

109TH CONGRESS  
1ST SESSION

# S. 770

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

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## IN THE SENATE OF THE UNITED STATES

APRIL 13, 2005

Mr. LEVIN (for himself, Ms. COLLINS, Mr. JEFFORDS, Ms. STABENOW, Mr. DEWINE, Mr. BAYH, Mr. DAYTON, Mr. LEAHY, Mr. KENNEDY, Mr. REED, Mr. LAUTENBERG, Mr. WARNER, and Mr. AKAKA) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

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

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

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

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

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

See. 1 Short title; table of contents.

See. 2 Findings.

Sec. 3 Definitions.

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

Sec. 101 Prevention of introduction of aquatic invasive species into waters of the United States by vessels.

Sec. 102 Armed services whole vessel management program.

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

Sec. 201 Priority pathway management program.

Sec. 202 Screening process for planned importations of live aquatic organisms.

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

Sec. 301 Early detection.

Sec. 302 Rapid response.

Sec. 303 Dispersal barriers.

Sec. 304 Environmental soundness.

Sec. 305 Information, education, and outreach.

**TITLE IV—AQUATIC INVASIVE SPECIES RESEARCH**

Sec. 401 Ecological, pathway, and experimental research.

Sec. 402 Analysis.

Sec. 403 Vessel pathway standards research.

Sec. 404 Graduate education in systematics and taxonomy.

**TITLE V—COORDINATION**

Sec. 501 Program coordination.

Sec. 502 International coordination.

**TITLE VI—AUTHORIZATION OF APPROPRIATIONS**

Sec. 601 Authorization of appropriations.

**TITLE VII—CONFORMING AMENDMENTS**

Sec. 701 Conforming amendments.

**1 SEC. 2. FINDINGS.**

2 Congress finds that—

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

4 (3) aquatic invasive species damage infrastructure, disrupt commerce, out compete native species,  
5 reduce biodiversity, and threaten human health;

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

14 (6) wetlands suffer compound impacts from—

15 (A) aquatic infestations (such as *Hydrilla*);

16 and

17 (B) riparian infestations (such as Purple  
18 Loosestrife);

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

24 (8) to be effective, the prevention, early detection,  
25 and control of and rapid response to aquatic

1 invasive species should be coordinated regionally, na-  
2 tionally, and internationally;

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

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

9 (11) States and regions have—

10 (A) unique vulnerabilities with respect to  
11 aquatic invasive species; and

12 (B) unique means for addressing aquatic  
13 invasive species;

14 (12) to accurately identify and manage high  
15 risk pathways, it is essential to carry out a com-  
16 prehensive research program that—

17 (A) monitors pathways and ecosystems to  
18 detect the establishment and spread of invasive  
19 species;

20 (B) develops and demonstrates effective  
21 methods for the management and control of  
22 invasive species; and

23 (C) monitors the success of efforts to pre-  
24 vent and control invasive species; and

1 (13) it is in the interest of the United States

2 to—

## 11 SEC. 3. DEFINITIONS.

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

## 15 "SEC. 1003. DEFINITIONS.

16            “In this Act:

17               “(1) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the Environmental Protection Agency.

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

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

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

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

11           “(A) the most biologically effective;  
12           “(B) the most environmentally sound; and  
13           “(C) suitable, available, and economically  
14 practicable.

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

18           “(7) DIRECTOR.—The term ‘Director’ means  
19 the Director of the United States Fish and Wildlife  
20 Service.

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

1                   “(A) the structure and function of an eco-  
2                   system; and

3                   “(B) nontarget organisms and ecosystems.

4                   “(9) EXCLUSIVE ECONOMIC ZONE.—The term  
5                   ‘exclusive economic zone’ means the area comprised  
6                   of—

7                   “(A) the Exclusive Economic Zone of the  
8                   United States established by Proclamation  
9                   Number 5030, dated March 10, 1983; and

10                  “(B) the equivalent zones of Canada and  
11                  Mexico.

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

15                  “(11) GREAT LAKES.—The term ‘Great Lakes’  
16                  means—

17                  “(A) Lake Erie;

18                  “(B) Lake Huron (including Lake Saint  
19                  Clair);

20                  “(C) Lake Michigan;

21                  “(D) Lake Ontario;

22                  “(E) Lake Superior;

23                  “(F) the connecting channels of those  
24                  Lakes, including—

25                  “(i) the Saint Mary’s River;

1                         “(ii) the Saint Clair River;  
2                         “(iii) the Detroit River;  
3                         “(iv) the Niagara River; and  
4                         “(v) the Saint Lawrence River to the  
5                         Canadian border; and  
6                         “(G) any other body of water located with-  
7                         in the drainage basin of a Lake, River, or con-  
8                         necting channel described in any of subpara-  
9                         graphs (A) through (F).

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

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

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

21                         “(15) INTERNATIONAL JOINT COMMISSION.—  
22                         The term ‘International Joint Commission’ means  
23                         the commission established by article VII of the  
24                         Treaty relating to boundary waters and questions  
25                         arising along the boundary between the United

1 States and Canada, signed at Washington on Janu-  
2 ary 11, 1909 (36 Stat. 2448; TS 548).

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

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

9 “(18) INVASIVE SPECIES.—The term ‘invasive  
10 species’ means a nonindigenous species the introduc-  
11 tion of which into an ecosystem may cause harm to  
12 the economy, environment, human health, recreation,  
13 or public welfare.

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

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

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

1           “(22) ORGANISM TRANSFER.—The term ‘organism transfer’ means the movement of an organism of any species from 1 ecosystem to another ecosystem outside the historic range of the species.

5           “(23) PATHWAY.—The term ‘pathway’ means 1 or more vectors by which an invasive species is transferred from 1 ecosystem to another.

8           “(24) PLANNED IMPORTATION.—The term ‘planned importation’ means the purposeful movement of 1 or more nonindigenous organisms for use in the territorial limits of the United States.

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

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

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

21          “(28) SPECIES IN TRADE.—The term ‘species in trade’ means a species that has a documented history of being commercially imported into the United States in the period beginning on January 1, 1990, and ending on January 1, 2002.

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

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

10          “(31) TREATMENT.—The term ‘treatment’  
11       means a mechanical, physical, chemical, biological,  
12       or other process or method of killing, removing, or  
13       rendering inviable organisms.

14          “(32) TYPE APPROVAL.—The term ‘type ap-  
15       proval’ means an approval procedure under which a  
16       type of system is initially certified as meeting a  
17       standard established by law (including a regulation)  
18       for a particular application if the system is operated  
19       correctly.

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

23          “(34) UNDESIRABLE IMPACT.—The term ‘unde-  
24       sirable impact’ means economic, human health, aes-  
25       thetic, or environmental degradation that is not nec-

1       essary for, and is not clearly outweighed by, public  
2       health, environmental, or welfare benefits.

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

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

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

9       **TITLE I—PREVENTION OF IN-**  
10      **INTRODUCTION OF AQUATIC**  
11      **INVASIVE SPECIES INTO WA-**  
12      **TERS OF THE UNITED STATES**  
13      **BY VESSELS**

14      **SEC. 101. PREVENTION OF INTRODUCTION OF AQUATIC**  
15       **INVASIVE SPECIES INTO WATERS OF THE**  
16       **UNITED STATES BY VESSELS.**

17       (a) IN GENERAL.—Section 1101 of the Nonindige-  
18       nous Aquatic Nuisance Prevention and Control Act of  
19       1990 (16 U.S.C. 4711) is amended to read as follows:

20      **“SEC. 1101. PREVENTION OF INTRODUCTION OF AQUATIC**  
21       **INVASIVE SPECIES INTO WATERS OF THE**  
22       **UNITED STATES BY VESSELS.**

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

25               “(1) INVASIVE SPECIES MANAGEMENT PLAN.—

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

15                    “(B) SPECIFICITY.—The management plan  
16                    shall be specific to the vessel (or group of ves-  
17                    sels with characteristics similar to that of the  
18                    vessel, as determined by the Secretary).

19                    “(C) REQUIREMENTS.—The management  
20                    plan shall include, at a minimum, such informa-  
21                    tion as is requested by the Secretary pursuant  
22                    to subparagraph (D), including—

23                    “(i) operational requirements to safely  
24                    and effectively comply with the applicable

1 ballast water management requirements  
2 under paragraph (4);

3 “(ii) operational requirements to safe-  
4 ly and effectively carry out any actions  
5 consistent with a rapid response contin-  
6 gency strategy required by States and ap-  
7 proved by the Secretary under section  
8 1211;

9 “(iii) at the discretion of the Sec-  
10 retary, other operational requirements that  
11 are specified in guidelines adopted by the  
12 International Maritime Organization;

13 “(iv) a description of all reporting re-  
14 quirements and a copy of each form nec-  
15 essary to meet those requirements;

16 “(v) the position of the officer respon-  
17 sible for implementation of ballast water  
18 management and reporting procedures on  
19 board;

20 “(vi) documents relevant to aquatic  
21 invasive species management equipment or  
22 procedures;

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

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

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

7                     “(x) such requirements described in  
8                     subsection (b) as are applicable to the ves-  
9                     sel.

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

16                    “(i) identify types of vessels for which  
17                    plans are required;

18                    “(ii) establish processes for updating  
19                    and revising the plans; and

20                    “(iii) establish criteria for compliance  
21                    with this subsection.

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

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

1                   “(B) permit inspection of the records by  
2                   representatives of the Secretary and of the  
3                   State in which the port is located; and

4                   “(C) transmit records to the National Bal-  
5                   last Information Clearinghouse established  
6                   under section 1102(f).

7                   “(3) BEST MANAGEMENT PRACTICES.—

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

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

16                   “(i) sediment management in trans-  
17                   oceanic vessels;

18                   “(ii) minimization of ballast water up-  
19                   take in areas in which there is a greater  
20                   risk of harmful organisms entering ballast  
21                   tanks (such as areas with toxic algal  
22                   blooms or known outbreaks of aquatic  
23                   invasive species);

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

4                     “(iv) to the maximum extent prac-  
5                     ticable, collection and the proper disposal  
6                     of debris from the cleaning of the hull;

7                     “(v) proper use of anti-fouling coat-  
8                     ing; and

9                     “(vi) provision of sample access ports  
10                    in ballast piping for sampling of ballast in-  
11                    take and discharge.

12                    “(4) BALLAST WATER MANAGEMENT.—

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

21                    “(B) EXCEPTIONS.—

22                    “(i) VESSELS OPERATING ENTIRELY  
23                    WITHIN EXCLUSIVE ECONOMIC ZONE.—Be-  
24                    ginning on December 31, 2011, a vessel  
25                    equipped with a ballast tank, and any

1 towed vessel or structure, that operates en-  
2 tirely within the exclusive economic zone  
3 shall comply with the regulations described  
4 in subsection (b)(3).

5 “(ii) VESSELS OPERATING IN EN-  
6 CLOSED AQUATIC ECOSYSTEMS.—

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

19 “(II) ADDITIONAL ENCLOSED  
20 AQUATIC ECOSYSTEMS.—The Admin-  
21 istrator and the Under Secretary, in  
22 consultation with regional panels of  
23 the Task Force, may determine addi-  
24 tional enclosed aquatic ecosystems in  
25 which the potential for movement of

organisms by natural and anthropogenic means is not significantly altered by the movement of the vessels equipped with ballast tanks.

