 vironmental Research Laboratory);

17 (B) the Smithsonian Institution (acting
18 through the Smithsonian Environmental Re-
19 search Center); and

20 (C) the United States Geological Survey.

21 (2) **ADMINISTRATOR.**—The term “Adminis-
22 trator” means the Administrator of the Environ-
23 mental Protection Agency.

24 (3) **AQUATIC ECOSYSTEM.**—The term “aquatic
25 ecosystem” means a freshwater, marine, or estuarine

1 environment (including inland waters, riparian
2 areas, and wetlands) located in the United States.

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

6 (5) INVASION.—The term “invasion” means the
7 introduction and establishment of an invasive species
8 into an ecosystem beyond its historic range.

9 (6) INVASIVE SPECIES.—The term “invasive
10 species” means a species—

11 (A) that is nonnative to the ecosystem
12 under consideration; and

13 (B) whose introduction causes or may
14 cause harm to the economy, the environment, or
15 human health.

16 (7) INVASIVE SPECIES COUNCIL.—The term
17 “Invasive Species Council” means the council estab-
18 lished by section 3 of Executive Order No. 13112
19 (42 U.S.C. 4321 note).

20 (8) PATHWAY.—The term “pathway” means 1
21 or more routes by which an invasive species is trans-
22 ferred from 1 ecosystem to another.

23 (9) SPECIES.—The term “species” means any
24 fundamental category of taxonomic classification or

1 any viable biological material ranking below a genus
2 or subgenus.

3 (10) TASK FORCE.—The term “Task Force”
4 means the Aquatic Nuisance Species Task Force es-
5 tablished by section 1201(a) of the Nonindigenous
6 Aquatic Nuisance Prevention and Control Act of
7 1990 (16 U.S.C. 4721(a)).

8 (11) TYPE APPROVAL.—The term “type ap-
9 proval” means an approval procedure under which a
10 type of system is certified as meeting a standard es-
11 tablished pursuant to Federal law (including a regu-
12 lation) for a particular application.

13 **TITLE I—INVASIVE SPECIES**

14 **Subtitle A—Aquatic Invasive**

15 **Species**

16 **SEC. 101. SHORT TITLE.**

17 This subtitle may be cited as the “National Aquatic
18 Invasive Species Act of 2006”.

19 **SEC. 102. DEFINITIONS.**

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

23 **“SEC. 1003. DEFINITIONS.**

24 “In this Act:

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

4 “(2) AQUATIC ECOSYSTEM.—The term ‘aquatic
5 ecosystem’ means a freshwater, marine, or estuarine
6 environment (including inland waters, riparian
7 areas, and wetlands), located in the United States.

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

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

14 “(5) BEST PERFORMING TREATMENT TECH-
15 NOLOGY.—The term ‘best performing treatment
16 technology’ means the ballast water treatment tech-
17 nology that is, as determined by the Secretary—

18 “(A) the most biologically effective;

19 “(B) the most environmentally sound; and

20 “(C) suitable, available, and economically
21 practicable.

22 “(6) COASTAL VOYAGE.—The term ‘coastal voy-
23 age’ means a voyage conducted entirely within the
24 exclusive economic zone.

1 “(7) DIRECTOR.—The term ‘Director’ means
2 the Director of the United States Fish and Wildlife
3 Service.

4 “(8) ENVIRONMENTALLY SOUND.—The term
5 ‘environmentally sound’, refers to an activity that
6 prevents or reduces introductions, or controls infes-
7 tations, of aquatic invasive species in a manner that
8 minimizes adverse effects on—

9 “(A) the structure and function of an eco-
10 system; and

11 “(B) nontarget organisms and ecosystems.

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

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

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

20 “(10) EXISTING VESSEL.—The term ‘existing
21 vessel’ means any vessel that enters service on or be-
22 fore December 31, 2007.

23 “(11) GREAT LAKES.—The term ‘Great Lakes’
24 means—

25 “(A) Lake Erie;

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

3 “(C) Lake Michigan;

4 “(D) Lake Ontario;

5 “(E) Lake Superior;

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

8 “(i) the Saint Mary’s River;

9 “(ii) the Saint Clair River;

10 “(iii) the Detroit River;

11 “(iv) the Niagara River; and

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

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

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

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

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

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

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

15 “(17) INVASION.—The term ‘invasion’ means
16 the introduction and establishment of an invasive
17 species into an ecosystem beyond its historic range.

18 “(18) INVASIVE SPECIES.—The term ‘invasive
19 species’ means a species—

20 “(A) that is nonnative to the ecosystem
21 under consideration; and

22 “(B) whose introduction causes or may
23 cause harm to the economy, the environment, or
24 human health.

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

5 “(20) NEW VESSEL.—The term ‘new vessel’
6 means any vessel that enters service on or after Jan-
7 uary 1, 2008.

8 “(21) NONINDIGENOUS SPECIES.—The term
9 ‘nonindigenous species’ means any species in an eco-
10 system the range of which exceeds the historic range
11 of the species in that ecosystem.

12 “(22) ORGANISM TRANSFER.—The term ‘orga-
13 nism transfer’ means the movement of an organism
14 of any species from 1 ecosystem to another eco-
15 system outside the historic range of the species.

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

19 “(24) PLANNED IMPORTATION.—The term
20 ‘planned importation’ means the purposeful move-
21 ment of 1 or more nonindigenous organisms for use
22 in the territorial limits of the United States.

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

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

3 “(27) 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 “(28) SPECIES IN TRADE.—The term ‘species
8 in trade’ means a species that has a documented his-
9 tory of being commercially imported into the United
10 States in the period beginning on January 1, 1990,
11 and ending on January 1, 2002.

12 “(29) TASK FORCE.—The term ‘Task Force’
13 means the Aquatic Nuisance Species Task Force es-
14 tablished by section 1201(a).

15 “(30) TERRITORIAL SEA.—The term ‘territorial
16 sea’ means the belt of the sea measured from the
17 baseline of the United States determined in accord-
18 ance with international law, as set forth in Presi-
19 dential Proclamation Number 5928, dated December
20 27, 1988.

21 “(31) TREATMENT.—The term ‘treatment’
22 means a mechanical, physical, chemical, biological,
23 or other process or method of killing, removing, or
24 rendering inviable organisms.

1 “(32) TYPE APPROVAL.—The term ‘type ap-
 2 proval’ means an approval procedure under which a
 3 type of system is certified as meeting a standard es-
 4 tablished pursuant to Federal law (including a regu-
 5 lation) for a particular application.

6 “(33) UNDER SECRETARY.—The term ‘Under
 7 Secretary’ means the Under Secretary of Commerce
 8 for Oceans and Atmosphere.

9 “(34) UNDESIRABLE IMPACT.—The term ‘unde-
 10 sirable impact’ means economic, human health, aes-
 11 thetic, or environmental degradation that is not nec-
 12 essary for, and is not clearly outweighed by, public
 13 health, environmental, or welfare benefits.

14 “(35) WATERS OF THE UNITED STATES.—

15 “(A) IN GENERAL.—The term ‘waters of
 16 the United States’ means the navigable waters
 17 and territorial sea of the United States.

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

20 **SEC. 103. PREVENTION OF INTRODUCTION OF AQUATIC**
 21 **INVASIVE SPECIES INTO WATERS OF THE**
 22 **UNITED STATES BY VESSELS.**

23 (a) IN GENERAL.—Section 1101 of the Nonindige-
 24 nous Aquatic Nuisance Prevention and Control Act of
 25 1990 (16 U.S.C. 4711) is amended to read as follows:

1 **“SEC. 1101. PREVENTION OF INTRODUCTION OF AQUATIC**
 2 **INVASIVE SPECIES INTO WATERS OF THE**
 3 **UNITED STATES BY VESSELS.**

4 “(a) REQUIREMENTS FOR VESSELS OPERATING IN
 5 WATERS OF THE UNITED STATES.—

6 “(1) INVASIVE SPECIES MANAGEMENT PLAN.—

7 “(A) IN GENERAL.—Effective beginning on
 8 the date that is 180 days after the issuance of
 9 guidelines pursuant to subparagraph (D) and
 10 promulgation of any regulations under this sec-
 11 tion, each vessel that is equipped with a ballast
 12 tank, and any towed vessel or structure, oper-
 13 ating in waters of the United States shall have
 14 in effect, and have available for inspection, an
 15 aquatic invasive species management plan that
 16 prescribes safe and effective means by which
 17 the master of the vessel shall minimize intro-
 18 ductions and transfers of invasive species by
 19 any part of the vessel, pursuant to the guide-
 20 lines or regulations applicable to that vessel.

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

25 “(C) REQUIREMENTS.—The management
 26 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 applicable ballast water management requirements under paragraph (4);

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

“(iii) at the discretion of the Secretary, other operational requirements that are 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;

1 “(vi) documents relevant to aquatic
2 invasive species management equipment or
3 procedures;

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

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

11 “(ix) a contingency strategy applicable
12 under section 1211, if appropriate; and

13 “(x) such requirements described in
14 subsection (b) as are applicable to the ves-
15 sel.

16 “(D) GUIDELINES.—Not later than 18
17 months after the date of enactment of the Na-
18 tional Aquatic Invasive Species Act of 2006, the
19 Secretary shall issue final guidelines for the de-
20 velopment of invasive species management
21 plans, including guidelines that—

22 “(i) identify types of vessels for which
23 plans are required;

24 “(ii) establish processes for updating
25 and revising the plans; and

1 “(iii) establish criteria for compliance
2 with this subsection.

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

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

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

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

13 “(3) BEST MANAGEMENT PRACTICES.—

14 “(A) IN GENERAL.—Not later than 18
15 months after the date of enactment of the Na-
16 tional Aquatic Invasive Species Act of 2006, the
17 Secretary shall issue guidelines on best manage-
18 ment practices to eliminate or minimize and
19 monitor organism transfer by vessels.

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

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

24 “(ii) minimization of ballast water up-
25 take in areas in which there is a greater

1 risk of harmful organisms entering ballast
2 tanks (such as areas with toxic algal
3 blooms or known outbreaks of aquatic
4 invasive species);

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

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

11 “(v) proper use of anti-fouling coat-
12 ing; and

13 “(vi) provision of sample access ports
14 in ballast piping for sampling of ballast in-
15 take and discharge.

16 “(4) BALLAST WATER MANAGEMENT.—

17 “(A) IN GENERAL.—Effective beginning on
18 the date that is 180 days after the Secretary
19 promulgates regulations pursuant to subsection
20 (d), and except as provided in subparagraph
21 (B), each vessel equipped with a ballast water
22 tank that enters a United States port shall
23 comply with the regulations relating to ballast
24 water management.

25 “(B) EXCEPTIONS.—

1 “(i) VESSELS OPERATING ENTIRELY
2 WITHIN EXCLUSIVE ECONOMIC ZONE.—Be-
3 ginning on December 31, 2011, a vessel
4 equipped with a ballast tank, and any
5 towed vessel or structure, that operates en-
6 tirely within the exclusive economic zone
7 shall comply with the regulations described
8 in subsection (b)(3).

9 “(ii) VESSELS OPERATING IN EN-
10 CLOSED AQUATIC ECOSYSTEMS.—

11 “(I) IN GENERAL.—Subject to
12 subclause (II), an existing vessel
13 equipped with a ballast tank, and any
14 towed vessel or structure, that oper-
15 ates exclusively in the upper 4 Great
16 Lakes (Lake Superior, Lake Michi-
17 gan, Lake Huron, and Lake Erie, and
18 the connecting channels), or in an-
19 other enclosed aquatic ecosystem shall
20 not be required to comply with the
21 regulations described in subsection
22 (b)(1).

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

1 consultation with regional panels of
2 the Task Force, may determine addi-
3 tional enclosed aquatic ecosystems in
4 which the potential for movement of
5 organisms by natural and anthropo-
6 genic means is not significantly al-
7 tered by the movement of the vessels
8 equipped with ballast tanks.

9 “(b) INVASIVE SPECIES MANAGEMENT REGULA-
10 TIONS AND CERTIFICATION PROCEDURES.—

11 “(1) REGULATIONS.—Not later than 18 months
12 after the date of enactment of the National Aquatic
13 Invasive Species Act of 2006, the Secretary, with the
14 concurrence of the Administrator and in consultation
15 with the Task Force, shall promulgate final regula-
16 tions establishing performance requirements for ves-
17 sels to reduce or eliminate introduction by the ves-
18 sels of invasive species to waters of the United
19 States, including—

20 “(A) ballast water management operations
21 (including relevant contingency procedures in
22 instances in which a safety exemption is used
23 pursuant to subsection (j)); and

1 “(B) management of other vessel path-
2 ways, including the hull and sea chest of a ves-
3 sel.

4 “(2) BALLAST WATER EXCHANGE.—The regula-
5 tions promulgated pursuant to paragraph (1)—

6 “(A) shall apply only to existing vessels;

7 “(B) shall expire not later than December
8 31, 2011; and

9 “(C) shall include—

10 “(i) a provision for ballast water ex-
11 change that requires—

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

19 “(II) for a case in which the
20 master of a vessel determines that
21 compliance with the requirement
22 under subclause (I) is impracticable, a
23 sufficient number of flow-through ex-
24 changes of ballast water, on the high
25 sea or in an alternative exchange area

1 designated by the Secretary, to
2 achieve replacement of at least 95
3 percent of ballast water in ballast
4 tanks of the vessel, as determined by
5 a certification dye study conducted or
6 model developed in accordance with
7 protocols developed under paragraph
8 (5)(B) and recorded in the manage-
9 ment plan of a vessel pursuant to sub-
10 section (a)(1)(C)(i); and

11 “(ii) if a ballast water exchange is not
12 undertaken pursuant to subsection (j), a
13 contingency procedure that requires the
14 master of a vessel to use the best prac-
15 ticable technology or practice to treat bal-
16 last discharge.

17 “(3) BALLAST WATER TREATMENT.—

18 “(A) IN GENERAL.—The regulations pro-
19 mulgated pursuant to paragraph (1) shall—

20 “(i) establish a numeric ballast water
21 discharge standard at a level that ensures
22 that there is no measurable risk that any
23 viable organisms of nonindigenous species
24 entrained in ballast water that meets the

1 standard will be established in waters of
2 the United States; and

3 “(ii) require that a vessel discharge
4 ballast water the characteristics of which
5 are consistent with clause (i), unless no
6 technology exists to enable a vessel to dis-
7 charge such ballast water.

8 “(B) BEST PERFORMING TREATMENT.—If
9 no technology exists to enable a vessel to dis-
10 charge ballast water in accordance with the dis-
11 charge standard established under subpara-
12 graph (A)(i), the regulations promulgated pur-
13 suant to paragraph (1) shall require the vessel
14 to discharge ballast water that—

15 “(i) has been treated with the best
16 performing treatment technology; and

17 “(ii)(I) for existing vessels, has a con-
18 centration of viable biological material that
19 contains 99 percent fewer near-coastal
20 plankton than the concentration of viable
21 biological material of the intake water of
22 the vessel, as estimated under the certifi-
23 cation process described in paragraph
24 (5)(C); or

1 “(II) for new vessels, has a concentra-
2 tion of viable biological material that con-
3 tains 99.9 percent fewer near-coastal
4 plankton than the concentration of viable
5 biological material of the intake water of
6 the vessel, as estimated under the certifi-
7 cation process described in paragraph
8 (5)(C).

9 “(4) REVIEW AND REVISION.—The Secretary,
10 with the concurrence of the Administrator, shall re-
11 view and revise—

12 “(A) not less frequently than every 3
13 years, any determination relating to best per-
14 forming treatment technology under paragraph
15 (3)(B)(i); and

16 “(B) not less frequently than every 6
17 years, the regulations promulgated pursuant to
18 paragraph (1).

19 “(5) CERTIFICATION OF TREATMENTS AND
20 PRACTICES.—

21 “(A) IN GENERAL.—Not later than the
22 date on which regulations are promulgated pur-
23 suant to paragraphs (2) and (3), the Secretary
24 shall, with the concurrence of the Adminis-
25 trator, promulgate regulations for—

1 “(i) the certification of treatments or
 2 practices the performances of which com-
 3 ply with the regulations; and

4 “(ii) on-going enforcement of the ef-
 5 fective use of the certified treatments or
 6 practices.

7 “(B) CERTIFICATION OF BALLAST WATER
 8 EXCHANGE PROCEDURES.—The certification of
 9 ballast water exchange procedures in compli-
 10 ance with the regulations promulgated pursuant
 11 to paragraph (2) shall be based on a qualified
 12 type-approval process, including a protocol in-
 13 volving dye studies or models detailing flow dy-
 14 namics of a vessel or class of vessels described
 15 in paragraph (2)(A)(ii) for demonstrating the
 16 number of flow-through exchanges necessary for
 17 such a vessel to meet the percentage purge re-
 18 quirements associated with the flow-through
 19 technique for ballast water exchange.

20 “(C) CERTIFICATION OF ALL OTHER BAL-
 21 LAST WATER DISCHARGE.—The certification of
 22 treatments in compliance with the regulations
 23 promulgated pursuant to paragraph (1)(B)
 24 shall be based on a qualified type-approval
 25 process that—

1 “(i) is capable of estimating the ex-
2 tent to which ballast water discharge treat-
3 ed by a ballast water treatment system is
4 likely to comply with applicable standards,
5 including any restrictions relating to—

6 “(I) biological, chemical, or phys-
7 ical conditions of water taken into bal-
8 last; and

9 “(II) conditions encountered dur-
10 ing a voyage;

11 “(ii) is capable of determining the ex-
12 tent to which a ballast water treatment
13 method—

14 “(I) is environmentally sound,
15 based on criteria promulgated by the
16 Administrator under paragraph
17 (8)(A); and

18 “(II) is safe for vessel and crew;

19 “(iii) may be used in estimating the
20 expected useful life of the ballast water
21 treatment system, as determined on the
22 basis of voyage patterns and normal use
23 conditions;

1 “(iv) includes a ship-boarding testing
 2 component (and may include a shore-based
 3 testing component);

4 “(v) provides for appropriate moni-
 5 toring, as determined by the Adminis-
 6 trator;

7 “(vi) provides for revocation by the
 8 Administrator of approval pending the re-
 9 sults of the monitoring; and

10 “(vii) is cost-effective.

11 “(D) EXPIRATION OF BALLAST WATER EX-
 12 CHANGE OPTION.—On the date of expiration of
 13 the ballast water exchange option under para-
 14 graph (2), the certification process shall apply
 15 to all methods of ballast water management,
 16 treatment, and system design.

17 “(E) REVIEW AND REVISION.—Not less
 18 frequently than every 3 years, the Secretary, in
 19 conjunction with the Administrator, shall review
 20 and, if necessary, revise the certification process
 21 pursuant to subsection (e)(1).

22 “(F) APPLICATION FOR APPROVAL.—

23 “(i) IN GENERAL.—The Secretary and
 24 the Administrator shall approve an appli-
 25 cation for certification of a ballast water

1 treatment system only if the application is
2 in such form and contains such informa-
3 tion as the Secretary and Administrator
4 may require.

5 “(ii) APPROVAL AND DISAPPROVAL.—

6 “(I) IN GENERAL.—On receipt of
7 an application under clause (i)—

8 “(aa) the Administrator
9 shall, not later than 90 days
10 after the date of receipt of the
11 application—

12 “(AA) review the appli-
13 cation for compliance and
14 consistency with environ-
15 mental soundness criteria
16 promulgated under para-
17 graph (8)(A); and

18 “(BB) approve those
19 ballast water treatment sys-
20 tems that meet those cri-
21 teria; and

22 “(bb) the Secretary, in con-
23 sultation with the Task Force,
24 shall, not later than 180 days

1 after the date of receipt of the
2 application—

3 “(AA) determine
4 whether the ballast water
5 treatment system covered by
6 the application meets the re-
7 quirements of this sub-
8 section, as appropriate;

9 “(BB) approve or dis-
10 approve the application; and

11 “(CC) provide the ap-
12 plicant written notice of ap-
13 proval or disapproval.

14 “(II) LIMITATIONS.—An applica-
15 tion approved under subclause (I)
16 shall—

17 “(aa) be qualified with any
18 limitations relating to voyage
19 pattern, duration, or any other
20 characteristic that may affect the
21 effectiveness or environmental
22 soundness of the ballast water
23 treatment system covered by the
24 application, as determined by the

1 Secretary in consultation with
2 the Administrator;

3 “(bb) be applicable to a spe-
4 cific vessel or group of vessels, as
5 determined by the Secretary;

6 “(cc) be valid for the least
7 of—

8 “(AA) the expected use-
9 ful life of the ballast water
10 treatment system;

11 “(BB) 10 years; or

12 “(CC) such period of
13 time for which the Secretary
14 or Administrator (as appro-
15 priate) determines that
16 (based on available informa-
17 tion, including information
18 developed pursuant to para-
19 graph (6)(B)(iii)) there ex-
20 ists a serious deficiency in
21 performance or environ-
22 mental soundness of the sys-
23 tem relative to anticipated
24 performance or environ-
25 mental soundness; and

1 “(dd) be renewed if—

2 “(AA) the Secretary de-
3 termines that the ballast
4 water treatment system re-
5 mains in compliance with
6 applicable standards as of
7 the date of application for
8 renewal; or

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

12 “(6) EXPERIMENTAL APPROVAL FOR BALLAST
13 WATER TREATMENT.—

14 “(A) IN GENERAL.—The owner or operator
15 of a vessel may submit to the Secretary an ap-
16 plication to test or evaluate a promising ballast
17 water treatment technology that—

18 “(i) has the potential to achieve the
19 standard set forth under subsection
20 (b)(3)(A); and

21 “(ii) is likely to achieve a minimum
22 performance that is the same as or more
23 stringent than the best available perform-
24 ance that applies to a vessel under sub-
25 section (b)(3)(B).

