

110TH CONGRESS  
1ST SESSION

# S. 725

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

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## IN THE SENATE OF THE UNITED STATES

MARCH 1, 2007

Mr. LEVIN (for himself and Ms. COLLINS) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

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

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

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

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “National Aquatic Invasive Species Act of 2007”.

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 ECOSYSTEM.—The term ‘aquatic  
21 ecosystem’ means a freshwater, marine, or estuarine  
22 environment (including inland waters and wetlands),  
23 located wholly in the United States.

24 “(3) AQUATIC ORGANISM.—

1           “(A) IN GENERAL.—The term ‘aquatic or-  
 2           ganism’ means a living animal, plant, fungus,  
 3           or microorganism inhabiting or reproducing in  
 4           an aquatic ecosystem.

5           “(B) INCLUSIONS.—The term ‘aquatic or-  
 6           ganism’ includes—

7                   “(i) seeds;

8                   “(ii) eggs;

9                   “(iii) spores; and

10                  “(iv) any other viable biological mate-  
 11                  rial.

12           “(4) ASSISTANT SECRETARY.—The term ‘As-  
 13           sistant Secretary’ means the Assistant Secretary of  
 14           the Army for Civil Works.

15           “(5) BALLAST WATER.—

16                  “(A) IN GENERAL.—The term ‘ballast  
 17                  water’ means—

18                   “(i) any water (including matter sus-  
 19                   pended in the water) taken on board a ves-  
 20                   sel to control trim, list, draught, stability,  
 21                   or stress of the vessel; and

22                   “(ii) any water placed into a ballast  
 23                   tank during cleaning, maintenance, or any  
 24                   other operation.

1                   “(B) EXCLUSION.—The term ‘ballast  
2                   water’ does not include water that, at the time  
3                   of discharge of the water—

4                   “(i) does not contain any aquatic  
5                   invasive species that was taken on board a  
6                   vessel; and

7                   “(ii) was used for a purpose described  
8                   in subparagraph (A)(i).

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

13                  “(A) the most biologically effective;

14                  “(B) the most environmentally sound; and

15                  “(C) suitable, available, and economically  
16                  practicable.

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

20                  “(8) DIRECTOR.—The term ‘Director’ means  
21                  the Director of the United States Fish and Wildlife  
22                  Service.

23                  “(9) ENVIRONMENTALLY SOUND.—The term  
24                  ‘environmentally sound’, refers to an activity that  
25                  prevents or reduces introductions, or controls infes-

1 tations, of aquatic invasive species in a manner that  
 2 minimizes adverse effects on—

3 “(A) the structure and function of an eco-  
 4 system; and

5 “(B) nontarget organisms and ecosystems.

6 “(10) EXCLUSIVE ECONOMIC ZONE.—The term  
 7 ‘exclusive economic zone’ means the area comprised  
 8 of—

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

12 “(B) the equivalent zones of Canada and  
 13 Mexico.

14 “(11) EXISTING VESSEL.—The term ‘existing  
 15 vessel’ means any vessel that enters service on or be-  
 16 fore December 31, 2009.

17 “(12) GREAT LAKES.—The term ‘Great Lakes’  
 18 means—

19 “(A) Lake Erie;

20 “(B) Lake Huron (including Lake Saint  
 21 Clair);

22 “(C) Lake Michigan;

23 “(D) Lake Ontario;

24 “(E) Lake Superior;



1                   “(F) the connecting channels of those  
2                   Lakes, including—

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

4                   “(ii) the Saint Clair River;

5                   “(iii) the Detroit River;

6                   “(iv) the Niagara River; and

7                   “(v) the Saint Lawrence River to the  
8                   Canadian border; and

9                   “(G) any other body of water located with-  
10                  in the drainage basin of a Lake, River, or con-  
11                  necting channel described in any of subpara-  
12                  graphs (A) through (F).

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

17                  “(14) IN TRADE.—The term ‘in trade’, with re-  
18                  spect to a species, means a species that has a docu-  
19                  mented history of repeatedly being commercially im-  
20                  ported into the United States during the period be-  
21                  ginning on January 1, 1990, and ending on January  
22                  1, 2007.

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

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

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

6 “(17) INTRODUCTION.—The term ‘introduction’  
7 means the transfer of an organism to an ecosystem  
8 outside the historic range of the species of which the  
9 organism is a member.

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

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

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

21 “(21) NEW VESSEL.—The term ‘new vessel’  
22 means any vessel that enters service on or after Jan-  
23 uary 1, 2010.

24 “(22) NONINDIGENOUS SPECIES.—The term  
25 ‘nonindigenous species’ means any species in an eco-

1 system the range of which exceeds the historic range  
2 of the species in that ecosystem.

3 “(23) ORGANISM TRANSFER.—The term ‘orga-  
4 nism transfer’ means the movement of an organism  
5 of any species from 1 ecosystem to another eco-  
6 system outside the historic range of the species.

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

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

14 “(26) REGIONAL PANEL.—The term ‘regional  
15 panel’ means a panel convened in accordance with  
16 section 1203.

17 “(27) SALTWATER FLUSHING.—The term ‘salt-  
18 water flushing’ means the process of—

19 “(A) adding midocean water to a ballast  
20 water tank that contains residual quantities of  
21 ballast water;

22 “(B) mixing the midocean water with the  
23 residual ballast water and sediment in the tank  
24 through the motion of a ship; and

1           “(C) discharging the mixed water so that  
2           the salinity of the resulting residual ballast  
3           water in the tank exceeds 30 parts per thou-  
4           sand.

5           “(28) SECRETARY.—The term ‘Secretary’  
6           means the Secretary of Homeland Security.

7           “(29) SPECIES.—The term ‘species’ means any  
8           fundamental category of taxonomic classification  
9           below the level of genus or subgenus, including a  
10          species, subspecies, or any recognized variety of ani-  
11          mal, plant, fungus, or microorganism.

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

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

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

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

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

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

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

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

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

20 **SEC. 101. PREVENTION OF INTRODUCTION OF AQUATIC**  
21 **INVASIVE SPECIES INTO WATERS OF THE**  
22 **UNITED STATES BY VESSELS.**

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

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

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

6 “(1) INVASIVE SPECIES MANAGEMENT PLAN.—

7 “(A) IN GENERAL.—Effective beginning on  
8 the date that is 180 days after the issuance of  
9 guidelines pursuant to subparagraph (D) and  
10 promulgation of any regulations under this sec-  
11 tion, each vessel that is designed, constructed,  
12 or adapted with a ballast tank, and any towed  
13 vessel or structure, operating in waters of the  
14 United States shall have in effect, and have  
15 available for inspection, an aquatic invasive spe-  
16 cies management plan.

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

21 “(C) REQUIREMENTS.—The management  
22 plan shall—

23 “(i) prescribe a safe and effective  
24 means to minimize, with the goal of elimi-  
25 nation, introductions and transfers of  
26 invasive species; and

1 “(ii) include, at a minimum, such in-  
2 formation as is requested by the Secretary  
3 pursuant to subparagraph (D), including—

4 “(I) operational requirements to  
5 safely and effectively comply with the  
6 applicable ballast water management  
7 requirements under paragraph (4);

8 “(II) operational requirements to  
9 safely and effectively carry out any  
10 actions consistent with a rapid re-  
11 sponse contingency strategy required  
12 by States and approved by the Sec-  
13 retary under section 1211;

14 “(III) at the discretion of the  
15 Secretary, other operational require-  
16 ments that are specified in guidelines  
17 adopted by the International Maritime  
18 Organization;

19 “(IV) a description of all report-  
20 ing requirements and a copy of each  
21 form necessary to meet those require-  
22 ments;

23 “(V) the position of the officer  
24 responsible for implementation of bal-

1 last water management and reporting  
2 procedures on board;

3 “(VI) documents relevant to  
4 aquatic invasive species management  
5 equipment or procedures;

6 “(VII) a description of the loca-  
7 tion of access points for sampling bal-  
8 last or sediments pursuant to para-  
9 graph (3)(B)(vi);

10 “(VIII) a description of require-  
11 ments relating to compliance with any  
12 approved rapid response strategy rel-  
13 evant to the voyage of the vessel;

14 “(IX) a contingency strategy ap-  
15 plicable under section 1211, if appro-  
16 priate; and

17 “(X) such requirements described  
18 in subsection (b) as are applicable to  
19 the vessel.

20 “(D) GUIDELINES.—Not later than 18  
21 months after the date of enactment of the Na-  
22 tional Aquatic Invasive Species Act of 2007, the  
23 Secretary shall issue final guidelines for the de-  
24 velopment of invasive species management  
25 plans, including guidelines that—



1 “(i) identify types of vessels for which  
2 plans are required;

3 “(ii) establish processes for updating  
4 and revising the plans; and

5 “(iii) establish criteria for compliance  
6 with this subsection.

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

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

11 “(B) permit inspection of the records by  
12 representatives of the Secretary and of the  
13 State in which the port is located; and

14 “(C) transmit records to the National Bal-  
15 last Information Clearinghouse established  
16 under section 1102(f).

17 “(3) BEST MANAGEMENT PRACTICES.—

18 “(A) IN GENERAL.—Not later than 18  
19 months after the date of enactment of the Na-  
20 tional Aquatic Invasive Species Act of 2007, the  
21 Secretary shall issue guidelines on best manage-  
22 ment practices to minimize, with the goal of  
23 elimination, and monitor organism transfer by  
24 vessels.

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

3 “(i) sediment management in trans-  
 4 oceanic vessels;

5 “(ii) minimization of ballast water up-  
 6 take in areas in which there is a greater  
 7 risk of harmful organisms entering ballast  
 8 tanks (such as areas with toxic algal  
 9 blooms or known outbreaks of aquatic  
 10 invasive species);

11 “(iii) avoidance of unnecessary dis-  
 12 charge of ballast water in a port that was  
 13 taken up in another port;

14 “(iv) to the maximum extent prac-  
 15 ticable, collection and the proper disposal  
 16 of debris from the cleaning of the hull;

17 “(v) proper use of anti-fouling coat-  
 18 ing; and

19 “(vi) provision of sample access ports  
 20 in ballast piping for sampling of ballast in-  
 21 take and discharge.

22 “(4) BALLAST WATER MANAGEMENT.—

23 “(A) IN GENERAL.—Effective beginning on  
 24 the date that is 180 days after the Secretary  
 25 promulgates regulations to carry out this sec-

tion, and except as provided in subparagraph (B), each vessel equipped with a ballast water tank that enters a United States port shall comply with the regulations relating to ballast water management.

“(B) EXCEPTIONS.—

“(i) VESSELS OPERATING ENTIRELY WITHIN EXCLUSIVE ECONOMIC ZONE.—A vessel equipped with a ballast tank, and any towed vessel or structure, that operates entirely within the exclusive economic zone shall not be required to comply with the regulations described in subsection (b)(2).

“(ii) VESSELS OPERATING IN ENCLOSED AQUATIC ECOSYSTEMS.—

“(I) IN GENERAL.—Subject to subclause (II), an existing vessel equipped with a ballast tank, and any towed vessel or structure, that operates exclusively in the upper 4 Great Lakes (Lake Superior, Lake Michigan, Lake Huron, and Lake Erie, and the connecting channels), or in another enclosed aquatic ecosystem shall

1 not be required to comply with the  
 2 regulations described in subsection  
 3 (b)(1).

4 “(II) ADDITIONAL ENCLOSED  
 5 AQUATIC ECOSYSTEMS.—The Admin-  
 6 istrator and the Under Secretary, in  
 7 consultation with regional panels of  
 8 the Task Force, may determine addi-  
 9 tional enclosed aquatic ecosystems in  
 10 which the potential for movement of  
 11 organisms by natural and anthropo-  
 12 genic means is not significantly al-  
 13 tered by the movement of the vessels  
 14 equipped with ballast tanks.

15 “(b) INVASIVE SPECIES MANAGEMENT REGULA-  
 16 TIONS AND CERTIFICATION PROCEDURES.—

17 “(1) REGULATIONS.—Not later than 18 months  
 18 after the date of enactment of the National Aquatic  
 19 Invasive Species Act of 2007, the Secretary, with the  
 20 concurrence of the Administrator and in consultation  
 21 with the Task Force, shall promulgate final regula-  
 22 tions establishing performance requirements for ves-  
 23 sels to reduce, with the goal of elimination, introduc-  
 24 tion by the vessels of invasive species to waters of  
 25 the United States, including—

1           “(A) ballast water management operations  
2           (including relevant contingency procedures in  
3           instances in which a safety exemption is used  
4           pursuant to subsection (h)); and

5           “(B) management of other vessel path-  
6           ways, including the hull and sea chest of a ves-  
7           sel.