5        “(b) INVASIVE SPECIES MANAGEMENT REGULA-  
6 TIONS AND CERTIFICATION PROCEDURES.—

7       “(1) REGULATIONS.—Not later than 18 months  
8       after the date of enactment of the National Aquatic  
9       Invasive Species Act of 2005, the Secretary, with the  
10      concurrence of the Administrator and in consultation  
11      with the Task Force, shall promulgate final regula-  
12      tions establishing performance requirements for ves-  
13      sels to reduce or eliminate introduction by the ves-  
14      sels of invasive species to waters of the United  
15      States, including—

16                     “(A) ballast water management operations  
17                     (including relevant contingency procedures in  
18                     instances in which a safety exemption is used  
19                     pursuant to subsection (j)); and

“(B) management of other vessel pathways, including the hull and sea chest of a vessel.

23               “(2) BALLAST WATER EXCHANGE.—The regula-  
24               tions promulgated pursuant to paragraph (1)—  
25               “(A) shall apply only to existing vessels;

1               “(B) shall expire not later than December  
2               31, 2011; and

3               “(C) shall include—

4               “(i) a provision for ballast water ex-  
5               change that requires—

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

13               “(II) for a case in which the  
14               master of a vessel determines that  
15               compliance with the requirement  
16               under subclause (I) is impracticable, a  
17               sufficient number of flow-through ex-  
18               changes of ballast water, on the high  
19               sea or in an alternative exchange area  
20               designated by the Secretary, to  
21               achieve replacement of at least 95  
22               percent of ballast water in ballast  
23               tanks of the vessel, as determined by  
24               a certification dye study conducted or  
25               model developed in accordance with

1 protocols developed under paragraph  
2 (5)(B) and recorded in the manage-  
3 ment plan of a vessel pursuant to sub-  
4 section (a)(1)(C)(i); and  
5 “(ii) if a ballast water exchange is not  
6 undertaken pursuant to subsection (j), a  
7 contingency procedure that requires the  
8 master of a vessel to use the best prac-  
9 ticable technology or practice to treat bal-  
10 last discharge.

11                   “(3) BALLAST WATER TREATMENT.—

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

1                     “(B) BEST PERFORMING TREATMENT.—If  
2                     no technology exists to enable a vessel to dis-  
3                     charge ballast water in accordance with the dis-  
4                     charge standard established under subpara-  
5                     graph (A)(i), the regulations promulgated pur-  
6                     suant to paragraph (1) shall require the vessel  
7                     to discharge ballast water that—

8                         “(i) has been treated with the best  
9                     performing treatment technology; and

10                         “(ii)(I) for existing vessels, has a con-  
11                     centration of viable biological material that  
12                     contains 99 percent fewer near-coastal  
13                     plankton than the concentration of viable  
14                     biological material of the intake water of  
15                     the vessel, as estimated under the certifi-  
16                     cation process described in paragraph  
17                     (5)(C); or

18                         “(II) for new vessels, has a concentra-  
19                     tion of viable biological material that con-  
20                     tains 99.9 percent fewer near-coastal  
21                     plankton than the concentration of viable  
22                     biological material of the intake water of  
23                     the vessel, as estimated under the certifi-  
24                     cation process described in paragraph  
25                     (5)(C).

1                 “(4) REVIEW AND REVISION.—The Secretary,  
2 with the concurrence of the Administrator, shall re-  
3 view and revise—

4                 “(A) not less frequently than every 3  
5 years, any determination relating to best per-  
6 forming treatment technology under paragraph  
7 (3)(B)(i); and

8                 “(B) not less frequently than every 6  
9 years, the regulations promulgated pursuant to  
10 paragraph (1).

11                 “(5) CERTIFICATION OF TREATMENTS AND  
12 PRACTICES.—

13                 “(A) IN GENERAL.—Not later than the  
14 date on which regulations are promulgated pur-  
15 suant to paragraphs (2) and (3), the Secretary  
16 shall, with the concurrence of the Adminis-  
17 trator, promulgate regulations for—

18                 “(i) the certification of treatments or  
19 practices the performances of which com-  
20 ply with the regulations; and

21                 “(ii) on-going enforcement of the ef-  
22 fective use of the certified treatments or  
23 practices.

24                 “(B) CERTIFICATION OF BALLAST WATER  
25 EXCHANGE PROCEDURES.—The certification of

1 ballast water exchange procedures in compli-  
2 ance with the regulations promulgated pursuant  
3 to paragraph (2) shall be based on a qualified  
4 type-approval process, including a protocol in-  
5 volving dye studies or models detailing flow dy-  
6 namics of a vessel or class of vessels described  
7 in paragraph (2)(A)(ii) for demonstrating the  
8 number of flow-through exchanges necessary for  
9 such a vessel to meet the percentage purge re-  
10 quirements associated with the flow-through  
11 technique for ballast water exchange.

12 “(C) CERTIFICATION OF ALL OTHER BAL-  
13 LAST WATER DISCHARGE.—The certification of  
14 treatments in compliance with the regulations  
15 promulgated pursuant to paragraph (1)(B)  
16 shall be based on a qualified type-approval  
17 process that—

18 “(i) is capable of estimating the ex-  
19 tent to which ballast water discharge treat-  
20 ed by a ballast water treatment system is  
21 likely to comply with applicable standards,  
22 including any restrictions relating to—

23 “(I) biological, chemical, or phys-  
24 ical conditions of water taken into bal-  
25 last; and

1                             “(II) conditions encountered dur-  
2                             ing a voyage;

3                             “(ii) is capable of determining the ex-  
4                             tent to which a ballast water treatment  
5                             method—

6                             “(I) is environmentally sound,  
7                             based on criteria promulgated by the  
8                             Administrator under paragraph  
9                             (8)(A); and

10                            “(II) is safe for vessel and crew;

11                            “(iii) may be used in estimating the  
12                             expected useful life of the ballast water  
13                             treatment system, as determined on the  
14                             basis of voyage patterns and normal use  
15                             conditions;

16                            “(iv) includes a ship-boarding testing  
17                             component (and may include a shore-based  
18                             testing component);

19                            “(v) provides for appropriate moni-  
20                             toring, as determined by the Adminis-  
21                             trator;

22                            “(vi) provides for revocation by the  
23                             Administrator of approval pending the re-  
24                             sults of the monitoring; and

25                            “(vii) is cost-effective.

1                     “(D) EXPIRATION OF BALLAST WATER EX-  
2                     CHANGE OPTION.—On the date of expiration of  
3                     the ballast water exchange option under para-  
4                     graph (2), the certification process shall apply  
5                     to all methods of ballast water management,  
6                     treatment, and system design.

7                     “(E) REVIEW AND REVISION.—Not less  
8                     frequently than every 3 years, the Secretary, in  
9                     conjunction with the Administrator, shall review  
10                    and, if necessary, revise the certification process  
11                    pursuant to subsection (e)(1).

12                    “(F) APPLICATION FOR APPROVAL.—

13                    “(i) IN GENERAL.—The Secretary and  
14                    the Administrator shall approve an appli-  
15                    cation for certification of a ballast water  
16                    treatment system only if the application is  
17                    in such form and contains such informa-  
18                    tion as the Secretary and Administrator  
19                    may require.

20                    “(ii) APPROVAL AND DISAPPROVAL.—

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

23                    “(aa) the Administrator  
24                    shall, not later than 90 days



1                             “(CC) provide the ap-

2                             plicant written notice of ap-

3                             proval or disapproval.

4                             “(II) LIMITATIONS.—An applica-

5                             tion approved under subclause (I)

6                             shall—

7                             “(aa) be qualified with any

8                             limitations relating to voyage

9                             pattern, duration, or any other

10                             characteristic that may affect the

11                             effectiveness or environmental

12                             soundness of the ballast water

13                             treatment system covered by the

14                             application, as determined by the

15                             Secretary in consultation with

16                             the Administrator;

17                             “(bb) be applicable to a spe-

18                             cific vessel or group of vessels, as

19                             determined by the Secretary;

20                             “(cc) be valid for the least

21                             of—

22                             “(AA) the expected use-

23                             ful life of the ballast water

24                             treatment system;

25                             “(BB) 10 years; or



1                   “(6) EXPERIMENTAL APPROVAL FOR BALLAST  
2                   WATER TREATMENT.—

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

7                   “(i) has the potential to achieve the  
8                   standard set forth under subsection  
9                   (b)(3)(A); and

10                  “(ii) is likely to achieve a minimum  
11                  performance that is the same as or more  
12                  stringent than the best available perform-  
13                  ance that applies to a vessel under sub-  
14                  section (b)(3)(B).

15                  “(B) APPROVAL.—The Secretary shall ap-  
16                  prove an application under subparagraph (A)  
17                  if—

18                  “(i) the Secretary and the Adminis-  
19                  trator, in consultation with the Task Force  
20                  (including relevant regional panels, and the  
21                  Prevention Committee, of the Task Force),  
22                  determine that the treatment technologies  
23                  meet the requirements in paragraph  
24                  (3)(B)(ii); and

1                             “(ii) the Administrator determines,  
2                             based on independent and peer-reviewed  
3                             information provided to the Secretary by  
4                             the owner or operator of the vessel or  
5                             other applicable parties, that the treatment  
6                             technologies—

7                             “(I) comply with environmental  
8                             requirements (including regulations);  
9                             and

10                           “(II) have the potential to meet  
11                             environmental soundness criteria es-  
12                             tablished under paragraph (8)(A)(i).

13                           “(C) WAIVER.—If the Secretary approves  
14                             an application under subparagraph (B), the  
15                             Secretary and the Administrator may waive the  
16                             requirements under subsection (a)(4)(A) with  
17                             respect to the vessel that is subject to the appli-  
18                             cation approved.

19                           “(D) LIMITATIONS.—

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

1                         “(ii) PERIOD OF APPROVAL.—Ap-  
2                         proval granted under subparagraph (B)  
3                         shall be for the least of—

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

6                         “(II) a period of 10 years; or

7                         “(III) a period ending on the  
8                         date that the Secretary and Adminis-  
9                         trator (as appropriate) determines  
10                         that there exists a serious deficiency  
11                         in performance or human safety or  
12                         environmental soundness of the sys-  
13                         tem relative to anticipated perform-  
14                         ance or environmental soundness.

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

1                             “(iv) RENEWAL.—An experimental  
2                             approval may be renewed in accordance  
3                             with paragraph (5)(F)(ii).

4                             “(7) INCENTIVES FOR USE OF TREATMENT SYS-  
5                             TEMS.—

6                             “(A) IN GENERAL.—The Secretary, the  
7                             Secretary of Transportation, and the Adminis-  
8                             trator shall assist owners or operators of vessels  
9                             that seek to obtain experimental approval for  
10                            installation of ballast water treatment systems,  
11                            including through providing guidance on—

12                            “(i) a sampling protocol and test pro-  
13                            gram for cost effective treatment evalua-  
14                            tion;

15                            “(ii) sources of sampling equipment  
16                            and field biological expertise; and

17                            “(iii) examples of shipboard evalua-  
18                            tion studies.

19                             “(B) SELECTION OF TECHNOLOGIES AND  
20                             PRACTICES.—In selecting technologies and  
21                             practices for shipboard demonstration under  
22                             section 1104(b), the Secretary of the Interior  
23                             and the Secretary of Commerce shall give pri-  
24                             ority consideration to technologies and practices

1 that have received or are in the process of re-  
2 ceiving certification under paragraph (5).