1 “(B) APPROVAL.—The Secretary shall ap-
2 prove an application under subparagraph (A)
3 if—

4 “(i) the Secretary and the Adminis-
5 trator, in consultation with the Task Force
6 (including relevant regional panels, and the
7 Prevention Committee, of the Task Force),
8 determine that the treatment technologies
9 meet the requirements in paragraph
10 (3)(B)(ii); and

11 “(ii) the Administrator determines,
12 based on independent and peer-reviewed
13 information provided to the Secretary by
14 the owner or operator of the vessel or
15 other applicable parties, that the treatment
16 technologies—

17 “(I) comply with environmental
18 requirements (including regulations);
19 and

20 “(II) have the potential to meet
21 environmental soundness criteria es-
22 tablished under paragraph (8)(A)(i).

23 “(C) WAIVER.—If the Secretary approves
24 an application under subparagraph (B), the
25 Secretary and the Administrator may waive the

requirements under subsection (a)(4)(A) with respect to the vessel that is subject to the application approved.

“(D) LIMITATIONS.—

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

“(ii) PERIOD OF APPROVAL.—Approval granted under subparagraph (B) shall be for the least of—

“(I) the expected useful life of the ballast water treatment system;

“(II) a period of 10 years; or

“(III) a period ending on the date that the Secretary and Administrator (as appropriate) determines that there exists a serious deficiency in performance or human safety or environmental soundness of the system relative to anticipated performance or environmental soundness.

“(iii) INFORMATION.—As a condition of receiving experimental approval for a

1 treatment under subparagraph (B), the
 2 owner or operator of a vessel shall agree to
 3 collect and report such information regard-
 4 ing the operational and biological effective-
 5 ness of the treatment through sampling of
 6 the intake and discharge ballast as the
 7 Secretary may request.

8 “(iv) RENEWAL.—An experimental
 9 approval may be renewed in accordance
 10 with paragraph (5)(F)(ii).

11 “(7) INCENTIVES FOR USE OF TREATMENT SYS-
 12 TEMS.—

13 “(A) IN GENERAL.—The Secretary, the
 14 Secretary of Transportation, and the Adminis-
 15 trator shall assist owners or operators of vessels
 16 that seek to obtain experimental approval for
 17 installation of ballast water treatment systems,
 18 including through providing guidance on—

19 “(i) a sampling protocol and test pro-
 20 gram for cost effective treatment evalua-
 21 tion;

22 “(ii) sources of sampling equipment
 23 and field biological expertise; and

24 “(iii) examples of shipboard evalua-
 25 tion studies.

1 “(B) SELECTION OF TECHNOLOGIES AND
 2 PRACTICES.—In selecting technologies and
 3 practices for shipboard demonstration under
 4 section 1104(b), the Secretary of the Interior
 5 and the Secretary of Commerce shall give pri-
 6 ority consideration to technologies and practices
 7 that have received or are in the process of re-
 8 ceiving certification under paragraph (5).

9 “(C) ANNUAL SUMMARIES.—The Secretary
 10 shall annually summarize, and make available
 11 to interested parties, all available information
 12 on the performance of technologies proposed for
 13 ballast treatment to facilitate the application
 14 process for experimental approval for ballast
 15 water treatment under paragraph (6).

16 “(8) ENVIRONMENTAL SOUNDNESS CRITERIA
 17 FOR BALLAST TREATMENTS.—

18 “(A) IN GENERAL.—The Administrator
 19 shall include in criteria promulgated under sec-
 20 tion 1202(j)(1)(A) specific criteria—

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

23 “(ii) to grant environmental sound-
 24 ness exceptions under subparagraph (B).

25 “(B) EXCEPTIONS.—

1 “(i) IN GENERAL.—In reviewing appli-
 2 cations under paragraph (5)(F)(ii)(I)(aa)
 3 in an emergency situation to achieve reduc-
 4 tions in significant and acute risk of trans-
 5 fers of invasive species by vessels, the Sec-
 6 retary and the Administrator may jointly
 7 determine to make an exception to criteria
 8 described in subparagraph (A)(i).

9 “(ii) QUALIFICATION OF APPROV-
 10 ALS.—To be eligible for an exception under
 11 clause (i), an approval under paragraph
 12 (5)(F)(ii)(I)(aa) shall be qualified under
 13 paragraph (5)(F)(ii)(II).

14 “(c) GREAT LAKES PROGRAM.—

15 “(1) REGULATIONS.—Until such time as regu-
 16 lations are promulgated to implement the amend-
 17 ments made by the National Aquatic Invasive Spe-
 18 cies Act of 2006, regulations promulgated to carry
 19 out this Act shall remain in effect until revised or
 20 replaced pursuant to the National Aquatic Invasive
 21 Species Act of 2006.

22 “(2) RELATIONSHIP TO OTHER PROGRAMS.—
 23 On implementation of a national mandatory ballast
 24 management program that is at least as comprehen-
 25 sive as the Great Lakes program (as determined by

1 the Secretary, in consultation with the Governors of
2 Great Lakes States)—

3 “(A) the program regulating vessels and
4 ballast water in Great Lakes under this section
5 shall terminate; and

6 “(B) the national program shall apply to
7 such vessels and ballast water.

8 “(3) REVIEW AND REVISION.—

9 “(A) IN GENERAL.—Not later than the
10 date that is 18 months after the date of enact-
11 ment of the National Aquatic Invasive Species
12 Act of 2006, the Secretary shall—

13 “(i) review and revise regulations pro-
14 mulgated under this section to ensure the
15 regulations provide the maximum prac-
16 ticable protection of the Great Lakes eco-
17 system from introduction by vessels (in-
18 cluding vessels in the unballasted condi-
19 tion) of aquatic invasive species; and

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

22 “(B) CONTENTS.—The revised regulations
23 shall include, at a minimum, requirements
24 under subsections (a) and (b) (as amended by
25 that Act).

1 “(d) AUTHORITY OF THE SECRETARY.—

2 “(1) IN GENERAL.—In carrying out this sec-
3 tion, the Secretary shall, with the concurrence of the
4 Administrator, promulgate regulations in accordance
5 with subsection (b).

6 “(2) PROGRAM COMPONENTS.—

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

10 “(i) ships that enter the Great Lakes
11 after operating outside the exclusive eco-
12 nomic zone; and

13 “(ii) ships that enter United States
14 ports after operating outside the exclusive
15 economic zone, excluding United States
16 ports on the Great Lakes.

17 “(B) DURATION.—Regulations promul-
18 gated under subparagraph (A)(i) shall remain
19 in effect until the Great Lakes program is ter-
20 minated pursuant to subsection (c).

21 “(3) REQUIREMENTS.—The regulations promul-
22 gated under paragraph (1) shall—

23 “(A) protect the safety of—

24 “(i) each vessel; and

1 “(ii) the crew and passengers of each
2 vessel;

3 “(B) provide for sampling of ballast intake
4 and discharge flows through ballast piping to
5 monitor for compliance with the regulations;

6 “(C) take into consideration—

7 “(i) vessel types;

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

11 “(iii) different operating conditions;

12 “(D) be based on the best scientific infor-
13 mation available;

14 “(E) not affect or supersede any require-
15 ments or prohibitions pertaining to the dis-
16 charge of ballast water into waters of the
17 United States under the Federal Water Pollu-
18 tion Control Act (33 U.S.C. 1251 et seq.); and

19 “(F) include a list of the best performing
20 treatment technologies that is reviewed and up-
21 dated under subsection (b)(4)(A).

22 “(4) EDUCATION AND TECHNICAL ASSISTANCE
23 PROGRAMS.—The Secretary may carry out education
24 and technical assistance programs and other meas-

1 ures to promote compliance with the regulations pro-
 2 mulgated under this subsection.

3 “(e) PERIODIC REVIEW AND REVISION OF REGULA-
 4 TIONS.—

5 “(1) IN GENERAL.—Not later than 3 years
 6 after the date of enactment of the National Aquatic
 7 Invasive Species Act of 2006, and not less often
 8 than every 3 years thereafter, the Secretary shall
 9 (with the concurrence of the Administrator, based on
 10 recommendations of the Task Force, and informa-
 11 tion collected and analyzed under this title and in
 12 accordance with criteria developed by the Task
 13 Force under paragraph (3))—

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

16 “(B) assess the effectiveness of the regula-
 17 tions referred to in subparagraph (A) in reduc-
 18 ing the introduction and spread of aquatic
 19 invasive species by vessels; and

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

22 “(i) revise the regulations referred to
 23 in subparagraph (A); and

24 “(ii) promulgate additional regula-
 25 tions.

1 “(2) SPECIAL REVIEW AND REVISION.—Not
 2 later than 90 days after the date on which the Task
 3 Force makes a request to the Secretary for a special
 4 review and revision of the Program, the Secretary
 5 shall (with the concurrence of the Administrator)—

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

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

10 “(i) revise those guidelines; or

11 “(ii) promulgate additional regula-
 12 tions.

13 “(3) CRITERIA FOR EFFECTIVENESS.—Not
 14 later than 1 year after the date of enactment of the
 15 National Aquatic Invasive Species Act of 2006, and
 16 every 3 years thereafter, the Task Force shall sub-
 17 mit to the Secretary criteria for determining the
 18 adequacy and effectiveness of all regulations promul-
 19 gated under this section.

20 “(f) SANCTIONS.—

21 “(1) CIVIL PENALTIES.—

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

1 “(B) SEPARATE VIOLATIONS.—Each day
2 of a continuing violation constitutes a separate
3 violation.

4 “(C) LIABILITY OF VESSELS.—A vessel op-
5 erated in violation of a regulation promulgated
6 under this Act shall be liable in rem for any
7 civil penalty assessed under this subsection for
8 that violation.

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

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

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

22 “(A) the master of a vessel, acting in good
23 faith, decides that the exchange of ballast water
24 will threaten the safety or stability of the vessel
25 or the crew or passengers of the vessel; and

1 “(B) the vessel complies with—

2 “(i) recordkeeping requirements of
3 this Act;

4 “(ii) contingency requirements of sec-
5 tion 1211; and

6 “(iii) reporting requirements of this
7 Act.

8 “(g) 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 “(h) 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 “(i) 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 “(j) SAFETY EXEMPTION.—

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

15 “(2) OTHER REQUIREMENTS.—A vessel that
16 does not exchange ballast water on the high seas
17 under paragraph (1) shall not discharge ballast
18 water in any harbor, except in accordance with a
19 contingency strategy approved by the Secretary (and
20 included in the invasive species management plan of
21 the vessel) to reduce the risk of organism transfer
22 by the discharge (using the best practicable tech-
23 nology and practices pursuant to regulations promul-
24 gated under subsection (b)(1)).

1 “(k) NON-DISCRIMINATION.—The Secretary shall en-
 2 sure that vessels registered outside of the United States
 3 do not receive more favorable treatment than vessels reg-
 4 istered in the United States in any case in which the Sec-
 5 retary performs studies, reviews compliance, determines
 6 effectiveness, establishes requirements, or performs any
 7 other responsibilities under this Act.

8 “(l) EFFECT ON OTHER LAW.—Nothing in this sec-
 9 tion or any regulation promulgated under this section su-
 10 persedes or otherwise affects any requirement or prohibi-
 11 tion relating to the discharge of ballast water under the
 12 Federal Water Pollution Control Act (33 U.S.C. 1251 et
 13 seq.).”.

14 (b) CONFORMING AMENDMENTS.—

15 (1) Section 1102(c)(1) of the Nonindigenous
 16 Aquatic Nuisance Prevention and Control Act of
 17 1990 (16 U.S.C. 4712(c)(1)) is amended by striking
 18 “issued under section 1101(b)” and inserting “pro-
 19 mulgated under section 1101(e)”.

20 (2) Section 1102(f)(1)(B) of the Nonindigenous
 21 Aquatic Nuisance Prevention and Control Act of
 22 1990 (16 U.S.C. 4712(f)(1)(B)) is amended by
 23 striking “guidelines issued pursuant to section
 24 1101(c)” and inserting “regulations promulgated
 25 under section 1101(e)”.

1 **SEC. 104. ARMED SERVICES WHOLE VESSEL MANAGEMENT**
 2 **PROGRAM.**

3 Section 1103 of the Nonindigenous Aquatic Nuisance
 4 Prevention and Control Act of 1990 (16 U.S.C. 4713) is
 5 amended—

6 (1) by striking the section heading and insert-
 7 ing the following:

8 **“SEC. 1103. ARMED SERVICES WHOLE VESSEL MANAGE-**
 9 **MENT PROGRAM.”;**

10 and

11 (2) in subsection (a)—

12 (A) by striking “Subject to” and inserting
 13 the following:

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

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

16 “(2) TOWED VESSEL MANAGEMENT PRO-
 17 GRAM.—

18 “(A) IN GENERAL.—Subject to operational
 19 conditions, the Secretary of Defense, in con-
 20 sultation with the Secretary, the Task Force,
 21 and the International Maritime Organization,
 22 shall implement a towed vessel management
 23 program for Department of Defense vessels to
 24 minimize the risk of introductions of aquatic
 25 invasive species through hull and associated hull
 26 aperture transfers by towed vessels.

1 “(B) CURRENT BALLAST PROGRAM.—Ex-
 2 cept as provided in subparagraph (A), this Act
 3 does not affect the ballast program for Depart-
 4 ment of Defense vessels in effect on the date of
 5 enactment of the National Aquatic Invasive
 6 Species Act of 2006.

7 “(3) REPORTS.—Not later than 3 years after
 8 the date of enactment of the National Aquatic
 9 Invasive Species Act of 2006, and every 3 years
 10 thereafter, the Secretary of Defense shall submit to
 11 Congress a report that includes a summary and
 12 analysis of the program carried out under this sec-
 13 tion.”.

14 **SEC. 105. PRIORITY PATHWAY MANAGEMENT PROGRAM.**

15 Subtitle C of title I of the Nonindigenous Aquatic
 16 Nuisance Prevention and Control Act of 1990 (16 U.S.C.
 17 4721 et seq.) is amended by adding at the end the fol-
 18 lowing:

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

20 “(a) IDENTIFICATION OF HIGH PRIORITY PATH-
 21 WAYS.—Not later than 2 years after the date of enactment
 22 of the National Aquatic Invasive Species Act of 2006, and
 23 every 3 years thereafter, the Task Force, in coordination
 24 with the Invasive Species Council and in consultation with
 25 representatives of States, industry, and other interested

1 parties, shall, based on pathway surveys conducted under
2 this title and other available research relating to the rates
3 of introductions in waters of the United States—

4 “(1) identify those pathways that pose the high-
5 est risk for introductions of invasive species, both
6 nationally and on a region-by-region basis;

7 “(2) develop recommendations for management
8 strategies for those high-risk pathways;

9 “(3) include in the report to Congress required
10 under section 1201(f)(2)(B) a description of the
11 identifications, strategies, and recommendations
12 based on research collected under this title; and

13 “(4) identify invasive species not yet introduced
14 into waters of the United States that are likely to
15 be introduced into waters of the United States un-
16 less preventative measures are taken.

17 “(b) MANAGEMENT OF HIGH PRIORITY PATH-
18 WAYS.—Not later than 3 years after the date of enactment
19 of the National Aquatic Invasive Species Act of 2006, the
20 Task Force or agencies of jurisdiction shall, to the max-
21 imum extent practicable, implement the strategies de-
22 scribed in subsection (a)(2), considering appropriate peri-
23 odic updates to the strategies.”.

1 **SEC. 106. SCREENING PROCESS FOR PLANNED IMPORTA-**
 2 **TIONS OF LIVE AQUATIC ORGANISMS.**

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

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

8 “(a) IN GENERAL.—Not later than 3 years after the
 9 date of enactment of the National Aquatic Invasive Spe-
 10 cies Act of 2006, no live aquatic organism of a species
 11 not in trade shall be imported into the United States with-
 12 out screening and approval in accordance with subsections
 13 (c) and (d).

14 “(b) GUIDELINES.—

15 “(1) IN GENERAL.—Not later than 30 months
 16 after the date of enactment of the National Aquatic
 17 Invasive Species Act of 2006, in consultation with
 18 regional panels convened under section 1203, States,
 19 tribes, and other stakeholders, the Invasive Species
 20 Council (in conjunction with the Task Force) shall
 21 promulgate guidelines for screening proposed
 22 planned importations of live aquatic organisms into
 23 the United States that include—

24 “(A) guidelines for minimum information
 25 requirements for determinations under sub-
 26 section (c); and

1 “(B) guidelines for a simplified notification
2 procedure for any additional shipments of orga-
3 nisms that may occur after completion of an
4 initial screening process and determination
5 under subsection (c).

6 “(2) PURPOSE.—The purpose of the screening
7 process shall be to prevent the introduction or estab-
8 lishment of aquatic invasive species (including patho-
9 gens and parasites of the species) in waters of the
10 United States and contiguous waters of Canada and
11 Mexico.

12 “(3) FACTORS.—In developing guidelines under
13 this subsection and reviewing and revising the guide-
14 lines under subsection (j), the Invasive Species
15 Council and the Task Force shall consider—

16 “(A) the likelihood of the spread of species
17 by human or natural means;

18 “(B) species that may occur in association
19 with the species planned for importation includ-
20 ing pathogens, parasites, and free-living orga-
21 nisms;

22 “(C) regional differences in probability of
23 invasion and associated impacts;

1 “(D) the difficulty of controlling an estab-
 2 lished population of an aquatic invasive species
 3 in the wild; and

4 “(E) the profile established under section
 5 1108(b).

6 “(c) CATEGORIES.—The screening process shall—

7 “(1) require the identification, to the maximum
 8 extent practicable, to the species level and, at a min-
 9 imum, to the genus level, of live aquatic organisms
 10 proposed for importation; and

11 “(2) designate—

12 “(A) species with high or moderate prob-
 13 ability of undesirable impacts to areas within
 14 the boundaries of the United States and contig-
 15 uous areas of neighboring countries, to which
 16 the species is likely to be spread by human or
 17 natural means; and

18 “(B) species with respect to which there is
 19 insufficient information to determine the risk
 20 category based on guidelines issued pursuant to
 21 subsection (b)(1)(B).

22 “(d) EVALUATION.—

23 “(1) IN GENERAL.—Not later than 180 days
 24 after the date of promulgation of guidelines under
 25 subsection (b), in consultation with regional panels

1 convened under section 1203, States, tribes, and
2 other stakeholders, a Federal agency with authority
3 over an importation into the United States of a live
4 organism of a species not in trade and proposed for
5 importation into the United States shall screen the
6 species in accordance with guidelines promulgated
7 under subsection (b).

8 “(2) DELEGATION AND AUTHORITY.—

9 “(A) IN GENERAL.—Subject to subpara-
10 graph (B), if no agency has authority described
11 in paragraph (1) or an agency delegates the
12 screening to the Director under subsection (h),
13 the Director shall screen the organisms in ac-
14 cordance with subsections (a) and (b).

15 “(B) UNITED STATES FISH AND WILDLIFE
16 SERVICE.—The Director may restrict or pro-
17 hibit the importation of an organism of a spe-
18 cies not in trade if—

19 “(i) no other Federal agency has au-
20 thority to regulate the importation of the
21 species in trade; and

22 “(ii) the Director determines, based
23 on an evaluation that is consistent with the
24 screening requirements promulgated under
25 subsection (g), that the species in trade

has a high or moderate probability of an undesirable impact to an area within the boundaries of the United States or a contiguous area of a neighboring country, to which the species may be spread by human or natural means.

“(3) MULTIPLE JURISDICTION.—

“(A) IN GENERAL.—Subject to subparagraph (B), if more than 1 agency has jurisdiction over the importation of a live organism, the agencies shall conduct only 1 screening process in accordance with the memorandum of understanding described in subsection (f) (in consultation with National Oceanic and Atmospheric Administrator).

“(B) CULTURED AQUATIC ORGANISMS.—

The Secretary of Agriculture shall conduct screening of organisms imported to be cultured.

“(e) REQUIREMENTS.—A Federal agency of jurisdiction, or the Director shall—

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

“(2) prohibit the importation of any species described in subsection (c)(2)(B), unless the importa-

1 tion is for the sole purpose of research that is con-
 2 ducted in accordance with section 1202(f)(2); and

3 “(3) make a determination under this sub-
 4 section not later than 180 days after receiving a
 5 complete request for permission to import a live
 6 aquatic species.

7 “(f) MEMORANDUM OF UNDERSTANDING.—

8 “(1) IN GENERAL.—The Director of the United
 9 States Fish and Wildlife Service shall enter into a
 10 memorandum of understanding with the agencies of
 11 jurisdiction regarding the screening requirements of
 12 this section.

13 “(2) CONTENTS.—The memorandum of under-
 14 standing shall contain, at a minimum—

15 “(A) a description of the relationship be-
 16 tween and responsibilities of the agencies of ju-
 17 risdiction, including a process designating a
 18 lead agency in cases in which multiple agencies
 19 may have jurisdiction over the screening of an
 20 aquatic species;

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

24 “(C) the process by which agencies of ju-
 25 risdiction and the Invasive Species Council will

1 coordinate and share information required for
2 the screening of species.

3 “(g) SCREENING REQUIREMENTS.—The Director
4 shall promulgate screening requirements consistent with
5 the guidelines promulgated under subsection (b) to evalu-
6 ate any planned live aquatic species importation (including
7 an importation carried out by a Federal agency) from out-
8 side the borders of the United States into waters of the
9 United States that is—

10 “(1) not otherwise subject to Federal authority
11 to permit the importation; or

12 “(2) delegated to the Director by another agen-
13 cy of jurisdiction under subsection (h).

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

18 “(i) CATALOG OF SPECIES IN TRADE.—Not later
19 than 1 year after the date of enactment of the National
20 Aquatic Invasive Species Act of 2006, the Director of the
21 United States Geological Survey and the Director of the
22 Smithsonian Environmental Research Center, in coopera-
23 tion with agencies with jurisdiction over planned importa-
24 tions of live organisms, shall—

1 “(1) develop and, as necessary, update a cata-
2 log of species in trade; and

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

5 “(j) REVIEW AND REVISION.—

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

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

15 “(A) an evaluation of the effectiveness of
16 the screening processes carried out under this
17 section;

18 “(B) the consistency of the application of
19 the screening process by agencies; and

20 “(C) recommendations for revisions of the
21 processes.