8           “(2) BALLAST WATER EXCHANGE.—The ballast  
9           water exchange regulations promulgated pursuant to  
10          paragraph (1)—

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

12           “(B) shall expire not later than December  
13          31, 2011; and

14           “(C) shall include—

15           “(i) a provision for ballast water ex-  
16          change that requires—

17           “(I) at least 1 empty-and-refill  
18           cycle, outside the exclusive economic  
19           zone or in an alternative exchange  
20           area designated by the Secretary, of  
21           each ballast tank that contains ballast  
22           water to be discharged into waters of  
23           the United States; or

24           “(II) for a case in which the  
25          master of a vessel determines that

1 compliance with the requirement  
 2 under subclause (I) is impracticable, a  
 3 sufficient number of flow-through ex-  
 4 changes of ballast water, outside the  
 5 exclusive economic zone or in an alter-  
 6 native exchange area designated by  
 7 the Secretary, to achieve replacement  
 8 of at least 95 percent of ballast water  
 9 in ballast tanks of the vessel, as deter-  
 10 mined by a certification dye study  
 11 conducted or model developed in ac-  
 12 cordance with protocols developed  
 13 under paragraph (5)(B) and recorded  
 14 in the management plan of a vessel  
 15 pursuant to subsection  
 16 (a)(1)(C)(ii)(I); and

17 “(ii) if a ballast water exchange is not  
 18 undertaken pursuant to subsection (h), a  
 19 contingency procedure that requires the  
 20 master of a vessel to use the best prac-  
 21 ticable technology or practice to treat bal-  
 22 last discharge.

23 “(3) BALLAST WATER TREATMENT.—

24 “(A) IN GENERAL.—The regulations pro-  
 25 mulgated pursuant to paragraph (1) shall re-

quire a vessel to which this section applies to  
conduct ballast water treatment beginning on  
January 1, 2012, in accordance with this para-  
graph before discharging ballast water.

“(B) PERFORMANCE STANDARDS.—Sub-  
ject to subparagraph (C)(ii), the regulations  
shall require that ballast water discharged  
shall—

“(i) contain—

“(I) less than 1 living organism  
per 10 cubic meters that is 50 or  
more micrometers in minimum dimen-  
sion;

“(II) less than 1 living organism  
per 10 milliliters that is—

“(aa) less than 50 microm-  
eters in minimum dimension; and

“(bb) more than 10 microm-  
eters in minimum dimension;

“(III) concentrations of indicator  
microbes that are less than—

“(aa)(AA) 1 colony-forming  
unit of toxicogenic *Vibrio cholera*  
(serotypes O1 and O139) per  
100 milliliters; or

1 “(BB) 1 colony-forming unit  
 2 of that microbe per gram of wet  
 3 weight of zoological samples;

4 “(bb) 126 colony-forming  
 5 units of escherichia coli per 100  
 6 milliliters; and

7 “(cc) 33 colony-forming  
 8 units of intestinal enterococci per  
 9 100 milliliters; and

10 “(IV) concentrations of such ad-  
 11 ditional indicator microbes as may be  
 12 specified in regulations promulgated  
 13 by the Secretary, in consultation with  
 14 the Administrator, that are less than  
 15 the quantities specified in those regu-  
 16 lations; or

17 “(ii) comply with an alternative stand-  
 18 ard that is at least as protective as the  
 19 standards under clause (i), as determined  
 20 by the Secretary.

21 “(C) BEST PERFORMANCE TREATMENT  
 22 AVAILABLE.—

23 “(i) IN GENERAL.—Not later than  
 24 December 31, 2010, the Secretary, in con-  
 25 sultation with the Administrator, based on



1 technology assessments implemented before  
2 July 31, 2010, shall determine whether  
3 technologies exist that provide for the  
4 achievement of the standards described in  
5 subparagraph (B).

6 “(ii) MODIFICATION OF STAND-  
7 ARDS.—If the Secretary, in consultation  
8 with the Administrator, determines under  
9 clause (i) that no technology exists that  
10 provides for the achievement of the stand-  
11 ards described in subparagraph (B), the  
12 Secretary shall modify the standards to en-  
13 sure consistency with the best performance  
14 treatment available among treatment sys-  
15 tems assessed that meet, at a minimum,  
16 the applicable ballast water discharge  
17 standard of the International Maritime Or-  
18 ganization.

19 “(D) RECEPTION FACILITY EXCEPTION.—

20 “(i) IN GENERAL.—The requirements  
21 of this paragraph shall not apply to a ves-  
22 sel that discharges ballast water into a  
23 land-based or water-based facility for the  
24 reception of ballast water that meets each  
25 applicable standard under clause (ii).

1 “(ii) APPLICABLE STANDARDS.—Not  
2 later than 1 year after the date of enact-  
3 ment of the National Aquatic Invasive Spe-  
4 cies Act of 2007, the Administrator and  
5 the Secretary shall jointly promulgate  
6 standards for—

7 “(I) the reception of ballast  
8 water in land-based and water-based  
9 reception facilities; and

10 “(II) the disposal or treatment of  
11 received ballast water in a manner  
12 that does not damage the environ-  
13 ment, human health, property, or re-  
14 sources.

15 “(4) REVIEW AND REVISION.—The Secretary,  
16 in concurrence with the Administrator, shall review  
17 and revise, not less frequently than once every 3  
18 years—

19 “(A) any determination relating to the de-  
20 termination under paragraph (3)(C)(i); and

21 “(B) any modification of a standard under  
22 paragraph (3)(C)(ii).

23 “(5) CERTIFICATION OF TREATMENTS AND  
24 PRACTICES.—

1           “(A) IN GENERAL.—Not later than the  
2           date on which regulations are promulgated pur-  
3           suant to paragraph (1), the Secretary shall,  
4           with the concurrence of the Administrator, pro-  
5           mulgate regulations for—

6                   “(i) the certification of treatments or  
7                   practices the performances of which com-  
8                   ply with the regulations; and

9                   “(ii) on-going enforcement of the ef-  
10                  fective use of the certified treatments or  
11                  practices.

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

“(C) CERTIFICATION OF ALL OTHER BALLAST WATER DISCHARGE TREATMENTS.—The certification of treatments in compliance with the regulations promulgated pursuant to paragraph (3) shall be based on a qualified type-approval process that—

“(i) is capable of estimating the extent to which ballast water discharge treated by a ballast water treatment system is likely to comply with applicable standards, including any restrictions relating to—

“(I) biological, chemical, or physical conditions of water taken into ballast; and

“(II) conditions encountered during a voyage;

“(ii) is capable of determining the extent to which a ballast water treatment method—

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

“(II) is safe for vessel and crew;

1 “(iii) may be used in estimating the  
 2 expected useful life of the ballast water  
 3 treatment system, as determined on the  
 4 basis of voyage patterns and normal use  
 5 conditions;

6 “(iv) includes a ship-board testing  
 7 component (and may include a shore-based  
 8 testing component);

9 “(v) provides for appropriate moni-  
 10 toring, as determined by the Adminis-  
 11 trator;

12 “(vi) provides for revocation by the  
 13 Administrator of approval pending the re-  
 14 sults of the monitoring; and

15 “(vii) is cost-effective.

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

22 “(E) REVIEW AND REVISION.—Not less  
 23 frequently than once every 3 years, the Sec-  
 24 retary, in conjunction with the Administrator,

1 shall review and, if necessary, revise the certifi-  
 2 cation process pursuant to subsection (d)(1).

3 “(F) APPLICATION FOR APPROVAL.—

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

11 “(ii) APPROVAL AND DISAPPROVAL.—

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

14 “(aa) the Administrator  
 15 shall, not later than 90 days  
 16 after the date of receipt of the  
 17 application—

18 “(AA) review the appli-  
 19 cation for compliance and  
 20 consistency with environ-  
 21 mental soundness criteria  
 22 promulgated under para-  
 23 graph (8)(A); and

24 “(BB) approve those  
 25 ballast water treatment sys-

1                   tems that meet those cri-  
2                   teria; and

3                   “(bb) the Secretary, in con-  
4                   sultation with the Task Force,  
5                   shall, not later than 180 days  
6                   after the date of receipt of the  
7                   application—

8                   “(AA)           determine  
9                   whether the ballast water  
10                  treatment system covered by  
11                  the application meets the re-  
12                  quirements of this sub-  
13                  section, as appropriate;

14                  “(BB) approve or dis-  
15                  approve the application; and

16                  “(CC) provide the ap-  
17                  plicant written notice of ap-  
18                  proval or disapproval.

19                  “(II) LIMITATIONS.—An applica-  
20                  tion approved under subclause (I)  
21                  shall—

22                  “(aa) be qualified with any  
23                  limitations relating to voyage  
24                  pattern, duration, or any other  
25                  characteristic that may affect the

1 effectiveness or environmental  
2 soundness of the ballast water  
3 treatment system covered by the  
4 application, as determined by the  
5 Secretary in consultation with  
6 the Administrator;

7 “(bb) be applicable to a spe-  
8 cific vessel or group of vessels, as  
9 determined by the Secretary;

10 “(cc) be valid for the least  
11 of—

12 “(AA) the expected use-  
13 ful life of the ballast water  
14 treatment system;

15 “(BB) 10 years; or

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



1                   mental soundness of the sys-  
 2                   tem relative to anticipated  
 3                   performance or environ-  
 4                   mental soundness; and  
 5                   “(dd) be renewed if—

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

13                  “(BB) the remaining  
 14                  useful life of the vessel is  
 15                  less than 10 years.

16                  “(6) EXPERIMENTAL APPROVAL FOR BALLAST  
 17                  WATER TREATMENT.—

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

22                  “(i) has the potential to achieve the  
 23                  standards required under paragraph (3);  
 24                  and

1 “(ii) is likely to achieve a minimum  
2 performance that is the same as or more  
3 stringent than a standard required under  
4 paragraph (3)(C)(ii), as applicable.

5 “(B) APPROVAL.—The Secretary shall ap-  
6 prove an application under subparagraph (A)  
7 if—

8 “(i) the Secretary and the Adminis-  
9 trator determine that the treatment tech-  
10 nologies have the potential to achieve the  
11 standards required under paragraph (3);  
12 and

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

19 “(I) comply with environmental  
20 requirements (including regulations);  
21 and

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

1           “(C) WAIVER.—If the Secretary approves  
 2           an application under subparagraph (B), the  
 3           Secretary and the Administrator may waive the  
 4           requirements under subsection (a)(4)(A) with  
 5           respect to the vessel that is subject to the appli-  
 6           cation approved.

7           “(D) LIMITATIONS.—

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

13          “(ii) PERIOD OF APPROVAL.—Ap-  
 14          proval granted under subparagraph (B)  
 15          shall be for the least of—

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

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

19               “(III) a period ending on the  
 20               date that the Secretary and Adminis-  
 21               trator (as appropriate) determines  
 22               that there exists a serious deficiency  
 23               in performance or human safety or  
 24               environmental soundness of the sys-

1                   tem relative to anticipated perform-  
2                   ance or environmental soundness.

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

12                  “(iv) RENEWAL.—An experimental  
13                  approval may be renewed in accordance  
14                  with paragraph (5)(F)(ii).

15                  “(7) INCENTIVES FOR USE OF TREATMENT SYS-  
16                  TEMS.—

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

23                         “(i) a sampling protocol and test pro-  
24                         gram for cost effective treatment evalua-  
25                         tion;

1 “(ii) sources of sampling equipment  
2 and field biological expertise; and

3 “(iii) examples of shipboard evalua-  
4 tion studies.

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

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

20 “(8) ENVIRONMENTAL SOUNDNESS CRITERIA  
21 FOR BALLAST TREATMENTS.—

22 “(A) IN GENERAL.—The Administrator  
23 shall include in criteria promulgated under sec-  
24 tion 1202(k)(1)(A) specific criteria—

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

3 “(ii) to grant environmental sound-  
4 ness exceptions under subparagraph (B).

5 “(B) EXCEPTIONS.—The Secretary and  
6 the Administrator shall submit to Congress a  
7 report on the need for short-term emergency ex-  
8 ceptions to the environmental soundness criteria  
9 promulgated under subparagraph (A).