3 “(C) ANNUAL SUMMARIES.—The Secretary  
4 shall annually summarize, and make available  
5 to interested parties, all available information  
6 on the performance of technologies proposed for  
7 ballast treatment to facilitate the application  
8 process for experimental approval for ballast  
9 water treatment under paragraph (6).

10 “(8) ENVIRONMENTAL SOUNDNESS CRITERIA  
11 FOR BALLAST TREATMENTS.—

12 “(A) IN GENERAL.—The Administrator  
13 shall include in criteria promulgated under sec-  
14 tion 1202(k)(1)(A) specific criteria—

15 “(i) to ensure environmental sound-  
16 ness of ballast treatment systems; and  
17 “(ii) to grant environmental sound-  
18 ness exceptions under subparagraph (B).

19 “(B) EXCEPTIONS.—

20 “(i) IN GENERAL.—In reviewing appli-  
21 cations under paragraph (5)(F)(ii)(I)(aa)  
22 in an emergency situation to achieve reduc-  
23 tions in significant and acute risk of trans-  
24 fers of invasive species by vessels, the Sec-  
25 retary and the Administrator may jointly

1                   determine to make an exception to criteria  
2                   described in subparagraph (A)(i).

3                   “(ii) QUALIFICATION OF APPROV-  
4                   ALS.—To be eligible for an exception under  
5                   clause (i), an approval under paragraph  
6                   (5)(F)(ii)(I)(aa) shall be qualified under  
7                   paragraph (5)(F)(ii)(II).

8                   “(c) GREAT LAKES PROGRAM.—

9                   “(1) REGULATIONS.—Until such time as regu-  
10                  lations are promulgated to implement the amend-  
11                  ments made by the National Aquatic Invasive Spe-  
12                  cies Act of 2005, regulations promulgated to carry  
13                  out this Act shall remain in effect until revised or  
14                  replaced pursuant to the National Aquatic Invasive  
15                  Species Act of 2005.

16                  “(2) RELATIONSHIP TO OTHER PROGRAMS.—  
17                  On implementation of a national mandatory ballast  
18                  management program that is at least as comprehen-  
19                  sive as the Great Lakes program (as determined by  
20                  the Secretary, in consultation with the Governors of  
21                  Great Lakes States)—

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

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

3                   “(3) REVIEW AND REVISION.—

4                   “(A) IN GENERAL.—Not later than the  
5                   date that is 18 months after the date of enact-  
6                   ment of the National Aquatic Invasive Species  
7                   Act of 2005, the Secretary shall—

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

15                   “(ii) promulgate the revised regula-  
16                   tions.

17                   “(B) CONTENTS.—The revised regulations  
18                   shall include, at a minimum, requirements  
19                   under subsections (a) and (b) (as amended by  
20                   that Act).

21                   “(d) AUTHORITY OF THE SECRETARY.—

22                   “(1) IN GENERAL.—In carrying out this sec-  
23                   tion, the Secretary shall, with the concurrence of the  
24                   Administrator, promulgate regulations in accordance  
25                   with subsection (b).

1           “(2) PROGRAM COMPONENTS.—

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

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

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

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

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

18           “(A) protect the safety of—

19           “(i) each vessel; and

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

22           “(B) provide for sampling of ballast intake  
23           and discharge flows through ballast piping to  
24           monitor for compliance with the regulations;

25           “(C) take into consideration—

1                         “(i) vessel types;

2                         “(ii) variations in the ecological condi-

3                         tions of waters and coastal areas of the

4                         United States; and

5                         “(iii) different operating conditions;

6                         “(D) be based on the best scientific infor-

7                         mation available;

8                         “(E) not affect or supersede any require-

9                         ments or prohibitions pertaining to the dis-

10                         charge of ballast water into waters of the

11                         United States under the Federal Water Pollu-

12                         tion Control Act (33 U.S.C. 1251 et seq.); and

13                         “(F) include a list of the best performing

14                         treatment technologies that is reviewed and up-

15                         dated under subsection (b)(4)(A).

16                         “(4) EDUCATION AND TECHNICAL ASSISTANCE

17                         PROGRAMS.—The Secretary may carry out education

18                         and technical assistance programs and other meas-

19                         ures to promote compliance with the regulations pro-

20                         mulgated under this subsection.

21                         “(e) PERIODIC REVIEW AND REVISION OF REGULA-

22                         TIONS.—

23                         “(1) IN GENERAL.—Not later than 3 years

24                         after the date of enactment of the National Aquatic

25                         Invasive Species Act of 2005, and not less often

1 than every 3 years thereafter, the Secretary shall  
2 (with the concurrence of the Administrator, based on  
3 recommendations of the Task Force, and informa-  
4 tion collected and analyzed under this title and in  
5 accordance with criteria developed by the Task  
6 Force under paragraph (3))—

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

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

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

15                     “(i) revise the regulations referred to  
16 in subparagraph (A); and

17                     “(ii) promulgate additional regula-  
18 tions.

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

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

1                   “(B) as necessary, in the same manner as  
2                   provided under paragraph (1)(C)—  
3                   “(i) revise those guidelines; or  
4                   “(ii) promulgate additional regula-  
5                   tions.

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

13                  “(f) SANCTIONS.—

14                  “(1) CIVIL PENALTIES.—

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

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

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

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

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

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

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

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

20           “(B) the vessel complies with—

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

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

1                             “(iii) reporting requirements of this  
2                             Act.

3             “(g) COORDINATION WITH OTHER AGENCIES.—The  
4     Secretary is encouraged to use (with consent) the exper-  
5     tise, facilities, members, or personnel of, appropriate Fed-  
6     eral and State agencies and organizations that have rou-  
7     tine contact with vessels, as determined by the Secretary.

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

18             “(i) INTERNATIONAL COOPERATION.—The Sec-  
19     retary, in cooperation with the International Maritime Or-  
20     ganization of the United Nations and the Commission on  
21     Environmental Cooperation established pursuant to the  
22     North American Free Trade Agreement, is encouraged to  
23     enter into negotiations with the governments of foreign  
24     countries to develop and implement an effective inter-

1 national program for preventing the unintentional intro-  
2 duction and spread of nonindigenous species.

3       “(j) SAFETY EXEMPTION.—

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

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

21           “(k) NON-DISCRIMINATION.—The Secretary shall en-  
22 sure that vessels registered outside of the United States  
23 do not receive more favorable treatment than vessels reg-  
24 istered in the United States in any case in which the Sec-  
25 retary performs studies, reviews compliance, determines

1 effectiveness, establishes requirements, or performs any  
2 other responsibilities under this Act.

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

9       (b) CONFORMING AMENDMENTS.—

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

15           (2) Section 1102(f)(1)(B) of the Nonindigenous  
16           Aquatic Nuisance Prevention and Control Act of  
17           1990 (16 U.S.C. 4712(f)(1)(B)) is amended by  
18           striking “guidelines issued pursuant to section  
19           1101(c)” and inserting “regulations promulgated  
20           under section 1101(e)”.

21 **SEC. 102. ARMED SERVICES WHOLE VESSEL MANAGEMENT**  
22 **PROGRAM.**

23       Section 1103 of the Nonindigenous Aquatic Nuisance  
24       Prevention and Control Act of 1990 (16 U.S.C. 4713) is  
25       amended—

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

3 "SEC. 1103. ARMED SERVICES WHOLE VESSEL MANAGE-  
4 MENT PROGRAM.";

5 and

6 (2) in subsection (a)—

7 (A) by striking “Subject to” and inserting  
8 the following:

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

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

12 GRAM.—

22                             “(B) CURRENT BALLAST PROGRAM.—Ex-  
23                             cept as provided in subparagraph (A), this Act  
24                             does not affect the ballast program for Depart-  
25                             ment of Defense vessels in effect on the date of

1           enactment of the National Aquatic Invasive  
2           Species Act of 2005.

3           “(3) REPORTS.—Not later than 3 years after  
4           the date of enactment of the National Aquatic  
5           Invasive Species Act of 2005, and every 3 years  
6           thereafter, the Secretary of Defense shall submit to  
7           Congress a report that includes a summary and  
8           analysis of the program carried out under this sec-  
9           tion.”.

10 **TITLE II—PREVENTION OF IN-  
11           TRODUCTION OF AQUATIC  
12           INVASIVE SPECIES BY OTHER  
13           PATHWAYS**

14 **SEC. 201. 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 2005, 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 2005, 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. 202. 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 2005, 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 2005, 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 subparagraph (B), if no agency has authority described  
10 in paragraph (1) or an agency delegates the  
11 screening to the Director under subsection (h),  
12 the Director shall screen the organisms in ac-  
13 cordance with subsections (a) and (b).

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

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

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

1           has a high or moderate probability of an  
2           undesirable impact to an area within the  
3           boundaries of the United States or a con-  
4           tiguous area of a neighboring country, to  
5           which the species may be spread by human  
6           or natural means.

7        “(3) MULTIPLE JURISDICTION.—

8           “(A) IN GENERAL.—Subject to subparagraph (B), if more than 1 agency has jurisdiction over the importation of a live organism, the  
9           agencies shall conduct only 1 screening process  
10          in accordance with the memorandum of understand-  
11          ing described in subsection (f) (in con-  
12          sultation with National Oceanic and Atmos-  
13          pheric Administrator).

14        “(B) CULTURED AQUATIC ORGANISMS.—  
15          The Secretary of Agriculture shall conduct  
16          screening of organisms imported to be cultured.

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

19           “(1) restrict or prohibit the importation into  
20          the United States from outside the United States of  
21          any species that is described in subsection (c)(2)(A);  
22           “(2) prohibit the importation of any species de-  
23          scribed 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 2005, 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 **TITLE III—EARLY DETECTION;**  
6 **RAPID RESPONSE; CONTROL**  
7 **AND OUTREACH**

8 **SEC. 301. EARLY DETECTION.**

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

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

14 “(a) IN GENERAL.—Not later than 18 months after  
15 the date of enactment of the National Aquatic Invasive  
16 Species Act of 2005, in conjunction with the Council, the  
17 Task Force shall (based on the standard protocol for early  
18 detection surveys developed under this title), promulgate  
19 a set of sampling protocols, a geographic plan, and budget  
20 to support a national system of ecological surveys to rap-  
21 idly detect recently-established aquatic invasive species in  
22 waters of the United States.

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

1           “(1) address a diversity of aquatic ecosystems  
2        of the United States (including inland and coastal  
3        waters);

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

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

8           “(4) considers the pathways and organisms  
9        identified under section 1210;

10          “(5) include a capacity to evaluate the impacts  
11        of permitted importations screened by the processes  
12        established under section 1105; and

13          “(6) include clear lines of communication with  
14        appropriate Federal, State, and regional rapid re-  
15        sponse authorities.