22 “(k) PROHIBITIONS.—

23 “(1) IN GENERAL.—Except as otherwise pro-
24 vided in this section, it shall be unlawful to import
25 a live aquatic organism of a species not in trade.

1 “(2) PENALTIES.—

2 “(A) CIVIL PENALTY.—Any person that
3 violates paragraph (1) shall be liable for a civil
4 penalty in an amount not to exceed \$50,000.

5 “(B) CRIMINAL PENALTIES.—Any person
6 that knowingly violates paragraph (1) is guilty
7 of a class C felony.

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

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

18 “(n) EFFECT ON OTHER LAWS.—

19 “(1) IN GENERAL.—Nothing in this section re-
20 peals, supercedes, or modifies any provision of Fed-
21 eral or State law relating to the screening process
22 for aquatic species importation.

23 “(2) MORE PROTECTIVE LAWS.—A State, the
24 District of Columbia, or a territory of the United
25 States may adopt an aquatic plant or animal impor-

1 tation law, regulation, or policy that requires a more
2 protective screening process for aquatic species im-
3 portation than the regulations and policies of this
4 section.”.

5 **SEC. 107. EARLY DETECTION.**

6 Subtitle B of the Nonindigenous Aquatic Nuisance
7 Prevention and Control Act of 1990 (16 U.S.C. 4711 et
8 seq.) (as amended by section 106) is amended by adding
9 at the end the following:

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

11 “(a) IN GENERAL.—Not later than 18 months after
12 the date of enactment of the National Aquatic Invasive
13 Species Act of 2006, in conjunction with the Council, the
14 Task Force shall (based on the standard protocol for early
15 detection surveys developed under this title), promulgate
16 a set of sampling protocols, a geographic plan, and budget
17 to support a national system of ecological surveys to rap-
18 idly detect recently-established aquatic invasive species in
19 waters of the United States.

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

22 “(1) address a diversity of aquatic ecosystems
23 of the United States (including inland and coastal
24 waters);

1 “(2) encourage State, local, port, and tribal
2 participation in monitoring;

3 “(3) balance scientific rigor with practicability,
4 timeliness, and breadth of sampling activity;

5 “(4) considers the pathways and organisms
6 identified under section 1210;

7 “(5) include a capacity to evaluate the impacts
8 of permitted importations screened by the processes
9 established under section 1105; and

10 “(6) include clear lines of communication with
11 appropriate Federal, State, and regional rapid re-
12 sponse authorities.

13 “(c) IMPLEMENTATION.—Not later than 3 years after
14 the date of enactment of the National Aquatic Invasive
15 Species Act of 2006, the Director of the United States
16 Geological Survey, the Administrator of the National Oce-
17 anic and Atmospheric Administration, and the Adminis-
18 trator (in consultation with the Invasive Species Council
19 and in coordination with other agencies and organizations)
20 shall implement a national system of ecological surveys
21 that is—

22 “(1) carried out in cooperation with State,
23 local, port, tribal authorities, and other non-Federal
24 entities (such as colleges and universities); and

1 “(2) based on the protocols, plan, and budget
2 published under subsection (a) and any public com-
3 ment.”.

4 **SEC. 108. RAPID RESPONSE.**

5 Subtitle C of title I of the Nonindigenous Aquatic
6 Nuisance Prevention and Control Act of 1990 (16 U.S.C.
7 4721 et seq.) (as amended by section 105) is amended
8 by adding at the end the following:

9 **“SEC. 1211. RAPID RESPONSE.**

10 “(a) EMERGENCY RAPID RESPONSE FUND.—

11 “(1) ESTABLISHMENT.—There is established in
12 the Treasury of the United States a revolving fund
13 to assist States in implementing rapid response
14 measures for aquatic invasive species, to be known
15 as the ‘Emergency Rapid Response Fund’ (referred
16 to in this subsection as the ‘Fund’), consisting of—

17 “(A) such amounts as are appropriated to
18 the Fund under section 1301(g)(2)(A); and

19 “(B) any interest earned on investment of
20 amounts in the Fund under paragraph (3).

21 “(2) EXPENDITURES FROM FUND.—

22 “(A) IN GENERAL.—Subject to subpara-
23 graph (C), on request by the Secretary of the
24 Interior, the Secretary of the Treasury shall
25 transfer from the Fund to the Secretary of the

1 Interior such amounts as the Secretary of the
 2 Interior determines are necessary to provide fi-
 3 nancial assistance to a State or the Federal
 4 rapid response team under subparagraph (B) to
 5 assist in implementing rapid response measures
 6 for aquatic invasive species.

7 “(B) STATE ASSISTANCE.—

8 “(i) IN GENERAL.—A State may sub-
 9 mit to the Secretary of the Interior an ap-
 10 plication for emergency response assistance
 11 from the Fund.

12 “(ii) APPROVAL.—If the Secretary of
 13 the Interior approves an application sub-
 14 mitted under clause (i), the Secretary shall
 15 use amounts provided to the Secretary
 16 under subparagraph (A)—

17 “(I) in a case in which a State
 18 has in effect a rapid response contin-
 19 gency strategy that is approved under
 20 subsection (b), to provide emergency
 21 response assistance to the State; and

22 “(II) in a case in which the State
 23 does not have a rapid response contin-
 24 gency strategy approved under sub-
 25 section (b) in effect, to provide emer-

1 agency response assistance to the Fed-
2 eral rapid response team established
3 under subsection (f).

4 “(iii) ADDITIONAL FUNDS.—If addi-
5 tional amounts are needed for the conduct
6 of emergency response activities in the
7 State, the Secretary of the Interior may
8 provide additional assistance to the State
9 or Federal rapid response team under this
10 paragraph.

11 “(C) ADMINISTRATIVE EXPENSES.—An
12 amount not to exceed 10 percent of the
13 amounts in the Fund shall be available for each
14 fiscal year to pay the administrative expenses
15 necessary to carry out this Act.

16 “(3) INVESTMENT OF AMOUNTS.—

17 “(A) IN GENERAL.—The Secretary of the
18 Treasury shall invest such portion of the Fund
19 as is not, in the judgment of the Secretary of
20 the Treasury, required to meet current with-
21 drawals.

22 “(B) INTEREST-BEARING OBLIGATIONS.—
23 Investments may be made only in interest-bear-
24 ing obligations of the United States.

1 “(C) ACQUISITION OF OBLIGATIONS.—For
 2 the purpose of investments under subparagraph
 3 (A), obligations may be acquired—

4 “(i) on original issue at the issue
 5 price; or

6 “(ii) by purchase of outstanding obli-
 7 gations at the market price.

8 “(D) SALE OF OBLIGATIONS.—Any obliga-
 9 tion acquired by the Fund may be sold by the
 10 Secretary of the Treasury at the market price.

11 “(E) CREDITS TO FUND.—The interest on,
 12 and the proceeds from the sale or redemption
 13 of, any obligations held in the Fund shall be
 14 credited to and form a part of the Fund.

15 “(4) TRANSFERS OF AMOUNTS.—

16 “(A) IN GENERAL.—The amounts required
 17 to be transferred to the Fund under this section
 18 shall be transferred at least monthly from the
 19 general fund of the Treasury to the Fund on
 20 the basis of estimates made by the Secretary of
 21 the Treasury.

22 “(B) ADJUSTMENTS.—Proper adjustment
 23 shall be made in amounts subsequently trans-
 24 ferred to the extent prior estimates were in ex-

1 cess of or less than the amounts required to be
2 transferred.

3 “(b) STATE RAPID RESPONSE CONTINGENCY STRAT-
4 EGIES.—The Task Force, in consultation with the
5 Invasive Species Council, shall approve a rapid response
6 contingency strategy of a State if the strategy—

7 “(1) identifies all key governmental and non-
8 governmental partners to be involved in carrying out
9 the strategy;

10 “(2) clearly designates the authorities and re-
11 sponsibilities of each partner, including the authority
12 of any State or government of an Indian tribe to dis-
13 tribute emergency funds;

14 “(3) specifies criteria for rapid response meas-
15 ures, including a diagnostic system that—

16 “(A) distinguishes cases in which rapid re-
17 sponse has a likelihood of success and cases in
18 which rapid response has no likelihood of suc-
19 cess;

20 “(B) distinguishes rapid response meas-
21 ures from ongoing management and control of
22 established populations of aquatic invasive spe-
23 cies; and

1 “(C) distinguishes instances in which the
 2 rate and probability of organism dispersal is
 3 significantly altered by vessel movements;

4 “(4) includes an early detection strategy that
 5 supports or complements the early detection and
 6 monitoring system developed under section 1108;

7 “(5) provides for a monitoring capability to as-
 8 sess—

9 “(A) the extent of infestations; and

10 “(B) the effectiveness of rapid response ef-
 11 forts;

12 “(6) to the maximum extent practicable, is inte-
 13 grated into the State aquatic invasive species man-
 14 agement plan approved under section 1204;

15 “(7) to the maximum extent practicable, in-
 16 cludes rapid response tools that meet environmental
 17 criteria developed under subsection (f)(4);

18 “(8) includes a public education and outreach
 19 component directed at—

20 “(A) potential pathways for spread of
 21 aquatic invasive species; and

22 “(B) persons involved in industries and
 23 recreational activities associated with those
 24 pathways; and

1 “(9) to the extent that the strategy involves
 2 vessels, conforms with guidelines issued by the Sec-
 3 retary under subsection (d)(2).

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

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

12 “(2) are approved by—

13 “(A) the Secretary; and

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

16 “(d) MODEL RAPID RESPONSE CONTINGENCY
 17 STRATEGIES.—Not later than 18 months after the date
 18 of enactment of the National Aquatic Invasive Species Act
 19 of 2006—

20 “(1) the Task Force, with the concurrence of
 21 the Invasive Species Council and the regional panels
 22 of the Task Force established under section 1203,
 23 shall develop—

24 “(A) a model State rapid response contin-
 25 gency strategy (including rapid assessment ca-

pability) for aquatic invasive species that meets, to the maximum extent practicable, the requirements of paragraphs (1) through (9) of subsection (b); and

“(B) a model regional rapid response contingency strategy (including rapid assessment capability) for aquatic invasive species; and

“(2) the Secretary, in concurrence with the Task Force and the regional panels of the Task Force, shall issue guidelines that describe vessel-related requirements that may be used in a rapid response contingency strategy approved under this section.

“(e) COST SHARING.—

“(1) STATE RAPID RESPONSE CONTINGENCY STRATEGIES.—The Federal share of the cost of activities carried out under a State rapid response contingency strategy approved under subsection (b) shall be not less than 50 percent.

“(2) REGIONAL RAPID RESPONSE CONTINGENCY STRATEGIES.—The Federal share of the cost of activities carried out under a regional rapid response contingency strategy approved under subsection (c) shall be not less than 75 percent.

1 “(3) FORM OF NON-FEDERAL SHARE.—The
2 non-Federal share required under paragraph (1) or
3 (2) may be in the form of in-kind contributions.

4 “(f) FEDERAL RAPID RESPONSE TEAMS.—

5 “(1) ESTABLISHMENT OF TEAMS.—Not later
6 than 1 year after the date of enactment of the Na-
7 tional Aquatic Invasive Species Act of 2006, the
8 Invasive Species Council, in coordination with the
9 Task Force and the heads of appropriate Federal
10 agencies, shall establish a Federal rapid response
11 team for each of the 10 Federal regions that com-
12 prise the Standard Federal Regional Boundary Sys-
13 tem.

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

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

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

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

1 “(D) provide central sources of informa-
2 tion for rapid responders;

3 “(E) maintain a list of researchers and
4 rapid response volunteers; and

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

11 “(3) CRITERIA FOR IDENTIFYING CASES OF
12 RAPID RESPONSE WARRANTING FEDERAL ASSIST-
13 ANCE.—Not later than 1 year after the date of en-
14 actment of the National Aquatic Invasive Species
15 Act of 2006, the Task Force, with the concurrence
16 of the Invasive Species Council, shall develop criteria
17 to identify cases warranting Federal assistance for
18 rapid assessment and response under this sub-
19 section, including indicative criteria relating to, at a
20 minimum—

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

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

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

7 “(i) biodiversity of native aquatic or-
 8 ganisms;

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

11 “(iii) human health.

12 “(4) ENVIRONMENTAL CRITERIA.—Not later
 13 than 1 year after the date of enactment of the Na-
 14 tional Aquatic Invasive Species Act of 2006, the Ad-
 15 ministrator, in consultation with the Invasive Spe-
 16 cies Council, the Secretary of Transportation, the
 17 Task Force (including regional panels of the Task
 18 Force established under section 1203), the Director,
 19 and the Director of the National Marine Fisheries
 20 Service, shall develop environmental criteria to mini-
 21 mize nontarget environmental impacts of rapid re-
 22 sponses carried out pursuant to this section.”.

1 **SEC. 109. ENVIRONMENTAL SOUNDNESS.**

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) IMPROVEMENT OF TREATMENT METHODS FOR
10 AQUATIC INVASIVE SPECIES.—

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

13 “(A) IN GENERAL.—Not later than 1 year
14 after the date of enactment of the National
15 Aquatic Invasive Species Act of 2006, the Ad-
16 ministrator, in consultation with the Secretary,
17 the Invasive Species Council, and the Task
18 Force (including any regional panels of the
19 Task Force) shall promulgate criteria to evalu-
20 ate the treatment methods described in sub-
21 paragraph (B) for the purpose of ensuring that
22 the treatment methods pose no significant
23 threat of adverse effect on human health, public
24 safety, or the environment (including air quality
25 and the aquatic environment) that is acute,
26 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 Administrator, in consultation with the Invasive Species Council, shall publish (not later than 1 year

1 after the date of enactment of the National Aquatic
 2 Invasive Species Act of 2006) and update annu-
 3 ally—

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

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

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

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

17 **SEC. 110. INFORMATION, EDUCATION, AND OUTREACH.**

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

21 (1) by striking “(h) EDUCATION.—The Task
 22 Force” and inserting the following:

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

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

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

1 “(2) ACTIVITIES.—

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

5 “(B) PUBLIC OUTREACH.—

6 “(i) PUBLIC WARNINGS.—Not later
7 than 180 days after the date of enactment
8 of the Great Lakes Collaboration Imple-
9 mentation Act of 2006, each Federal offi-
10 cer of an agency that provides Federal
11 funds to States for building or maintaining
12 public access points to United States water
13 bodies shall amend the guidelines of the
14 agency, in consultation with relevant State
15 agencies, to encourage the posting of re-
16 gionally-specific public warnings or other
17 suitable informational and educational ma-
18 terials at the access points regarding—

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

23 “(II) methods for removing orga-
24 nisms prior to transporting a
25 watercraft.

1 “(ii) CLEANING OF WATERCRAFT AT
2 MARINAS.—Not later than 1 year after the
3 date of enactment of the Great Lakes Col-
4 laboration Implementation Act of 2006,
5 the Under Secretary and the Director (in
6 cooperation with the Task Force and in
7 consultation with the States, relevant in-
8 dustry groups, and Indian tribes) shall de-
9 velop an education, outreach, and training
10 program directed toward marinas and ma-
11 rina operators regarding—

12 “(I) checking watercraft for live
13 organisms;

14 “(II) removing live organisms
15 from the watercraft before the
16 watercraft are commercially or
17 recreationally trailered;

18 “(III) encouraging regular hull
19 cleaning and maintenance, avoiding
20 in-water hull cleaning; and

21 “(IV) other activities, as identi-
22 fied by the Secretary.

23 “(iii) PROPER DISPOSAL OF NON-
24 INDIGENOUS LIVE AQUATIC ORGANISMS IN
25 TRADE.—The Task Force shall—

1 “(I) not later than 1 year after
2 the date of enactment of the Great
3 Lakes Collaboration Implementation
4 Act of 2006, develop (in consultation
5 with industry and other affected par-
6 ties) guidelines for proper disposal of
7 live nonindigenous aquatic organisms
8 in trade; and

9 “(II) use the guidelines in appro-
10 priate public information and out-
11 reach efforts.

12 “(C) 100TH MERIDIAN PROGRAM.—

13 “(i) IN GENERAL.—Not later than 1
14 year after the date of enactment of the
15 Great Lakes Collaboration Implementation
16 Act of 2006, the Task Force shall expand
17 the information and education program di-
18 rected at recreational boaters in States
19 from which watercraft are transported
20 westward across the 100th meridian.

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

23 “(I) survey owners of watercraft
24 transported westward across the

1 100th meridian to determine the
2 States of origin of most such owners;

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

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

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

21 “(3) OUTREACH TO INDUSTRY.—The Task
22 Force, in conjunction with the Invasive Species
23 Council, shall carry out activities to inform and pro-
24 mote voluntary cooperation and regulatory compli-
25 ance by members of the national and international

1 maritime, horticultural, aquarium, aquaculture, pet
 2 trade, and other appropriate industries with screen-
 3 ing, monitoring, and control of the transportation of
 4 aquatic invasive species.

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

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

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

16 “(C) approved State Management Plans
 17 under section 1204(a) and Rapid Response
 18 Contingency Strategies under subsections (b)
 19 and (c) of section 1211; and

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

22 **SEC. 111. ECOLOGICAL AND PATHWAY RESEARCH.**

23 (a) IN GENERAL.—The administering agencies shall
 24 develop and conduct a marine and fresh-water research
 25 program which shall include ecological and pathway sur-

veys and experimentation to detect nonnative aquatic species in aquatic ecosystems and to assess rates and patterns of introductions of nonnative aquatic species in aquatic ecosystems. The goal of this marine and freshwater research program shall be to support efforts to prevent the introduction of, detect, and eradicate invasive species through informing early detection and rapid response efforts, informing relevant policy decisions, and assessing the effectiveness of implemented policies to prevent the introduction and spread of aquatic invasive species. Surveys and experiments under this subsection shall be commenced not later than 18 months after the date of enactment of this Act.

(b) **PROTOCOL DEVELOPMENT.**—The administering agencies shall establish standardized protocols for conducting ecological and pathway surveys of nonnative aquatic species under subsection (a) that are integrated and produce comparable data. Protocols shall, as practicable, be integrated with existing protocols and data collection methods. In developing the protocols under this subsection, the administering agencies shall draw on the recommendations gathered at the workshop under subsection (g). The protocols shall be peer reviewed, and revised as necessary. Protocols shall be completed within 1 year after the date of enactment of this Act.

1 (c) ECOLOGICAL AND PATHWAY SURVEY REQUIRE-
2 MENTS.—(1) Each ecological survey conducted under sub-
3 section (a) shall, at a minimum—

4 (A) document baseline ecological information of
5 the aquatic ecosystem including, to the extent prac-
6 ticable, a comprehensive inventory of native species,
7 nonnative species, and species of unknown origin
8 present in the ecosystem, as well as the chemical
9 and physical characteristics of the water and under-
10 lying substrate;

11 (B) for nonnative species, gather information to
12 assist in identifying their life history, environmental
13 requirements and tolerances, the historic range of
14 their native ecosystems, and their history of spread-
15 ing from their native ecosystems;

16 (C) track the establishment of nonnative species
17 including information about the estimated abun-
18 dance of nonnative organisms in order to allow an
19 analysis of the probable date of introduction of the
20 species; and

21 (D) identify the likely pathway of entry of non-
22 native species.

23 (2) Each pathway survey conducted under this sec-
24 tion shall, at a minimum—

1 (A) identify what nonnative aquatic species are
2 being introduced or may be introduced through the
3 pathways under consideration;

4 (B) determine the quantities of organisms being
5 introduced through the pathways under consider-
6 ation; and

7 (C) determine the practices that contributed to
8 or could contribute to the introduction of nonnative
9 aquatic species through the pathway under consider-
10 ation.

11 (d) NUMBER AND LOCATION OF SURVEY SITES.—
12 The administering agencies shall designate the number
13 and location of survey sites necessary to carry out marine
14 and freshwater research required under this section. In
15 establishing sites under this subsection or subsection (e),
16 emphasis shall be on the geographic diversity of sites, as
17 well as the diversity of the human uses and biological char-
18 acteristics of sites.

19 (e) COMPETITIVE GRANT PROGRAM.—The National
20 Oceanic and Atmospheric Administration and the United
21 States Geological Survey shall jointly administer a pro-
22 gram to award competitive, peer-reviewed grants to aca-
23 demic institutions, State agencies, and other appropriate
24 groups, in order to assist in carrying out subsection (a),
25 and shall include to the maximum extent practicable di-

1 verse institutions, including Historically Black Colleges
2 and Universities and those serving large proportions of
3 Hispanics, Native Americans, Asian-Pacific Americans, or
4 other underrepresented populations.

5 (f) SHIP PATHWAY SURVEYS.—Section
6 1102(b)(2)(B)(ii) of the Nonindigenous Aquatic Nuisance
7 Prevention and Control Act of 1990 (16 U.S.C.
8 4712(b)(2)(B)(ii)) is amended to read as follows:

9 “(ii) examine other potential modes
10 for the introduction of nonnative aquatic
11 species by ship, including hull fouling.”.

12 (g) WORKSHOP.—In order to support the develop-
13 ment of the protocols and design for the surveys under
14 subsections (b) and (c), and to determine how to obtain
15 consistent, comparable data across a range of ecosystems,
16 the administering agencies shall convene at least 1 work-
17 shop with appropriate researchers and representatives in-
18 volved in the management of aquatic invasive species from
19 Federal and State agencies and academic institutions to
20 gather recommendations. The administering agencies shall
21 make the results of the workshop widely available to the
22 public. The workshop shall be held within 180 days after
23 the date of enactment of this Act.