10 “(c) GREAT LAKES PROGRAM.—

11 “(1) REGULATIONS.—

12 “(A) IN GENERAL.—Until such time as  
13 regulations are promulgated to implement the  
14 amendments made by the National Aquatic  
15 Invasive Species Act of 2007, regulations pro-  
16 mulgated to carry out this Act shall remain in  
17 effect until revised or replaced pursuant to the  
18 National Aquatic Invasive Species Act of 2007.

19 “(B) NO BALLAST ON BOARD.—Not later  
20 than 180 days after the date of enactment of  
21 the National Aquatic Invasive Species Act of  
22 2007, the Secretary shall promulgate regula-  
23 tions to minimize the discharge of invasive spe-  
24 cies from ships that claim no ballast on board,  
25 or that claim to be carrying only unpumpable

quantities of ballast, including, at a minimum,  
a requirement that—

“(i) such a ship shall conduct salt-  
water flushing of ballast water tanks—

“(I) outside the exclusive eco-  
nomic zone; or

“(II) at a designated alternative  
exchange site; and

“(ii) before being allowed entry be-  
yond the St. Lawrence Seaway, the master  
of such a ship shall certify that the ship  
has complied with each applicable require-  
ment under this subsection.

“(C) EARLY TECHNOLOGY.—

“(i) IN GENERAL.—Not later than  
180 days after the date of enactment of  
the National Aquatic Invasive Species Act  
of 2007, the Secretary shall promulgate  
regulations allowing ships entering the  
Great Lakes to use a ballast water treat-  
ment technology that is as effective as bal-  
last water exchange, as determined by the  
Secretary.

“(ii) REQUIREMENT.—The regulations  
under clause (i) shall include a provision

1           that a ballast water treatment technology  
2           used for purposes of complying with the  
3           regulations shall be permitted for the  
4           shorter of—

5                   “(I) the 10-year period beginning  
6                   on the date of initial use of the tech-  
7                   nology; and

8                   “(II) the life of the ship on which  
9                   the technology is used.

10                   “(iii) TREATMENT EQUIVALENCY TO  
11                   BALLAST WATER EXCHANGE.—For pur-  
12                   poses of the regulations under clause (i),  
13                   the discharge standard of the International  
14                   Maritime Organization shall be considered  
15                   to be as effective as ballast water ex-  
16                   change.

17                   “(2) RELATIONSHIP TO OTHER PROGRAMS.—

18           On implementation of a national mandatory ballast  
19           management program that is at least as comprehen-  
20           sive as the Great Lakes program (as determined by  
21           the Secretary, in consultation with the Governors of  
22           Great Lakes States)—

23                   “(A) the program regulating vessels and  
24                   ballast water in Great Lakes under this section  
25                   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 2007, 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) 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 2007, 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 2007, 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 “(e) 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           “(f) 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           “(g) 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           “(h) SAFETY EXEMPTION.—

19               “(1) MASTER DISCRETION.—The Master of a  
20 vessel is not required to conduct a ballast water ex-  
21 change if the Master determines that the exchange  
22 would threaten the safety or stability of the vessel,  
23 or the crew or passengers of the vessel, because of  
24 adverse weather, vessel architectural design, equip-  
25 ment failure, or any other extraordinary conditions.

1           “(2) OTHER REQUIREMENTS.—A vessel that  
2       does not exchange ballast water on the high seas  
3       under paragraph (1) shall not discharge ballast  
4       water in any harbor, except in accordance with a  
5       contingency strategy approved by the Secretary (and  
6       included in the invasive species management plan of  
7       the vessel) to reduce the risk of organism transfer  
8       by the discharge (using the best practicable tech-  
9       nology and practices pursuant to regulations promul-  
10      gated under subsection (b)(1)).

11       “(i) NON-DISCRIMINATION.—The Secretary shall en-  
12      sure that vessels registered outside of the United States  
13      do not receive more favorable treatment than vessels reg-  
14      istered in the United States in any case in which the Sec-  
15      retary performs studies, reviews compliance, determines  
16      effectiveness, establishes requirements, or performs any  
17      other responsibilities under this Act.

18       “(j) EFFECT ON OTHER LAW.—Nothing in this sec-  
19      tion or any regulation promulgated under this section su-  
20      persedes or otherwise affects any requirement or prohibi-  
21      tion relating to the discharge of ballast water under the  
22      Federal Water Pollution Control Act (33 U.S.C. 1251 et  
23      seq.).”.

24       (b) CONFORMING AMENDMENTS.—

1           (1) Section 1102(c)(1) of the Nonindigenous  
 2       Aquatic Nuisance Prevention and Control Act of  
 3       1990 (16 U.S.C. 4712(c)(1)) is amended by striking  
 4       “issued under section 1101(b)” and inserting “pro-  
 5       mulgated under section 1101(e)”.

6           (2) Section 1102(f)(1)(B) of the Nonindigenous  
 7       Aquatic Nuisance Prevention and Control Act of  
 8       1990 (16 U.S.C. 4712(f)(1)(B)) is amended by  
 9       striking “guidelines issued pursuant to section  
 10      1101(c)” and inserting “regulations promulgated  
 11      under section 1101(e)”.

12 **SEC. 102. ARMED SERVICES WHOLE VESSEL MANAGEMENT**  
 13 **PROGRAM.**

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

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

19 **“SEC. 1103. ARMED SERVICES WHOLE VESSEL MANAGE-**  
 20 **MENT PROGRAM.”;**

21       and

22           (2) in subsection (a)—

23               (A) by striking “Subject to” and inserting  
 24       the following:

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

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

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

4 “(A) IN GENERAL.—Subject to operational  
5 conditions, the Secretary of Defense, in con-  
6 sultation with the Secretary and the Task  
7 Force, shall implement a towed vessel manage-  
8 ment program for Department of Defense ves-  
9 sels to minimize the risk of introductions of  
10 aquatic invasive species through hull and asso-  
11 ciated hull aperture transfers by towed vessels.

12 “(B) CURRENT BALLAST PROGRAM.—Ex-  
13 cept as provided in subparagraph (A), this Act  
14 does not affect the ballast program for Depart-  
15 ment of Defense vessels in effect on the date of  
16 enactment of the National Aquatic Invasive  
17 Species Act of 2007.

18 “(3) REPORTS.—Not later than 3 years after  
19 the date of enactment of the National Aquatic  
20 Invasive Species Act of 2007, and every 3 years  
21 thereafter, the Secretary of Defense shall submit to  
22 Congress a report that includes a summary and  
23 analysis of the program carried out under this sec-  
24 tion.”.



1 **TITLE II—PREVENTION OF IN-**  
2 **TRODUCTION OF AQUATIC**  
3 **INVASIVE SPECIES BY OTHER**  
4 **PATHWAYS**

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

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

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

11 “(a) IDENTIFICATION OF HIGH PRIORITY PATH-  
12 WAYS.—Not later than 2 years after the date of enactment  
13 of the National Aquatic Invasive Species Act of 2007, and  
14 every 3 years thereafter, the Task Force, in coordination  
15 with the National Invasive Species Council and in con-  
16 sultation with representatives of States, industry, and  
17 other interested parties, shall, based on pathway surveys  
18 conducted under this title and other available research re-  
19 lating to the rates of introductions in waters of the United  
20 States—

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

24 “(2) develop recommendations for management  
25 strategies for those high-risk pathways;

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

5 “(4) identify invasive species not yet introduced  
 6 into waters of the United States that are likely to  
 7 be introduced into waters of the United States un-  
 8 less preventative measures are taken.

9 “(b) MANAGEMENT OF HIGH PRIORITY PATH-  
 10 WAYS.—Not later than 3 years after the date of enactment  
 11 of the National Aquatic Invasive Species Act of 2007, the  
 12 Task Force or agencies of jurisdiction shall, to the max-  
 13 imum extent practicable, implement the strategies de-  
 14 scribed in subsection (a)(2), considering appropriate peri-  
 15 odic updates to the strategies.”.

16 **SEC. 202. SCREENING PROCESS FOR PLANNED IMPORTA-**  
 17 **TIONS OF LIVE AQUATIC ORGANISMS.**

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

21 **“SEC. 1105. SCREENING PROCESS FOR PLANNED IMPORTA-**  
 22 **TIONS OF AQUATIC ORGANISMS.**

23 “(a) PURPOSE.—The purpose of the screening proc-  
 24 ess under this section is to prevent the introduction or  
 25 establishment of aquatic invasive species, including patho-

1 gens and parasites of the species, in waters of the United  
2 States and contiguous waters of Canada and Mexico.

3 “(b) CATALOG OF SPECIES IN TRADE.—Not later  
4 than 18 months after the date of enactment of the Na-  
5 tional Aquatic Invasive Species Act of 2007, the Director  
6 of the United States Geological Survey, the Administrator  
7 of the Animal and Plant Health Inspection Service, the  
8 Director of the Smithsonian Environmental Research Cen-  
9 ter, and other Federal agencies with jurisdiction over  
10 planned importations of live organisms, shall—

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

13 “(2) include the catalog in the information pro-  
14 vided to the public pursuant to section 1102(f) .

15 “(c) PLANNED IMPORTATIONS.—Not later than 3  
16 years after the date of enactment of the National Aquatic  
17 Invasive Species Act of 2007, no aquatic organism of a  
18 species that is not in trade shall be imported into the  
19 United States without screening and approval in accord-  
20 ance with this section.

21 “(d) GUIDELINES.—

22 “(1) IN GENERAL.—Not later than 30 months  
23 after the date of enactment of the National Aquatic  
24 Invasive Species Act of 2007, the National Invasive  
25 Species Council, in conjunction with the Task Force

1 and in consultation with affected regional panels,  
 2 States, Indian tribes, and other stakeholders, shall  
 3 promulgate guidelines for screening proposed  
 4 planned importations of aquatic organisms into the  
 5 United States.

6 “(2) CONTENT.—At a minimum, the guidelines  
 7 under paragraph (1) shall include guidelines relating  
 8 to—

9 “(A) the minimum information require-  
 10 ments for screening determinations under sub-  
 11 section (e);

12 “(B) a simplified notification procedure for  
 13 any additional shipment of organisms that may  
 14 occur after completion of an initial screening  
 15 process and determination under subsection (e);

16 “(C) application forms; and

17 “(D) shipping labels.

18 “(3) FACTORS FOR CONSIDERATION.—In devel-  
 19 oping guidelines under this section, the National  
 20 Invasive Species Council and the Task Force shall  
 21 take into consideration—

22 “(A) the likelihood of the spread of the ap-  
 23 plicable species by human or natural means;

24 “(B) species that may occur in association  
 25 with the species planned for importation, in-

1 including pathogens, parasites, and free-living or-  
 2 ganisms;

3 “(C) regional differences in the probability  
 4 of invasion and associated impacts;

5 “(D) the difficulty of controlling an estab-  
 6 lished population of an aquatic invasive species  
 7 in the wild;

8 “(E) the profile established under section  
 9 1108(b);

10 “(F) any applicable best available science;

11 “(G) the potential benefits associated with  
 12 the species; and

13 “(H) the requirements of international law.

14 “(e) SCREENING.—

15 “(1) EVALUATION.—

16 “(A) IN GENERAL.—Not later than 180  
 17 days after the date of publication of the guide-  
 18 lines under subsection (d), each Federal agency  
 19 with authority over an importation into the  
 20 United States of an aquatic organism of a spe-  
 21 cies that is not in trade, as determined in ac-  
 22 cordance with the catalog under subsection (b),  
 23 and that is proposed for importation into the  
 24 United States, shall—

1 “(i) promulgate regulations in accord-  
2 ance with the guidelines under subsection  
3 (d); and

4 “(ii) carry out screening in accordance  
5 with this subsection.

6 “(B) REQUIREMENTS.—The head a Fed-  
7 eral agency described in subparagraph (A) or  
8 the Director, as applicable, shall—

9 “(i) prohibit the importation into the  
10 United States of any species described in  
11 clause (i) or (iii) of paragraph (2)(B), un-  
12 less the importation is for the sole purpose  
13 of research conducted in accordance with  
14 section 1202(f)(2);

15 “(ii) restrict, as necessary, the impor-  
16 tation of any species described in sub-  
17 section (2)(B)(ii), unless the importation is  
18 for the sole purpose of research conducted  
19 in accordance with section 1202(f)(2);

20 “(iii) make a determination under this  
21 subsection not later than 180 days after  
22 receiving a complete request for permission  
23 to import a aquatic organism; and

24 “(iv) make the results of the screening  
25 process available to the public.