16          “(c) IMPLEMENTATION.—Not later than 3 years after  
17        the date of enactment of the National Aquatic Invasive  
18        Species Act of 2005, the Director of the United States  
19        Geological Survey, the Administrator of the National Oce-  
20        anic and Atmospheric Administration, and the Adminis-  
21        trator (in consultation with the Invasive Species Council  
22        and in coordination with other agencies and organizations)  
23        shall implement a national system of ecological surveys  
24        that is—

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

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

7 **SEC. 302. RAPID RESPONSE.**

8        Subtitle C of title I of the Nonindigenous Aquatic  
9        Nuisance Prevention and Control Act of 1990 (16 U.S.C.  
10      4721 et seq.) (as amended by section 201) is amended  
11      by adding at the end the following:

12 **“SEC. 1211. RAPID RESPONSE.**

13      “(a) EMERGENCY RAPID RESPONSE FUND.—

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

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

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

24      “(2) EXPENDITURES FROM FUND.—

1                     “(A) IN GENERAL.—Subject to subparagraph (C), on request by the Secretary of the  
2                     Interior, the Secretary of the Treasury shall  
3                     transfer from the Fund to the Secretary of the  
4                     Interior such amounts as the Secretary of the  
5                     Interior determines are necessary to provide fi-  
6                     nancial assistance to a State or the Federal  
7                     rapid response team under subparagraph (B) to  
8                     assist in implementing rapid response measures  
9                     for aquatic invasive species.

10

11                     “(B) STATE ASSISTANCE.—

12

13                     “(i) IN GENERAL.—A State may sub-  
14                     mit to the Secretary of the Interior an ap-  
15                     plication for emergency response assistance  
16                     from the Fund.

17

18                     “(ii) APPROVAL.—If the Secretary of  
19                     the Interior approves an application sub-  
20                     mitted under clause (i), the Secretary shall  
21                     use amounts provided to the Secretary  
22                     under subparagraph (A)—

23

24                     “(I) in a case in which a State  
25                     has in effect a rapid response contin-  
26                     gency strategy that is approved under  
27                     subsection (b), to provide emergency  
28                     response assistance to the State; and

1                             “(II) in a case in which the State  
2                             does not have a rapid response contin-  
3                             gency strategy approved under sub-  
4                             section (b) in effect, to provide emer-  
5                             gency response assistance to the Fed-  
6                             eral rapid response team established  
7                             under subsection (f).

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

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

20                             “(3) INVESTMENT OF AMOUNTS.—

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

## 1                   “(B) INTEREST-BEARING OBLIGATIONS.—

2                   Investments may be made only in interest-bear-  
3                   ing obligations of the United States.4                   “(C) ACQUISITION OF OBLIGATIONS.—For  
5                   the purpose of investments under subparagraph  
6                   (A), obligations may be acquired—7                   “(i) on original issue at the issue  
8                   price; or9                   “(ii) by purchase of outstanding obli-  
10                   gations at the market price.11                   “(D) SALE OF OBLIGATIONS.—Any obliga-  
12                   tion acquired by the Fund may be sold by the  
13                   Secretary of the Treasury at the market price.14                   “(E) CREDITS TO FUND.—The interest on,  
15                   and the proceeds from the sale or redemption  
16                   of, any obligations held in the Fund shall be  
17                   credited to and form a part of the Fund.

## 18                   “(4) TRANSFERS OF AMOUNTS.—

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

1                 “(B) ADJUSTMENTS.—Proper adjustment  
2                 shall be made in amounts subsequently trans-  
3                 ferred to the extent prior estimates were in ex-  
4                 cess of or less than the amounts required to be  
5                 transferred.

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

10                 “(1) identifies all key governmental and non-  
11     governmental partners to be involved in carrying out  
12     the strategy;

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

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

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

23                 “(B) distinguishes rapid response meas-  
24     ures from ongoing management and control of

1 established populations of aquatic invasive spe-  
2 cies; and

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

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

9               “(5) provides for a monitoring capability to as-  
10              sess—

12                             “(B) the effectiveness of rapid response ef-  
13                             forts;

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

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

20               “(8) includes a public education and outreach  
21               component directed at—

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

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

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

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

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

15               “(2) are approved by—

16               “(A) the Secretary; and

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

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

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

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

3                 “(A) a model State rapid response contin-  
4                 gency strategy (including rapid assessment ca-  
5                 pability) for aquatic invasive species that meets,  
6                 to the maximum extent practicable, the require-  
7                 ments of paragraphs (1) through (9) of sub-  
8                 section (b); and

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

12                 “(2) the Secretary, in concurrence with the  
13                 Task Force and the regional panels of the Task  
14                 Force, shall issue guidelines that describe vessel-re-  
15                 lated requirements that may be used in a rapid re-  
16                 sponse contingency strategy approved under this sec-  
17                 tion.

18                 “(e) COST SHARING.—

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

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

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

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

7       “(f) FEDERAL RAPID RESPONSE TEAMS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

10                   “(i) biodiversity of native aquatic or-  
11                   ganisms;

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

14                   “(iii) human health.

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

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

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

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

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

9       “(j) NATIONAL DISPERSAL BARRIER PROGRAM.—

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

12               “(A) EXISTING BARRIER.—The Assistant  
13 Secretary shall upgrade and make permanent,  
14 at full Federal expense, the existing Chicago  
15 sanitary and ship canal dispersal barrier in Chi-  
16 cago, Illinois, constructed as a demonstration  
17 project under subsection (i)(3).

18               “(B) NEW BARRIER.—Notwithstanding the  
19 project cooperation agreement with the State of  
20 Illinois dated November 21, 2003, the Secretary  
21 shall construct, at full Federal expense, the  
22 Chicago sanitary and ship canal dispersal bar-  
23 rier authorized by section 1135 of the Water  
24 Resources Development Act of 1986 (33 U.S.C.  
25 2309a).

## 1                   “(C) OPERATION AND MAINTENANCE.—

2                   The Chicago sanitary and ship canal dispersal  
3                   barriers described in subparagraphs (A) and  
4                   (B) shall be operated and maintained as a sys-  
5                   tem by the Corps of Engineers, at full Federal  
6                   expense, in such a manner as the Chief Engi-  
7                   neer determines optimizes the effectiveness of  
8                   the barriers.

## 9                   “(D) CREDIT.—

10                   “(i) IN GENERAL.—The Assistant  
11                   Secretary shall provide to each State a  
12                   credit in an amount equal to the propor-  
13                   tion that—

14                   “(I) the amount of funds contrib-  
15                   uted by the State toward the author-  
16                   ized dispersal barriers described in  
17                   subparagraphs (A) and (B); bears to

18                   “(II) the amount of funds con-  
19                   tributed by all States toward the au-  
20                   thorized dispersal barriers described  
21                   in subparagraphs (A) and (B).

22                   “(ii) USE OF CREDIT.—A State may  
23                   apply a credit received under clause (i) to  
24                   any existing or future project of the Corps  
25                   of Engineers in that State.

1                   “(E) FEASIBILITY STUDY OF CHICAGO  
2                   RIVER SHIP AND SANITARY CANAL.—

3                   “(i) IN GENERAL.—Not later than 3  
4                   years after the date of enactment of the  
5                   National Aquatic Invasive Species Act of  
6                   2005, the Assistant Secretary, in consulta-  
7                   tion with appropriate Federal, State, local,  
8                   and non-governmental entities, shall con-  
9                   duct a feasibility study of the full range of  
10                   options available to prevent the spread of  
11                   aquatic invasive species through the Chi-  
12                   cago River Ship and Sanitary Canal dis-  
13                   persal barrier.

14                   “(ii) MATTERS TO BE STUDIED.—The  
15                   study shall—

16                   “(I) provide recommendations  
17                   concerning additional measures and  
18                   long-term measures necessary to im-  
19                   prove the performance of the Chicago  
20                   River Ship and Sanitary Canal dis-  
21                   persal barrier; and

22                   “(II) examine methods and meas-  
23                   ures necessary to achieve, to the max-  
24                   imum extent practicable—

1                             “(aa) 100 percent efficacy of  
2                             the barrier with respect to aquat-  
3                             ic invasive species of fish; and  
4                             “(bb) maximum efficacy of  
5                             the barrier with respect to other  
6                             taxa of aquatic invasive species.

7                     “(F) REIMBURSEMENT.—The State of Illi-  
8                     nois shall be reimbursed for all State funds ex-  
9                     pended on the planning, design, construction,  
10                     and operation and maintenance of the project  
11                     identified, along with any subsequent modifica-  
12                     tions, in the report entitled ‘Aquatic Nuisance  
13                     Species Dispersal Barrier II’, dated December  
14                     2002, issued under section 1135 of the Water  
15                     Resources Development Act of 1986 (33 U.S.C.  
16                     2294 note; 100 Stat. 4251).

17                     “(2) MONITORING PROGRAM.—

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

23                     “(B) REQUIRED ELEMENTS.—The moni-  
24                     toring program shall—

1                     “(i) track aquatic invasive species  
2 moving through—  
3                     “(I) the Chicago River Ship and  
4 Sanitary Canal;  
5                     “(II) the Lake Champlain Canal;  
6                     “(III) other interbasin water-  
7 ways; and  
8                     “(IV) major river systems (such  
9 as the Mississippi River), as rec-  
10ommended by regional panels con-  
11vened under section 1203, in which  
12interbasin transfers of aquatic  
13invasive species have been shown to  
14pose a significant threat to fish and  
15wildlife resources;  
16                     “(ii) assess the efficacy of dispersal  
17barriers and other measures in preventing  
18the spread of aquatic invasive species  
19through the waterways; and  
20                     “(iii) identify waterways suitable for  
21dispersal barrier demonstration projects, in  
22addition to the waterways at which dis-  
23persal barrier demonstration projects were  
24carried out before the date of enactment of

1 the National Aquatic Invasive Species Act  
2 of 2005.

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

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

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

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

1                 “(B) determine the feasibility of a dis-  
2                 persal barrier project at the Lake Champlain  
3                 Canal and in the Upper Mississippi River and,  
4                 if feasible, establish a plan for a dispersal bar-  
5                 rier at the Lake Champlain Canal and in the  
6                 Upper Mississippi River; and

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

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

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

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

20 **SEC. 304. ENVIRONMENTAL SOUNDNESS.**

21                 Section 1202 of the Nonindigenous Aquatic Nuisance  
22                 Prevention and Control Act of 1990 (16 U.S.C. 4722) (as  
23                 amended by section 303) is amended by inserting after  
24                 subsection (j) the following:

1       “(k) IMPROVEMENT OF TREATMENT METHODS FOR  
2 AQUATIC INVASIVE SPECIES.—

3       “(1) CRITERIA TO EVALUATE ENVIRONMENTAL  
4 SOUNDNESS OF TREATMENT METHODS.—

5           “(A) IN GENERAL.—Not later than 1 year  
6 after the date of enactment of the National  
7 Aquatic Invasive Species Act of 2005, the Ad-  
8 ministrator, in consultation with the Secretary,  
9 the Invasive Species Council, and the Task  
10 Force (including any regional panels of the  
11 Task Force) shall promulgate criteria to eval-  
12 uate the treatment methods described in sub-  
13 paragraph (B) for the purpose of ensuring that  
14 the treatment methods pose no significant  
15 threat of adverse effect on human health, public  
16 safety, or the environment (including air quality  
17 and the aquatic environment) that is acute,  
18 chronic, cumulative, or collective.

19           “(B) TREATMENT METHODS.—The treat-  
20 ment methods referred to in subparagraph (A)  
21 are all mechanical, physical, chemical, biologi-  
22 cal, and other treatment methods used in bodies  
23 of water of the United States (regardless of  
24 whether the bodies of water are navigable and  
25 regardless of the origin of the waters), to pre-

1           vent, treat, or respond to the introduction of  
2           aquatic invasive species.