24 (h) EXPERIMENTATION.—The administering agen-
25 cies shall conduct research to identify the relationship be-

1 tween the introduction and establishment of nonnative
 2 aquatic species, including those legally introduced, and the
 3 circumstances necessary for those species to become
 4 invasive.

5 (i) NATIONAL PATHWAY AND ECOLOGICAL SURVEYS
 6 DATABASE.—

7 (1) IN GENERAL.—The United States Geologi-
 8 cal Survey shall develop, maintain, and update, in
 9 consultation and cooperation with the Smithsonian
 10 Institution (acting through the Smithsonian Envi-
 11 ronmental Research Center), the National Oceanic
 12 and Atmospheric Administration, and the Task
 13 Force, a central, national database of information
 14 concerning information collected under this section.

15 (2) REQUIREMENTS.—The database shall—

- 16 (A) be widely available to the public;
- 17 (B) be updated not less than once a quar-
 18 ter;
- 19 (C) be coordinated with existing databases,
 20 both domestic and foreign, collecting similar in-
 21 formation; and
- 22 (D) be, to the maximum extent practicable,
 23 formatted such that the data is useful for both
 24 researchers and Federal and State employees
 25 managing relevant invasive species programs.

1 **SEC. 112. ANALYSIS.**

2 (a) INVASION ANALYSIS.—

3 (1) IN GENERAL.—Not later than 3 years after
4 the date of enactment of this Act, and every year
5 thereafter, the administering agencies shall analyze
6 data collected under section 5 and other relevant re-
7 search on the rates and patterns of invasions by
8 aquatic invasive species in waters of the United
9 States. The purpose of this analysis shall be to use
10 the data collected under section 5 and other relevant
11 research to support efforts to prevent the introduc-
12 tion of, detect, and eradicate invasive species
13 through informing early detection and rapid re-
14 sponse efforts, informing relevant policy decisions,
15 and assessing the effectiveness of implemented poli-
16 cies to prevent the introduction and spread of
17 invasive species.

18 (2) CONTENTS.—The analysis required under
19 paragraph (1) shall include with respect to aquatic
20 invasive species—

21 (A) an analysis of pathways, including—

22 (i) identifying, and characterizing as
23 high, medium, or low risk, pathways re-
24 gionally and nationally;

25 (ii) identifying new and expanding
26 pathways;

1 (iii) identifying handling practices
2 that contribute to the introduction of spe-
3 cies in pathways; and

4 (iv) assessing the risk that species le-
5 gally introduced into the United States
6 pose for introduction into aquatic eco-
7 systems;

8 (B) patterns and rates of invasion and sus-
9 ceptibility to invasion of various bodies of
10 water;

11 (C) how the risk of establishment through
12 a pathway is related to the identity and number
13 of organisms transported;

14 (D) rates of spread and numbers and types
15 of pathways of spread of new populations of the
16 aquatic invasive species and an estimation of
17 the potential spread and distribution of newly
18 introduced invasive species based on their envi-
19 ronmental requirements and historical distribu-
20 tion;

21 (E) documentation of factors that influ-
22 ence an ecosystem's vulnerability to a nonnative
23 aquatic species becoming invasive;

1 (F) a description of the potential for, and
2 impacts of, pathway management programs on
3 invasion rates;

4 (G) recommendations for improvements in
5 the effectiveness of pathway management;

6 (H) to the extent practical, a determina-
7 tion of the level of reduction in live organisms
8 of various taxonomic groups required to reduce
9 the risk of establishment to receiving aquatic
10 ecosystems to an acceptable level; and

11 (I) an evaluation of the effectiveness of
12 management actions (including any standard)
13 at preventing nonnative species introductions
14 and establishment.

15 (b) RESEARCH TO ASSESS THE POTENTIAL OF THE
16 ESTABLISHMENT OF INTRODUCED SPECIES.—Within 2
17 years after the date of enactment of this Act, the admin-
18 istering agencies shall develop a profile, based on the gen-
19 eral characteristics of invasive species and vulnerable eco-
20 systems, in order to predict, to the extent practical, wheth-
21 er a species planned for importation is likely to invade a
22 particular aquatic ecosystem if introduced. In developing
23 the profile, the above agencies shall analyze the research
24 conducted under section 5, and other research as nec-
25 essary, to determine general species and ecosystem charac-

1 teristics (taking into account the opportunity for introduc-
 2 tion into any ecosystem) and circumstances that can lead
 3 to establishment. Based on the profile, the Task Force
 4 shall make recommendations to the Invasive Species Coun-
 5 cil as to what planned importations of nonnative aquatic
 6 organisms should be restricted. This profile shall be peer-
 7 reviewed.

8 (c) AUTHORIZATION OF APPROPRIATIONS.—There
 9 are authorized to be appropriated for carrying out this sec-
 10 tion and section 5 of this Act, and section 1102(b)(2) of
 11 the Nonindigenous Aquatic Nuisance Prevention and Con-
 12 trol Act of 1990 (16 U.S.C. 4712(b)(2)) for each of the
 13 fiscal years 2006 through 2010—

14 (1) \$4,000,000 for the Smithsonian Environ-
 15 mental Research Center;

16 (2) \$11,000,000 for the United States Geologi-
 17 cal Survey (including activities through the Coopera-
 18 tive Fish and Wildlife Research Program), of which
 19 \$6,500,000 shall be for the grant program under
 20 section 5(e), and of which \$500,000 shall be for de-
 21 veloping, maintaining, and updating the database
 22 under section 5(i); and

23 (3) \$10,500,000 for the National Oceanic and
 24 Atmospheric Administration, of which \$6,500,000
 25 shall be for the grant program under section 5(e).

1 **SEC. 113. DISSEMINATION.**

2 (a) IN GENERAL.—The Invasive Species Council, in
3 coordination with the Task Force and the administering
4 agencies, shall be responsible for disseminating the infor-
5 mation collected under this Act to the public, including
6 Federal, State, and local entities, relevant policymakers,
7 and private researchers with responsibility over or interest
8 in aquatic invasive species.

9 (b) REPORT TO CONGRESS.—Not later than 3 years
10 after the date of enactment of this Act, the Invasive Spe-
11 cies Council shall report actions and findings under sec-
12 tion 6 to the Congress, and shall update this report once
13 every 3 years thereafter, or more often as necessary.

14 (c) RESPONSE STRATEGY.—The Invasive Species
15 Council, in coordination with the Task Force, the admin-
16 istering agencies, and other appropriate Federal and State
17 agencies, shall develop and implement a national strategy
18 for how information collected under this Act will be shared
19 with Federal, State, and local entities with responsibility
20 for determining response to the introduction of potentially
21 invasive aquatic species, to enable those entities to better
22 and more rapidly respond to such introductions.

23 (d) PATHWAY PRACTICES.—The Invasive Species
24 Council, in coordination with the Task Force and the ad-
25 ministering agencies, shall disseminate information to,
26 and develop an ongoing educational program for, pathway

1 users (including vendors and customers) on how their
2 practices could be modified to prevent the intentional or
3 unintentional introduction of nonnative aquatic species
4 into aquatic ecosystems.

5 (e) AUTHORIZATION OF APPROPRIATIONS.—There
6 are authorized to be appropriated to the Secretary of the
7 Interior for each of the fiscal years 2006 through 2010
8 \$500,000 for the Invasive Species Council for carrying out
9 this section.

10 **SEC. 114. TECHNOLOGY DEVELOPMENT, DEMONSTRATION,**
11 **AND VERIFICATION.**

12 (a) ENVIRONMENTALLY SOUND TECHNOLOGY DE-
13 VELOPMENT, DEMONSTRATION, AND VERIFICATION.—

14 (1) GRANT PROGRAM.—Not later than 1 year
15 after the date of enactment of this Act, the Environ-
16 mental Protection Agency, acting through the Office
17 of Research and Development, in consultation with
18 the Army Corps of Engineers, the administering
19 agencies, and the Task Force, shall develop and
20 begin administering a grant program to fund re-
21 search, development, demonstration, and verification
22 of environmentally sound cost-effective technologies
23 and methods to control and eradicate aquatic
24 invasive species.

1 (2) PURPOSES.—Proposals funded under this
2 subsection shall—

3 (A) seek to support Federal, State, or local
4 officials’ ongoing efforts to control and eradi-
5 cate aquatic invasive species in an environ-
6 mentally sound manner;

7 (B) increase the number of environ-
8 mentally sound technologies or methods Fed-
9 eral, State, or local officials may use to control
10 or eradicate aquatic invasive species;

11 (C) provide for demonstration or dissemi-
12 nation of the technology or method to potential
13 end-users; and

14 (D) verify that any technology or method
15 meets any appropriate criteria developed for ef-
16 fectiveness and environmental soundness by the
17 Environmental Protection Agency.

18 (3) PREFERENCE.—The Administrator shall
19 give preference to proposals that will likely meet any
20 appropriate criteria developed for environmental
21 soundness by the Environmental Protection Agency.

22 (4) MERIT REVIEW.—Grants shall be awarded
23 under this subsection through a competitive, peer-re-
24 viewed process.

1 (5) REPORT.—Not later than 3 years after the
 2 date of enactment of this Act, the Administrator
 3 shall prepare and submit a report to Congress on
 4 the program conducted under this subsection. The
 5 report shall include findings and recommendations
 6 of the Administrator with regard to technologies and
 7 methods.

8 (b) SHIP PATHWAY TECHNOLOGY DEMONSTRATION.—

10 (1) REAUTHORIZATION OF PROGRAM.—Section
 11 1301(e) of the Nonindigenous Aquatic Nuisance
 12 Prevention and Control Act of 1990 (16 U.S.C.
 13 4741(e)) is amended by striking “\$2,500,000” and
 14 inserting “\$7,500,000 for each of the fiscal years
 15 2006 through 2010”.

16 (2) EXPANSION OF PROGRAM.—Section 1104(b)
 17 of the Nonindigenous Aquatic Nuisance Prevention
 18 and Control Act of 1990 (16 U.S.C. 4714(b)) is
 19 amended—

20 (A) by redesignating paragraphs (4) and
 21 (5) as paragraphs (5) and (6), respectively; and

22 (B) by inserting after paragraph (3) the
 23 following new paragraph:

24 “(4) ADDITIONAL PURPOSES.—The Secretary
 25 of the Interior and the Secretary of Commerce may

1 also demonstrate and verify technologies under this
2 subsection to monitor and control pathways of orga-
3 nism transport on ships other than through ballast
4 water.”.

5 (3) CRITERIA AND WORKSHOP.—Section 1104
6 of the Nonindigenous Aquatic Nuisance Prevention
7 and Control Act of 1990 (16 U.S.C. 4714) is
8 amended by adding at the end the following new
9 subsections:

10 “(d) CRITERIA.—When issuing grants under this sec-
11 tion, the National Oceanic and Atmospheric Administra-
12 tion shall give preference to those technologies that will
13 likely meet the criteria laid out in any testing protocol de-
14 veloped by the Environmental Protection Agency Office of
15 Research and Development’s Environmental Technology
16 Verification Program.

17 “(e) WORKSHOP.—The National Oceanic and Atmos-
18 pheric Administration shall hold an annual workshop of
19 principal investigators funded under this section and re-
20 searchers conducting research directly related to ship
21 pathway technology development, for information ex-
22 change, and shall make the proceedings widely available
23 to the public.”.

24 (c) AUTHORIZATION OF APPROPRIATIONS.—There
25 are authorized to be appropriated for each of the fiscal

1 years 2006 through 2010 \$2,500,000 for the Environ-
2 mental Protection Agency to carry out subsection (a).

3 **SEC. 115. RESEARCH TO SUPPORT THE SETTING AND IM-**
4 **PLEMENTATION OF SHIP PATHWAY STAND-**
5 **ARDS.**

6 (a) RESEARCH PROGRAM.—The Coast Guard and the
7 Environmental Protection Agency, in coordination with
8 the National Oceanic and Atmospheric Administration,
9 the Task Force, and other appropriate Federal agencies
10 and academic researchers, shall develop a coordinated re-
11 search program to support the promulgation and imple-
12 mentation of standards to prevent the introduction and
13 spread of invasive species by ships that shall include—

14 (1) characterizing physical, chemical, and bio-
15 logical harbor conditions relevant to ballast dis-
16 charge into United States waters to inform the de-
17 sign and implementation of ship vector control tech-
18 nologies and practices;

19 (2) developing testing protocols for determining
20 the effectiveness of vector monitoring and control
21 technologies and practices;

22 (3) researching and demonstrating methods for
23 mitigating the spread of invasive species by coastal
24 voyages, including exploring the effectiveness of al-
25 ternative exchange zones in the near coastal areas

1 and other methods proposed to reduce transfers of
2 organisms;

3 (4) verifying the practical effectiveness of any
4 type approval process to ensure that the process pro-
5 duces repeatable and accurate assessments of treat-
6 ment effectiveness; and

7 (5) evaluating the effectiveness and residual
8 risk and environmental impacts associated with any
9 standard set with respect to the ship pathway
10 through experimental research.

11 (b) WORKING GROUP.—Not later than 2 years after
12 the issuance by the Coast Guard of any standard relating
13 to the introduction by ships of invasive species, the Coast
14 Guard shall convene a working group including the Envi-
15 ronmental Protection Agency, the administering agencies,
16 and other appropriate Federal and State agencies and aca-
17 demic researchers, to evaluate the effectiveness of that
18 standard and accompanying implementation protocols.
19 The duties of the working group shall, at a minimum, in-
20 clude—

21 (1) reviewing the effectiveness of the standard
22 in reducing the establishment of invasive species in
23 aquatic ecosystems, taking into consideration the
24 data collected under section 5; and

1 (2) developing recommendations to the Coast
2 Guard for the revision of such standard and type ap-
3 proval process to ensure effectiveness in reducing in-
4 troductions and accurate shipboard monitoring of
5 treatment performance that is simple and stream-
6 lined, which shall be made widely available to the
7 public.

8 (c) AUTHORIZATION OF APPROPRIATIONS.—There
9 are authorized to be appropriated for each of the fiscal
10 years 2006 through 2010 \$1,500,000 for the Coast Guard
11 and \$1,500,000 for the Environmental Protection Agency
12 to carry out subsection (a).

13 **SEC. 116. RESEARCH IN SYSTEMATICS AND TAXONOMY.**

14 (a) IN GENERAL.—The National Science Foundation
15 shall establish a program to award grants to researchers
16 at institutions of higher education and museums to carry
17 out research programs in systematics and taxonomy.

18 (b) GOALS.—The goals of the program under this
19 section are to—

20 (1) encourage scientists to pursue careers in
21 systematics and taxonomy to ensure a continuing
22 knowledge base in these disciplines;

23 (2) ensure that there will be adequate expertise
24 in systematics and taxonomy to support Federal,
25 State, and local needs to identify species;

1 (3) develop this expertise throughout the United
2 States with an emphasis on regional diversity; and

3 (4) draw on existing expertise in systematics
4 and taxonomy at institutions of higher education
5 and museums to train the next generation of system-
6 atists and taxonomists.

7 (c) CRITERIA.—Grants shall be awarded under this
8 section on a merit-reviewed competitive basis. Emphasis
9 shall be placed on funding proposals in a diverse set of
10 ecosystems and geographic locations, and, when applica-
11 ble, integrated with the United States Long Term Ecologi-
12 cal Research Network. Preference shall be given to pro-
13 posals that will include student participation, and to insti-
14 tutions and museums that actively train students to be-
15 come experts in taxonomy and systematics.

16 (d) AUTHORIZATION OF APPROPRIATIONS.—There
17 are authorized to be appropriated to the National Science
18 Foundation for carrying out this section \$2,500,000 for
19 each of the fiscal years 2006 through 2010.

20 **SEC. 117. STATE PROGRAMS.**

21 (a) PLAN.—The administering agencies, in coopera-
22 tion with the appropriate State agencies, shall develop a
23 plan to—

1 (1) conduct a survey of methods States and
2 Federal agencies are using to control or eradicate
3 aquatic invasive species;

4 (2) facilitate the exchange of information
5 among States and Federal agencies on methods
6 States or Federal agencies have found to be effective
7 at controlling or eradicating aquatic invasive species
8 and the costs of those methods; and

9 (3) evaluate the cost-effectiveness of the various
10 methods States and Federal agencies are using to
11 control or eradicate aquatic invasive species.

12 (b) REPORT.—Not later than 1 year after the date
13 of enactment of this Act, the administering agencies shall
14 jointly transmit to the Congress the plan described in sub-
15 section (a) and the expected costs of carrying out the plan.

16 **SEC. 118. PROGRAM COORDINATION.**

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

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

22 (2) by redesignating paragraph (7) as para-
23 graph (12); and

24 (3) by inserting after paragraph (6) the fol-
25 lowing:

1 “(7) the Director of the United States Geologi-
2 cal Survey;

3 “(8) the Director of the Smithsonian Environ-
4 mental Research Center;

5 “(9) the Secretary of State;

6 “(10) the Secretary of Transportation;

7 “(11) the Secretary of Homeland Security;
8 and”.

9 (b) COORDINATION WITH INVASIVE SPECIES COUN-
10 CIL.—Section 1201(f) of the Nonindigenous Aquatic Nui-
11 sance Prevention and Control Act of 1990 (16 U.S.C.
12 4721(f)) is amended—

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

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

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

18 “(2) INVASIVE SPECIES COUNCIL.—The
19 Invasive Species Council shall—

20 “(A) coordinate and cooperate with the
21 Task Force in carrying out the duties of the
22 Invasive Species Council relating to aquatic
23 invasive species;

24 “(B) not later than 2 years after the date
25 of enactment of the National Aquatic Invasive

Species Act of 2006, and every 3 years thereafter, submit to Congress a report that summarizes the status of the conduct of activities authorized by and required under this Act; and

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

(c) COORDINATION WITH OTHER PROGRAMS.—Section 1202(c) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4722(c)) is amended by adding at the end the following:

“(3) RECOMMENDATIONS FOR LISTS.—

“(A) IN GENERAL.—The Task Force shall annually recommend to Federal agencies of jurisdiction such additions of aquatic invasive species as the Task Force determines to be appropriate for inclusion on—

“(i) any list of species of wildlife covered by section 42 of title 18, United States Code (including regulations); or

“(ii) any list of noxious weeds under the Plant Protection Act (7 U.S.C. 7701 et seq.) (including regulations promulgated under that Act contained in part 360 of

1 title 7, Code of Federal Regulations (or
2 any successor regulations)).

3 “(B) PROCESS.—The Task Force may use
4 the screening process developed pursuant to
5 section 1105 to identify species pursuant to
6 subparagraph (A).”.

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

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

17 “(e) ORGANIZATIONS.—

18 “(1) IN GENERAL.—An interstate organization
19 that has a Federal charter authorized by law or ex-
20 ecutive order for purposes of fisheries or natural re-
21 source management may develop and implement—

22 “(A) regional aquatic invasive species man-
23 agement plans; and

24 “(B) rapid response activities that are—

1 “(i) requested by the Governors of the
2 member States of the organization; and

3 “(ii) consistent with any relevant
4 State aquatic invasive species management
5 plans.

6 “(2) FUNDS.—The interstate organization may
7 receive funds under this Act to implement activities
8 under the regional aquatic invasive species manage-
9 ment plan of the organization.”.

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

14 (1) in paragraph (2)—

15 (A) in subparagraph (A), by inserting be-
16 fore the semicolon at the end the following: “,
17 including, in accordance with guidelines issued
18 by the Task Force under paragraph (5)—

19 “(i) rapid assessment and response
20 contingency strategies under section 1211;

21 “(ii) early detection strategies under
22 section 1211(b)(4);

23 “(iii) aquatic plant control programs
24 conducted pursuant to other laws; and

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

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

5 (2) 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 2006, the Task
10 Force shall amend the guidelines of the Task
11 Force for the development of plans under this
12 subsection, including guidelines for reporting
13 progress in implementing the plans, to encour-
14 age consistency in implementation of and re-
15 porting 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 strategies under
23 section 1211(b)(4);

24 “(iii) aquatic plant control programs
25 conducted pursuant to other laws;

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

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

6 “(6) RELATIONSHIP TO OTHER PLANS.—

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

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

22 “(7) ELIGIBILITY OF EXISTING PLANS.—A plan
 23 approved under this section as of the day imme-
 24 diately before the date of enactment of the National

1 Aquatic Invasive Species Act of 2006 shall be eligi-
2 ble to receive a grant awarded under this section.

3 “(8) REVIEW AND REVISION.—

4 “(A) IN GENERAL.—Each State shall peri-
5 odically review and, as necessary, revise the
6 management plan of the State in accordance
7 with guidelines of the Task Force.

8 “(B) UPDATE OF EXISTING PLANS.—A
9 plan approved under this section as of the day
10 immediately before the date of enactment of the
11 National Aquatic Invasive Species Act of 2006
12 shall be updated after the date of enactment of
13 the National Aquatic Invasive Species Act of
14 2006 to conform to the guidelines published
15 under paragraph (5).

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

23 (f) GRANT PROGRAM.—Section 1204(b)(1) of the
24 Nonindigenous Aquatic Nuisance Prevention and Control
25 Act of 1990 (16 U.S.C. 4724(b)(1)) is amended by strik-

1 ing “subsection (a) for the implementation of those
2 plans.” and inserting the following: “subsection (a)—

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

7 “(B) to implement those plans.”.

8 **SEC. 119. INTERNATIONAL COORDINATION.**

9 (a) IN GENERAL.—Subtitle E of the Nonindigenous
10 Aquatic Nuisance Prevention and Control Act of 1990 (16
11 U.S.C. 4751 et seq.) is amended—

12 (1) by striking the subtitle heading and insert-
13 ing the following:

14 **“Subtitle E—Administration”;**

15 and

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

17 **“SEC. 1402. INTERNATIONAL COORDINATION.**

18 “(a) IN GENERAL.—The Task Force, the Invasive
19 Species Council, and the Secretary of State shall, to the
20 maximum extent practicable, ensure that international ef-
21 forts to prevent, detect, monitor, assess, and control
22 aquatic invasive species (including through the Inter-
23 national Maritime Organization, the International Con-
24 vention on the Exploration of the Sea, the Global Invasive
25 Species Program, and other appropriate programs) are co-

1 ordinated with policies of the United States established by
2 this Act.