1           “(2) CATEGORIES.—The screening process  
2       under this subsection shall require—

3           “(A) to the maximum extent practicable,  
4       the identification, preferably to the species level  
5       but, at a minimum, to the genus level, of aquat-  
6       ic organisms proposed for importation; and

7           “(B) the designation of—

8           “(i) species with a high or moderate  
9       probability of undesirable impacts to areas  
10      within the United States and contiguous  
11      areas of neighboring countries to which the  
12      species is likely to be spread;

13          “(ii) species with a low or no prob-  
14      ability of undesirable impacts to areas  
15      within the United States and contiguous  
16      areas of neighboring counties to which the  
17      species is likely to be spread; and

18          “(iii) species with respect to which  
19      there is insufficient information to deter-  
20      mine the risk of such undesirable impacts.

21          “(3) DELEGATION AND AUTHORITY.—

22          “(A) IN GENERAL.—If no Federal agency  
23      has the authority described in paragraph  
24      (1)(A), or if the head of such a Federal agency  
25      delegates the screening authority to the Direc-

1 tor under subparagraph (B), the Director shall  
 2 screen the organism.

3 “(B) DELEGATION TO DIRECTOR.—The  
 4 head of a Federal agency with the authority de-  
 5 scribed in paragraph (1)(A) may delegate to the  
 6 Director the authority to carry out the screen-  
 7 ing process under this subsection.

8 “(C) UNITED STATES FISH AND WILDLIFE  
 9 SERVICE.—

10 “(i) IN GENERAL.—The Director may  
 11 restrict or prohibit the importation of an  
 12 aquatic organism of a species not in trade  
 13 in accordance with the regulations promul-  
 14 gated under paragraph (1)(A)(i) if—

15 “(I) no other Federal agency has  
 16 authority to regulate the importation  
 17 of the species; or

18 “(II) the head of a Federal agen-  
 19 cy delegates authority to the Director  
 20 under subparagraph (B).

21 “(ii) SCREENING REQUIREMENTS.—  
 22 The Director shall promulgate screening  
 23 requirements in accordance with the guide-  
 24 lines under subsection (d) to evaluate any  
 25 planned importation of an aquatic orga-



nism, including an importation carried out by a Federal agency, that is not otherwise subject to Federal authority to permit the importation.

“(D) MULTIPLE JURISDICTION.—

“(i) IN GENERAL.—If more than 1 Federal agency has jurisdiction over the importation of an aquatic organism, the agencies shall conduct only 1 screening process in accordance with a memorandum of understanding described in paragraph (4).

“(ii) CULTURED AQUATIC ORGANISMS.—The Secretary of Agriculture shall conduct screening of any aquatic organism imported to be cultured.

“(E) AGENCY-INITIATED SCREENING.—At the discretion of the Federal agency with jurisdiction over the importation of a species not in trade, the Federal agency may initiate a screening process for a species for which no other person has filed an application for importation.

“(4) MEMORANDUM OF UNDERSTANDING.—

“(A) IN GENERAL.—The Director shall enter into a memorandum of understanding

1 with each Federal agency with the authority to  
2 conduct screening under this subsection.

3 “(B) CONTENTS.—A memorandum of un-  
4 derstanding under subparagraph (A) shall con-  
5 tain, at a minimum—

6 “(i) a description of the relationship  
7 between, and responsibilities of, each Fed-  
8 eral agency, including a process desig-  
9 nating a lead agency in cases in which  
10 multiple agencies have jurisdiction over the  
11 screening of an aquatic species;

12 “(ii) the process by which the Director  
13 will delegate screening duties to, and re-  
14 ceive delegation from, other agencies of ju-  
15 risdiction; and

16 “(iii) the process by which the agency  
17 and the National Invasive Species Council  
18 will coordinate and share information re-  
19 quired for the screening of a species.

20 “(f) REVIEW AND REVISION.—

21 “(1) IN GENERAL.—Not less frequently than  
22 once every 3 years, the National Invasive Species  
23 Council, in conjunction with the Task Force, shall  
24 review and revise, based on research on early detec-  
25 tion and monitoring under section 1106 and other

1 information, the guidelines, screening, and other ac-  
 2 tivities carried out under this section.

3 “(2) REPORT.—Together with the report re-  
 4 quired under section 1201(f)(2)(B), the National  
 5 Invasive Species Council shall submit to Congress—

6 “(A) an evaluation of the effectiveness of  
 7 the screening process carried out under sub-  
 8 section (e);

9 “(B) the consistency of the application of  
 10 the screening process by Federal agencies; and

11 “(C) recommendations for revisions of the  
 12 screening process.

13 “(g) PROHIBITIONS.—

14 “(1) IN GENERAL.—Except as otherwise pro-  
 15 vided in this section, it shall be unlawful to import  
 16 an aquatic organism of a species not in trade.

17 “(2) PENALTIES.—

18 “(A) CIVIL PENALTY.—Any person that  
 19 violates subsection (c) shall be liable for a civil  
 20 penalty in an amount not to exceed \$50,000.

21 “(B) CRIMINAL PENALTIES.—Any person  
 22 that knowingly violates subsection (c) is guilty  
 23 of a class C felony.

24 “(h) FEES.—The head of any agency that has juris-  
 25 diction over a planned importation of an aquatic species

1 subject to screening under this section may increase the  
 2 amount of any appropriate fee that is charged under an  
 3 applicable law (including regulations) to offset the cost of  
 4 screening carried out under this section.

5 “(i) EFFECT ON OTHER LAWS.—

6 “(1) IN GENERAL.—Nothing in this section re-  
 7 peals, supersedes, or modifies any provision of Fed-  
 8 eral or State law relating to the screening process  
 9 for aquatic species importation.

10 “(2) MORE PROTECTIVE LAWS.—A State, the  
 11 District of Columbia, or a territory of the United  
 12 States may adopt an aquatic plant or animal impor-  
 13 tation law, regulation, or policy that requires a more  
 14 protective screening process for aquatic species im-  
 15 portation than the regulations and policies of this  
 16 section.”.

## 17 **TITLE III—EARLY DETECTION;** 18 **RAPID RESPONSE; CONTROL** 19 **AND OUTREACH**

### 20 **SEC. 301. EARLY DETECTION.**

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

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

2           “(a) IN GENERAL.—Not later than 18 months after  
3 the date of enactment of the National Aquatic Invasive  
4 Species Act of 2007, in conjunction with the Council, the  
5 Task Force shall (based on the standard protocol for early  
6 detection surveys developed under this title), promulgate  
7 a set of sampling protocols, a geographic plan, and budget  
8 to support a national system of ecological surveys to rap-  
9 idly detect recently-established aquatic invasive species in  
10 waters of the United States.

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

13               “(1) address a diversity of aquatic ecosystems  
14           of the United States (including inland and coastal  
15           waters);

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

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

20               “(4) considers the pathways and organisms  
21           identified under section 1210;

22               “(5) include a capacity to evaluate the impacts  
23           of permitted importations screened by the processes  
24           established under section 1105; and

1 “(6) include clear lines of communication with  
 2 appropriate Federal, State, and regional rapid re-  
 3 sponse authorities.

4 “(c) IMPLEMENTATION.—Not later than 3 years after  
 5 the date of enactment of the National Aquatic Invasive  
 6 Species Act of 2007, the Director of the United States  
 7 Geological Survey, the Administrator of the National Oce-  
 8 anic and Atmospheric Administration, and the Adminis-  
 9 trator (in consultation with the National Invasive Species  
 10 Council and in coordination with other agencies and orga-  
 11 nizations) shall implement a national system of ecological  
 12 surveys that is—

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

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

19 **SEC. 302. RAPID RESPONSE.**

20 Subtitle C of title I of the Nonindigenous Aquatic  
 21 Nuisance Prevention and Control Act of 1990 (16 U.S.C.  
 22 4721 et seq.) (as amended by section 201) is amended  
 23 by adding at the end the following:

24 **“SEC. 1211. RAPID RESPONSE.**

25 “(a) EMERGENCY RAPID RESPONSE FUND.—

1           “(1) ESTABLISHMENT.—There is established in  
 2           the Treasury of the United States a revolving fund  
 3           to assist States in implementing rapid response  
 4           measures for aquatic invasive species, to be known  
 5           as the ‘Emergency Rapid Response Fund’ (referred  
 6           to in this subsection as the ‘Fund’), consisting of—

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

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

11           “(2) EXPENDITURES FROM FUND.—

12                   “(A) IN GENERAL.—Subject to subpara-  
 13                  graph (C), on request by the Secretary of the  
 14                  Interior, the Secretary of the Treasury shall  
 15                  transfer from the Fund to the Secretary of the  
 16                  Interior such amounts as the Secretary of the  
 17                  Interior determines are necessary to provide fi-  
 18                  nancial assistance to a State or the Federal  
 19                  rapid response team under subparagraph (B) to  
 20                  assist in implementing rapid response measures  
 21                  for aquatic invasive species.

22                   “(B) STATE ASSISTANCE.—

23                   “(i) IN GENERAL.—A State may sub-  
 24                  mit to the Secretary of the Interior an ap-

1           plication for emergency response assistance  
2           from the Fund.

3           “(ii) APPROVAL.—If the Secretary of  
4           the Interior approves an application sub-  
5           mitted under clause (i), the Secretary shall  
6           use amounts provided to the Secretary  
7           under subparagraph (A)—

8                   “(I) in a case in which a State  
9                   has in effect a rapid response contin-  
10                  gency strategy that is approved under  
11                  subsection (b), to provide emergency  
12                  response assistance to the State; and

13                  “(II) in a case in which the State  
14                  does not have a rapid response contin-  
15                  gency strategy approved under sub-  
16                  section (b) in effect, to provide emer-  
17                  gency response assistance to the Fed-  
18                  eral rapid response team established  
19                  under subsection (f).

20           “(iii) ADDITIONAL FUNDS.—If addi-  
21           tional amounts are needed for the conduct  
22           of emergency response activities in the  
23           State, the Secretary of the Interior may  
24           provide additional assistance to the State



1 or Federal rapid response team under this  
2 paragraph.

3 “(C) ADMINISTRATIVE EXPENSES.—An  
4 amount not to exceed 10 percent of the  
5 amounts in the Fund shall be available for each  
6 fiscal year to pay the administrative expenses  
7 necessary to carry out this Act.

8 “(3) INVESTMENT OF AMOUNTS.—

9 “(A) IN GENERAL.—The Secretary of the  
10 Treasury shall invest such portion of the Fund  
11 as is not, in the judgment of the Secretary of  
12 the Treasury, required to meet current with-  
13 drawals.

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

17 “(C) ACQUISITION OF OBLIGATIONS.—For  
18 the purpose of investments under subparagraph  
19 (A), obligations may be acquired—

20 “(i) on original issue at the issue  
21 price; or

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

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

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

8           “(4) TRANSFERS OF AMOUNTS.—

9           “(A) IN GENERAL.—The amounts required  
 10          to be transferred to the Fund under this section  
 11          shall be transferred at least monthly from the  
 12          general fund of the Treasury to the Fund on  
 13          the basis of estimates made by the Secretary of  
 14          the Treasury.

15          “(B) ADJUSTMENTS.—Proper adjustment  
 16          shall be made in amounts subsequently trans-  
 17          ferred to the extent prior estimates were in ex-  
 18          cess of or less than the amounts required to be  
 19          transferred.