3           “(C) CONSULTATION.—In carrying out  
4           subparagraph (A), the Administrator shall con-  
5           sult with—

6               “(i) the Secretary of Transportation;  
7               “(ii) the Task Force (including the re-  
8               gional panels of the Task Force established  
9               under section 1203);  
10               “(iii) the Director;  
11               “(iv) the Assistant Secretary;  
12               “(v) the Director of the National Ma-  
13               rine Fisheries Service; and  
14               “(vi) relevant State agencies.

15           “(2) PUBLICATION OF INFORMATION ON ENVI-  
16           RONMENTALLY SOUND TREATMENT METHODS.—The  
17           Administrator, in consultation with the Invasive Spe-  
18           cies Council, shall publish (not later than 1 year  
19           after the date of enactment of the National Aquatic  
20           Invasive Species Act of 2005) and update annu-  
21           ally—

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

1                   “(B) accompanying research that supports  
2                   the environmental soundness of each approved  
3                   treatment method; and

4                   “(C) explicit guidelines under which each  
5                   treatment method can be used in an environ-  
6                   mentally sound manner.

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

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

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

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

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

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

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

20                  “(2) **ACTIVITIES**.—

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

24                  “(B) **PUBLIC OUTREACH**.—

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

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

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

21                             “(ii) CLEANING OF WATERCRAFT AT  
22                             MARINAS.—Not later than 1 year after the  
23                             date of enactment of the National Aquatic  
24                             Invasive Species Act of 2005, the Under  
25                             Secretary and the Director (in cooperation

1 with the Task Force and in consultation  
2 with the States, relevant industry groups,  
3 and Indian tribes) shall develop an edu-  
4 cation, outreach, and training program di-  
5 rected toward marinas and marina opera-  
6 tors regarding—

1 for proper disposal of live nonindige-  
2 nous aquatic organisms in trade; and  
3                 “(II) use the guidelines in appro-  
4 priate public information and out-  
5 reach efforts.

6                 “(C) 100TH MERIDIAN PROGRAM.—

7                 “(i) IN GENERAL.—Not later than 1  
8 year after the date of enactment of the  
9 National Aquatic Invasive Species Act of  
10 2005, the Task Force shall expand the in-  
11 formation and education program directed  
12 at recreational boaters in States from  
13 which watercraft are transported westward  
14 across the 100th meridian.

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

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

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

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

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

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

23                    “(4) PUBLIC ACCESS TO MONITORING INFORMA-  
24                    TION.—The Task Force, the Invasive Species Coun-

1 cil, and other relevant agencies, shall maintain infor-  
2 mation on the Internet regarding—

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

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

10 “(C) approved State Management Plans  
11 under section 1204(a) and Rapid Response  
12 Contingency Strategies under subsections (b)  
13 and (c) of section 1211; and

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

16 **TITLE IV—AQUATIC INVASIVE  
17 SPECIES RESEARCH**

18 **SEC. 401. ECOLOGICAL, PATHWAY, AND EXPERIMENTAL RE-  
19 SEARCH.**

20 (a) IN GENERAL.—Subtitle B of the Nonindigenous  
21 Aquatic Nuisance Prevention and Control Act of 1990 (16  
22 U.S.C. 4711 et seq.) (as amended by section 301) is  
23 amended by adding at the end the following:

1   **“SEC. 1107. ECOLOGICAL, PATHWAY, AND EXPERIMENTAL**2                   **RESEARCH.**

3       “(a) DEFINITION OF ADMINISTERING AGENCIES.—

4           “(1) IN GENERAL.—In this section and section

5       1108, the term ‘administering agencies’ means—

6           “(A) the Smithsonian Environmental Re-

7           search Center;

8           “(B) the United States Geological Survey;

9           and

10           “(C) the National Oceanic and Atmos-  
11           pheric Administration (including the Great  
12           Lakes Environmental Research Laboratory).13           “(2) MEMORANDUM OF UNDERSTANDING.—The  
14           administering agencies shall enter into an agreement  
15           regarding implementation of this subtitle.16           “(3) CONSULTATION.—In carrying out this sec-  
17           tion, the administering agencies shall consult with—

18           “(A) the Task Force;

19           “(B) the Environmental Protection Agen-  
20           cy;21           “(C) the United States Fish and Wildlife  
22           Service; and23           “(D) other appropriate Federal and State  
24           agencies.25           “(4) COOPERATION.—In carrying out this sec-  
26           tion, the administering agencies shall contract, as

1 appropriate, or otherwise cooperate with academic  
2 researchers.

3 “(b) PROGRAM.—The administering agencies shall  
4 develop (not later than 18 months after the date of enact-  
5 ment of the National Aquatic Invasive Species Act of  
6 2005) and conduct a marine and freshwater research pro-  
7 gram (including ecological and pathway surveys and ex-  
8 perimentation) to assess rates of, patterns of, and condi-  
9 tions surrounding introductions of nonindigenous aquatic  
10 species in aquatic ecosystems.

11 “(c) PURPOSE.—The purpose of the program is to  
12 support efforts to prevent the introduction of, and detect  
13 and eradicate, invasive species by—

14 “(1) providing information for—

15 “(A) early detection and rapid response ef-  
16 forts; and

17 “(B) relevant policy questions; and

18 “(2) assessing the effectiveness of implemented  
19 policies (including any standard) to prevent the in-  
20 troduction and spread of aquatic invasive species.

21 “(d) PROTOCOL DEVELOPMENT.—The administering  
22 agencies shall—

23 “(1) establish standardized protocols for con-  
24 ducting surveys that are integrated and produce  
25 comparable data, and, as practicable, build on exist-

1       ing protocols and data collection methods (including  
2       surveys required under subsection (b)), including—  
3               “(A) protocols to support early detection  
4       surveys of nonindigenous aquatic species con-  
5       ducted by Federal, State, or local agencies in-  
6       volved in the management of invasive species,  
7       including surveys carried out pursuant to sec-  
8       tion 1106;

9               “(B) protocols to support comprehensive  
10       ecological surveys conducted under this section  
11       for purposes of research and analysis of rates  
12       and patterns of invasions; and

13               “(C) protocols to support pathway surveys;

14       “(2) recommend a standardized approach for  
15       classifying species;

16       “(3) when proposing protocols, consider rec-  
17       ommendations made at the workshop conducted  
18       under subsection (h);

19       “(4) subject the protocols to peer review;

20       “(5) complete the protocols not later than 1  
21       year after the date of enactment of the National  
22       Aquatic Invasive Species Act of 2005;

23       “(6) revise protocols as necessary; and

1               “(7) disseminate the protocols to the Task  
2       Force and other Federal, State, and local stake-  
3       holders.

4               “(e) ECOLOGICAL AND PATHWAY SURVEY REQUIRE-  
5       MENTS.—

6               “(1) IN GENERAL.—Each comprehensive eco-  
7       logical survey conducted under this section shall, at  
8       a minimum—

9               “(A) document baseline ecological informa-  
10       tion of the aquatic ecosystem, including—

11               “(i) to the maximum extent prac-  
12       ticable, a comprehensive inventory of na-  
13       tive species, nonindigenous species, and  
14       species of unknown origin, present in the  
15       ecosystem; and

16               “(ii) the chemical and physical charac-  
17       teristics of water and underlying substrate  
18       in the ecosystem;

19               “(B) in the case of nonindigenous species,  
20       gather information to assist in identifying—

21               “(i) the life history of the species;

22               “(ii) the environmental requirements  
23       and tolerances of the species;

24               “(iii) the native ecosystems of the spe-  
25       cies; and

1                         “(iv) the history of the species spread  
2                         from the native ecosystems of the species;

3                         “(C) track the establishment of nonindige-  
4                         nous species, including information about the  
5                         estimated population of nonindigenous orga-  
6                         nisms to allow an analysis of the probable date  
7                         of introduction of the species; and

8                         “(D) identify the likely pathway of entry of  
9                         nonindigenous species.

10                         “(2) MINIMUM REQUIREMENTS.—Each pathway  
11                         survey conducted under this section shall, at a min-  
12                         imum—

13                         “(A) identify which nonindigenous aquatic  
14                         species are being introduced, or have the poten-  
15                         tial to be introduced, through the pathways  
16                         under consideration;

17                         “(B) determine the rate of organism intro-  
18                         duction through the pathways under consider-  
19                         ation; and

20                         “(C) determine the practices that contrib-  
21                         uted to or could contribute to the introduction  
22                         of nonindigenous aquatic species through the  
23                         pathways under consideration.

24                         “(f) NUMBER AND LOCATION OF SURVEY SITES.—

1           “(1) REQUIRED SITES.—The administering  
2        agencies shall designate the number and location of  
3        survey sites necessary to carry out marine and fresh-  
4        water research required under this section.

5           “(2) EMPHASIS.—In carrying out paragraph  
6        (1) and subsection (g), the administering agencies  
7        shall give particular consideration to—

8               “(A) the geographic diversity of sites; and  
9               “(B) the diversity of human uses and bio-  
10        logical characteristics of sites.

11        “(g) COMPETITIVE GRANT PROGRAM.—

12           “(1) IN GENERAL.—In order to assist in car-  
13        rying out subsections (b) and (i), the administering  
14        agencies (acting through the National Oceanic and  
15        Atmospheric Administration) shall administer a pro-  
16        gram to award grants to academic institutions, State  
17        agencies, and other appropriate groups.

18           “(2) ADMINISTRATION.—The program required  
19        under this section shall be competitive, peer-re-  
20        viewed, and merit-based.

21        “(h) WORKSHOP.—Not later than 120 days after the  
22        date of enactment of the National Aquatic Invasive Spe-  
23        cies Act of 2005, to assist in the development of the proto-  
24        cols and design for the surveys under this section, the ad-  
25        ministering agencies shall—

1               “(1) convene a workshop among researchers  
2       from Federal and State agencies and academic insti-  
3       tutions to obtain recommendations for the develop-  
4       ment of the protocols and surveys; and

5               “(2) make the results of the workshop widely  
6       available to the public.

7               “(i) EXPERIMENTATION.—The administering agen-  
8       cies shall conduct (at existing field stations and such other  
9       sites as may be appropriate) coordinated experiments on  
10      a range of taxonomic groups to identify—

11               “(1) the relationship between the introduction  
12       and establishment of nonindigenous aquatic species;  
13       and

14               “(2) the circumstances necessary for the species  
15       to survive and thrive.

16               “(j) NATIONAL PATHWAYS AND ECOLOGICAL SUR-  
17       VEYS DATABASE.—

18               “(1) IN GENERAL.—The United States Geologi-  
19       cal Survey shall develop, maintain, and update, in  
20       consultation and cooperation with the Smithsonian  
21       Environmental Research Center and the National  
22       Oceanic and Atmospheric Administration, a central  
23       national database of information concerning infor-  
24       mation collected under section 1107(b).

1           “(2) REQUIREMENT.—The United States Geo-  
2       logical Survey shall—

3           “(A) make the database widely available to  
4       the public;

5           “(B) update the database not less often  
6       than once every 90 days;

7           “(C) coordinate the database with existing  
8       databases collecting similar information; and

9           “(D) to the maximum extent practicable,  
10       format the databases in a manner such that the  
11       data is useful for researchers and Federal and  
12       State employees managing relevant invasive  
13       species programs.”.

