

109TH CONGRESS
1ST SESSION

S. 770

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

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

A BILL

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

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

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

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

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

Sec. 1 Short title; table of contents.

Sec. 2 Findings.

Sec. 3 Definitions.

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

Sec. 101 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;

1 (2) aquatic invasive species continue to be in-
2 troduced into waters of the United States at an un-
3 acceptable rate;

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

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

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

14 (6) wetlands suffer compound impacts from—

15 (A) 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 detec-
25 tion, 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—

3 (A) carry out a comprehensive and thor-
4 ough program to research, prevent, manage,
5 and control the introduction of aquatic species
6 that may become invasive; and

7 (B) to the maximum extent practicable, co-
8 ordinate the program described in subpara-
9 graph (A) with neighboring nations and other
10 programs being carried out globally.

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 ‘Adminis-
18 trator’ means the Administrator of the Environ-
19 mental Protection Agency.

20 “(2) AQUATIC ECOSYSTEMS.—The term ‘aquat-
21 ic 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 ‘orga-
 2 nism transfer’ means the movement of an organism
 3 of any species from 1 ecosystem to another eco-
 4 system outside the historic range of the species.

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

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

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

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

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

21 “(28) SPECIES IN TRADE.—The term ‘species
 22 in trade’ means a species that has a documented his-
 23 tory of being commercially imported into the United
 24 States in the period beginning on January 1, 1990,
 25 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 **TRODUCTION 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

1 organisms by natural and anthropo-
 2 genic means is not significantly al-
 3 tered by the movement of the vessels
 4 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

20 “(B) management of other vessel path-
 21 ways, including the hull and sea chest of a ves-
 22 sel.

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—

14 “(i) establish a numeric ballast water
15 discharge standard at a level that ensures
16 that there is no measurable risk that any
17 viable organisms of nonindigenous species
18 entrained in ballast water that meets the
19 standard will be established in waters of
20 the United States; and

21 “(ii) require that a vessel discharge
22 ballast water the characteristics of which
23 are consistent with clause (i), unless no
24 technology exists to enable a vessel to dis-
25 charge such ballast water.

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-board 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.

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

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

“(F) APPLICATION FOR APPROVAL.—

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

“(ii) APPROVAL AND DISAPPROVAL.—

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

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

1 after the date of receipt of the
2 application—

3 “(AA) review the appli-
4 cation for compliance and
5 consistency with environ-
6 mental soundness criteria
7 promulgated under para-
8 graph (8)(A); and

9 “(BB) approve those
10 ballast water treatment sys-
11 tems that meet those cri-
12 teria; and

13 “(bb) the Secretary, in con-
14 sultation with the Task Force,
15 shall, not later than 180 days
16 after the date of receipt of the
17 application—

18 “(AA) determine
19 whether the ballast water
20 treatment system covered by
21 the application meets the re-
22 quirements of this sub-
23 section, as appropriate;

24 “(BB) approve or dis-
25 approve the application; and

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 “(CC) such period of
2 time for which the Secretary
3 or Administrator (as appro-
4 priate) determines that
5 (based on available informa-
6 tion, including information
7 developed pursuant to para-
8 graph (6)(B)(iii)) there ex-
9 ists a serious deficiency in
10 performance or environ-
11 mental soundness of the sys-
12 tem relative to anticipated
13 performance or environ-
14 mental soundness; and

15 “(dd) be renewed if—

16 “(AA) the Secretary de-
17 termines that the ballast
18 water treatment system re-
19 mains in compliance with
20 applicable standards as of
21 the date of application for
22 renewal; or

23 “(BB) the remaining
24 useful life of the vessel is
25 less than 10 years.

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:

11 “(2) TOWED VESSEL MANAGEMENT PRO-
12 GRAM.—

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

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

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

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

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

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

“(3) MULTIPLE JURISDICTION.—

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

“(B) CULTURED AQUATIC ORGANISMS.—

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

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

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

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

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

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

7 “(f) MEMORANDUM OF UNDERSTANDING.—

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

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

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

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

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

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

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

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

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

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

18 “(i) CATALOG OF SPECIES IN TRADE.—Not later
19 than 1 year after the date of enactment of the National
20 Aquatic Invasive Species Act of 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 subpara-
2 graph (C), on request by the Secretary of the
3 Interior, the Secretary of the Treasury shall
4 transfer from the Fund to the Secretary of the
5 Interior such amounts as the Secretary of the
6 Interior determines are necessary to provide fi-
7 nancial assistance to a State or the Federal
8 rapid response team under subparagraph (B) to
9 assist in implementing rapid response measures
10 for aquatic invasive species.