20          “(b) STATE RAPID RESPONSE CONTINGENCY STRAT-  
 21          EGIES.—The Task Force, in consultation with the Na-  
 22          tional Invasive Species Council, shall approve a rapid re-  
 23          sponse contingency strategy of a State if the strategy—

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

4           “(2) clearly designates the authorities and re-  
5           sponsibilities of each partner, including the authority  
6           of any State or government of an Indian tribe to dis-  
7           tribute emergency funds;

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

10           “(A) distinguishes cases in which rapid re-  
11           sponse has a likelihood of success and cases in  
12           which rapid response has no likelihood of suc-  
13           cess;

14           “(B) distinguishes rapid response meas-  
15           ures from ongoing management and control of  
16           established populations of aquatic invasive spe-  
17           cies; and

18           “(C) distinguishes instances in which the  
19           rate and probability of organism dispersal is  
20           significantly altered by vessel movements;

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

24           “(5) provides for a monitoring capability to as-  
25           sess—

1 “(A) the extent of infestations; and

2 “(B) the effectiveness of rapid response ef-  
3 forts;

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

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

10 “(8) includes a public education and outreach  
11 component directed at—

12 “(A) potential pathways for spread of  
13 aquatic invasive species; and

14 “(B) persons involved in industries and  
15 recreational activities associated with those  
16 pathways; and

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

20 “(c) REGIONAL RAPID RESPONSE CONTINGENCY  
21 STRATEGIES.—The Task Force, with the concurrence of  
22 the National Invasive Species Council and in consultation  
23 with the regional panels of the Task Force established  
24 under section 1203, shall encourage the development of  
25 regional rapid response contingency strategies that—

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

3           “(2) are approved by—

4                 “(A) the Secretary; and

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

7       “(d)   MODEL   RAPID   RESPONSE   CONTINGENCY  
8 STRATEGIES.—Not later than 18 months after the date  
9 of enactment of the National Aquatic Invasive Species Act  
10 of 2007—

11           “(1) the Task Force, with the concurrence of  
12       the National Invasive Species Council and the re-  
13       gional panels of the Task Force established under  
14       section 1203, shall develop—

15                 “(A) a model State rapid response contin-  
16       gency strategy (including rapid assessment ca-  
17       pability) for aquatic invasive species that meets,  
18       to the maximum extent practicable, the require-  
19       ments of paragraphs (1) through (9) of sub-  
20       section (b); and

21                 “(B) a model regional rapid response con-  
22       tingency strategy (including rapid assessment  
23       capability) for aquatic invasive species; and

24           “(2) the Secretary, in concurrence with the  
25       Task Force and the regional panels of the Task

1 Force, shall issue guidelines that describe vessel-re-  
2 lated requirements that may be used in a rapid re-  
3 sponse contingency strategy approved under this sec-  
4 tion.

5 “(e) COST SHARING.—

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

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

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

19 “(f) FEDERAL RAPID RESPONSE TEAMS.—

20 “(1) ESTABLISHMENT OF TEAMS.—Not later  
21 than 1 year after the date of enactment of the Na-  
22 tional Aquatic Invasive Species Act of 2007, the Na-  
23 tional Invasive Species Council, in coordination with  
24 the Task Force and the heads of appropriate Fed-  
25 eral agencies, shall establish a Federal rapid re-

1        sponse team for each of the 10 Federal regions that  
2        comprise the Standard Federal Regional Boundary  
3        System.

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

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

9            “(B) carry out, or assist in carrying out,  
10       rapid responses for newly detected aquatic  
11       invasive species on non-Federal land at the re-  
12       quest of a State, Indian tribe, or group of  
13       States or Indian tribes;

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

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

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

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

1           “(3) CRITERIA FOR IDENTIFYING CASES OF  
2       RAPID RESPONSE WARRANTING FEDERAL ASSIST-  
3       ANCE.—Not later than 1 year after the date of en-  
4       actment of the National Aquatic Invasive Species  
5       Act of 2007, the Task Force, with the concurrence  
6       of the National Invasive Species Council, shall de-  
7       velop criteria to identify cases warranting Federal  
8       assistance for rapid assessment and response under  
9       this subsection, including indicative criteria relating  
10      to, at a minimum—

11           “(A) the extent to which infestations of  
12      aquatic invasive species may be managed suc-  
13      cessfully by rapid response;

14           “(B) the extent to which rapid response ef-  
15      forts may differ from ongoing management and  
16      control; and

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

20           “(i) biodiversity of native aquatic or-  
21      ganisms;

22           “(ii) habitats of native fish and wild-  
23      life; or

24           “(iii) human health.



1           “(4) ENVIRONMENTAL CRITERIA.—Not later  
 2           than 1 year after the date of enactment of the Na-  
 3           tional Aquatic Invasive Species Act of 2007, the Ad-  
 4           ministrator, in consultation with the National  
 5           Invasive Species Council, the Secretary of Transpor-  
 6           tation, the Task Force (including regional panels of  
 7           the Task Force established under section 1203), the  
 8           Director, and the Director of the National Marine  
 9           Fisheries Service, shall develop environmental cri-  
 10          teria to minimize nontarget environmental impacts  
 11          of rapid responses carried out pursuant to this sec-  
 12          tion.”.

13 **SEC. 303. DISPERSAL BARRIERS.**

14          (a) IN GENERAL.—Section 1202 of the Nonindige-  
 15          nous Aquatic Nuisance Prevention and Control Act of  
 16          1990 (16 U.S.C. 4722) is amended—

17               (1) by redesignating subsections (j) and (k) as  
 18               subsection (l) and (m), respectively; and

19               (2) by inserting after subsection (i) the fol-  
 20          lowing:

21          “(j) NATIONAL DISPERSAL BARRIER PROGRAM.—

22               “(1) CONSOLIDATION OF PROJECTS.—

23                       “(A) IN GENERAL.—The Chicago Sanitary  
 24                       and Ship Canal Dispersal Barrier Project (re-  
 25                       ferred to in this paragraph as ‘Barrier I’) (as

1 in existence on the date of enactment of the  
2 National Aquatic Invasive Species Act of 2007),  
3 constructed as a demonstration project under  
4 subsection (i)(3), and the project relating to the  
5 Chicago Sanitary and Ship Canal Dispersal  
6 Barrier, as authorized by section 345 of the  
7 District of Columbia Appropriations Act, 2005  
8 (Public Law 108–335; 118 Stat. 1352) (re-  
9 ferred to in this paragraph as ‘Barrier II’),  
10 shall be considered to constitute a single  
11 project.

12 “(B) ACTIVITIES RELATING TO BARRIER I  
13 AND BARRIER II.—

14 “(i) DUTIES OF SECRETARY.—The  
15 Secretary shall—

16 “(I) upgrade and make perma-  
17 nent Barrier I;

18 “(II) construct Barrier II, not-  
19 withstanding the project cooperation  
20 agreement with the State of Illinois  
21 dated June 14, 2005;

22 “(III) operate and maintain Bar-  
23 rier I and Barrier II as a system to  
24 optimize effectiveness;

1                   “(IV) conduct, in consultation  
 2                   with appropriate Federal, State, local,  
 3                   and nongovernmental entities, a study  
 4                   of a full range of options and tech-  
 5                   nologies for reducing impacts of haz-  
 6                   ards that may reduce the efficacy of  
 7                   the Barriers; and

8                   “(V) provide to each State a  
 9                   credit in an amount equal to the  
 10                  amount of funds contributed by the  
 11                  State toward Barrier II.

12                  “(ii) APPLICATION OF CREDIT.—A  
 13                  State may apply a credit received under  
 14                  clause (i)(V) to any cost-sharing responsi-  
 15                  bility for an existing or future Federal  
 16                  project with the Corps of Engineers in the  
 17                  State.

18                  “(C) FEASIBILITY STUDY.—The Secretary,  
 19                  in consultation with appropriate Federal, State,  
 20                  local, and nongovernmental entities, shall con-  
 21                  duct a feasibility study, at full Federal expense,  
 22                  of the range of options and technologies avail-  
 23                  able to prevent the spread of aquatic nuisance  
 24                  species between the Great Lakes and Mis-  
 25                  sissippi River Basins through the Chicago Sani-

1           tary and Ship Canal and other aquatic path-  
2           ways.

3           “(2) MONITORING PROGRAM.—

4                 “(A) ESTABLISHMENT.—Not later than 1  
5           year after the date of enactment of the Na-  
6           tional Aquatic Invasive Species Act of 2007, the  
7           Secretary of the Interior shall establish an  
8           interbasin and intrabasin monitoring program.

9                 “(B) REQUIRED ELEMENTS.—The moni-  
10          toring program shall—

11                     “(i) track aquatic invasive species  
12           moving through—

13                             “(I) the Chicago River Ship and  
14                     Sanitary Canal;

15                             “(II) the Lake Champlain Canal;

16                             “(III) other interbasin water-  
17           ways; and

18                             “(IV) major river systems (such  
19           as the Mississippi River), as rec-  
20           ommended by regional panels con-  
21           vened under section 1203, in which  
22           interbasin transfers of aquatic  
23           invasive species have been shown to  
24           pose a significant threat to fish and  
25           wildlife resources;

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

5                   “(iii) identify waterways suitable for  
6                   dispersal barrier demonstration projects, in  
7                   addition to the waterways at which dis-  
8                   persal barrier demonstration projects were  
9                   carried out before the date of enactment of  
10                  the National Aquatic Invasive Species Act  
11                  of 2007.

12                 “(C) REPORTS.—The Secretary of the In-  
13                 terior shall issue biennial reports describing the  
14                 findings of the monitoring program.

15                 “(3) PREVENTION AND MITIGATION PLANS FOR  
16                 CORPS PROJECTS.—In developing projects involving  
17                 interbasin waterways or other hydrologic alterations  
18                 that could create pathways for aquatic invasive spe-  
19                 cies, the Assistant Secretary shall develop adequate  
20                 prevention and mitigation plans for controlling the  
21                 dispersal of the aquatic invasive species.

22                 “(4) TECHNICAL ASSISTANCE.—The Adminis-  
23                 trator of the National Oceanic and Atmospheric Ad-  
24                 ministration, acting through the Great Lakes Envi-  
25                 ronmental Research Laboratory, shall provide tech-

1 nical assistance to appropriate entities to assist in  
2 the research conducted under this subsection.

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

6 “(A) identify additional waterways suitable  
7 for the construction of new dispersal barriers  
8 (based on the monitoring program established  
9 under paragraph (2));

10 “(B) determine the feasibility of a dis-  
11 persal barrier project at the Lake Champlain  
12 Canal and in the Upper Mississippi River and,  
13 if feasible, establish a plan for a dispersal bar-  
14 rier at the Lake Champlain Canal and in the  
15 Upper Mississippi River; and

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

18 “(6) REPORTS.—Not later than 3 years after  
19 the date of enactment of the National Aquatic  
20 Invasive Species Act of 2007, the Assistant Sec-  
21 retary and the Director shall jointly submit to Con-  
22 gress a report that describes—

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

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

4           (b) CONFORMING AMENDMENT.—Section 345 of the  
 5   District of Columbia Appropriations Act, 2005 (Public  
 6   Law 108–335; 118 Stat. 1352), is amended to read as  
 7   follows:

8           “SEC. 345. There are authorized to be appropriated  
 9   such sums as are necessary to carry out the Barrier II  
 10   project of the project for the Chicago Sanitary and Ship  
 11   Canal Dispersal Barrier, Illinois, initiated pursuant to sec-  
 12   tion 1135 of the Water Resources Development Act of  
 13   1986 (33 U.S.C. 2309a).”.

14   **SEC. 304. ENVIRONMENTAL SOUNDNESS.**

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

19           “(k) IMPROVEMENT OF TREATMENT METHODS FOR  
 20   AQUATIC INVASIVE SPECIES.—

21                   “(1) CRITERIA TO EVALUATE ENVIRONMENTAL  
 22                   SOUNDNESS OF TREATMENT METHODS.—

23                           “(A) IN GENERAL.—Not later than 1 year  
 24                           after the date of enactment of the National  
 25                           Aquatic Invasive Species Act of 2007, the Ad-

1            administrator, in consultation with the Secretary,  
2            the National Invasive Species Council, and the  
3            Task Force (including any regional panels of  
4            the Task Force) shall promulgate criteria to  
5            evaluate the treatment methods described in  
6            subparagraph (B) for the purpose of ensuring  
7            that the treatment methods pose no significant  
8            threat of adverse effect on human health, public  
9            safety, or the environment (including air quality  
10           and the aquatic environment) that is acute,  
11           chronic, cumulative, or collective.

12           “(B) TREATMENT METHODS.—The treat-  
13           ment methods referred to in subparagraph (A)  
14           are all mechanical, physical, chemical, biologi-  
15           cal, and other treatment methods used in bodies  
16           of water of the United States (regardless of  
17           whether the bodies of water are navigable and  
18           regardless of the origin of the waters), to pre-  
19           vent, treat, or respond to the introduction of  
20           aquatic invasive species.

21           “(C) CONSULTATION.—In carrying out  
22           subparagraph (A), the Administrator shall con-  
23           sult with—

24           “(i) the Secretary of Transportation;



1 “(ii) the Task Force (including the re-  
2 gional panels of the Task Force established  
3 under section 1203);

4 “(iii) the Director;

5 “(iv) the Assistant Secretary;

6 “(v) the Director of the National Ma-  
7 rine Fisheries Service; and

8 “(vi) relevant State agencies.