3 “(b) COORDINATION WITH NEIGHBORING COUN-
4 TRIES.—

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

13 “(2) NEGOTIATIONS.—As soon as practicable
14 after the date of enactment of the National Aquatic
15 Invasive Species Act of 2006, the Secretary of State
16 may enter into negotiations with—

17 “(A) Canada to issue a request that the
18 International Joint Commission, not later than
19 18 months after the date of enactment of that
20 Act, review, research, conduct hearings on, and
21 submit to the parties represented on the Inter-
22 national Joint Commission a report that de-
23 scribes the success of current policies of govern-
24 ments in the United States and Canada having
25 jurisdiction over the Great Lakes in antici-

1 pating and preventing biological invasions of
2 the aquatic ecosystem in the Great Lakes, in-
3 cluding—

4 “(i) an analysis of current Federal,
5 State or Provincial, local, and international
6 laws, enforcement practices, and agree-
7 ments;

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

12 “(iii) recommendations of the Inter-
13 national Joint Commission for means by
14 which to improve and harmonize the poli-
15 cies and enforcement practices referred to
16 in clause (i); and

17 “(B) Mexico, to ensure coordination of ef-
18 forts of the United States with efforts of Mex-
19 ico to manage invasive species established in the
20 United States-Mexico border region.”.

21 **SEC. 120. AUTHORIZATION OF APPROPRIATIONS.**

22 Section 1301 of the Nonindigenous Aquatic Nuisance
23 Prevention and Control Act of 1990 (16 U.S.C. 4741) is
24 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 2007 through 2011.

6 “(b) TASK FORCE AND AQUATIC INVASIVE SPECIES
7 PROGRAM.—There are authorized to be appropriated for
8 each of fiscal years 2007 through 2011—

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 2007 through 2011.

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 2007 through 2011—

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 2007 through
21 2011—

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 2007 and 2008 and \$10,000,000 for each of fiscal years
17 2009 through 2011, of which—

18 “(1) for each of fiscal years 2007 and 2008—

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 2009 through
25 2011—

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) RAPID RESPONSE.—There are authorized
8 to be appropriated for each of fiscal years 2007
9 through 2011—

10 “(A) \$25,000,000, to the Emergency
11 Rapid Response Fund established under section
12 1211(a), to remain available until expended;

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

17 “(C) \$1,500,000, to be used for Federal
18 rapid response teams under section 1211(f), of
19 which—

20 “(i) \$500,000 shall be used by the
21 National Oceanic and Atmospheric Admin-
22 istration; and

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

1 “(2) ENVIRONMENTAL SOUNDNESS.—There is
2 authorized to be appropriated for establishment
3 under section 1202(j) of criteria for the improve-
4 ment of treatment methods for aquatic invasive spe-
5 cies \$600,000 for each of fiscal years 2007 through
6 2011.

7 “(h) INFORMATION, EDUCATION AND OUTREACH.—
8 There are authorized to be appropriated for each of fiscal
9 years 2007 through 2011—

10 “(1) \$500,000, to be used by the Secretary of
11 the Interior to carry out the information and edu-
12 cation program under section 1202(h)(2)(D);

13 “(2) \$750,000, to be used by the Director in
14 carrying out the 100th meridian program under sec-
15 tion 1202(h)(2)(C);

16 “(3) \$2,000,000, to be used to carry out infor-
17 mational and educational activities of the Task
18 Force under section 1202(h), of which—

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

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

4 **SEC. 121. CONFORMING AMENDMENTS.**

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

7 (1) in section 1102 (16 U.S.C. 4712)—

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

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

12 (B) in subsection (b)—

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

14 (ii) by redesignating paragraphs (2)

15 and (3) as paragraphs (1) and (2), respec-
 16 tively;

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

20 **“Subtitle C—Prevention and Con-**
 21 **trol of Aquatic Invasive Species**
 22 **Dispersal”;**

23 (3) in section 1201(a) (16 U.S.C. 4721(a)), by
 24 striking “Nuisance Species” and inserting “Invasive
 25 Species”;

1 (4) in section 1202 (16 U.S.C. 4722), by strik-
 2 ing the section heading and inserting the following:

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

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

6 **“SEC. 1204. STATE AQUATIC INVASIVE SPECIES MANAGE-
 7 MENT PLANS.”;**

8 and

9 (6) by striking “aquatic nuisance species” each
 10 place it appears and inserting “aquatic invasive spe-
 11 cies”.

12 (b) SHORT TITLE.—

13 (1) Section 1001 of the Nonindigenous Aquatic
 14 Nuisance Prevention and Control Act of 1990 (16
 15 U.S.C. 4701) is amended by striking “Nonindige-
 16 nous Aquatic Nuisance” and inserting “Nonindige-
 17 nous Aquatic Invasive Species”.

18 (2) REFERENCES.—Any reference in a law,
 19 map, regulation, document, paper, or other record of
 20 the United States to the Nonindigenous Aquatic
 21 Nuisance Prevention and Control Act of 1990 shall
 22 be deemed to be a reference to the Nonindigenous
 23 Aquatic Invasive Species Prevention and Control Act
 24 of 1990.

1 **Subtitle B—Asian Carp Prevention**
 2 **and Control**

3 **SEC. 125. ADDITION OF SPECIES OF CARP TO THE LIST OF**
 4 **INJURIOUS SPECIES THAT ARE PROHIBITED**
 5 **FROM BEING IMPORTED OR SHIPPED.**

6 Section 42(a)(1) of title 18, United States Code, is
 7 amended by inserting after “*Dreissena polymorpha*,” the
 8 following: “of the black carp of the species
 9 *Mylopharyngodon piceus*; of the bighead carp of the spe-
 10 cies *Hypophthalmichthys nobilis*; of the silver carp of the
 11 species *Hypophthalmichthys molitrix*; of the largescale sil-
 12 ver carp of the species *Hypophthalmichthys harmandi*”.

13 **SEC. 126. DISPERSAL BARRIERS.**

14 Section 1202 of the Nonindigenous Aquatic Nuisance
 15 Prevention and Control Act of 1990 (16 U.S.C. 4722) (as
 16 amended by section 109) is amended—

17 (1) in subsection (i)(3)(C), by striking “, to
 18 carry out this paragraph, \$750,000” and inserting
 19 “such sums as are necessary to carry out this para-
 20 graph”; and

21 (2) by inserting after subsection (j) the fol-
 22 lowing:

23 “(k) NATIONAL DISPERSAL BARRIER PROGRAM.—

24 “(1) CHICAGO RIVER SHIP AND SANITARY
 25 CANAL DISPERSAL BARRIER PROJECT.—

1 “(A) EXISTING BARRIER.—The Assistant
2 Secretary shall upgrade and make permanent,
3 at full Federal expense, the existing Chicago
4 sanitary and ship canal dispersal barrier in Chi-
5 cago, Illinois, constructed as a demonstration
6 project under subsection (i)(3).

7 “(B) NEW BARRIER.—Notwithstanding the
8 project cooperation agreement with the State of
9 Illinois dated November 21, 2003, the Secretary
10 shall construct, at full Federal expense, the
11 Chicago sanitary and ship canal dispersal bar-
12 rier authorized by section 345 of the District of
13 Columbia Appropriations Act, 2005 (Public
14 Law 108–335; 118 Stat. 1352).

15 “(C) OPERATION AND MAINTENANCE.—
16 The Chicago sanitary and ship canal dispersal
17 barriers described in subparagraphs (A) and
18 (B) shall be operated and maintained as a sys-
19 tem by the Corps of Engineers, at full Federal
20 expense, in such a manner as the Chief Engi-
21 neer determines optimizes the effectiveness of
22 the barriers.

23 “(D) CREDIT.—

24 “(i) IN GENERAL.—The Assistant
25 Secretary shall provide to each State a

1 credit in an amount equal to the amount
2 of funds contributed by the State toward
3 the authorized dispersal barriers described
4 in subparagraphs (A) and (B).

5 “(ii) USE OF CREDIT.—A State may
6 apply a credit received under clause (i) to
7 any existing or future project of the Corps
8 of Engineers in that State.

9 “(E) FEASIBILITY STUDY OF CHICAGO
10 RIVER SHIP AND SANITARY CANAL.—

11 “(i) IN GENERAL.—Not later than 3
12 years after the date of enactment of the
13 National Aquatic Invasive Species Act of
14 2006, the Assistant Secretary, in consulta-
15 tion with appropriate Federal, State, local,
16 and non-governmental entities, shall con-
17 duct a feasibility study of the full range of
18 options available to prevent the spread of
19 aquatic invasive species through the Chi-
20 cago River Ship and Sanitary Canal dis-
21 persal barrier.

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

24 “(I) provide recommendations
25 concerning additional measures and

1 long-term measures necessary to im-
 2 prove the performance of the Chicago
 3 River Ship and Sanitary Canal dis-
 4 persal barrier; and

5 “(II) examine methods and meas-
 6 ures necessary to achieve—

7 “(aa) 100 percent efficacy of
 8 the barrier with respect to aquat-
 9 ic invasive species of fish; and

10 “(bb) maximum efficacy of
 11 the barrier with respect to other
 12 taxa of aquatic 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 2006, 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—

23 “(I) the Chicago River Ship and
 24 Sanitary Canal;

25 “(II) the Lake Champlain Canal;

1 “(III) other interbasin water-
2 ways; and

3 “(IV) major river systems (such
4 as the Mississippi River), as rec-
5 ommended by regional panels con-
6 vened under section 1203, in which
7 interbasin transfers of aquatic
8 invasive species have been shown to
9 pose a significant threat to fish and
10 wildlife resources;

11 “(ii) assess the efficacy of dispersal
12 barriers and other measures in preventing
13 the spread of aquatic invasive species
14 through the waterways; and

15 “(iii) identify waterways suitable for
16 dispersal barrier demonstration projects, in
17 addition to the waterways at which dis-
18 persal barrier demonstration projects were
19 carried out before the date of enactment of
20 the National Aquatic Invasive Species Act
21 of 2006.

22 “(C) REPORTS.—The Secretary of the In-
23 terior shall issue biennial reports describing the
24 findings of the monitoring program.

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

8 “(4) TECHNICAL ASSISTANCE.—The Adminis-
9 trator of the National Oceanic and Atmospheric Ad-
10 ministration, acting through the Great Lakes Envi-
11 ronmental Research Laboratory, shall provide tech-
12 nical assistance to appropriate entities to assist in
13 the research conducted under this subsection.

14 “(5) ADDITIONAL WATERWAYS.—The Assistant
15 Secretary, with the concurrence of the Adminis-
16 trator, and other relevant Federal agencies, shall—

17 “(A) identify additional waterways suitable
18 for the construction of new dispersal barriers
19 (based on the monitoring program established
20 under paragraph (2));

21 “(B) determine the feasibility of a dis-
22 persal barrier project at the Lake Champlain
23 Canal and in the Upper Mississippi River and,
24 if feasible, establish a plan for a dispersal bar-

rier at the Lake Champlain Canal and in the
Upper Mississippi River; and

“(C) construct, maintain, and operate such
dispersal barriers as necessary.

“(6) REPORTS.—Not later than 3 years after
the date of enactment of the National Aquatic
Invasive Species Act of 2006, the Assistant Sec-
retary and the Director shall jointly submit to Con-
gress a report that describes—

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

“(B) a plan to provide for additional dis-
persal barrier demonstration projects and re-
lated research projects.”.

Subtitle C—National Invasive Species Council

SEC. 131. DEFINITIONS.

In this subtitle:

(1) COUNCIL.—The term “Council” means the
National Invasive Species Council established by sec-
tion 133(a).

(2) INVASIVE SPECIES.—The term “invasive
species” means a species—

(A) that is nonnative to an ecosystem; and

1 (B) the introduction of which to that eco-
 2 system causes or may cause harm to the envi-
 3 ronment, the economy, or human health.

4 (3) NATIONAL MANAGEMENT PLAN.—The term
 5 “National Management Plan” means the National
 6 Invasive Species Management Plan developed by the
 7 Council under section 135(a).

8 (4) SPECIES.—The term “species” means a cat-
 9 egory of taxonomic classification that—

10 (A) ranks below a genus or subgenus; and

11 (B) consists of related organisms capable
 12 of interbreeding.

13 **SEC. 132. LIMITATION ON FEDERAL ACTIONS.**

14 (a) IN GENERAL.—No Federal agency may author-
 15 ize, fund, or carry out any action that would likely cause
 16 or promote the introduction or spread of an invasive spe-
 17 cies in the United States or any other location, unless the
 18 head of the Federal agency, at the sole discretion of the
 19 head of the agency and in accordance with guidelines de-
 20 veloped under subsection (b), determines that—

21 (1) the benefits of the action under consider-
 22 ation clearly outweigh the potential harm to the en-
 23 vironment, the economy, and human health caused
 24 by the introduction or spread of the invasive species;
 25 and

1 (2) all feasible and practical measures to mini-
2 mize risk of harm to the environment, the economy,
3 and human health will be taken in carrying out the
4 action.

5 (b) GUIDELINES.—The Council on Environmental
6 Quality, in conjunction with the Council, shall develop
7 guidelines for Federal agencies to use in analyzing actions
8 under subsection (a).

9 **SEC. 133. NATIONAL INVASIVE SPECIES COUNCIL.**

10 (a) ESTABLISHMENT.—

11 (1) IN GENERAL.—There is established, as an
12 independent entity in the executive branch, the Na-
13 tional Invasive Species Council.

14 (2) DUTIES.—The Council shall provide leader-
15 ship and coordination among Federal agencies and
16 between the Federal Government and State and
17 local governments, with respect to efforts—

18 (A) to minimize the environmental, eco-
19 nomic, and human health effects caused by
20 invasive species; and

21 (B) to reduce the threat of further inva-
22 sions of invasive species.

23 (b) MEMBERSHIP.—

24 (1) IN GENERAL.—The Council shall consist
25 of—

- 1 (A) the Secretary of the Interior;
- 2 (B) the Secretary of Agriculture;
- 3 (C) the Secretary of Commerce;
- 4 (D) the Secretary of State;
- 5 (E) the Secretary of the Treasury;
- 6 (F) the Secretary of Defense;
- 7 (G) the Secretary of Transportation;
- 8 (H) the Secretary of Health and Human
- 9 Services;
- 10 (I) the Administrator;
- 11 (J) the Administrator of the United States
- 12 Agency for International Development; and
- 13 (K) such additional members as are ap-
- 14 pointed under paragraph (2).

15 (2) **ADDITIONAL MEMBERS.**—With the concur-
 16 rence of a majority of the members of the Council,
 17 the chairperson of the Council may appoint addi-
 18 tional members to the Council from among individ-
 19 uals who are officers or employees of the Federal
 20 Government with significant responsibilities con-
 21 cerning invasive species.

22 (c) **CHAIRPERSON.**—

23 (1) **INITIAL CHAIRPERSON.**—The Secretary of
 24 the Interior shall serve as chairperson of the Council

1 for the 3-year period beginning on the date of enact-
 2 ment of this Act.

3 (2) SUBSEQUENT CHAIRPERSONS.—After the
 4 initial 3-year period described in paragraph (1), the
 5 chairperson shall rotate every 3 years among the fol-
 6 lowing members, in the following order:

7 (A) The Secretary of Agriculture.

8 (B) The Secretary of Commerce.

9 (C) The Secretary of the Interior.

10 (d) MEETINGS.—The Council shall meet at the call
 11 of the chairperson, but not less often than semiannually.

12 (e) EXECUTIVE DIRECTOR.—

13 (1) APPOINTMENT.—The President shall ap-
 14 point the Executive Director of the Council, by and
 15 with the advice and consent of the Senate.

16 (2) CONSULTATION.—Before appointing an in-
 17 dividual under paragraph (1), the President shall
 18 consult with—

19 (A) the Secretary of the Interior;

20 (B) the Secretary of Agriculture; and

21 (C) the Secretary of Commerce.

22 (3) QUALIFICATIONS.—An individual appointed
 23 as Executive Director of the Council shall have—

1 (A) legal or scientific experience and train-
2 ing in the area of natural resources, ecology, or
3 agriculture; and

4 (B) experience in dealing with public policy
5 matters concerning aquatic and terrestrial
6 invasive species.

7 (4) TERM.—The Executive Director of the
8 Council shall serve for a term of 6 years.

9 (5) COMPENSATION.—The Executive Director
10 shall be paid at the maximum rate of basic pay pre-
11 scribed for level GS–15 of the General Schedule.

12 **SEC. 134. DUTIES.**

13 (a) IN GENERAL.—The Council shall ensure that the
14 efforts of Federal agencies concerning invasive species are
15 coordinated, effective, complementary, and cost-efficient.

16 (b) DUTIES.—To carry out subsection (a), the Coun-
17 cil shall—

18 (1) coordinate with other organizations address-
19 ing invasive species (such as the Federal Interagency
20 Committee for the Management of Noxious and Ex-
21 otic Weeds, the Aquatic Nuisance Species Task
22 Force established under section 1201 of the Non-
23 indigenous Aquatic Nuisance Prevention and Control
24 Act of 1990 (16 U.S.C. 4721), regional panels es-
25 tablished under that Act, and the White House Of-

1 fice of Science and Technology Policy) to implement
2 the National Management Plan;

3 (2) develop recommendations for international
4 cooperation between the Federal Government, State
5 governments, and foreign countries on tools, policies,
6 and methods to prevent the introduction and export
7 of invasive species into and from, respectively, the
8 United States;

9 (3) develop guidelines for Federal agency ef-
10 forts to ensure that Federal programs concerning
11 invasive species, including outreach programs, are
12 coordinated with State, local, and tribal govern-
13 ments;

14 (4) develop, in consultation with the Council on
15 Environmental Quality and in accordance with the
16 National Environmental Policy Act of 1969 (42
17 U.S.C. 4321 et seq.), guidance for Federal agencies
18 on prevention, control, and eradication of invasive
19 species;

20 (5) establish and maintain a publicly accessible,
21 coordinated, up-to-date information sharing system
22 on invasive species that—

23 (A) allows the access to and exchange of
24 information among Federal agencies and the
25 public; and

1 (B) uses the Internet to the maximum ex-
2 tent practicable;

3 (6) ensure that Federal agencies implement the
4 plans, programs, and policies adopted by the Council
5 in the National Management Plan through appro-
6 priate actions, including working in cooperation with
7 Federal agencies on development of budgets for the
8 annual submission by the President to Congress of
9 the budget of the Federal Government under section
10 1105 of title 31, United States Code;

11 (7)(A) evaluate Federal programs that are like-
12 ly to cause or promote the introduction or spread of
13 invasive species in the United States; and

14 (B) recommend actions Federal agencies can
15 take to minimize the risk of introductions or further
16 spread of invasive species; and

17 (8) develop and submit to the appropriate com-
18 mittees of Congress and the Director of the Office
19 of Management and Budget an annual list of prior-
20 ities, ranked in high, medium, and low categories, of
21 Federal efforts and programs in prevention, eradi-
22 cation, control, and monitoring of, and research and
23 outreach concerning, invasive species.

1 **SEC. 135. NATIONAL INVASIVE SPECIES MANAGEMENT**

2 **PLAN.**

3 (a) DEVELOPMENT.—

4 (1) IN GENERAL.—The Council shall develop a
5 National Invasive Species Management Plan that de-
6 tails and recommends performance-oriented goals
7 and specific measures of success for carrying out ac-
8 tivities by Federal agencies relating to invasive spe-
9 cies.

10 (2) DEVELOPMENT PROCESS.—The National
11 Management Plan shall be developed through a pub-
12 lic process and in consultation with Federal agen-
13 cies, appropriate State and local entities, and other
14 appropriate stakeholders.

15 (3) CONTENTS.—The National Management
16 Plan shall include recommendations of effective,
17 cost-efficient, environmentally sound, and science-
18 based approaches for—

19 (A) preventing the introduction of invasive
20 species, including approaches for identifying
21 pathways by which invasive species are intro-
22 duced and for minimizing the risk of introduc-
23 tions via those pathways, which recommended
24 approaches shall provide for—

1 (i) a process to evaluate risks associ-
 2 ated with the introduction and spread of
 3 invasive species; and

4 (ii) a coordinated and systematic risk-
 5 based process to identify, monitor, and
 6 interdict pathways that may be involved in
 7 the introduction of invasive species;

8 (B) cooperating with other countries to in-
 9 crease their capacity—

10 (i) to control invasive species; and

11 (ii) to prevent the spread of invasive
 12 species across international borders;

13 (C) rapidly detecting and responding to in-
 14 cipient invasions of invasive species;

15 (D) managing new and established popu-
 16 lations of invasive species by—

17 (i) eradicating the invasive species; or

18 (ii) controlling the spread of the
 19 invasive species;

20 (E) accurately and reliably monitoring new
 21 and established populations of invasive species;

22 (F) restoring native species and habitat
 23 conditions in ecosystems that have been invaded
 24 by invasive species;

1 (G) conducting research on the matters re-
 2 ferred to in subparagraphs (A) through (F);

3 (H) evaluating and documenting the ef-
 4 fects of invasive species on the environment, the
 5 economy, and human health;

6 (I) developing technologies to prevent the
 7 introduction and provide for the management of
 8 invasive species; and

9 (J) promoting public education on invasive
 10 species and the means to address invasive spe-
 11 cies.

12 (4) IDENTIFICATION OF NEEDED RE-
 13 SOURCES.—The National Management Plan shall
 14 identify the personnel, other resources, and addi-
 15 tional levels of coordination needed to achieve the
 16 goals included in the National Management Plan.

17 (b) EXISTING PLAN.—The National Invasive Species
 18 Management Plan of the Invasive Species Council adopted
 19 in 2001 shall be treated as the National Management Plan
 20 required under subsection (a) until the date of issuance
 21 of the National Management Plan under subsection (c)(1).