14       (b) VESSEL PATHWAY SURVEYS.—Section  
15 1102(b)(2)(B) of Nonindigenous Aquatic Nuisance Pre-  
16 vention and Control Act of 1990 (16 U.S.C.  
17 4712(b)(2)(B)) is amended by striking clause (ii) and in-  
18 serting the following:

19           “(ii) examine other potential modes  
20       for the introduction of nonindigenous  
21       aquatic species by vessel, including hull  
22       fouling.”.

23 **SEC. 402. ANALYSIS.**

24       (a) IN GENERAL.—Subtitle B of the Nonindigenous  
25 Aquatic Nuisance Prevention and Control Act of 1990 (16

1 U.S.C. 4711 et seq.) (as amended by section 401(a)) is  
2 amended by adding at the end the following:

3 **SEC. 1108. ANALYSIS.**

4       “(a) INVASION ANALYSIS.—

5           “(1) IN GENERAL.—Not later than 3 years  
6        after the date of enactment of the National Aquatic  
7        Invasive Species Act of 2005, and annually there-  
8        after, the administering agencies shall analyze data  
9        collected under section 1107 and other relevant re-  
10       search, for the purpose of preventing the introduc-  
11       tion of, detecting, and eradicating invasive species  
12       by—

13           “(A) providing information for early detec-  
14        tion and rapid response efforts;

15           “(B) providing information for relevant  
16        policy questions; and

17           “(C) assessing the effectiveness of imple-  
18        mented policies to prevent the introduction and  
19        spread of invasive species.

20           “(2) CONTENTS.—The analysis required under  
21        paragraph (1) shall include, with respect to aquatic  
22        invasive species—

23           “(A) an analysis of pathways to—

24            “(i) identify, and characterize as  
25        high-, medium-, or low-risk, regional and

1           national pathways for the introduction of  
2           nonindigenous aquatic species into aquatic  
3           ecosystems;

4           “(ii) identify new and expanding path-  
5           ways through which nonindigenous aquatic  
6           species may be introduced into aquatic eco-  
7           systems;

8           “(iii) identify handling practices that  
9           contribute to the introduction of species in  
10           pathways; and

11           “(iv) assess the risk that species cur-  
12           rently used in commerce pose for introduc-  
13           tion into aquatic ecosystems;

14           “(B) include patterns and rates of invasion  
15           and susceptibility to invasion of various types of  
16           bodies of water;

17           “(C) consider the ways in which the risk of  
18           establishment of an aquatic invasive species  
19           through a pathway is related to the identity and  
20           number of organisms transported;

21           “(D) consider rates of spread and numbers  
22           and types of pathways of spread of new popu-  
23           lations of the aquatic invasive species and esti-  
24           mate the potential for the spread and distribu-  
25           tion of newly introduced invasive species based

1       on the environmental requirements and histor-  
2       ical distribution of the species;

3           “(E) document factors that influence the  
4       vulnerability of an ecosystem to invasion by a  
5       nonindigenous aquatic species;

6           “(F) include a description of the potential  
7       for, and impacts of, pathway management pro-  
8       grams on invasion rates;

9           “(G) provide recommendations for im-  
10       provements on the effectiveness of pathway  
11       management;

12           “(H) to the extent practicable, determine  
13       the level of reduction in live organisms of var-  
14       ious taxonomic groups required to reduce to an  
15       acceptable level the risk of establishment to re-  
16       ceiving aquatic ecosystems; and

17           “(I) evaluate the effectiveness of manage-  
18       ment actions (including any standard) at reduc-  
19       ing species introductions and establishment.

20       “(3) REPORT.—The administering agencies  
21       shall submit to the Task Force a report on analyses  
22       conducted under this section.

23       “(b) RESEARCH TO ASSESS THE POTENTIAL OF THE  
24       ESTABLISHMENT OF INTRODUCED SPECIES.—

1           “(1) IN GENERAL.—Not later than 2 years  
2        after the date of enactment of the National Aquatic  
3        Invasive Species Act of 2005, the administering  
4        agencies shall develop, conduct peer review of, and  
5        submit to the Task Force a profile of the general  
6        characteristics of invasive species, in order to—

7           “(A) predict, to the extent practicable,  
8        whether a species planned for importation is  
9        likely to invade a particular aquatic ecosystem  
10        if introduced; and

11           “(B) support the development of the  
12        screening process authorized under section  
13        1105.

14           “(2) RESEARCH.—In developing the profile, the  
15        administering agencies shall analyze the research  
16        conducted under section 1107 and other research as  
17        necessary to determine—

18           “(A) characteristics of general species and  
19        ecosystems (taking into account the opportunity  
20        for introduction into any ecosystem); and

21           “(B) circumstances that may lead to estab-  
22        lishment of a nonindigenous aquatic organism.

23           “(3) RECOMMENDATIONS.—Based on the pro-  
24        file, the administering agencies shall develop and  
25        submit to the Task Force, for inclusion in the report

1 to Congress developed under section 1201(f)(2)(B),  
2 recommendations concerning which planned importa-  
3 tion of nonindigenous aquatic organisms warrant re-  
4 striction under section 1105.

5 **“SEC. 1109. DISSEMINATION.**

6 “(a) IN GENERAL.—The Invasive Species Council, in  
7 coordination with the Task Force, and the administering  
8 agencies shall disseminate the information collected under  
9 this Act to Federal, State, and local entities (including rel-  
10 evant policymakers and private researchers with responsi-  
11 bility over or interest in aquatic invasive species).

12 “(b) REPORTS.—The Invasive Species Council  
13 shall—

14 “(1) not later than 3 years after the date of en-  
15 actment of the National Aquatic Invasive Species  
16 Act of 2005, submit to Congress a report that de-  
17 scribes the actions and findings carried out under  
18 this Act; and

19 “(2) at least once every 3 years thereafter or  
20 more often as necessary, update the report.

21 “(c) RESPONSE STRATEGY.—To enable Federal,  
22 State, and local entities having responsibility for respond-  
23 ing to the introduction of potentially harmful nonindige-  
24 nous aquatic species to better and more rapidly respond  
25 to those introductions, the Invasive Species Council, in co-

1 ordination with the Task Force, the administering agen-  
2 cies, and other appropriate Federal and State agencies,  
3 shall implement a national strategy for the sharing of in-  
4 formation collected under this Act with those entities.

5       “(d) PATHWAY PRACTICES.—The Invasive Species  
6 Council, in coordination with the Task Force, and the ad-  
7 ministering agencies shall disseminate information to, and  
8 develop an ongoing educational program for, pathway  
9 users (including vendors and customers) to inform those  
10 users about means by which users can prevent the inten-  
11 tional or unintentional introduction of nonindigenous  
12 aquatic species into aquatic ecosystems.

13 "SEC. 1110. TECHNOLOGY DEVELOPMENT DEMONSTRATION  
14 AND VERIFICATION-.

15        "(a) ENVIRONMENTALLY SOUND TECHNOLOGY DE-  
16        VELOPMENT, DEMONSTRATION AND VERIFICATION.—

17                   “(1) IN GENERAL.—Not later than 1 year after  
18                   the date of enactment of the National Aquatic  
19                   Invasive Species Act of 2005, the Administrator, in  
20                   consultation with the Army Corps of Engineers and  
21                   the administering agencies, shall develop and imple-  
22                   ment a grant program to fund research, develop-  
23                   ment, demonstration, and verification of environ-  
24                   mentally sound cost-effective technologies and meth-  
25                   ods to control and eradicate aquatic invasive species.

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

3           “(A) provide funds to support on-going ef-  
4        forts of Federal, State, or local officials to con-  
5        trol and eradicate aquatic invasive species in an  
6        environmentally 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 the demonstration or dis-  
12        semination of the technologies or methods to  
13        potential end-users; and

14          “(D) verify that any technology or practice  
15        meets any appropriate criteria developed for ef-  
16        fectiveness and environmental soundness that  
17        are established by the Administrator.

18          “(3) PREFERENCE.—In making grants under  
19        this subsection, the Administrator shall give pref-  
20        erence to proposals that meet criteria developed for  
21        environmental soundness that are established by the  
22        Administrator.

23          “(4) MERIT REVIEW.—Grants awarded through  
24        this subsection shall be awarded through a competi-  
25        tive, peer-reviewed process and shall be merit-based.

1                 “(5) REPORT.—Not later than 3 years after the  
2                 date of enactment of the National Aquatic Invasive  
3                 Species Act of 2005, the Administrator shall submit  
4                 to Congress a report on the program conducted  
5                 under this subsection, including findings and rec-  
6                 ommendations of the Secretary with respect to tech-  
7                 nologies and methods described in paragraph (1).

8                 “(b) DISPERSAL BARRIER RESEARCH PROGRAM.—  
9                 Not later than 1 year after the date of enactment of the  
10                National Aquatic Invasive Species Act of 2005, the Assist-  
11                ant Secretary, in conjunction with the Director and other  
12                appropriate Federal agencies and academic researchers,  
13                shall establish a research, development, and demonstration  
14                program—

15                 “(1) to study environmentally sound methods  
16                 and technologies to reduce dispersal of aquatic  
17                 invasive species through interbasin waterways; and

18                 “(2) to assess the potential for using those  
19                 methods and technologies in other waterways.”.

20                 (b) EXPANSION OF VESSEL PATHWAY TECHNOLOGY  
21                 DEMONSTRATION PROGRAM.—Section 1104(b) of the  
22                 Nonindigenous Aquatic Nuisance Prevention and Control  
23                 Act of 1990 (16 U.S.C. 4712(b)) is amended—

24                 (1) by redesignating paragraphs (4) and (5) as  
25                 paragraphs (7) and (8), respectively; and

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

3                   “(4) ADDITIONAL PURPOSES.—The Secretary  
4                   of the Interior and the Secretary of Commerce may  
5                   demonstrate and verify technologies under this sub-  
6                   section to monitor and control pathways of organism  
7                   transport on vessels other than through ballast  
8                   water.

9                 “(5) PRIORITY.—In making grants under this  
10                 subsection, the Secretary of the Interior and the  
11                 Secretary of Commerce shall give priority to tech-  
12                 nologies that meet criteria established in any testing  
13                 protocol developed under the Environmental Tech-  
14                 nology Verification program of the Administrator.

15               “(6) WORKSHOP.—The Secretary of the Inter-  
16                rior and the Secretary of Commerce shall—

17                         “(A) hold an annual workshop to encour-  
18                         age the exchange of information between and  
19                         among—

1                   “(B) make the results of the proceedings  
2                   widely available to the public.”.

3 **SEC. 403. VESSEL PATHWAY STANDARDS RESEARCH.**

4                   Subtitle B of the Nonindigenous Aquatic Nuisance  
5 Prevention and Control Act of 1990 (16 U.S.C. 4711 et  
6 seq.) (as amended by section 402(a)) is amended by add-  
7 ing at the end the following:

8 **“SEC. 1111. VESSEL PATHWAY STANDARDS RESEARCH.**

9                   “(a) RESEARCH PROGRAM.—

10                  “(1) IN GENERAL.—The Secretary and the Ad-  
11 ministrator (in coordination with the National Oce-  
12 anic and Atmospheric Administration, the Task  
13 Force, and other appropriate Federal agencies and  
14 academic researchers) shall develop and conduct a  
15 coordinated research program to support the estab-  
16 lishment and implementation of standards to prevent  
17 the introduction and spread of aquatic invasive spe-  
18 cies by vessels.