9 “(2) PUBLICATION OF INFORMATION ON ENVI-  
10 RONMENTALLY SOUND TREATMENT METHODS.—The  
11 Administrator, in consultation with the National  
12 Invasive Species Council, shall publish (not later  
13 than 1 year after the date of enactment of the Na-  
14 tional Aquatic Invasive Species Act of 2007) and up-  
15 date annually—

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

19 “(B) accompanying research that supports  
20 the environmental soundness of each approved  
21 treatment method; and

22 “(C) explicit guidelines under which each  
23 treatment method can be used in an environ-  
24 mentally sound manner.

1           “(3) **REPORTS.**—The National Invasive Species  
2       Council and Task Force shall include the informa-  
3       tion described in paragraph (2) in the reports sub-  
4       mitted under section 1201(f)(2)(B).”.

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

6       Section 1202(h) of the Nonindigenous Aquatic Nui-  
7       sance Prevention and Control Act of 1990 (16 U.S.C.  
8       4722(h)) is amended—

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

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

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

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

14          “(2) **ACTIVITIES.**—

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

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

19                  “(i) **PUBLIC WARNINGS.**—Not later  
20      than 180 days after the date of enactment  
21      of the National Aquatic Invasive Species  
22      Act of 2007, each Federal officer of an  
23      agency that provides Federal funds to  
24      States for building or maintaining public  
25      access points to United States water bodies

1 shall amend the guidelines of the agency,  
2 in consultation with relevant State agen-  
3 cies, to encourage the posting of regionally-  
4 specific public warnings or other suitable  
5 informational and educational materials at  
6 the access points regarding—

7 “(I) the danger of spread of  
8 aquatic invasive species through the  
9 transport of recreational watercraft;  
10 and

11 “(II) methods for removing orga-  
12 nisms prior to transporting a  
13 watercraft.

14 “(ii) CLEANING OF WATERCRAFT AT  
15 MARINAS.—Not later than 1 year after the  
16 date of enactment of the National Aquatic  
17 Invasive Species Act of 2007, the Under  
18 Secretary and the Director (in cooperation  
19 with the Task Force and in consultation  
20 with the States, relevant industry groups,  
21 and Indian tribes) shall develop an edu-  
22 cation, outreach, and training program di-  
23 rected toward marinas and marina opera-  
24 tors regarding—

1 “(I) checking watercraft for live  
2 organisms;

3 “(II) removing live organisms  
4 from the watercraft before the  
5 watercraft are commercially or  
6 recreationally trailered;

7 “(III) encouraging regular hull  
8 cleaning and maintenance, avoiding  
9 in-water hull cleaning; and

10 “(IV) other activities, as identi-  
11 fied by the Secretary.

12 “(iii) PROPER DISPOSAL OF NON-  
13 INDIGENOUS LIVE AQUATIC ORGANISMS IN  
14 TRADE.—The Task Force shall—

15 “(I) not later than 1 year after  
16 the date of enactment of the National  
17 Aquatic Invasive Species Act of 2007,  
18 develop (in consultation with industry  
19 and other affected parties) guidelines  
20 for proper disposal of live nonindige-  
21 nous aquatic organisms in trade; and

22 “(II) use the guidelines in appro-  
23 priate public information and out-  
24 reach efforts.

25 “(C) 100TH MERIDIAN PROGRAM.—

1           “(i) IN GENERAL.—Not later than 1  
 2           year after the date of enactment of the  
 3           National Aquatic Invasive Species Act of  
 4           2007, the Task Force shall expand the in-  
 5           formation and education program directed  
 6           at recreational boaters in States from  
 7           which watercraft are transported westward  
 8           across the 100th meridian.

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

11               “(I) survey owners of watercraft  
 12               transported westward across the  
 13               100th meridian to determine the  
 14               States of origin of most such owners;

15               “(II) provide information directly  
 16               to watercraft owners concerning the  
 17               importance of cleaning watercraft car-  
 18               rying live organisms before trans-  
 19               porting the watercraft; and

20               “(III) support education and in-  
 21               formation programs of the States of  
 22               origin to ensure that the State pro-  
 23               grams address westward spread.

24           “(D) INFORMATION AND EDUCATION PRO-  
 25          GRAM BY NATIONAL PARK SERVICE.—The Sec-

1           retary of the Interior, acting through the Direc-  
2           tor of the National Park Service, shall develop  
3           a program to provide public outreach and other  
4           educational activities to prevent the spread of  
5           aquatic invasive species by recreational  
6           watercraft in parkland or through events spon-  
7           sored by the National Park Service.

8           “(3) OUTREACH TO INDUSTRY.—The Task  
9           Force, in conjunction with the National Invasive  
10          Species Council, shall carry out activities to inform  
11          and promote voluntary cooperation and regulatory  
12          compliance by members of the national and inter-  
13          national maritime, horticultural, aquarium, aqua-  
14          culture, pet trade, and other appropriate industries  
15          with screening, monitoring, and control of the trans-  
16          portation of aquatic invasive species.

17          “(4) PUBLIC ACCESS TO MONITORING INFORMA-  
18          TION.—The Task Force, the National Invasive Spe-  
19          cies Council, and other relevant agencies, shall main-  
20          tain information on the Internet regarding—

21                 “(A) the best approaches for the public  
22                 and private interests to use in assisting with  
23                 national early detection and monitoring of  
24                 aquatic invasive species in waters of the United  
25                 States;

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

3 “(C) approved State Management Plans  
4 under section 1204(a) and Rapid Response  
5 Contingency Strategies under subsections (b)  
6 and (c) of section 1211; and

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

## 9 **TITLE IV—AQUATIC INVASIVE** 10 **SPECIES RESEARCH**

### 11 **SEC. 401. ECOLOGICAL, PATHWAY, AND EXPERIMENTAL RE-** 12 **SEARCH.**

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

### 17 **“SEC. 1107. ECOLOGICAL, PATHWAY, AND EXPERIMENTAL** 18 **RESEARCH.**

19 “(a) DEFINITION OF ADMINISTERING AGENCIES.—

20 “(1) IN GENERAL.—In this section and section  
21 1108, the term ‘administering agencies’ means—

22 “(A) the Smithsonian Environmental Re-  
23 search Center;

24 “(B) the United States Geological Survey;  
25 and

1           “(C) the National Oceanic and Atmos-  
 2           pheric Administration (including the Great  
 3           Lakes Environmental Research Laboratory).

4           “(2) MEMORANDUM OF UNDERSTANDING.—The  
 5           administering agencies shall enter into an agreement  
 6           regarding implementation of this subtitle.

7           “(3) CONSULTATION.—In carrying out this sec-  
 8           tion, the administering agencies shall consult with—

9                 “(A) the Task Force;

10                “(B) the Environmental Protection Agen-  
 11               cy;

12                “(C) the United States Fish and Wildlife  
 13               Service; and

14                “(D) other appropriate Federal and State  
 15               agencies.

16           “(4) COOPERATION.—In carrying out this sec-  
 17           tion, the administering agencies shall contract, as  
 18           appropriate, or otherwise cooperate with academic  
 19           researchers.

20           “(b) PROGRAM.—The administering agencies shall  
 21           develop (not later than 18 months after the date of enact-  
 22           ment of the National Aquatic Invasive Species Act of  
 23           2007) and conduct a marine and freshwater research pro-  
 24           gram (including ecological and pathway surveys and ex-  
 25           perimentation) to assess rates of, patterns of, and condi-



1 tions surrounding introductions of nonindigenous aquatic  
 2 species in aquatic ecosystems.

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

6 “(1) providing information for—

7 “(A) early detection and rapid response ef-  
 8 forts; and

9 “(B) relevant policy questions; and

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

13 “(d) PROTOCOL DEVELOPMENT.—The administering  
 14 agencies shall—

15 “(1) establish standardized protocols for con-  
 16 ducting surveys that are integrated and produce  
 17 comparable data, and, as practicable, build on exist-  
 18 ing protocols and data collection methods (including  
 19 surveys required under subsection (b)), including—

20 “(A) protocols to support early detection  
 21 surveys of nonindigenous aquatic species con-  
 22 ducted by Federal, State, or local agencies in-  
 23 volved in the management of invasive species,  
 24 including surveys carried out pursuant to sec-  
 25 tion 1106;

1           “(B) protocols to support comprehensive  
 2           ecological surveys conducted under this section  
 3           for purposes of research and analysis of rates  
 4           and patterns of invasions; and

5           “(C) protocols to support pathway surveys;

6           “(2) recommend a standardized approach for  
 7           classifying species;

8           “(3) when proposing protocols, consider rec-  
 9           ommendations made at the workshop conducted  
 10          under subsection (h);

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

12          “(5) complete the protocols not later than 1  
 13          year after the date of enactment of the National  
 14          Aquatic Invasive Species Act of 2007;

15          “(6) revise protocols as necessary; and

16          “(7) disseminate the protocols to the Task  
 17          Force and other Federal, State, and local stake-  
 18          holders.

19          “(e) ECOLOGICAL AND PATHWAY SURVEY REQUIRE-  
 20          MENTS.—

21          “(1) IN GENERAL.—Each comprehensive eco-  
 22          logical survey conducted under this section shall, at  
 23          a minimum—

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

1 “(i) to the maximum extent prac-  
 2 ticable, a comprehensive inventory of na-  
 3 tive species, nonindigenous species, and  
 4 species of unknown origin, present in the  
 5 ecosystem; and

6 “(ii) the chemical and physical charac-  
 7 teristics of water and underlying substrate  
 8 in the ecosystem;

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

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

12 “(ii) the environmental requirements  
 13 and tolerances of the species;

14 “(iii) the native ecosystems of the spe-  
 15 cies; and

16 “(iv) the history of the species spread  
 17 from the native ecosystems of the species;

18 “(C) track the establishment of nonindige-  
 19 nous species, including information about the  
 20 estimated population of nonindigenous orga-  
 21 nisms to allow an analysis of the probable date  
 22 of introduction of the species; and

23 “(D) identify the likely pathway of entry of  
 24 nonindigenous species.

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

4                   “(A) identify which nonindigenous aquatic  
5           species are being introduced, or have the poten-  
6           tial to be introduced, through the pathways  
7           under consideration;

8                   “(B) determine the rate of organism intro-  
9           duction through the pathways under consider-  
10          ation; and

11                   “(C) determine the practices that contrib-  
12          uted to or could contribute to the introduction  
13          of nonindigenous aquatic species through the  
14          pathways under consideration.

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

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

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

23                           “(A) the geographic diversity of sites; and

24                           “(B) the diversity of human uses and bio-  
25          logical characteristics of sites.

1 “(g) COMPETITIVE GRANT PROGRAM.—

2 “(1) IN GENERAL.—In order to assist in car-  
 3 rying out subsections (b) and (i), the administering  
 4 agencies (acting through the National Oceanic and  
 5 Atmospheric Administration) shall administer a pro-  
 6 gram to award grants to academic institutions, State  
 7 agencies, and other appropriate groups.

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

11 “(h) WORKSHOP.—Not later than 120 days after the  
 12 date of enactment of the National Aquatic Invasive Spe-  
 13 cies Act of 2007, to assist in the development of the proto-  
 14 cols and design for the surveys under this section, the ad-  
 15 ministering agencies shall—

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

20 “(2) make the results of the workshop widely  
 21 available to the public.

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

1           “(1) the relationship between the introduction  
2           and establishment of nonindigenous aquatic species;  
3           and

4           “(2) the circumstances necessary for the species  
5           to survive and thrive.

6           “(j) NATIONAL PATHWAYS AND ECOLOGICAL SUR-  
7           VEYS DATABASE.—

8           “(1) IN GENERAL.—The United States Geologi-  
9           cal Survey shall develop, maintain, and update, in  
10          consultation and cooperation with the Smithsonian  
11          Environmental Research Center and the National  
12          Oceanic and Atmospheric Administration, a central  
13          national database of information concerning infor-  
14          mation collected under section 1107(b).