22 (c) ISSUANCE AND UPDATING OF NATIONAL MAN-
 23 AGEMENT PLAN.—The Council shall—

24 (1) not later than December 31, 2006, issue the
 25 National Management Plan;

1 (2) not later than December 31, 2008, and bi-
 2 ennially thereafter, update the National Manage-
 3 ment Plan; and

4 (3) concurrently with the process of updating
 5 the National Management Plan, evaluate and report
 6 to Congress on success in achieving the goals in-
 7 cluded in the National Management Plan.

8 (d) AGENCY REPORTS.—Not later than 18 months
 9 after the date of issuance of any update of the National
 10 Management Plan that recommends action by a Federal
 11 agency, the head of the Federal agency shall submit to
 12 Congress a report that—

13 (1) describes each of the recommended actions
 14 that the agency has not taken; and

15 (2) provides an explanation of why the action is
 16 not feasible.

17 **SEC. 136. INVASIVE SPECIES ADVISORY COMMITTEE.**

18 (a) ESTABLISHMENT.—

19 (1) IN GENERAL.—The Council shall maintain
 20 an advisory committee, to be known as the “Invasive
 21 Species Advisory Committee”, to provide information
 22 and advice for consideration by the Council.

23 (2) ORGANIZATION, FUNCTIONS, AND AUTHORI-
 24 TIES.—Except as otherwise provided in this section,
 25 the advisory committee shall be organized, perform

1 the functions, and have the authorities specified in
2 the charter for the advisory committee signed by the
3 Secretary of the Interior on October 30, 2001.

4 (b) APPOINTMENT.—Members of the advisory com-
5 mittee shall be appointed by the chairperson of the Coun-
6 cil, after consultation with the other members of the Coun-
7 cil, from among individuals representing stakeholders with
8 respect to Federal programs for minimizing the environ-
9 mental, economic, and human health impacts caused by
10 invasive species.

11 (c) FUNCTIONS.—In addition to the functions speci-
12 fied in the charter referred to in subsection (a), the advi-
13 sory committee shall recommend to the Council plans and
14 actions at the regional, State, local, tribal, and ecosystem-
15 based levels to achieve the goals of the National Manage-
16 ment Plan.

17 (d) CONTINUING OPERATION OF EXISTING COM-
18 MITTEE.—Any advisory committee appointed before the
19 date of enactment of this Act in accordance with the char-
20 ter referred to in subsection (a)(2) may continue in effect
21 under this section.

22 **SEC. 137. BUDGET ANALYSIS AND SUMMARY.**

23 Not later than March 31, 2006, and March 31 of
24 each year thereafter, the Director of the Office of Manage-
25 ment and Budget shall prepare, and submit to Congress

1 and the Council, a budget analysis and summary of all
 2 Federal programs relating to invasive species.

3 **SEC. 138. EXISTING EXECUTIVE ORDER.**

4 Executive Order No. 13112, dated February 3, 1999
 5 (42 U.S.C. 4321 note; relating to invasive species), shall
 6 be of no effect.

7 **SEC. 139. AUTHORIZATION OF APPROPRIATIONS.**

8 There is authorized to be appropriated to carry out
 9 this subtitle \$2,000,000 for each of fiscal years 2007
 10 through 2009.

11 **TITLE II—HABITAT AND SPECIES**

12 **SEC. 201. SHORT TITLE.**

13 This title may be cited as the “Great Lakes Fish and
 14 Wildlife Restoration Act of 2006”.

15 **SEC. 202. FINDINGS.**

16 Congress finds that—

17 (1) the Great Lakes have fish and wildlife com-
 18 munities that are structurally and functionally
 19 changing;

20 (2) successful fish and wildlife management fo-
 21 cuses on the lakes as ecosystems, and effective man-
 22 agement requires the coordination and integration of
 23 efforts of many partners;

24 (3) it is in the national interest to undertake
 25 activities in the Great Lakes Basin that support sus-

1 tainable fish and wildlife resources of common con-
2 cern provided under the recommendations of the
3 Great Lakes Regional Collaboration authorized
4 under Executive Order 13340 (69 Fed. Reg. 29043;
5 relating to the Great Lakes Interagency Task
6 Force);

7 (4) additional actions and better coordination
8 are needed to protect and effectively manage the fish
9 and wildlife resources, and the habitats upon which
10 the resources depend, in the Great Lakes Basin;

11 (5) as of the date of enactment of this Act, ac-
12 tions are not funded that are considered essential to
13 meet the goals and objectives in managing the fish
14 and wildlife resources, and the habitats upon which
15 the resources depend, in the Great Lakes Basin; and

16 (6) the Great Lakes Fish and Wildlife Restora-
17 tion Act (16 U.S.C. 941 et seq.) allows Federal
18 agencies, States, and tribes to work in an effective
19 partnership by providing the funding for restoration
20 work.

21 **SEC. 203. DEFINITIONS.**

22 Section 1004 of the Great Lakes Fish and Wildlife
23 Restoration Act of 1990 (16 U.S.C. 941b) is amended—

24 (1) by striking paragraphs (1), (4), and (12);

1 (2) by redesignating paragraphs (2), (3), (5),
 2 (6), (7), (8), (9), (10), (11), (13), and (14) as para-
 3 graphs (1), (2), (3), (4), (5), (6), (7), (9), (10),
 4 (11), and (12), respectively;

5 (3) in paragraph (4) (as redesignated by para-
 6 graph (2)), by inserting before the semicolon at the
 7 end the following: “, and that has Great Lakes fish
 8 and wildlife management authority in the Great
 9 Lakes Basin”; and

10 (4) by inserting after paragraph (7) (as redesign-
 11 ated by paragraph (2)) the following:

12 “(8) the term ‘regional project’ means author-
 13 ized activities of the United States Fish and Wildlife
 14 Service related to fish and wildlife resource protec-
 15 tion, restoration, maintenance, and enhancement
 16 that benefit the Great Lakes basin;”.

17 **SEC. 204. IDENTIFICATION, REVIEW, AND IMPLEMENTA-**
 18 **TION OF PROPOSALS.**

19 Section 1005 of the Great Lakes Fish and Wildlife
 20 Restoration Act of 1990 (16 U.S.C. 941c) is amended to
 21 read as follows:

1 **“SEC. 1005. IDENTIFICATION, REVIEW, AND IMPLEMENTA-**
2 **TION OF PROPOSALS AND REGIONAL**
3 **PROJECTS.**

4 “(a) IN GENERAL.—Subject to subsection (b)(2), the
5 Director—

6 “(1) shall encourage the development and, sub-
7 ject to the availability of appropriations, the imple-
8 mentation of fish and wildlife restoration proposals
9 and regional projects; and

10 “(2) in cooperation with the State Directors
11 and Indian Tribes, shall identify, develop, and, sub-
12 ject to the availability of appropriations, implement
13 regional projects in the Great Lakes Basin to be ad-
14 ministered by Director in accordance with this sec-
15 tion.

16 “(b) IDENTIFICATION OF PROPOSALS AND REGIONAL
17 PROJECTS.—

18 “(1) REQUEST BY THE DIRECTOR.—The Direc-
19 tor shall annually request that State Directors and
20 Indian Tribes, in cooperation or partnership with
21 other interested entities and in accordance with sub-
22 section (a), submit proposals or regional projects for
23 the restoration of fish and wildlife resources.

24 “(2) REQUIREMENTS FOR PROPOSALS AND RE-
25 GIONAL PROJECTS.—A proposal or regional project
26 under paragraph (1) shall be—

1 “(A) submitted in the manner and form
2 prescribed by the Director; and

3 “(B) consistent with—

4 “(i) the goals of the Great Lakes
5 Water Quality Agreement, as amended;

6 “(ii) the 1954 Great Lakes Fisheries
7 Convention;

8 “(iii) the 1980 Joint Strategic Plan
9 for Management of Great Lakes Fisheries,
10 as revised in 1997, and Fish Community
11 Objectives for each Great Lake and con-
12 necting water as established under the
13 Joint Strategic Plan;

14 “(iv) the Nonindigenous Aquatic Nui-
15 sance Prevention and Control Act of 1990
16 (16 U.S.C. 4701 et seq.);

17 “(v) the North American Waterfowl
18 Management Plan and joint ventures es-
19 tablished under the plan; and

20 “(vi) the strategies outlined through
21 the Great Lakes Regional Collaboration
22 authorized under Executive Order 13340
23 (69 Fed. Reg. 29043; relating to the Great
24 Lakes Interagency Task Force).

1 “(3) SEA LAMPREY AUTHORITY.—The Great
 2 Lakes Fishery Commission shall retain authority
 3 and responsibility to formulate and implement a
 4 comprehensive program to eradicate or minimize sea
 5 lamprey populations in the Great Lakes Basin.

6 “(c) REVIEW OF PROPOSALS.—

7 “(1) ESTABLISHMENT OF COMMITTEE.—There
 8 is established the Great Lakes Fish and Wildlife
 9 Restoration Proposal Review Committee, which shall
 10 operate under the guidance of the United States
 11 Fish and Wildlife Service.

12 “(2) MEMBERSHIP AND APPOINTMENT.—

13 “(A) IN GENERAL.—The Committee shall
 14 consist of 2 representatives of each of the State
 15 Directors and Indian Tribes, of whom—

16 “(i) 1 representative shall be the indi-
 17 vidual appointed by the State Director or
 18 Indian Tribe to the Council of Lake Com-
 19 mittees of the Great Lakes Fishery Com-
 20 mission; and

21 “(ii) 1 representative shall have exper-
 22 tise in wildlife management.

23 “(B) APPOINTMENTS.—Each representa-
 24 tive shall serve at the pleasure of the appointing
 25 State Director or Tribal Chair.

1 “(C) OBSERVER.—The Great Lakes Coor-
 2 dinator of the United States Fish and Wildlife
 3 Service shall participate as an observer of the
 4 Committee.

5 “(D) RECUSAL.—A member of the Com-
 6 mittee shall recuse himself or herself from con-
 7 sideration of proposals that the member, or the
 8 entity that the member represents, has sub-
 9 mitted.

10 “(3) FUNCTIONS.—The Committee shall—

11 “(A) meet at least annually;

12 “(B) review proposals and special projects
 13 developed in accordance with subsection (b) to
 14 assess the effectiveness and appropriateness of
 15 the proposals and special projects in fulfilling
 16 the purposes of this title; and

17 “(C) recommend to the Director any of
 18 those proposals and special projects that should
 19 be funded and implemented under this section.

20 “(d) IMPLEMENTATION OF PROPOSALS AND RE-
 21 GIONAL PROJECTS.—

22 “(1) IN GENERAL.—After considering rec-
 23 ommendations of the Committee and the goals speci-
 24 fied in section 1006, the Director shall—

1 “(A) select proposals and regional projects
2 to be implemented; and

3 “(B) subject to the availability of appro-
4 priations and subsection (e), fund implementa-
5 tion of the proposals and regional projects.

6 “(2) SELECTION CRITERIA.—In selecting and
7 funding proposals and regional projects, the Director
8 shall take into account the effectiveness and appro-
9 priateness of the proposals and regional projects in
10 fulfilling the purposes of other laws applicable to
11 restoration of the fish and wildlife resources and
12 habitat of the Great Lakes Basin.

13 “(e) COST SHARING.—

14 “(1) IN GENERAL.—Except as provided in para-
15 graphs (2) and (4), not less than 25 percent of the
16 cost of implementing a proposal selected under sub-
17 section (d) (excluding the cost of establishing sea
18 lamprey barriers) shall be paid in cash or in-kind
19 contributions by non-Federal sources.

20 “(2) REGIONAL PROJECTS.—Regional projects
21 selected under subsection (d) shall be exempt from
22 cost sharing if the Director determines that the au-
23 thorization for the project does not require a non-
24 Federal cost-share.

1 “(3) EXCLUSION OF FEDERAL FUNDS FROM
 2 NON-FEDERAL SHARE.—The Director may not con-
 3 sider the expenditure, directly or indirectly, of Fed-
 4 eral funds received by any entity to be a contribution
 5 by a non-Federal source for purposes of this sub-
 6 section.

7 “(4) EFFECT ON CERTAIN INDIAN TRIBES.—
 8 Nothing in this subsection affects an Indian tribe af-
 9 fected by an alternative applicable cost sharing re-
 10 quirement under the Indian Self-Determination and
 11 Education Assistance Act (25 U.S.C. 450 et seq.).”.

12 **SEC. 205. GOALS OF UNITED STATES FISH AND WILDLIFE**
 13 **SERVICE PROGRAMS RELATED TO GREAT**
 14 **LAKES FISH AND WILDLIFE RESOURCES.**

15 Section 1006 of the Great Lakes Fish and Wildlife
 16 Restoration Act of 1990 (16 U.S.C. 941d) is amended by
 17 striking paragraph (1) and inserting the following:

18 “(1) Restoring and maintaining self-sustaining
 19 fish and wildlife resources.”.

20 **SEC. 206. ESTABLISHMENT OF OFFICES.**

21 Section 1007 of the Great Lakes Fish and Wildlife
 22 Restoration Act of 1990 (16 U.S.C. 941e) is amended—

23 (1) by striking subsection (a) and inserting the
 24 following:

25 “(a) GREAT LAKES COORDINATION OFFICE.—

1 “(1) IN GENERAL.—The Director shall establish
 2 a centrally located facility for the coordination of all
 3 United States Fish and Wildlife Service activities in
 4 the Great Lakes Basin, to be known as the ‘Great
 5 Lakes Coordination Office’.

6 “(2) FUNCTIONAL RESPONSIBILITIES.—The
 7 functional responsibilities of the Great Lakes Co-
 8 ordination Office shall include—

9 “(A) intra- and interagency coordination;

10 “(B) information distribution; and

11 “(C) public outreach.

12 “(3) REQUIREMENTS.—The Great Lakes Co-
 13 ordination Office shall—

14 “(A) ensure that information acquired
 15 under this Act is made available to the public;
 16 and

17 “(B) report to the Director of Region 3,
 18 Great Lakes Big Rivers.”;

19 (2) in subsection (b)—

20 (A) in the first sentence, by striking “The
 21 Director” and inserting the following:

22 “(1) IN GENERAL.—The Director”;

23 (B) in the second sentence, by striking
 24 “The office” and inserting the following:

25 “(2) NAME AND LOCATION.—The office”; and

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

2 “(3) RESPONSIBILITIES.—The responsibilities
3 of the Lower Great Lakes Fishery Resources Office
4 shall include operational activities of the United
5 States Fish and Wildlife Service related to fishery
6 resource protection, restoration, maintenance, and
7 enhancement in the Lower Great Lakes.”; and

8 (3) in subsection (c)—

9 (A) in the first sentence, by striking “The
10 Director” and inserting the following:

11 “(1) IN GENERAL.—The Director”;

12 (B) in the second sentence, by striking
13 “The office” and inserting the following:

14 “(2) NAME AND LOCATION.—The office”; and

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

16 “(3) RESPONSIBILITIES.—The responsibilities
17 of the Upper Great Lakes Fishery Resources Offices
18 shall include operational activities of the United
19 States Fish and Wildlife Service related to fishery
20 resource protection, restoration, maintenance, and
21 enhancement in the Upper Great Lakes.”.

22 **SEC. 207. REPORTS.**

23 Section 1008 of the Great Lakes Fish and Wildlife
24 Restoration Act of 1990 (16 U.S.C. 941f) is amended to
25 read as follows:

1 **“SEC. 1008. REPORTS.**

2 “(a) IN GENERAL.—Not later than December 31,
3 2011, the Director shall submit to the Committee on Re-
4 sources of the House of Representatives and the Com-
5 mittee on Environment and Public Works of the Senate
6 a report that describes—

7 “(1) actions taken to solicit and review pro-
8 posals under section 1005;

9 “(2) the results of proposals implemented under
10 section 1005; and

11 “(3) progress toward the accomplishment of the
12 goals specified in section 1006.

13 “(b) ANNUAL REPORTS.—Not later than December
14 31 of each of fiscal years 2007 through 2012, the Director
15 shall submit to the 8 Great Lakes States and Indian
16 Tribes a report that describes—

17 “(1) actions taken to solicit and review pro-
18 posals under section 1005;

19 “(2) the results of proposals implemented under
20 section 1005;

21 “(3) progress toward the accomplishment of the
22 goals specified in section 1006;

23 “(4) the priorities proposed for funding in the
24 annual budget process under this title; and

25 “(5) actions taken in support of the rec-
26 ommendations of the Great Lakes Regional Collabo-

1 ration authorized under Executive Order 13340 (69
2 Fed. Reg. 29043; relating to the Great Lakes Inter-
3 agency Task Force).

4 “(c) STUDY.—

5 “(1) IN GENERAL.—Not later than December
6 16, 2009, the Director, in consultation with State
7 fish and wildlife resource management agencies, In-
8 dian Tribes, and the Great Lakes Fishery Commis-
9 sion, shall—

10 “(A) conduct a comprehensive study of the
11 status, and the assessment, management, and
12 restoration needs, of the fish and wildlife re-
13 sources of the Great Lakes Basin, including a
14 comprehensive review of the accomplishments
15 that have been achieved under this title through
16 fiscal year 2008; and

17 “(B) submit to the President of the Senate
18 and the Speaker of the House of Representa-
19 tives—

20 “(i) the study described in subpara-
21 graph (A); and

22 “(ii) a comprehensive report on the
23 findings of the study.

24 “(d) REPORT.—Not later than June 30, 2006, the
25 Director shall submit to the Committee on Environment

1 and Public Works of the Senate and the Committee on
 2 Resources of the House of Representatives the 2002 re-
 3 port required under this section as in effect on the day
 4 before the date of enactment of the Great Lakes Fish and
 5 Wildlife Restoration Act of 2006.”.

6 **SEC. 208. AUTHORIZATION OF APPROPRIATIONS.**

7 Section 1009 of the Great Lakes Fish and Wildlife
 8 Restoration Act of 1990 (16 U.S.C. 941g) is amended to
 9 read as follows:

10 **“SEC. 1009. AUTHORIZATION OF APPROPRIATIONS.**

11 “There are authorized to be appropriated to the Di-
 12 rector for each of fiscal years 2007 through 2012—

13 “(1) \$12,000,000, of which—

14 “(A) \$11,400,000 shall be allocated to im-
 15 plement fish and wildlife restoration proposals
 16 as selected by the Director under section
 17 1005(e); and

18 “(B) the lesser of 5 percent or \$600,000
 19 shall be allocated to the United States Fish and
 20 Wildlife Service to cover costs incurred in ad-
 21 ministering the proposals by any entity;

22 “(2) \$6,000,000, which shall be allocated to im-
 23 plement regional projects by the United States Fish
 24 and Wildlife Service, as selected by the Director
 25 under section 1005(e); and

1 “(3) \$2,000,000, which shall be allocated for
 2 the activities of the Great Lake Coordination Office
 3 in East Lansing, Michigan, of the Upper Great
 4 Lakes Fishery Resources Office, and the Lower
 5 Great Lakes Fishery Resources Office under section
 6 1007.”.

7 **TITLE III—COASTAL HEALTH**

8 **SEC. 301. TECHNICAL ASSISTANCE.**

9 (a) TECHNICAL ASSISTANCE FOR RURAL AND SMALL
 10 TREATMENT WORKS.—Section 104(b) of the Federal
 11 Water Pollution Control Act (33 U.S.C. 1254(b)) is
 12 amended—

13 (1) by redesignating paragraphs (1) through
 14 (7) as subparagraphs (A) through (G), respectively,
 15 and indenting the subparagraphs appropriately;

16 (2) by striking “(b) In carrying out” and in-
 17 serting the following:

18 “(b) AUTHORIZED ACTIVITIES.—

19 “(1) IN GENERAL.—In carrying out”;

20 (3) in paragraph (1) (as designated by para-
 21 graph (2))—

22 (A) by striking “paragraph (1) of sub-
 23 section (a)” each place it appears and inserting
 24 “subsection (a)(1)”;

1 (B) in subparagraph (C) (as redesignated
2 by paragraph (1)), by striking “of this section”;

3 (C) in subparagraph (F) (as redesignated
4 by paragraph (1)), by striking “thereof; and”
5 and inserting “of the effects;”;

6 (D) in subparagraph (G) (as redesignated
7 by paragraph (1)), by striking the period at the
8 end and inserting “; and”; and

9 (E) by adding at the end the following:

10 “(H) make grants to nonprofit organiza-
11 tions—

12 “(i) to provide technical assistance to
13 rural and small municipalities for the pur-
14 pose of assisting, in consultation with the
15 State in which the assistance is provided,
16 the municipalities in the planning, develop-
17 ment, and acquisition of financing for
18 wastewater infrastructure assistance;

19 “(ii) to capitalize revolving loan funds
20 for the purpose of providing loans, in con-
21 sultation with the State in which the as-
22 sistance is provided and in accordance with
23 paragraph (2), to rural and small munici-
24 palities for—

1 “(I) predevelopment costs associ-
2 ated with wastewater infrastructure
3 projects; and

4 “(II) short-term costs incurred
5 for the replacement of equipment that
6 is not part of a regular operation or
7 maintenance activity for an existing
8 wastewater system;

9 “(iii) to provide technical assistance
10 and training for rural and small publicly-
11 owned treatment works and decentralized
12 wastewater treatment systems to enable
13 the treatment works and systems to—

14 “(I) protect water quality; and

15 “(II) achieve and maintain com-
16 pliance with the requirements of this
17 Act; and

18 “(iv) to disseminate information to
19 rural and small municipalities and munici-
20 palities that meet the affordability criteria
21 established by the State in which the mu-
22 nicipality is located under section 603(i)(2)
23 with respect to planning, design, construc-
24 tion, and operation of publicly-owned treat-

1 ment works and decentralized wastewater
2 treatment systems.”; and

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

4 “(2) LOAN CONDITIONS.—

5 “(A) IN GENERAL.—A loan provided under
6 paragraph (1)(H)(ii) shall—

7 “(i) be provided at a below-market in-
8 terest rate;

9 “(ii) be provided in an amount not to
10 exceed \$100,000; and

11 “(iii) extend for a term of not more
12 than 10 years.