19                  “(2) COMPONENTS.—The research program  
20 shall include programs to—

21                  “(A) characterize physical, chemical, and  
22 biological harbor conditions relevant to ballast  
23 discharge into waters of the United States to  
24 provide information for the design and imple-

1           mentation of vessel vector control technologies  
2           and practices;

3           “(B) develop testing protocols for deter-  
4           mining the effectiveness of vector monitoring  
5           and control technologies and practices;

6           “(C) research and demonstrate methods  
7           for mitigating the spread of aquatic invasive  
8           species by coastal voyages, including the explo-  
9           ration of the effectiveness of alternative ex-  
10           change zones in the near coastal areas and  
11           other methods proposed to reduce the transfers  
12           of organisms;

13           “(D) verify the practical effectiveness of  
14           any type approval process to ensure that the  
15           process produces repeatable and accurate as-  
16           sessments of treatment effectiveness; and

17           “(E) evaluate the effectiveness and resid-  
18           ual risk and environmental impacts associated  
19           with any standard established with respect to a  
20           ship pathway through experimental research.

21           “(b) PERFORMANCE TEST.—Not later than 1 year  
22           after the date of enactment of the National Aquatic  
23           Invasive Species Act of 2005, the Secretary, in conjunc-  
24           tion with the National Institute of Standards and Tech-  
25           nology and the Maritime Administration, shall design a

1 performance test for ballast water exchange (such as a dye  
2 study) to measure the effectiveness of ballast water ex-  
3 change.

4       “(c) NATIONAL ACADEMY OF SCIENCES STUDY.—

5           “(1) IN GENERAL.—The Secretary shall enter  
6 into an agreement with the National Academy of  
7 Sciences under which the Academy shall—

8           “(A) identify the relative risk of transfer of  
9 various taxonomic groups of invasive species by  
10 different vessel modes;

11           “(B)(i) assess the extent to which a ballast  
12 water standard that virtually eliminates the risk  
13 of introduction of invasive species by ballast  
14 water may relate to the risk of introductions by  
15 all vessel modes; and

16           “(ii) explain the degree of uncertainty in  
17 such an assessment; and

18           “(C)(i) recommend methods for reducing  
19 the transfers of invasive species by vessels by  
20 addressing all parts and systems of vessels and  
21 all related modes of transport of invasive orga-  
22 nisms; and

23           “(ii) identify the research, development,  
24 and demonstration needed to improve the infor-

1 mation base to support those methods, includ-  
2 ing economic information.

3 “(2) REPORT.—Not later than 2 years after the  
4 date of enactment of the National Aquatic Invasive  
5 Species Act of 2005, the Secretary shall submit to  
6 Congress a report that describes the results of the  
7 study under paragraph (1).

8 “(3) IMPLEMENTATION OF RECOMMENDA-  
9 TIONS.—Not later than the later of the date that is  
10 1 year after the date of submission of the report  
11 under paragraph (2) or the date that is 3 years after  
12 the date of enactment of the National Aquatic  
13 Invasive Species Act of 2005, the Task Force, in  
14 conjunction with the Administrator, administering  
15 agencies, and other appropriate Federal agencies,  
16 shall submit to the Secretary a report that describes  
17 recommendations for—

18 “(A) a vessel pathway treatment standard  
19 that incorporates all potential modes of transfer  
20 by vessel; and

21 “(B) methods for type approval and accu-  
22 rate monitoring of treatment performance that  
23 are simple and streamlined and follow estab-  
24 lished protocols.

25 “(d) WORKING GROUP.—

1           “(1) IN GENERAL.—Not later than 2 years  
2        after the date of issuance by the Secretary of any  
3        standard relating to the introduction by vessels of  
4        invasive species, the Secretary shall convene a work-  
5        ing group (including the Administrator, the admin-  
6        istering agencies, and other appropriate Federal and  
7        State agencies and academic researchers) to evaluate  
8        the effectiveness of that standard and accompanying  
9        implementation protocols.

10           “(2) DUTIES.—The duties of the working group  
11        shall include, at a minimum—

12           “(A) reviewing the effectiveness of the  
13        standard in reducing the establishment of  
14        invasive species in aquatic ecosystems, taking  
15        into consideration the data collected under sec-  
16        tion 1107; and

17           “(B) submitting recommendations to the  
18        Secretary (who shall make the recommenda-  
19        tions widely available to the public) for the revi-  
20        sion of the standard and type approval process  
21        in order to ensure—

22           “(i) effectiveness in reducing introduc-  
23        tions of invasive species; and

24           “(ii) the effectiveness of accurate  
25        shipboard monitoring of treatment per-

1 performance in a simple and streamlined man-  
2 ner.”.

3 SEC. 404. GRADUATE EDUCATION IN SYSTEMATICS AND  
4 TAXONOMY.

5 Subtitle B of the Nonindigenous Aquatic Nuisance  
6 Prevention and Control Act of 1990 (16 U.S.C. 4711 et  
7 seq.) (as amended by section 403) is amended by adding  
8 at the end the following:

## 9 "SEC. 1112. RESEARCH IN SYSTEMATICS AND TAXONOMY.

10        "(a) IN GENERAL.—The National Science Founda-  
11    tion shall establish a program to award grants to research-  
12    ers at institutions of higher education and museums to  
13    carry out research in systematics and taxonomy.

14        "(b) PURPOSES.—The purposes of the program  
15 are—

16                   “(1) to encourage scientists to pursue careers  
17                   in systematics and taxonomy to ensure a continuing  
18                   knowledge base in those disciplines;

19               “(2) to ensure that there will be adequate ex-  
20               pertise in systematics and taxonomy to meet Fed-  
21               eral, State, and local needs to identify invasive spe-  
22               cies;

23               “(3) to develop that expertise throughout the  
24               United States with an emphasis on regional diver-  
25               sity; and

1           “(4) to draw on existing expertise in system-  
2        atics and taxonomy at institutions of higher edu-  
3        cation and museums to train the next generation of  
4        systematists and taxonomists.

5        “(c) ADMINISTRATION.—

6           “(1) MERIT REVIEW.—Grants awarded through  
7        this section shall be awarded through a competitive,  
8        peer-reviewed process and shall be merit-based.

9           “(2) PREFERENCES.—In making grants under  
10       this section, the National Science Foundation shall  
11       provide a preference for—

12           “(A) projects in a diverse set of ecosystems  
13        and geographic locations;

14           “(B) if applicable, projects that are inte-  
15       grated with the Long Term Ecological Research  
16       Network created by the National Science Foun-  
17       dation;

18           “(C) projects that include student partici-  
19       pation; and

20           “(D) projects carried out by institutions of  
21       higher education and museums that actively  
22       train students to become experts in systematics  
23       and taxonomy.”.

1       **TITLE V—COORDINATION**2   **SEC. 501. PROGRAM COORDINATION.**

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

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

8               (2) by redesignating paragraph (7) as paragraph (12); and

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

12             “(7) the Director of the United States Geological Survey;

14             “(8) the Director of the Smithsonian Environmental Research Center;

16             “(9) the Secretary of State;

17             “(10) the Secretary of Transportation;

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

20           (b) COORDINATION WITH INVASIVE SPECIES COUNCIL.—Section 1201(f) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4721(f)) is amended—

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

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

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

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

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

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

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

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

24           “(3) RECOMMENDATIONS FOR LISTS.—

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

6                         “(i) any list of species of wildlife cov-  
7                     ered by section 42 of title 18, United  
8                     States Code (including regulations); or

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

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

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

23                         “(d) ANNUAL INTER-REGIONAL MEETING.—The  
24                     Task Force shall annually convene all regional panels es-  
25                     tablished pursuant to this Act for the purpose of informa-

1 tion transfer between and among panels, and between the  
2 panels and the Task Force, regarding aquatic invasive  
3 species management.

4 "(e) ORGANIZATIONS.—

5 "(1) IN GENERAL.—An interstate organization  
6 that has a Federal charter authorized by law or ex-  
7 ecutive order for purposes of fisheries or natural re-  
8 source management may develop and implement—

9 "(A) regional aquatic invasive species man-  
10 agement plans; and

11 "(B) rapid response activities that are—

12 "(i) requested by the Governors of the  
13 member States of the organization; and

14 "(ii) consistent with any relevant  
15 State aquatic invasive species management  
16 plans.

17 "(2) FUNDS.—The interstate organization may  
18 receive funds under this Act to implement activities  
19 under the regional aquatic invasive species manage-  
20 ment plan of the organization.”.

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

25 (1) in paragraph (2)—

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

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

## 16 “(5) GUIDELINES.—

17                     “(A) IN GENERAL.—Not later than 1 year  
18                     after the date of enactment of the National  
19                     Aquatic Invasive Species Act of 2005, the Task  
20                     Force shall amend the guidelines of the Task  
21                     Force for the development of plans under this  
22                     subsection, including guidelines for reporting  
23                     progress in implementing the plans, to encour-  
24                     age consistency in implementation of and re-  
25                     porting under those plans.

1                 “(B) GUIDELINES.—The guidelines pub-  
2                 lished under subparagraph (A) shall include, for  
3                 the purpose of paragraph (2)(A), guidelines  
4                 concerning—

5                         “(i) rapid response contingency strate-  
6                 gies under section 1211;

7                         “(ii) early detection strategies under  
8                 section 1211(b)(4);

9                         “(iii) aquatic plant control programs  
10                 conducted pursuant to other laws;

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

13                         “(v) the review and revision of re-  
14                 quirements of this subsection and the re-  
15                 approval process under this subsection.

16                 “(6) RELATIONSHIP TO OTHER PLANS.—

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

23                         “(B) ENFORCEMENT.—Funds provided to  
24                 States for implementation of plans pursuant to  
25                 section 1204 may be used by States to enforce

1        requirements relating to aquatic invasive species  
2        under the Plant Protection Act (7 U.S.C. 7701  
3        et seq.) (including regulations promulgated  
4        under that Act contained in part 360 of title 7,  
5        Code of Federal Regulations (or any successor  
6        regulations)).

7        “(7) ELIGIBILITY OF EXISTING PLANS.—A plan  
8        approved under this section as of the day imme-  
9        diately before the date of enactment of the National  
10      Aquatic Invasive Species Act of 2005 shall be eligi-  
11      ble to receive a grant awarded under this section.

12      “(8) REVIEW AND REVISION.—

13      “(A) IN GENERAL.—Each State shall peri-  
14      odically review and, as necessary, revise the  
15      management plan of the State in accordance  
16      with guidelines of the Task Force.

17      “(B) UPDATE OF EXISTING PLANS.—A  
18      plan approved under this section as of the day  
19      immediately before the date of enactment of the  
20      National Aquatic Invasive Species Act of 2005  
21      shall be updated after the date of enactment of  
22      the National Aquatic Invasive Species Act of  
23      2005 to conform to the guidelines published  
24      under paragraph (5).

1               “(9) OTHER STATE MANAGEMENT PLANS.—In  
2               addition to the management plans required under  
3               this subsection, the Director shall encourage each  
4               State to develop and implement new, and expand ex-  
5               isting, State management plans to improve State ac-  
6               tions to prevent and control aquatic invasive spe-  
7               cies.”.

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

13               “(A) to develop those plans with a total  
14               amount that does not exceed 10 percent of the  
15               amounts made available for grants under this  
16               section for each fiscal year; and  
17               “(B) to implement those plans.”.