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

17               “(A) make the database widely available to  
18               the public;

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

21               “(C) coordinate the database with existing  
22               databases collecting similar information; and

23               “(D) to the maximum extent practicable,  
24               format the databases in a manner such that the  
25               data is useful for researchers and Federal and

1 State employees managing relevant invasive  
2 species programs.”.

3 (b) VESSEL PATHWAY SURVEYS.—Section  
4 1102(b)(2)(B) of Nonindigenous Aquatic Nuisance Pre-  
5 vention and Control Act of 1990 (16 U.S.C.  
6 4712(b)(2)(B)) is amended by striking clause (ii) and in-  
7 serting the following:

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

12 **SEC. 402. ANALYSIS.**

13 (a) IN GENERAL.—Subtitle B of the Nonindigenous  
14 Aquatic Nuisance Prevention and Control Act of 1990 (16  
15 U.S.C. 4711 et seq.) (as amended by section 401(a)) is  
16 amended by adding at the end the following:

17 **“SEC. 1108. ANALYSIS.**

18 “(a) INVASION ANALYSIS.—

19 “(1) IN GENERAL.—Not later than 3 years  
20 after the date of enactment of the National Aquatic  
21 Invasive Species Act of 2007, and annually there-  
22 after, the administering agencies shall analyze data  
23 collected under section 1107 and other relevant re-  
24 search, for the purpose of preventing the introduc-

1       tion of, detecting, and eradicating invasive species  
2       by—

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

5               “(B) providing information for relevant  
6       policy questions; and

7               “(C) assessing the effectiveness of imple-  
8       mented policies to prevent the introduction and  
9       spread of invasive species.

10              “(2) CONTENTS.—The analysis required under  
11     paragraph (1) shall include, with respect to aquatic  
12     invasive species—

13               “(A) an analysis of pathways to—

14                   “(i) identify, and characterize as  
15                   high-, medium-, or low-risk, regional and  
16                   national pathways for the introduction of  
17                   nonindigenous aquatic species into aquatic  
18                   ecosystems;

19                   “(ii) identify new and expanding path-  
20                   ways through which nonindigenous aquatic  
21                   species may be introduced into aquatic eco-  
22                   systems;

23                   “(iii) identify handling practices that  
24                   contribute to the introduction of species in  
25                   pathways; and



1                   “(iv) assess the risk that species cur-  
2                   rently used in commerce pose for introduc-  
3                   tion into aquatic ecosystems;

4                   “(B) include patterns and rates of invasion  
5                   and susceptibility to invasion of various types of  
6                   bodies of water;

7                   “(C) consider the ways in which the risk of  
8                   establishment of an aquatic invasive species  
9                   through a pathway is related to the identity and  
10                  number of organisms transported;

11                  “(D) consider rates of spread and numbers  
12                  and types of pathways of spread of new popu-  
13                  lations of the aquatic invasive species and esti-  
14                  mate the potential for the spread and distribu-  
15                  tion of newly introduced invasive species based  
16                  on the environmental requirements and histor-  
17                  ical distribution of the species;

18                  “(E) document factors that influence the  
19                  vulnerability of an ecosystem to invasion by a  
20                  nonindigenous aquatic species;

21                  “(F) include a description of the potential  
22                  for, and impacts of, pathway management pro-  
23                  grams on invasion rates;

1           “(G) provide recommendations for im-  
 2           provements on the effectiveness of pathway  
 3           management;

4           “(H) to the extent practicable, determine  
 5           the level of reduction in live organisms of var-  
 6           ious taxonomic groups required to reduce to an  
 7           acceptable level the risk of establishment to re-  
 8           ceiving aquatic ecosystems; and

9           “(I) evaluate the effectiveness of manage-  
 10          ment actions (including any standard) at reduc-  
 11          ing species introductions and establishment.

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

15          “(b) RESEARCH TO ASSESS THE POTENTIAL OF THE  
 16          ESTABLISHMENT OF INTRODUCED SPECIES.—

17          “(1) IN GENERAL.—Not later than 2 years  
 18          after the date of enactment of the National Aquatic  
 19          Invasive Species Act of 2007, the administering  
 20          agencies shall develop, conduct peer review of, and  
 21          submit to the Task Force a profile of the general  
 22          characteristics of invasive species, in order to—

23                 “(A) predict, to the extent practicable,  
 24                 whether a species planned for importation is

1           likely to invade a particular aquatic ecosystem  
2           if introduced; and

3           “(B) support the development of the  
4           screening process authorized under section  
5           1105.

6           “(2) RESEARCH.—In developing the profile, the  
7           administering agencies shall analyze the research  
8           conducted under section 1107 and other research as  
9           necessary to determine—

10           “(A) characteristics of general species and  
11           ecosystems (taking into account the opportunity  
12           for introduction into any ecosystem); and

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

15           “(3) RECOMMENDATIONS.—Based on the pro-  
16           file, the administering agencies shall develop and  
17           submit to the Task Force, for inclusion in the report  
18           to Congress developed under section 1201(f)(2)(B),  
19           recommendations concerning which planned importa-  
20           tion of nonindigenous aquatic organisms warrant re-  
21           striction under section 1105.

22   **“SEC. 1109. DISSEMINATION.**

23           “(a) IN GENERAL.—The National Invasive Species  
24           Council, in coordination with the Task Force, and the ad-  
25           ministering agencies shall disseminate the information col-

1 lected under this Act to Federal, State, and local entities  
2 (including relevant policymakers and private researchers  
3 with responsibility over or interest in aquatic invasive spe-  
4 cies).

5 “(b) REPORTS.—The National Invasive Species  
6 Council shall—

7 “(1) not later than 3 years after the date of en-  
8 actment of the National Aquatic Invasive Species  
9 Act of 2007, submit to Congress a report that de-  
10 scribes the actions and findings carried out under  
11 this Act; and

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

14 “(c) RESPONSE STRATEGY.—To enable Federal,  
15 State, and local entities having responsibility for respond-  
16 ing to the introduction of potentially harmful nonindige-  
17 nous aquatic species to better and more rapidly respond  
18 to those introductions, the National Invasive Species  
19 Council, in coordination with the Task Force, the admin-  
20 istering agencies, and other appropriate Federal and State  
21 agencies, shall implement a national strategy for the shar-  
22 ing of information collected under this Act with those enti-  
23 ties.

24 “(d) PATHWAY PRACTICES.—The National Invasive  
25 Species Council, in coordination with the Task Force, and

1 the administering agencies shall disseminate information  
2 to, and develop an ongoing educational program for, path-  
3 way users (including vendors and customers) to inform  
4 those users about means by which users can prevent the  
5 intentional or unintentional introduction of nonindigenous  
6 aquatic species into aquatic ecosystems.

7 **“SEC. 1110. TECHNOLOGY DEVELOPMENT DEMONSTRATION**  
8 **AND VERIFICATION.**

9 “(a) ENVIRONMENTALLY SOUND TECHNOLOGY DE-  
10 VELOPMENT, DEMONSTRATION AND VERIFICATION.—

11 “(1) IN GENERAL.—Not later than 1 year after  
12 the date of enactment of the National Aquatic  
13 Invasive Species Act of 2007, the Administrator, in  
14 consultation with the Army Corps of Engineers and  
15 the administering agencies, shall develop and imple-  
16 ment a grant program to fund research, develop-  
17 ment, demonstration, and verification of environ-  
18 mentally sound cost-effective technologies and meth-  
19 ods to control and eradicate aquatic invasive species.

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

22 “(A) provide funds to support on-going ef-  
23 forts of Federal, State, or local officials to con-  
24 trol and eradicate aquatic invasive species in an  
25 environmentally sound manner;

1           “(B) increase the number of environ-  
2           mentally sound technologies or methods Fed-  
3           eral, State, or local officials may use to control  
4           or eradicate aquatic invasive species;

5           “(C) provide for the demonstration or dis-  
6           semination of the technologies or methods to  
7           potential end-users; and

8           “(D) verify that any technology or practice  
9           meets any appropriate criteria developed for ef-  
10          fectiveness and environmental soundness that  
11          are established by the Administrator.

12          “(3) PREFERENCE.—In making grants under  
13          this subsection, the Administrator shall give pref-  
14          erence to proposals that meet criteria developed for  
15          environmental soundness that are established by the  
16          Administrator.

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

20          “(5) REPORT.—Not later than 3 years after the  
21          date of enactment of the National Aquatic Invasive  
22          Species Act of 2007, the Administrator shall submit  
23          to Congress a report on the program conducted  
24          under this subsection, including findings and rec-

ommendations of the Secretary with respect to technologies and methods described in paragraph (1).

“(b) DISPERSAL BARRIER RESEARCH PROGRAM.—

Not later than 1 year after the date of enactment of the National Aquatic Invasive Species Act of 2007, the Assistant Secretary, in conjunction with the Director and other appropriate Federal agencies and academic researchers, shall establish a research, development, and demonstration program—

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

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

(b) EXPANSION OF VESSEL PATHWAY TECHNOLOGY DEMONSTRATION PROGRAM.—Section 1104(b) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4714(b)) is amended—

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

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

“(4) ADDITIONAL PURPOSES.—The Secretary of the Interior and the Secretary of Commerce may demonstrate and verify technologies under this sub-

1 section to monitor and control pathways of organism  
 2 transport on vessels other than through ballast  
 3 water.

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

10 “(6) WORKSHOP.—The Secretary of the Inte-  
 11 rior and the Secretary of Commerce shall—

12 “(A) hold an annual workshop to encour-  
 13 age the exchange of information between and  
 14 among—

15 “(i) principal investigators for which  
 16 funds are made available under this sub-  
 17 section; and

18 “(ii) researchers conducting research  
 19 directly relating to vessel pathway tech-  
 20 nology development; and

21 “(B) make the results of the proceedings  
 22 widely available to the public.”.

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

24 Subtitle B of the Nonindigenous Aquatic Nuisance  
 25 Prevention and Control Act of 1990 (16 U.S.C. 4711 et



1 seq.) (as amended by section 402(a)) is amended by add-  
2 ing at the end the following:

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

4 “(a) RESEARCH PROGRAM.—

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

14 “(2) COMPONENTS.—The research program  
15 shall include programs to—

16 “(A) characterize physical, chemical, and  
17 biological harbor conditions relevant to ballast  
18 discharge into waters of the United States to  
19 provide information for the design and imple-  
20 mentation of vessel vector control technologies  
21 and practices;

22 “(B) develop testing protocols for deter-  
23 mining the effectiveness of vector monitoring  
24 and control technologies and practices;

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

8           “(D) verify the practical effectiveness of  
9           any type approval process to ensure that the  
10          process produces repeatable and accurate as-  
11          sessments of treatment effectiveness; and

12          “(E) evaluate the effectiveness and resid-  
13          ual risk and environmental impacts associated  
14          with any standard established with respect to a  
15          ship pathway through experimental research.

16          “(b) PERFORMANCE TEST.—Not later than 1 year  
17          after the date of enactment of the National Aquatic  
18          Invasive Species Act of 2007, the Secretary, in conjunc-  
19          tion with the National Institute of Standards and Tech-  
20          nology and the Maritime Administration, shall design a  
21          performance test for ballast water exchange (such as a dye  
22          study) to measure the effectiveness of ballast water ex-  
23          change.

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

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

4                   “(A) identify the relative risk of transfer of  
5                   various taxonomic groups of invasive species by  
6                   different vessel modes;

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

12                  “(ii) explain the degree of uncertainty in  
13                  such an assessment; and

14                  “(C)(i) recommend methods for reducing  
15                  the transfers of invasive species by vessels by  
16                  addressing all parts and systems of vessels and  
17                  all related modes of transport of invasive orga-  
18                  nisms; and

19                  “(ii) identify the research, development,  
20                  and demonstration needed to improve the infor-  
21                  mation base to support those methods, includ-  
22                  ing economic information.

23           “(2) REPORT.—Not later than 2 years after the  
24           date of enactment of the National Aquatic Invasive  
25           Species Act of 2007, the Secretary shall submit to

1 Congress a report that describes the results of the  
2 study under paragraph (1).

3 “(3) IMPLEMENTATION OF RECOMMENDA-  
4 TIONS.—Not later than the later of the date that is  
5 1 year after the date of submission of the report  
6 under paragraph (2) or the date that is 3 years after  
7 the date of enactment of the National Aquatic  
8 Invasive Species Act of 2007, the Task Force, in  
9 conjunction with the Administrator, administering  
10 agencies, and other appropriate Federal agencies,  
11 shall submit to the Secretary a report that describes  
12 recommendations for—

13 “(A) a vessel pathway treatment standard  
14 that incorporates all potential modes of transfer  
15 by vessel; and

16 “(B) methods for type approval and accu-  
17 rate monitoring of treatment performance that  
18 are simple and streamlined and follow estab-  
19 lished protocols.