11 “(B) STATE ASSISTANCE.—

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

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

21 “(I) in a case in which a State
22 has in effect a rapid response contin-
23 gency strategy that is approved under
24 subsection (b), to provide emergency
25 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; or

9 “(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—

11 “(A) the extent of infestations; and

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-

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

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

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

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

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

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

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

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

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

10 “(i) biodiversity of native 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).

“(C) OPERATION AND MAINTENANCE.—

The Chicago sanitary and ship canal dispersal barriers described in subparagraphs (A) and (B) shall be operated and maintained as a system by the Corps of Engineers, at full Federal expense, in such a manner as the Chief Engineer determines optimizes the effectiveness of the barriers.

“(D) CREDIT.—

“(i) IN GENERAL.—The Assistant Secretary shall provide to each State a credit in an amount equal to the proportion that—

“(I) the amount of funds contributed by the State toward the authorized dispersal barriers described in subparagraphs (A) and (B); bears to

“(II) the amount of funds contributed by all States toward the authorized dispersal barriers described in subparagraphs (A) and (B).

“(ii) USE OF CREDIT.—A State may apply a credit received under clause (i) to any existing or future project of the Corps 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-
10 ommended by regional panels con-
11 vened under section 1203, in which
12 interbasin transfers of aquatic
13 invasive species have been shown to
14 pose a significant threat to fish and
15 wildlife resources;

16 “(ii) assess the efficacy of dispersal
17 barriers and other measures in preventing
18 the spread of aquatic invasive species
19 through the waterways; and

20 “(iii) identify waterways suitable for
21 dispersal barrier demonstration projects, in
22 addition to the waterways at which dis-
23 persal barrier demonstration projects were
24 carried out before the date of enactment of

1 the National Aquatic Invasive Species Act
2 of 2005.

3 “(C) REPORTS.—The Secretary of the In-
4 terior shall issue biennial reports describing the
5 findings of the monitoring program.

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 evalu-
12 ate 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—

7 “(I) checking watercraft for live
 8 organisms;

9 “(II) removing live organisms
 10 from the watercraft before the
 11 watercraft are commercially or
 12 recreationally trailered;

13 “(III) encouraging regular hull
 14 cleaning and maintenance, avoiding
 15 in-water hull cleaning; and

16 “(IV) other activities, as identi-
 17 fied by the Secretary.

18 “(iii) PROPER DISPOSAL OF NON-
 19 INDIGENOUS LIVE AQUATIC ORGANISMS IN
 20 TRADE.—The Task Force shall—

21 “(I) not later than 1 year after
 22 the date of enactment of the National
 23 Aquatic Invasive Species Act of 2005,
 24 develop (in consultation with industry
 25 and other affected parties) guidelines

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; and

23 “(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

1 (2) by inserting after paragraph (3) the fol-
2 lowing:

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 Inte-
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—

20 “(i) principal investigators for which
21 funds are made available under this sub-
22 section; and

23 “(ii) researchers conducting research
24 directly relating to vessel pathway tech-
25 nology development; and

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 formance 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.”.

TITLE V—COORDINATION

SEC. 501. PROGRAM COORDINATION.

(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—

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

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

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

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

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

“(9) the Secretary of State;

“(10) the Secretary of Transportation;

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

(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—

(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)—

(A) in subparagraph (A), by inserting before the semicolon at the end the following: “, including, in accordance with guidelines issued by the Task Force under paragraph (5)—

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

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

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

“(iv) screening of planned introductions pursuant to section 1105”; and

(B) in subparagraph (D), by inserting “include” after “(D)”; and

(2) by adding at the end the following:

“(5) GUIDELINES.—

“(A) IN GENERAL.—Not later than 1 year after the date of enactment of the National Aquatic Invasive Species Act of 2005, the Task Force shall amend the guidelines of the Task Force for the development of plans under this subsection, including guidelines for reporting progress in implementing the plans, to encourage consistency in implementation of and reporting 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-

1 cies and enforcement practices referred to
2 in clause (i); and

3 “(B) Mexico, to ensure coordination of ef-
4 forts of the United States with efforts of Mex-
5 ico to manage invasive species established in the
6 United States-Mexico border region.”.

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 Assist-
 2 ant 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 Assist-
 6 ant 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 Assist-
 10 ant 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 Direc-
 14 tor 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.

○