13 “(B) REPAYMENT.—Repayment of a loan
14 provided under paragraph (1)(H)(ii) shall be
15 credited to the water pollution control revolving
16 loan fund of the appropriate State under sec-
17 tion 603.”.

18 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
19 104(u) of the Federal Water Pollution Control Act (33
20 U.S.C. 1254(u)) is amended—

21 (1) by striking “(u) There is authorized to be
22 appropriated (1) not” and inserting the following:

23 “(u) AUTHORIZATION OF APPROPRIATIONS.—There
24 are authorized to be appropriated—

25 “(1) not”;

1 (2) in paragraph (1), by striking “provisions;
2 (2) not” and inserting the following: “provisions;
3 “(2) not”;
4 (3) in paragraph (2), by striking “subsection
5 (g)(1); (3) not” and inserting the following: “sub-
6 section (g)(1);
7 “(3) not”;
8 (4) in paragraph (3), by striking “subsection
9 (g)(2); (4) not” and inserting the following: “sub-
10 section (g)(2);
11 “(4) not”;
12 (5) in paragraph (4), by striking “subsection
13 (p); (5) not” and inserting the following: “subsection
14 (p);
15 “(5) not”;
16 (6) in paragraph (5), by striking “subsection
17 (r); and (6) not” and inserting the following: “sub-
18 section (r);
19 “(6) not”;
20 (7) in paragraph (6), by striking the period at
21 the end and inserting “; and”; and
22 (8) by adding at the end the following:
23 “(7) for each of fiscal years 2007 through
24 2011, not more than \$75,000,000 to carry out sub-

1 paragraphs (C) and (H) of subsection (b)(1), of
 2 which, during any fiscal year—

3 “(A) not less than 20 percent shall be used
 4 to carry out subsection (b)(1)(H); and

5 “(B) not more than $\frac{1}{3}$ of the amount used
 6 under subparagraph (A) shall be used to carry
 7 out subsection (b)(1)(H)(ii).”.

8 (c) COMPETITIVE PROCEDURES FOR AWARDING
 9 GRANTS.—Section 104 of the Federal Water Pollution
 10 Control Act (33 U.S.C. 1254) is amended by adding at
 11 the end the following:

12 “(w) COMPETITIVE PROCEDURES FOR AWARDING
 13 GRANTS.—The Administrator shall establish procedures
 14 that promote competition and openness, to the maximum
 15 extent practicable, in the award of grants to nonprofit pri-
 16 vate agencies, institutions, and organizations under this
 17 section.”.

18 **SEC. 302. SEWER OVERFLOW CONTROL GRANTS.**

19 Section 221 of the Federal Water Pollution Control
 20 Act (33 U.S.C. 1301) is amended by striking subsection
 21 (c) and inserting the following:

22 “(c) DEFINITION OF FINANCIALLY DISTRESSED
 23 COMMUNITY.—A financially distressed community re-
 24 ferred to in subsection (b) is a community that meets the

1 affordability criteria established by the State in which the
 2 community is located under section 603(i)(2).”.

3 **SEC. 303. WATER POLLUTION CONTROL REVOLVING LOAN**
 4 **FUNDS.**

5 (a) EXTENDED PAYMENT PERIOD.—Section
 6 603(d)(1) of the Federal Water Pollution Control Act (33
 7 U.S.C. 1383(d)(1)) is amended—

8 (1) in subparagraph (A), by striking “20
 9 years;” and inserting the following: “the lesser of—
 10 “(i) the design life of the project to be
 11 financed using the proceeds of the loan; or
 12 “(ii) 30 years;”; and

13 (2) in subparagraph (B), by striking “not later
 14 than 20 years after project completion” and insert-
 15 ing “on the expiration of the term of the loan”.

16 (b) TECHNICAL AND PLANNING ASSISTANCE FOR
 17 SMALL SYSTEMS.—Section 603(d) of the Federal Water
 18 Pollution Control Act (33 U.S.C. 1383(d)) is amended—

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

21 (2) in paragraph (7), by striking the period at
 22 the end and inserting “; and”; and

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

24 “(8) with respect to municipalities and inter-
 25 municipal, interstate, and State agencies seeking as-

1 sistance under this title that serve a population of
 2 20,000 or fewer, to provide to owners and operators
 3 of small treatment works, in an amount not to ex-
 4 ceed 2 percent of the amount of total grant awards
 5 made under this title—

6 “(A) technical and planning assistance;

7 and

8 “(B) assistance relating to—

9 “(i) financial management;

10 “(ii) user fee analysis;

11 “(iii) budgeting;

12 “(iv) capital improvement planning;

13 “(v) facility operation and mainte-
 14 nance;

15 “(vi) repair schedules; and

16 “(vii) other activities to improve
 17 wastewater treatment plant management
 18 and operations.”.

19 (c) ADDITIONAL SUBSIDIZATION.—Section 603 of the
 20 Federal Water Pollution Control Act (33 U.S.C. 1383) is
 21 amended by adding at the end the following:

22 “(i) ADDITIONAL SUBSIDIZATION.—

23 “(1) IN GENERAL.—In any case in which a
 24 State provides assistance to a municipality or an
 25 intermunicipal, interstate, or State agency under

1 subsection (d), the State may provide additional sub-
2 sidization, including forgiveness of principal and
3 negative interest loans—

4 “(A) to benefit a municipality that—

5 “(i) meets the affordability criteria of
6 the State established under paragraph (2);
7 or

8 “(ii) does not meet the criteria estab-
9 lished under paragraph (2), if the munici-
10 pality—

11 “(I) seeks additional subsidiza-
12 tion to benefit individual ratepayers in
13 the residential user rate class;

14 “(II) demonstrates to the State
15 that the ratepayers described in sub-
16 clause (I) will experience a significant
17 hardship on the increase in rates re-
18 quired to finance the project or activ-
19 ity for which the assistance is sought;
20 and

21 “(III) ensures, as part of an
22 agreement between the State and the
23 recipient, that the additional sub-
24 sidization provided under this para-
25 graph will be directed to those rate-

1 payers through a user charge rate sys-
2 tem (or another appropriate method);
3 and

4 “(B) to implement alternative processes,
5 materials, and techniques (including non-
6 structural protection of surface waters, new or
7 improved methods of waste treatment, and pol-
8 lutant trading) that may result in cost savings
9 or increased environmental benefit when com-
10 pared to standard processes, materials, and
11 techniques.

12 “(2) AFFORDABILITY CRITERIA.—

13 “(A) ESTABLISHMENT.—

14 “(i) IN GENERAL.—Not later than
15 September 30, 2006, after providing notice
16 and an opportunity for public comment, a
17 State shall establish affordability criteria
18 to assist the State in identifying munici-
19 palities that would experience a significant
20 hardship on the increase in rates required
21 to finance a project or activity that is eligi-
22 ble for assistance under subsection (c)(1) if
23 additional subsidization under paragraph
24 (1) is not provided.

1 “(ii) FACTORS FOR CONSIDER-
 2 ATION.—In establishing criteria under
 3 clause (i), a State shall take into consider-
 4 ation—

5 “(I) income data;

6 “(II) population trends; and

7 “(III) any other data the State
 8 determines to be relevant.

9 “(B) EXISTING CRITERIA.—If a State has
 10 established, after providing notice and an op-
 11 portunity for public comment, criteria in ac-
 12 cordance with subparagraph (A) before the date
 13 of enactment of this subsection, the criteria
 14 shall be considered to be affordability criteria
 15 established under that subparagraph.

16 “(C) INFORMATION TO ASSIST STATES.—
 17 The Administrator may publish information to
 18 assist States in establishing affordability cri-
 19 teria under subparagraph (A).

20 “(3) PRIORITY.—In providing assistance under
 21 this subsection, a State may give priority to any
 22 owner or operator of a project or activity that—

23 “(A) is eligible to receive funding under
 24 subsection (c)(1); and

1 “(B) is located in a municipality that
2 meets the affordability criteria established
3 under paragraph (2).

4 “(4) SET-ASIDE.—

5 “(A) IN GENERAL.—For any fiscal year
6 during which more than \$1,400,000,000 is
7 made available to the Administrator to carry
8 out this title, a State shall provide additional
9 subsidization under this subsection in the
10 amount described in subparagraph (B) to enti-
11 ties described in paragraph (1) for projects and
12 activities identified in the intended use plan of
13 the State under section 606(c) on receipt of an
14 application for additional subsidization.

15 “(B) AMOUNT.—The amount referred to in
16 subparagraph (A) is an amount not less than
17 25 percent of the difference between—

18 “(i) the total amount that would have
19 been allotted to the State under section
20 604 during the appropriate fiscal year, if
21 the amount made available to the Adminis-
22 trator to carry out this title during that
23 fiscal year was equal to \$1,400,000,000;
24 and

1 “(ii) the total amount allotted to the
2 State under section 604 for that fiscal
3 year.

4 “(5) LIMITATION.—The total amount of addi-
5 tional subsidization provided by a State under this
6 subsection shall not exceed 30 percent of the total
7 amount of capitalization grants received by the State
8 under this title for fiscal years beginning after Sep-
9 tember 30, 2005.”.

10 **SEC. 304. ALLOTMENT OF FUNDS.**

11 (a) IN GENERAL.—Section 604 of the Federal Water
12 Pollution Control Act (33 U.S.C. 1384) is amended by
13 striking subsection (a) and inserting the following:

14 “(a) ALLOTMENTS.—

15 “(1) FISCAL YEARS 2007 AND 2008.—Amounts
16 made available to carry out this title for fiscal years
17 2007 and 2008 shall be allotted by the Adminis-
18 trator in accordance with the formula used to cal-
19 culate allotments for fiscal year 2006.

20 “(2) FISCAL YEAR 2009 AND THEREAFTER.—
21 Amounts made available to carry out this title for
22 fiscal year 2009 and each fiscal year thereafter shall
23 be allotted by the Administrator during each fiscal
24 year—

1 “(A) for amounts up to \$1,350,000,000, in
 2 accordance with the formula used to calculate
 3 allotments for fiscal year 2006; and

4 “(B) for any amount in excess of
 5 \$1,350,000,000, in accordance with the formula
 6 developed by the Administrator under sub-
 7 section (d).”.

8 (b) PLANNING ASSISTANCE.—Section 604(b) of the
 9 Federal Water Pollution Control Act (33 U.S.C. 1384(b))
 10 is amended by striking “1 percent” and inserting “2 per-
 11 cent”.

12 (c) FORMULA.—Section 604 of the Federal Water
 13 Pollution Control Act (33 U.S.C. 1384) is amended by
 14 adding at the end the following:

15 “(d) FORMULA BASED ON WATER QUALITY
 16 NEEDS.—Not later than September 30, 2006, after pro-
 17 viding notice and an opportunity for public comment, the
 18 Administrator shall publish an allotment formula for pur-
 19 poses of subsection (a)(2)(B) based on water quality
 20 needs, to be determined by the Administrator in accord-
 21 ance with the most recent survey of needs developed by
 22 the Administrator under section 516.”.

23 **SEC. 305. AUTHORIZATION OF APPROPRIATIONS.**

24 Section 607 of the Federal Water Pollution Control
 25 Act (33 U.S.C. 1387) is amended to read as follows:

1 **“SEC. 607. AUTHORIZATION OF APPROPRIATIONS.**

2 “There are authorized to be appropriated to carry out
3 this title—

4 “(1) \$2,000,000,000 for fiscal year 2007;

5 “(2) \$3,000,000,000 for fiscal year 2008;

6 “(3) \$4,000,000,000 for fiscal year 2009;

7 “(4) \$5,000,000,000 for fiscal year 2010; and

8 “(5) \$6,000,000,000 for fiscal year 2011.”.

9 **TITLE IV—AREAS OF CONCERN**

10 **SEC. 401. GREAT LAKES.**

11 (a) REMEDIATION OF SEDIMENT CONTAMINATION IN
12 AREAS OF CONCERN.—Section 118(c)(12)(H) of the Fed-
13 eral Water Pollution Control Act (33 U.S.C.
14 1268(c)(12)(H)) is amended by striking clause (i) and in-
15 serting the following:

16 “(i) IN GENERAL.—In addition to
17 other amounts authorized to be appro-
18 priated to carry out this section, there is
19 authorized to be appropriated to carry out
20 this paragraph \$150,000,000 for each of
21 fiscal years 2007 through 2012.”.

22 (b) NON-FEDERAL SHARE.—Section 118(c)(12) of
23 the Federal Water Pollution Control Act (33 U.S.C.
24 1268(c)(12)) is amended—

25 (1) in subparagraph (E), by adding at the end
26 the following:

1 “(v) PAYMENT AND RETENTION OF
 2 NON-FEDERAL SHARE.—The non-Federal
 3 sponsor for a project under this paragraph
 4 may pay to the Administrator, for reten-
 5 tion and use by the Administrator in car-
 6 rying out the project, the non-Federal
 7 share of the cost of the project.”;

8 (2) by redesignating subparagraph (H) (as
 9 amended by subsection (a)) as subparagraph (I);
 10 and

11 (3) by inserting after subparagraph (G) the fol-
 12 lowing:

13 “(H) ADVANCE PAYMENT AND REIM-
 14 BURSEMENT OF COSTS.—The Administrator,
 15 acting through the Program Office, may enter
 16 into an agreement with a non-Federal sponsor
 17 to carry out a project under this paragraph
 18 under which the non-Federal sponsor may, as
 19 appropriate—

20 “(i) pay in advance the non-Federal
 21 share of the cost of the project; and

22 “(ii) receive from the Administrator
 23 reimbursement for amounts (other than
 24 the non-Federal share) expended by the
 25 non-Federal sponsor for the project.”.

1 **TITLE V—TOXIC SUBSTANCES**

2 **SEC. 501. MERCURY REDUCTION GRANTS.**

3 Section 118(c) of the Federal Water Pollution Con-
 4 trol Act (33 U.S.C. 1268(c)) is amended by adding at the
 5 end the following:

6 “(14) MERCURY REDUCTION GRANTS.—

7 “(A) IN GENERAL.—The Program Office
 8 shall provide grants to Great Lakes States and
 9 Indian tribes in Great Lakes States to carry
 10 out projects to reduce the quantity of mercury
 11 in the Great Lakes.

12 “(B) APPLICATION.—Each Great Lake
 13 State or Indian tribe that seeks a grant under
 14 this paragraph shall submit an application to
 15 the Program Office at such time, in such man-
 16 ner, and accompanied by or containing any in-
 17 formation that the Program Office may require.

18 “(C) AUTHORIZATION OF APPROPRIA-
 19 TIONS.—There is authorized to be appropriated
 20 to carry out this paragraph \$10,000,000 for
 21 each of fiscal years 2007 through 2011.”.

1 **TITLE VI—INDICATORS AND**
2 **INFORMATION**
3 **Subtitle A—Research Program**

4 **SEC. 601. RESEARCH REAUTHORIZATIONS.**

5 Section 118 of the Federal Water Pollution Control
6 Act (33 U.S.C. 1268) is amended by striking subsection
7 (e) and inserting the following:

8 “(e) RESEARCH AND MANAGEMENT COORDINA-
9 TION.—

10 “(1) JOINT PLAN.—

11 “(A) IN GENERAL.—Not later than Sep-
12 tember 30 of each year, the Program Office,
13 the Research Office, and the Great Lakes
14 Science Center shall prepare and submit to the
15 Executive Committee of the Regional Collabora-
16 tion a joint research plan for the fiscal year
17 that begins in the following calendar year.

18 “(B) SUBMISSION TO CONGRESS.—The
19 President shall include the plan described in
20 subparagraph (A) in the annual budget of the
21 United States Government submitted to Con-
22 gress by the President.

23 “(2) CONTENTS OF PLAN.—Each plan prepared
24 under paragraph (1) shall—

1 “(A) identify all proposed research dedi-
2 cated to activities carried out under the Great
3 Lakes Water Quality Agreement and any other
4 applicable agreements and amendments;

5 “(B) include the assessment of the Re-
6 gional Collaboration of priorities for research
7 needed to fulfill the terms of those agreements;
8 and

9 “(C) identify all proposed research that
10 may be used to develop a comprehensive envi-
11 ronmental data base for the Great Lakes Sys-
12 tem and establish priorities for development of
13 the data base.”.

14 **SEC. 602. GREAT LAKES SCIENCE CENTER.**

15 There are authorized to be appropriated to the Direc-
16 tor of the United States Geological Survey, for use by the
17 Great Lakes Science Center, to carry out research activi-
18 ties that advance scientific knowledge and provide sci-
19 entific information for restoring, enhancing, managing,
20 and protecting the living marine resources and habitats
21 in the Great Lakes basin ecosystem \$25,000,000 for each
22 of fiscal years 2007 through 2011.

1 **SEC. 603. GREAT LAKES ENVIRONMENTAL RESEARCH LAB-**
2 **ORATORY.**

3 (a) GRANTS.—Section 118(d)(6) of the Federal
4 Water Pollution Control Act (33 U.S.C. 1268(d)(6)) is
5 amended—

6 (1) striking “The Research Office” and insert-
7 ing the following:

8 “(A) IN GENERAL.—The Research Office”;
9 and

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

11 “(B) GRANTS.—

12 “(i) IN GENERAL.—The National Oce-
13 anic and Atmospheric Administration, act-
14 ing through the Center for Sponsored
15 Coastal Ocean Research, shall carry out a
16 program to provide competitive grants to
17 academic institutions, State agencies, and
18 other appropriate entities to carry out re-
19 search and monitoring activities described
20 in subparagraph (A).

21 “(ii) REQUIREMENTS.—The program
22 under this subparagraph shall be peer-re-
23 viewed and merit-based.”.

24 (b) AUTHORIZATIONS OF APPROPRIATIONS.—Section
25 118 of the Federal Water Pollution Control Act (33

1 U.S.C. 1268) is amended by striking subsection (h) and
 2 inserting the following:

3 “(h) AUTHORIZATIONS OF APPROPRIATIONS.—There
 4 are authorized to be appropriated to carry out this section
 5 \$105,000,000 for each of fiscal years 2007 through
 6 2011, of which, for each fiscal year—

7 “(1) \$40,000,000 shall be made available to the
 8 Program Office;

9 “(2) \$15,000,000 shall be made available to the
 10 Research Office to provide research grants to aca-
 11 demic institutions, State agencies, and other appro-
 12 priate entities; and

13 “(3) \$25,000,000 shall be made available to the
 14 Great Lakes Environmental Research Laboratory to
 15 provide grants under subsection (d)(6)(B).”.

16 **Subtitle B—Ocean and Coastal** 17 **Observation System**

18 **SEC. 611. DEFINITIONS.**

19 In this Act:

20 (1) COUNCIL.—The term “Council” means the
 21 National Ocean Research Leadership Council.

22 (2) GREAT LAKE.—The term “Great Lake”
 23 means—

24 (A) Lake Erie;

1 (B) Lake Huron (including Lake Saint
2 Clair);

3 (C) Lake Michigan;

4 (D) Lake Ontario;

5 (E) Lake Superior; and

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

8 (i) the Saint Marys River;

9 (ii) the Saint Clair River;

10 (iii) the Detroit River;

11 (iv) the Niagara River; and

12 (v) the Saint Lawrence River to the
13 Canadian border.

14 (3) OBSERVING SYSTEM.—The term “observing
15 system” means the integrated coastal, ocean, and
16 Great Lakes observing system to be established by
17 the Committee under section 612(a).

18 (4) INTERAGENCY PROGRAM OFFICE.—The
19 term “interagency program office” means the office
20 established under section 612(d).

21 **SEC. 612. INTEGRATED OCEAN AND COASTAL OBSERVING**
22 **SYSTEM.**

23 (a) ESTABLISHMENT.—

24 (1) IN GENERAL.—The President, acting
25 through the Council, shall establish and maintain an

1 integrated system of ocean and coastal observations,
2 data communication and management, analysis,
3 modeling, research, education, and outreach de-
4 signed to provide data and information for the time-
5 ly detection and prediction of changes occurring in
6 the ocean, coastal, and Great Lakes environment
7 that impact the social, economic, and ecological sys-
8 tems of the United States.

9 (2) PURPOSES.—The observing system shall
10 provide for long-term, continuous, and quality-con-
11 trolled observations of the coasts, oceans, and Great
12 Lakes so as to—

13 (A) improve the health of the coasts,
14 oceans, and Great Lakes of the United States;

15 (B) protect human lives and livelihoods
16 from hazards, including tsunamis, hurricanes,
17 coastal erosion, and fluctuating Great Lakes
18 water levels;

19 (C) understand the effects of human activi-
20 ties and natural variability on the state of the
21 coasts, oceans, and Great Lakes and the socio-
22 economic well-being of the United States;

23 (D) provide for the sustainable use, protec-
24 tion, and enjoyment of ocean, coastal, and
25 Great Lakes resources;

1 (E) provide information that can support
 2 the eventual implementation and refinement of
 3 ecosystem-based management;

4 (F) supply critical information to marine-
 5 related businesses, including aquaculture and
 6 fisheries; and

7 (G) support research and development to—

8 (i) ensure continuous improvement to
 9 ocean, coastal, and Great Lakes observa-
 10 tion measurements; and

11 (ii) enhance understanding of the
 12 ocean, coastal, and Great Lakes resources
 13 of the United States.