18 **SEC. 502. INTERNATIONAL COORDINATION.**

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

22               (1) by striking the subtitle heading and insert-  
23               ing the following:

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

25               and

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

## 2 "SEC. 1402. INTERNATIONAL COORDINATION.

3       “(a) IN GENERAL.—The Task Force, the Invasive  
4 Species Council, and the Secretary of State shall, to the  
5 maximum extent practicable, ensure that international ef-  
6 forts to prevent, detect, monitor, assess, and control  
7 aquatic invasive species (including through the Inter-  
8 national Maritime Organization, the International Con-  
9 vention on the Exploration of the Sea, the Global Invasive  
10 Species Program, and other appropriate programs) are co-  
11 ordinated with policies of the United States established by  
12 this Act.

13        "(b) COORDINATION WITH NEIGHBORING COUN-  
14 TRIES.—

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

23               “(2) NEGOTIATIONS.—As soon as practicable  
24               after the date of enactment of the National Aquatic

1       Invasive Species Act of 2005, the Secretary of State  
2       may enter into negotiations with—

3               “(A) Canada to issue a request that the  
4               International Joint Commission, not later than  
5               18 months after the date of enactment of that  
6               Act, review, research, conduct hearings on, and  
7               submit to the parties represented on the Inter-  
8               national Joint Commission a report that de-  
9               scribes the success of current policies of govern-  
10               ments in the United States and Canada having  
11               jurisdiction over the Great Lakes in antici-  
12               pating and preventing biological invasions of  
13               the aquatic ecosystem in the Great Lakes, in-  
14               cluding—

15                       “(i) an analysis of current Federal,  
16                       State or Provincial, local, and international  
17                       laws, enforcement practices, and agree-  
18                       ments;

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

23                       “(iii) recommendations of the Inter-  
24                       national Joint Commission for means by  
25                       which to improve and harmonize the poli-

7     **TITLE VI—AUTHORIZATION OF**  
8         **APPROPRIATIONS**

## 9 SEC. 601. AUTHORIZATION OF APPROPRIATIONS.

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

### 13 "SEC. 1301. AUTHORIZATION OF APPROPRIATIONS.

14        "(a) IN GENERAL.—Except as otherwise provided in  
15 this section, there are authorized to be appropriated such  
16 sums as are necessary to carry out this Act for each of  
17 fiscal years 2006 through 2010.

18        "(b) TASK FORCE AND AQUATIC INVASIVE SPECIES  
19 PROGRAM.—There are authorized to be appropriated for  
20 each of fiscal years 2006 through 2010—

21               “(1) \$8,000,000, to carry out activities of the  
22               Task Force under section 1202, of which—  
23               “(A) \$4,000,000 shall be used by the Di-  
24               rector;

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

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

6                   “(2) \$30,000,000, to provide grants under sec-  
7                   tion 1204(b);

8                   “(3) \$3,000,000, to provide assistance to the  
9                   regional panels of the Task Force; and

10                  “(4) \$1,000,000, to be used by the Director to  
11                  carry out section 1105(g).

12                  “(c) INTERNATIONAL COORDINATION.—There is au-  
13                  thorized to be appropriated to the Department of State  
14                  to carry out section 1403 \$1,000,000 for each of fiscal  
15                  years 2006 through 2010.

16                  “(d) PREVENTION OF INTRODUCTION BY VESSELS  
17                  OF AQUATIC INVASIVE SPECIES INTO WATERS OF THE  
18                  UNITED STATES.—There are authorized to be appro-  
19                  priated for each of fiscal years 2006 through 2010—

20                  “(1) \$6,000,000, to be used by the Secretary to  
21                  carry out section 1101;

22                  “(2) \$2,500,000, to be used by the Adminis-  
23                  trator to carry out section 1101; and

24                  “(3) \$2,750,000, to be used by the Task Force  
25                  to carry out section 1101, of which—

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

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

5               “(e) PREVENTION OF THE INTRODUCTION BY NON-  
6               VESSEL PATHWAYS OF AQUATIC INVASIVE SPECIES INTO  
7               WATERS OF THE UNITED STATES.—There are authorized  
8               to be appropriated for each of fiscal years 2006 through  
9               2010—

10               “(1) \$5,000,000, to carry out the priority path-  
11               way management program under section 1210, of  
12               which—

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

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

18               “(2) \$1,000,000, to be used by the Invasive  
19               Species Council to establish screening guidelines  
20               under section 1105(b); and

21               “(3) \$3,500,000, to be used by the Director to  
22               promulgate and implement screening requirements  
23               under section 1105(g).

24               “(f) EARLY DETECTION AND MONITORING.—There  
25               is authorized to be appropriated, to carry out early detec-

1 tion, monitoring, and survey planning and implementation  
2 under section 1106, \$2,000,000 for each of fiscal years  
3 2006 and 2007 and \$10,000,000 for each of fiscal years  
4 2008 through 2010, of which—

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

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

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

11               “(2) for each of fiscal years 2008 through  
12 2010—

13                   “(A) \$5,000,000 shall be used by the Na-  
14 tional Oceanic and Atmospheric Administration;  
15 and

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

18               “(g) CONTAINMENT AND CONTROL.—

19               “(1) DISPERSAL BARRIERS.—There are author-  
20 ized to be appropriated for each of fiscal years 2006  
21 through 2010—

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

1                   “(B) \$1,800,000, to be used by the Assistant  
2                   Secretary in carrying out the complete con-  
3                   struction of the Chicago River Canal Dispersal  
4                   Barrier;

5                   “(C) \$8,000,000, to be used by the Assistant  
6                   Secretary for the construction of a second  
7                   long-service life barrier for the Chicago River  
8                   Canal;

9                   “(D) \$500,000, to be used by the Assistant  
10                   Secretary to carry out a feasibility study for  
11                   the construction described in subparagraph (C);  
12                   and

13                   “(E) \$2,150,000, to be used by the Director  
14                   to carry out the monitoring program under  
15                   section 1202(j)(2).

16                   “(2) RAPID RESPONSE.—There are authorized  
17                   to be appropriated for each of fiscal years 2006  
18                   through 2010—

19                   “(A) \$25,000,000, to the Emergency  
20                   Rapid Response Fund established under section  
21                   1211(a), to remain available until expended;

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

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

4                   “(i) \$500,000 shall be used by the  
5                   National Oceanic and Atmospheric Admin-  
6                   istration; and

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

9                   “(3) ENVIRONMENTAL SOUNDNESS.—There is  
10                  authorized to be appropriated for establishment  
11                  under section 1202(k) of criteria for the improve-  
12                  ment of treatment methods for aquatic invasive spe-  
13                  cies \$600,000 for each of fiscal years 2006 through  
14                  2010.

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

18                  “(1) \$500,000, to be used by the Secretary of  
19                  the Interior to carry out the information and edu-  
20                  cation program under section 1202(h)(2)(D);

21                  “(2) \$750,000, to be used by the Director in  
22                  carrying out the 100th meridian program under sec-  
23                  tion 1202(h)(2)(C);

1           “(3) \$2,000,000, to be used to carry out infor-  
2       mational and educational activities of the Task  
3       Force under section 1202(h), of which—

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

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

9           “(4) \$500,000, to be used by the National Oce-  
10       anic and Atmospheric Administration to carry out  
11       section 1202(h)(2)(B)(ii).

12       “(i) RESEARCH.—

13           “(1) ECOLOGICAL AND PATHWAY RESEARCH  
14       AND ANALYSIS.—There are authorized to be appro-  
15       priated for each of fiscal years 2006 through 2010—

16           “(A) \$17,000,000, to be used by the Na-  
17       tional Oceanic and Atmospheric Administration  
18       to carry out sections 1107 and 1108, of which  
19       \$13,000,000 shall be used to carry out the  
20       grant program under section 1107(g));

21           “(B) \$4,000,000, to be used by the Smith-  
22       sonian Environmental Research Center to carry  
23       out sections 1107 and 1108;

24           “(C) \$4,500,000, to be used by the United  
25       States Geological Survey to carry out sections

1           1107 and 1108, of which \$500,000 shall be  
2           used to develop, maintain, and update the data-  
3           base required under section 1107(j)); and

4           “(D) \$1,650,000, to be used by the Great  
5           Lakes Environmental Research Laboratory to  
6           carry out the demonstration program under sec-  
7           tion 1202(i).

8           “(2) DISSEMINATION.—There is authorized to  
9           be appropriated to provide for the dissemination of  
10           information by the Invasive Species Council under  
11           section 1109 \$500,000 for each of fiscal years 2006  
12           through 2010.

13           “(3) TECHNOLOGY DEVELOPMENT, DEM-  
14           ONSTRATION, AND VERIFICATION.—There are au-  
15           thorized to be appropriated for each of fiscal years  
16           2006 through 2010—

17           “(A) \$2,500,000, to be used by the Admin-  
18           istrator for the purposes of environmental  
19           soundness screening and improvement under  
20           section 1110(a);

21           “(B) \$1,000,000, to be used by the Assist-  
22           ant Secretary to carry out the program under  
23           section 1110(b); and

1                   “(C) \$7,500,000, to carry out vessel path-  
2                   way technology development under sections  
3                   1104 and 1301(e).

4                   “(4) VESSEL PATHWAY STANDARDS RE-  
5                   SEARCH.—There are authorized to be appro-  
6                   priated—

7                   “(A) for each of fiscal years 2006 through  
8                   2010, \$3,000,000, to be used for research in  
9                   support of vessels pathway standards and tech-  
10                   nology evaluation under section 1111(a) of  
11                   which—

12                   “(i) \$1,500,000 shall be used by the  
13                   Administrator; and

14                   “(ii) \$2,000,000 shall be used by the  
15                   Secretary of the Coast Guard;

16                   “(B) for each of fiscal years 2006 through  
17                   2008, \$500,000, to be used by the Coast Guard  
18                   to carry out the performance test required  
19                   under section 1111(b); and

20                   “(C) for fiscal year 2006, \$500,000, to be  
21                   used by the Secretary of the Coast Guard to  
22                   enter into an agreement with the National  
23                   Academy of Sciences to carry out the study re-  
24                   quired under section 1111(c).

1           “(5) RESEARCH IN SYSTEMATICS AND TAX-  
2       ONOMY.—There is authorized to be appropriated for  
3       the National Research Foundation to provide re-  
4       search grants for systematics and taxonomy under  
5       section 1112 \$2,500,000 for each of fiscal years  
6       2006 through 2010.”.

7           **TITLE VII—CONFORMING  
8       AMENDMENTS**

9           **SEC. 701. CONFORMING AMENDMENTS.**

10          (a) IN GENERAL.—The Nonindigenous Aquatic Nui-  
11       sance Prevention and Control Act of 1990 is amended—  
12            (1) in section 1102 (16 U.S.C. 4712)—  
13              (A) in subsection (a), by striking the sub-  
14       section heading and inserting the following:  
15            “(a) STUDIES ON INTRODUCTION OF AQUATIC  
16       INVASIVE SPECIES BY VESSELS.—”; and  
17              (B) in subsection (b)—  
18                (i) by striking paragraph (1); and  
19                (ii) by redesignating paragraphs (2)  
20       and (3) as paragraphs (1) and (2), respec-  
21       tively;  
22            (2) in subtitle C (16 U.S.C. 4721 et seq.), by  
23       striking the subtitle heading and inserting the fol-  
24       lowing:

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

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

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

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

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

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

14                  and

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

18   **(b) SHORT TITLE.—**

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

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

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

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