20 “(d) WORKING GROUP.—

21 “(1) IN GENERAL.—Not later than 2 years  
22 after the date of issuance by the Secretary of any  
23 standard relating to the introduction by vessels of  
24 invasive species, the Secretary shall convene a work-  
25 ing group (including the Administrator, the admin-

1       istering agencies, and other appropriate Federal and  
2       State agencies and academic researchers) to evaluate  
3       the effectiveness of that standard and accompanying  
4       implementation protocols.

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

7                       “(A) reviewing the effectiveness of the  
8                       standard in reducing the establishment of  
9                       invasive species in aquatic ecosystems, taking  
10                      into consideration the data collected under sec-  
11                      tion 1107; and

12                     “(B) submitting recommendations to the  
13                     Secretary (who shall make the recommenda-  
14                     tions widely available to the public) for the revi-  
15                     sion of the standard and type approval process  
16                     in order to ensure—

17                               “(i) effectiveness in reducing introduc-  
18                               tions of invasive species; and

19                               “(ii) the effectiveness of accurate  
20                               shipboard monitoring of treatment per-  
21                               formance in a simple and streamlined man-  
22                               ner.”.

1 **SEC. 404. GRADUATE EDUCATION IN SYSTEMATICS AND**  
2 **TAXONOMY.**

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

7 **“SEC. 1112. RESEARCH IN SYSTEMATICS AND TAXONOMY.**

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

12 “(b) PURPOSES.—The purposes of the program  
13 are—

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

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

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

24 “(4) to draw on existing expertise in system-  
25 atics and taxonomy at institutions of higher edu-

1 cation and museums to train the next generation of  
2 systematists and taxonomists.

3 “(c) ADMINISTRATION.—

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

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

10 “(A) projects in a diverse set of ecosystems  
11 and geographic locations;

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

16 “(C) projects that include student partici-  
17 pation; and

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

# 1           **TITLE V—COORDINATION**

## 2   **SEC. 501. PROGRAM COORDINATION.**

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

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

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

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

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

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

16                   “(9) the Secretary of State;

17                   “(10) the Secretary of Transportation;

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

20           (b) COORDINATION WITH NATIONAL INVASIVE SPE-  
21 CIES COUNCIL.—Section 1201(f) of the Nonindigenous  
22 Aquatic Nuisance Prevention and Control Act of 1990 (16  
23 U.S.C. 4721(f)) is amended—

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



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

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

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

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

10 “(B) not later than 2 years after the date  
11 of enactment of the National Aquatic Invasive  
12 Species Act of 2007, 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)—

1 (A) in subparagraph (A), by inserting be-  
2 fore the semicolon at the end the following: “,  
3 including, in accordance with guidelines issued  
4 by the Task Force under paragraph (5)—

5 “(i) rapid assessment and response  
6 contingency strategies 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; and

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

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

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

16 “(5) GUIDELINES.—

17 “(A) IN GENERAL.—Not later than 1 year  
18 after the date of enactment of the National  
19 Aquatic Invasive Species Act of 2007, the Task  
20 Force shall amend the guidelines of the Task  
21 Force for the development of plans under this  
22 subsection, including guidelines for reporting  
23 progress in implementing the plans, to encour-  
24 age consistency in implementation of and re-  
25 porting under those plans.

“(B) GUIDELINES.—The guidelines published under subparagraph (A) shall include, for the purpose of paragraph (2)(A), guidelines concerning—

“(i) rapid 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;

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

“(v) the review and revision of requirements of this subsection and the re-approval process under this subsection.

“(6) RELATIONSHIP TO OTHER PLANS.—

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

“(B) ENFORCEMENT.—Funds provided to States for implementation of plans pursuant to 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 2007 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 2007  
21 shall be updated after the date of enactment of  
22 the National Aquatic Invasive Species Act of  
23 2007 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 National  
4 Invasive Species Council, and the Secretary of State shall,  
5 to the maximum extent practicable, ensure that inter-  
6 national efforts to prevent, detect, monitor, assess, and  
7 control aquatic invasive species (including through the  
8 International Maritime Organization, the International  
9 Convention on the Exploration of the Sea, the Global  
10 Invasive Species Program, and other appropriate pro-  
11 grams) are coordinated with policies of the United States  
12 established by 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 2007, 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   **“SEC. 1403. TREATMENT OF NATIONAL INVASIVE SPECIES**  
8                   **COUNCIL.**

9                   “The National Invasive Species Council shall con-  
10                  tinue regardless of the termination of section 3 of Execu-  
11                  tive Order No. 13112 (42 U.S.C. 4321 note).”.

12   **TITLE VI—AUTHORIZATION OF**  
13                   **APPROPRIATIONS**

14   **SEC. 601. AUTHORIZATION OF APPROPRIATIONS.**

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

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

19                  “(a) IN GENERAL.—Except as otherwise provided in  
20                  this section, there are authorized to be appropriated such  
21                  sums as are necessary to carry out this Act for each of  
22                  fiscal years 2008 through 2012.

23                  “(b) TASK FORCE AND AQUATIC INVASIVE SPECIES  
24                  PROGRAM.—There are authorized to be appropriated for  
25                  each of fiscal years 2008 through 2012—

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

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

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

8                   “(C) \$1,000,000 shall be used by the Na-  
9           tional Invasive Species Council;

10           “(2) \$30,000,000, to provide grants under sec-  
11           tion 1204(b);

12           “(3) \$3,000,000, to provide assistance to the  
13           regional panels of the Task Force; and

14           “(4) \$1,000,000, to be used by the Director to  
15           carry out section 1105(g).

16           “(c) INTERNATIONAL COORDINATION.—There is au-  
17           thorized to be appropriated to the Department of State  
18           to carry out section 1403 \$1,000,000 for each of fiscal  
19           years 2008 through 2012.

20           “(d) PREVENTION OF INTRODUCTION BY VESSELS  
21           OF AQUATIC INVASIVE SPECIES INTO WATERS OF THE  
22           UNITED STATES.—There are authorized to be appro-  
23           priated for each of fiscal years 2008 through 2012—

24                   “(1) \$6,000,000, to be used by the Secretary to  
25           carry out section 1101;

1           “(2) \$2,500,000, to be used by the Adminis-  
2           trator to carry out section 1101; and

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

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

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

9           “(e) PREVENTION OF THE INTRODUCTION BY NON-  
10          VESSEL PATHWAYS OF AQUATIC INVASIVE SPECIES INTO  
11          WATERS OF THE UNITED STATES.—There are authorized  
12          to be appropriated for each of fiscal years 2008 through  
13          2012—

14                   “(1) \$5,000,000, to carry out the priority path-  
15          way management program under section 1210, of  
16          which—

17                   “(A) \$2,000,000 shall be used by the Na-  
18          tional Oceanic and Atmospheric Administration;  
19          and

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

22                   “(2) \$1,000,000, to be used by the National  
23          Invasive Species Council to establish screening  
24          guidelines under section 1105(d); and

1           “(3) \$3,500,000, to be used by the Director to  
2       promulgate and implement screening requirements  
3       under section 1105(e).

4       “(f) EARLY DETECTION AND MONITORING.—There  
5       is authorized to be appropriated, to carry out early detec-  
6       tion, monitoring, and survey planning and implementation  
7       under section 1106, \$2,000,000 for each of fiscal years  
8       2008 and 2009 and \$10,000,000 for each of fiscal years  
9       2010 through 2012, of which—

10           “(1) for each of fiscal years 2008 and 2009—

11                   “(A) \$1,000,000 shall be used by the Na-  
12           tional Oceanic and Atmospheric Administration;  
13           and

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

16           “(2) for each of fiscal years 2010 through  
17       2012—

18                   “(A) \$5,000,000 shall be used by the Na-  
19           tional Oceanic and Atmospheric Administration;  
20           and

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

23       “(g) CONTAINMENT AND CONTROL.—

1           “(1) DISPERSAL BARRIERS.—There are author-  
2           ized to be appropriated for each of fiscal years 2008  
3           through 2012—

4                   “(A) such sums as are necessary to carry  
5           out section 1202(j)(1); and

6                   “(B) \$2,150,000, to be used by the Direc-  
7           tor to carry out the monitoring program under  
8           section 1202(j)(2).

9           “(2) RAPID RESPONSE.—There are authorized  
10          to be appropriated for each of fiscal years 2008  
11          through 2012—

12                   “(A) \$25,000,000, to the Emergency  
13          Rapid Response Fund established under section  
14          1211(a), to remain available until expended;

15                   “(B) \$1,000,000, to be used by the Na-  
16          tional Invasive Species Council in developing  
17          the State and regional rapid response contin-  
18          gency strategy under section 1211; and

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

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

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

3 “(3) ENVIRONMENTAL SOUNDNESS.—There is  
4 authorized to be appropriated for establishment  
5 under section 1202(k) of criteria for the improve-  
6 ment of treatment methods for aquatic invasive spe-  
7 cies \$600,000 for each of fiscal years 2008 through  
8 2012.

9 “(h) INFORMATION, EDUCATION AND OUTREACH.—  
10 There are authorized to be appropriated for each of fiscal  
11 years 2008 through 2012—

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

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

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

21 “(A) \$1,000,000 shall be used by the Na-  
22 tional Oceanic and Atmospheric Administration;  
23 and

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

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

4           “(i) RESEARCH.—

5           “(1) ECOLOGICAL AND PATHWAY RESEARCH  
 6           AND ANALYSIS.—There are authorized to be appro-  
 7           priated for each of fiscal years 2008 through 2012—

8           “(A) \$17,000,000, to be used by the Na-  
 9           tional Oceanic and Atmospheric Administration  
 10          to carry out sections 1107 and 1108, of which  
 11          \$13,000,000 shall be used to carry out the  
 12          grant program under section 1107(g));

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

16          “(C) \$4,500,000, to be used by the United  
 17          States Geological Survey to carry out sections  
 18          1107 and 1108, of which \$500,000 shall be  
 19          used to develop, maintain, and update the data-  
 20          base required under section 1107(j)); and

21          “(D) \$1,650,000, to be used by the Great  
 22          Lakes Environmental Research Laboratory to  
 23          carry out the demonstration program under sec-  
 24          tion 1202(i).



1           “(2) DISSEMINATION.—There is authorized to  
 2           be appropriated to provide for the dissemination of  
 3           information by the National Invasive Species Council  
 4           under section 1109 \$500,000 for each of fiscal years  
 5           2008 through 2012.

6           “(3) TECHNOLOGY DEVELOPMENT, DEM-  
 7           ONSTRATION, AND VERIFICATION.—There are au-  
 8           thorized to be appropriated for each of fiscal years  
 9           2008 through 2012—

10                 “(A) \$2,500,000, to be used by the Admin-  
 11                 istrator for the purposes of environmental  
 12                 soundness screening and improvement under  
 13                 section 1110(a);

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

17                 “(C) \$7,500,000, to carry out vessel path-  
 18                 way technology development under sections  
 19                 1104 and 1301(e).

20           “(4) VESSEL PATHWAY STANDARDS RE-  
 21           SEARCH.—There are authorized to be appro-  
 22           priated—

23                 “(A) for each of fiscal years 2008 through  
 24                 2012, \$3,000,000, to be used for research in  
 25                 support of vessels pathway standards and tech-

1 nology evaluation under section 1111(a) of  
2 which—

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

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

7 “(B) for each of fiscal years 2008 through  
8 2010, \$500,000, to be used by the Coast Guard  
9 to carry out the performance test required  
10 under section 1111(b); and

11 “(C) for fiscal year 2008, \$500,000, to be  
12 used by the Secretary of the Coast Guard to  
13 enter into an agreement with the National  
14 Academy of Sciences to carry out the study re-  
15 quired under section 1111(c).

16 “(5) RESEARCH IN SYSTEMATICS AND TAX-  
17 ONOMY.—There is authorized to be appropriated for  
18 the National Science Foundation to provide research  
19 grants for systematics and taxonomy under section  
20 1112 \$2,500,000 for each of fiscal years 2008  
21 through 2012.”.

**TITLE VII—CONFORMING  
AMENDMENTS**

**SEC. 701. CONFORMING AMENDMENTS.**

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

(1) in section 1102 (16 U.S.C. 4712)—

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

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

(B) in subsection (b)—

(i) by striking paragraph (1); and

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

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

**“Subtitle C—Prevention and Control of Aquatic Invasive Species Dispersal”;**

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

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

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

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

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

8 and

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

12 (b) SHORT TITLE.—

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

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