14 (b) SYSTEM ELEMENTS.—To carry out the purposes
 15 of this subtitle, the observing system shall consist of—

16 (1) a national program to fulfill national obser-
 17 vation priorities, including the ocean contribution of
 18 the United States to the Global Earth Observation
 19 System of Systems and the Global Ocean Observing
 20 System;

21 (2) a network of regional associations to man-
 22 age the regional ocean and coastal observing and in-
 23 formation programs that collect, measure, and dis-
 24 seminate data and information products to meet re-
 25 gional needs;

1 (3) a data management and dissemination sys-
2 tem for the timely integration and dissemination of
3 data and information products from the national
4 and regional systems;

5 (4) a research and development program con-
6 ducted under the guidance of the Council; and

7 (5) an outreach, education, and training pro-
8 gram that augments existing programs, including
9 the National Sea Grant College Program, the Cen-
10 ters for Ocean Sciences Education Excellence pro-
11 gram, and the National Estuarine Research Reserve
12 System, to ensure the use of the data and informa-
13 tion for—

14 (A) improving public education and aware-
15 ness of the oceans of the United States; and

16 (B) building the technical expertise re-
17 quired to operate and improve the observing
18 system.

19 (c) COUNCIL FUNCTIONS.—In carrying out this sec-
20 tion, the Council shall—

21 (1) serve as the oversight body for the design
22 and implementation of all aspects of the observing
23 system;

24 (2) adopt plans, budgets, and standards that
25 are developed and maintained by the interagency

1 program office in consultation with the regional as-
2 sociations;

3 (3) coordinate the observing system with other
4 earth observing activities, including the Global
5 Ocean Observing System and the Global Earth Ob-
6 serving System of Systems;

7 (4) coordinate and administer programs of re-
8 search, development, education, and outreach to—

9 (A) support improvements to, and the op-
10 eration of, an integrated ocean and coastal ob-
11 serving system; and

12 (B) advance the understanding of the
13 oceans;

14 (5) establish pilot projects to develop technology
15 and methods for advancing the development of the
16 observing system;

17 (6) provide, as appropriate, support for and
18 representation on United States delegations to inter-
19 national meetings on ocean and coastal observing
20 programs; and

21 (7) in consultation with the Secretary of State,
22 coordinate relevant Federal activities with those of
23 other nations.

24 (d) INTERAGENCY PROGRAM OFFICE.—

1 (1) IN GENERAL.—The Council shall establish
2 an interagency program office to be known as “Oce-
3 anUS”.

4 (2) RESPONSIBILITIES.—The interagency pro-
5 gram office shall be responsible for program plan-
6 ning and coordination of the observing system.

7 (3) REQUIREMENTS.—The interagency program
8 office shall—

9 (A) prepare annual and long-term plans
10 for consideration by the Council for the design
11 and implementation of the observing system
12 that promote collaboration among Federal
13 agencies and regional associations in developing
14 the global and national observing systems, in-
15 cluding identification and refinement of a core
16 set of variables to be measured by all systems;

17 (B) coordinate the development of agency
18 priorities and budgets for implementation of the
19 observing system, including budgets for the re-
20 gional associations;

21 (C) establish and refine standards and pro-
22 tocols for data management and communica-
23 tions, including quality standards, in consulta-
24 tion with participating Federal agencies and re-
25 gional associations;

1 (D) develop a process for the certification
2 and periodic review and recertification of the re-
3 gional associations;

4 (E) establish an external technical com-
5 mittee to provide biennial review of the observ-
6 ing system; and

7 (F) provide for opportunities to partner or
8 contract with private sector companies in de-
9 ploying ocean observation system elements.

10 (e) LEAD FEDERAL AGENCY.—

11 (1) IN GENERAL.—The National Oceanic and
12 Atmospheric Administration shall be the lead Fed-
13 eral agency for implementation and operation of the
14 observing system.

15 (2) REQUIREMENTS.—Based on the plans pre-
16 pared by the interagency program office and adopted
17 by the Council, the Administrator of the National
18 Oceanic and Atmospheric Administration shall—

19 (A) coordinate implementation, operation,
20 and improvement of the observing system;

21 (B) establish efficient and effective admin-
22 istrative procedures for allocation of funds
23 among Federal agencies and regional associa-
24 tions in a timely manner and according to the
25 budget adopted by the Council;

1 (C) implement and maintain appropriate
2 elements of the observing system;

3 (D) provide for the migration of scientific
4 and technological advances from research and
5 development to operational deployment;

6 (E) integrate and extend existing programs
7 and pilot projects into the operational observa-
8 tion system;

9 (F) certify regional associations that meet
10 the requirements of subsection (f); and

11 (G) integrate the capabilities of the Na-
12 tional Coastal Data Development Center and
13 the Coastal Services Center of the National
14 Oceanic and Atmospheric Administration, and
15 other appropriate centers, into the observing
16 system to assimilate, manage, disseminate, and
17 archive data from regional observation systems
18 and other observation systems.

19 (f) REGIONAL ASSOCIATIONS OF OCEAN AND COAST-
20 AL OBSERVING SYSTEMS.—

21 (1) IN GENERAL.—The Administrator of the
22 National Oceanic and Atmospheric Administration
23 may certify 1 or more regional associations to be re-
24 sponsible for the development and operation of re-
25 gional ocean and coastal observing systems to meet

1 the information needs of user groups in the region
2 while adhering to national standards.

3 (2) REQUIREMENTS.—To be certifiable by the
4 Administrator, a regional association shall—

5 (A) demonstrate an organizational struc-
6 ture capable of supporting and integrating all
7 aspects of ocean and coastal observing and in-
8 formation programs within a region;

9 (B) operate under a strategic operations
10 and business plan that details the operation and
11 support of regional ocean and coastal observing
12 systems in accordance with the standards estab-
13 lished by the Council;

14 (C) provide information products for mul-
15 tiple users in the region;

16 (D) work with governmental entities and
17 programs at all levels within the region to pro-
18 vide timely warnings and outreach to protect
19 the public; and

20 (E) meet certification standards developed
21 by the interagency program office in conjunc-
22 tion with the regional associations and approved
23 by the Council.

24 (g) PROHIBITION ON LOBBYING.—Nothing in this
25 Act authorizes a regional association to engage in lobbying

1 activities (as defined in section 3 of the Lobbying Dislo-
 2 sure Act of 1995 (2 U.S.C. 1602)).

3 (h) CIVIL LIABILITY.—For purposes of section
 4 1346(b)(1) and chapter 171 of title 28, United States
 5 Code, the Suits in Admiralty Act (46 U.S.C. App. 741
 6 et seq.), and the Public Vessels Act (46 U.S.C. App. 781
 7 et seq.)—

8 (1) any regional ocean and coastal observing
 9 system that is a designated part of a regional asso-
 10 ciation certified under this section shall, in carrying
 11 out the purposes of this Act, be considered to be
 12 part of the National Oceanic and Atmospheric Ad-
 13 ministration; and

14 (2) any employee of that system, while acting
 15 within the scope of the employment of the employee,
 16 carrying out those purposes, shall be considered to
 17 be an employee of the Government.

18 **SEC. 613. RESEARCH, DEVELOPMENT, AND EDUCATION.**

19 The Council shall establish programs for research,
 20 development, education, and outreach for the ocean and
 21 coastal observing system, including projects under the Na-
 22 tional Oceanographic Partnership Program, consisting
 23 of—

24 (1) basic research to advance knowledge of
 25 ocean and coastal systems and ensure continued im-

1 provement of operational products, including related
2 infrastructure and observing technology;

3 (2) focused research projects to improve under-
4 standing of the relationship between the coasts and
5 oceans and human activities;

6 (3) large-scale computing resources and re-
7 search to advance modeling of ocean and coastal
8 processes; and

9 (4) a coordinated effort to build public edu-
10 cation and awareness of the ocean and coastal envi-
11 ronment and functions that integrates ongoing ac-
12 tivities, including the National Sea Grant College
13 Program, the Centers for Ocean Sciences Education
14 Excellence, and the National Estuarine Research
15 Reserve System.

16 **SEC. 614. INTERAGENCY FINANCING.**

17 (a) IN GENERAL.—The departments and agencies
18 represented on the Council may participate in interagency
19 financing and share, transfer, receive, obligate, and ex-
20 pend funds appropriated to any member of the Council
21 to carry out any administrative or programmatic project
22 or activity under this Act or under the National Oceano-
23 graphic Partnership Program, including support for the
24 interagency program office, a common infrastructure, and

1 system integration for a ocean and coastal observing sys-
2 tem.

3 (b) TRANSFER OF FUNDS.—Funds may be trans-
4 ferred among the departments and agencies described in
5 subsection (a) through an appropriate instrument that
6 specifies the goods, services, or space being acquired from
7 another Council member and the costs of the same.

8 **SEC. 615. APPLICATION WITH OUTER CONTINENTAL SHELF**
9 **LANDS ACT.**

10 Nothing in this Act supersedes, or limits the author-
11 ity of the Secretary of the Interior under, the Outer Conti-
12 nental Shelf Lands Act (43 U.S.C. 1331 et seq.).

13 **SEC. 616. AUTHORIZATION OF APPROPRIATIONS.**

14 (a) IN GENERAL.—There is authorized to be appro-
15 priated to the National Oceanic and Atmospheric Adminis-
16 tration to carry out the observing system under section
17 612 and the research and development program under sec-
18 tion 613 (including financial assistance to the interagency
19 program office, the regional associations for the implemen-
20 tation of regional ocean and coastal observing systems,
21 and the departments and agencies represented on the
22 Council) \$150,000,000 for each of fiscal years 2007
23 through 2011, to remain available until expended.

24 (b) ALLOCATION OF FUNDS.—At least 50 percent of
25 the funds appropriated to carry out the observing system

1 under section 612 shall be allocated to the regional asso-
 2 ciations certified under section 612(f) to carry out regional
 3 ocean and coastal observing systems.

4 **SEC. 617. REPORTING REQUIREMENT.**

5 (a) IN GENERAL.—Not later than March 31, 2010,
 6 the President, acting through the Council, shall submit to
 7 Congress a report on the programs established under sec-
 8 tions 612 and 613.

9 (b) REQUIREMENTS.—The report shall include—

10 (1) a description of activities carried out under
 11 the programs;

12 (2) an evaluation of the effectiveness of the pro-
 13 grams; and

14 (3) recommendations concerning reauthoriza-
 15 tion of the programs and funding levels for the pro-
 16 grams in succeeding fiscal years.

17 **Subtitle C—Great Lakes Water**
 18 **Quality Indicators and Monitoring**

19 **SEC. 621. GREAT LAKES WATER QUALITY INDICATORS AND**
 20 **MONITORING.**

21 Section 118(c)(1) of the Federal Water Pollution
 22 Control Act (33 U.S.C. 1268(c)(1)) is amended by strik-
 23 ing subparagraph (B) and inserting the following:

24 “(B)(i) not later than 2 years after the
 25 date of enactment of this clause, in cooperation

1 with Canada and appropriate Federal agencies
2 (including the United States Geological Survey,
3 the National Oceanic and Atmospheric Admin-
4 istration, and the United States Fish and Wild-
5 life Service), develop and implement a set of
6 science-based indicators of water quality and re-
7 lated environmental factors in the Great Lakes,
8 including, at a minimum, measures of toxic pol-
9 lutants that have accumulated in the Great
10 Lakes for a substantial period of time, as deter-
11 mined by the Program Office;

12 “(ii) not later than 4 years after the date
13 of enactment of this clause—

14 “(I) establish a Federal network for
15 the regular monitoring of, and collection of
16 data throughout, the Great Lakes basin
17 with respect to the indicators described in
18 clause (i); and

19 “(II) collect an initial set of bench-
20 mark data from the network; and

21 “(iii) not later than 2 years after the date
22 of collection of the data described in clause
23 (ii)(II), and biennially thereafter, in addition to
24 the report required under paragraph (10), sub-

mit to Congress, and make available to the public, a report that—

“(I) describes the water quality and related environmental factors of the Great Lakes (including any changes in those factors), including a description of ways in which the factors relate to restoration priorities provided by the Great Lakes Regional Collaboration Executive Committee, as determined through the regular monitoring of indicators under clause (ii)(I) for the period covered by the report; and

“(II) identifies any emerging problems in the water quality or related environmental factors of the Great Lakes;”.

TITLE VII—SUSTAINABLE DEVELOPMENT

SEC. 701. WATERFRONT RESTORATION AND REMEDIATION PROJECTS.

(a) DEFINITIONS.—In this section:

(1) RELATED AREA.—The term “related area” means land—

(A) located adjacent to, or in close proximity of, a waterfront area; and

1 (B) that impacts or influences a waterfront
2 area or an aquatic habitat.

3 (2) SECRETARY.—The term “Secretary” means
4 the Secretary of Commerce, acting through the
5 Under Secretary for Oceans and Atmosphere.

6 (3) WATERFRONT AREA.—The term “water-
7 front area” means a site located adjacent to a lake,
8 river, stream, wetland, or floodplain of the United
9 States.

10 (b) APPLICATION.—An individual or entity that seeks
11 to receive assistance under this section shall submit to the
12 Secretary an application for the assistance in such form,
13 by such time, and containing such information as the Sec-
14 retary may require.

15 (c) JUSTIFICATION AND PURPOSE.—

16 (1) JUSTIFICATION.—The Secretary may pro-
17 vide assistance to eligible recipients in financing a
18 restoration or remediation project only if the Sec-
19 retary finds that the proposed project addresses con-
20 cerns relating to—

- 21 (A) public health;
- 22 (B) public safety;
- 23 (C) environmental improvements; or
- 24 (D) economic improvements.

1 (2) PURPOSE.—An eligible recipient of assist-
2 ance may use assistance made available under this
3 section to complete a restoration or remediation
4 project for the purpose of—

5 (A) improving the surrounding ecosystem;
6 or

7 (B) preparing land for redevelopment by
8 Federal, State, or local agencies, or private en-
9 tities.

10 (d) COST SHARING.—

11 (1) GENERAL ASSISTANCE.—

12 (A) IN GENERAL.—Except as otherwise
13 provided in this subsection, the Federal share of
14 the cost of carrying out a restoration or remedi-
15 ation project under this section shall not exceed
16 65 percent, as determined by the Secretary.

17 (B) INNOVATIVE TECHNOLOGY.—The Fed-
18 eral share of the cost of carrying out a restora-
19 tion or remediation project under this section
20 that involves conducting a pilot project to test
21 a demonstration or innovative technology shall
22 not exceed 85 percent, as determined by the
23 Secretary.

24 (2) OPERATION AND MAINTENANCE.—The non-
25 Federal share of operation and maintenance costs

1 for a restoration or remediation project under this
2 section shall be 100 percent.

3 (3) CREDIT FOR WORK-IN-KIND CONSIDER-
4 ATIONS.—In determining the amount of a contribu-
5 tion made by a non-Federal interest under this sec-
6 tion, the non-Federal interest shall receive credit
7 equal to 100 percent of the value of any land, ease-
8 ments, rights-of-way, and relocations, and the rea-
9 sonable cost of services, studies, and supplies, con-
10 tributed toward the non-Federal share of project
11 costs.

12 (4) LIABILITY OF FEDERAL GOVERNMENT.—
13 The eligible recipient shall hold the United States
14 harmless from any claim or damage that may arise
15 from carrying out the restoration or remediation
16 project under this section, except any claim or dam-
17 age that may arise from the negligence of the Fed-
18 eral Government or a contractor of the Federal Gov-
19 ernment.

20 (e) FUNDING LIMITATION PER PROJECT.—Of the
21 funds provided under this section, not more than
22 \$5,000,000 may be allocated for an individual restoration
23 or rehabilitation project.

1 **SEC. 702. AUTHORITY OF SECRETARY TO RESTORE AND RE-**
2 **MEDIATE WATERFRONT AND RELATED**
3 **AREAS.**

4 The Secretary, in consultation with appropriate Fed-
5 eral, State, and local agencies, is authorized to restore and
6 remediate waterfront and related areas, including site
7 characterization, planning, design, construction, and mon-
8 itoring.

9 **SEC. 703. AUTHORIZATION OF APPROPRIATIONS.**

10 There is authorized to be appropriated to the Sec-
11 retary to carry out this title \$50,000,000 for fiscal year
12 2007 and each subsequent fiscal year.

13 **TITLE VIII—COORDINATION AND**
14 **OVERSIGHT**

15 **SEC. 801. DEFINITIONS.**

16 In this title:

17 (1) **COLLABORATION.**—The term “Collabora-
18 tion” means the Great Lakes Regional Collaboration
19 established by section 804(a).

20 (2) **EXECUTIVE COMMITTEE.**—The term “Exec-
21 utive Committee” means the Great Lakes Regional
22 Collaboration Executive Committee established by
23 section 803(a).

24 (3) **EXECUTIVE ORDER.**—The term “Executive
25 Order” means Executive Order 13340 (33 U.S.C.
26 1268 note; relating to establishment of Great Lakes

1 Interagency Task Force and promotion of regional
2 collaboration of national significance for Great
3 Lakes).

4 (4) GREAT LAKE.—The term “Great Lake”
5 means—

6 (A) Lake Erie;

7 (B) Lake Huron (including Lake Saint
8 Clair);

9 (C) Lake Michigan;

10 (D) Lake Ontario;

11 (E) Lake Superior; and

12 (F) the connecting channels of those
13 Lakes, including—

14 (i) the Saint Marys River;

15 (ii) the Saint Clair River;

16 (iii) the Detroit River;

17 (iv) the Niagara River; and

18 (v) the Saint Lawrence River to the
19 Canadian border.

20 (5) GREAT LAKES CITY.—The term “Great
21 Lakes city” means a city located in the watershed
22 basin of a Great Lake.

23 (6) GREAT LAKES TRIBE.—The term “Great
24 Lakes Tribe” means any Indian tribe, band, village,
25 nation, or other organized group or community in

1 the watershed basin of a Great Lake that is recog-
 2 nized by the Bureau of Indian Affairs as eligible for
 3 the special programs and services provided by the
 4 United States to Indians because of their status as
 5 Indians.

6 (7) SAINT LAWRENCE CITY.—The term “Saint
 7 Lawrence city” means a city located in the water-
 8 shed basin of the Saint Lawrence River.

9 (8) TASK FORCE.—The term “Task Force”
 10 means the Great Lakes Interagency Task Force es-
 11 tablished by section 802(a).

12 **SEC. 802. GREAT LAKES INTERAGENCY TASK FORCE.**

13 (a) INTERAGENCY COORDINATION.—The Great
 14 Lakes Interagency Task Force, as established by the Ex-
 15 ecutive Order for administrative purposes, is established
 16 as a task force within the Environmental Protection Agen-
 17 cy.

18 (b) DUTIES.—In addition to the duties described in
 19 the Executive Order, the Task Force shall—

- 20 (1) ensure that implementation of programs
 21 and projects under the authority of Task Force
 22 members is coordinated, effective, and cost-efficient;
- 23 (2) work in cooperation with Federal agencies
 24 on the development of budgets and financial plans
 25 regarding the Great Lakes for inclusion in annual

1 submissions by the President to Congress of the
2 budget of the United States; and

3 (3) submit to Congress a biennial report that
4 describes the projects and activities carried out by
5 the Collaboration during the 2-year period covered
6 by the report, including a description of—

7 (A) any actions that Federal agencies can
8 take to address the biennial restoration goals;

9 (B) Federal expenditures to meet the res-
10 toration goals and the amount of non-Federal
11 funding leveraged by those Federal expendi-
12 tures; and

13 (C) the indicators and monitoring used to
14 determine whether the goals will be met.

15 **SEC. 803. EXECUTIVE COMMITTEE.**

16 (a) IN GENERAL.—There is established a Great
17 Lakes Regional Collaboration Executive Committee.

18 (b) COMPOSITION.—The Executive Committee shall
19 be composed of—

20 (1) the Chairperson of the Task Force;

21 (2) a representative of the Governors of the
22 Great Lakes States, as agreed upon by the Gov-
23 ernors;

1 (3) a representative of the Great Lakes cities
2 and Saint Lawrence cities, as agreed upon by the
3 majority of mayors of those cities; and

4 (4) a designated representative for the Great
5 Lakes Tribes, as agreed upon by those Tribes.

6 (c) DUTIES.—The Executive Committee shall—

7 (1) hold semiannual public meetings to discuss
8 Great Lakes restoration goals and progress;

9 (2) receive input and consider recommendations
10 from interested parties, including nongovernmental
11 organizations, industry, and academia, with respect
12 to proposed recommendations of the Executive Com-
13 mittee for restoration of the Great Lakes; and

14 (3) submit to Congress and the Task Force a
15 biennial report that includes—

16 (A) an analysis of progress in—

17 (i) carrying out restoration of the
18 Great Lakes; and

19 (ii) meeting the goals and rec-
20 ommendations in the restoration and pro-
21 tection strategy developed by the Great
22 Lakes Regional Collaboration and under
23 this Act; and

24 (B) recommendations on future priorities
25 and actions with respect to that restoration.

1 (d) SUBCOMMITTEES.—The members of the Execu-
 2 tive Committee may designate representatives to work as
 3 1 or more subcommittees to provide staff support and oth-
 4 erwise assist in carrying out responsibilities of the Execu-
 5 tive Committee relating to the Collaboration.

6 **SEC. 804. GREAT LAKES REGIONAL COLLABORATION.**

7 (a) IN GENERAL.—There is established the Great
 8 Lakes Regional Collaboration.

9 (b) COMPOSITION.—The Collaboration shall be com-
 10 posed of—

11 (1) the members of the Executive Committee;
 12 and

13 (2) each other individual and entity that noti-
 14 fies the Executive Committee, in writing, of the de-
 15 sire and intent of the individual or entity to partici-
 16 pate in the Collaboration.

17 (c) DUTIES.—The Collaboration shall—

18 (1) develop and maintain as current a restora-
 19 tion and protection strategy to provide information
 20 for use in future Great Lakes program implementa-
 21 tion and funding decisions;

22 (2) serve as a forum for addressing near-term
 23 regional issues relating to ecosystem restoration and
 24 protection of the Great Lakes; and

- 1 (3) establish an oversight forum to coordinate
- 2 and enhance implementation of Great Lakes pro-
- 3 grams.

