

111TH CONGRESS
1ST SESSION

S. 237

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

IN THE SENATE OF THE UNITED STATES

JANUARY 14, 2009

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

A BILL

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

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

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

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Great Lakes Collaboration Implementation Act of 2009”.

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.

TITLE I—INVASIVE SPECIES

Subtitle A—National Aquatic Invasive Species

- Sec. 101. Short title.
- Sec. 102. Findings.
- Sec. 103. Definitions.

PART I—PREVENTION OF INTRODUCTION OF AQUATIC INVASIVE SPECIES BY OTHER PATHWAYS

- Sec. 111. Priority pathway management program.
- Sec. 112. Screening process for planned importations of live aquatic organisms.

PART II—EARLY DETECTION; RAPID RESPONSE; CONTROL AND OUTREACH

- Sec. 121. Early detection.
- Sec. 122. Rapid response.
- Sec. 123. Dispersal barriers.
- Sec. 124. Environmental soundness.
- Sec. 125. Information, education, and outreach.

PART III—AQUATIC INVASIVE SPECIES RESEARCH

- Sec. 131. Ecological, pathway, and experimental research.
- Sec. 132. Analysis.
- Sec. 133. Vessel pathway standards research.
- Sec. 134. Graduate education in systematics and taxonomy.

PART IV—COORDINATION

- Sec. 141. Program coordination.
- Sec. 142. International coordination.

PART V—AUTHORIZATION OF APPROPRIATIONS

- Sec. 151. Authorization of appropriations.

PART VI—CONFORMING AMENDMENTS

- Sec. 161. Conforming amendments.

Subtitle B—Asian Carp Prevention and Control

- Sec. 171. Addition of species of carp to the list of injurious species that are prohibited from being imported or shipped.
- Sec. 172. Dispersal barriers.

Subtitle C—National Invasive Species Council

- Sec. 181. Definitions.
- Sec. 182. Limitation on Federal actions.
- Sec. 183. National Invasive Species Council.
- Sec. 184. Duties of Council.
- Sec. 185. National Invasive Species Management Plan.
- Sec. 186. Invasive Species Advisory Committee.
- Sec. 187. Budget analysis and summary.
- Sec. 188. Existing Executive order.
- Sec. 189. Authorization of appropriations.

TITLE II—COASTAL HEALTH

- Sec. 201. Technical assistance.
- Sec. 202. Sewer overflow control grants.
- Sec. 203. Water pollution control revolving loan funds.
- Sec. 204. Allotment of funds.
- Sec. 205. Authorization of appropriations.

TITLE III—AREAS OF CONCERN

- Sec. 301. Remediation of sediment contamination in areas of concern.

TITLE IV—TOXIC SUBSTANCES

- Sec. 401. Mercury reduction grants.

TITLE V—INDICATORS AND INFORMATION

Subtitle A—Research Program

- Sec. 501. Research reauthorizations.
- Sec. 502. Great Lakes Science Center.
- Sec. 503. Center for Sponsor Coastal Ocean Research.
- Sec. 504. Great Lakes Environmental Research Laboratory.

Subtitle B—Ocean and Coastal Observation System

- Sec. 511. Definitions.
- Sec. 512. Integrated ocean and coastal observing system.
- Sec. 513. Research, development, and education.
- Sec. 514. Interagency financing.
- Sec. 515. Application with Outer Continental Shelf Lands Act.
- Sec. 516. Authorization of appropriations.
- Sec. 517. Reporting requirement.

Subtitle C—Great Lakes Water Quality Indicators and Monitoring

- Sec. 521. Great Lakes water quality indicators and monitoring.

TITLE VI—SUSTAINABLE DEVELOPMENT

- Sec. 601. Waterfront restoration and remediation projects.
- Sec. 602. Authority of Secretary to restore and remediate waterfront and related areas.
- Sec. 603. Authorization of appropriations.

TITLE VII—COORDINATION AND OVERSIGHT

- Sec. 701. Definitions.
- Sec. 702. Great Lakes Interagency Task Force.
- Sec. 703. Great Lakes Regional Collaboration Executive Committee.
- Sec. 704. Great Lakes Regional Collaboration.
- Sec. 705. Great Lakes restoration grants.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

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

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

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

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

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

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

19 (i) toxic chemicals;

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

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

24 (iv) invasive plant and animal species;

25 (v) changes in water patterns; and

1 (vi) overfishing;

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

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

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

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

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

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

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

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

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

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

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

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

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

13 (B) composed of—

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

17 (ii) other stakeholders;

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

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

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

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

10 **SEC. 3. DEFINITIONS.**

11 In this Act:

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

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

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

20 (C) the United States Geological Survey.

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

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

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

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

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

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

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

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

17 (7) INVASIVE SPECIES COUNCIL.—The term
18 “Invasive Species Council” means the council estab-
19 lished by section 3 of Executive Order No. 13112
20 (42 U.S.C. 4321 note; relating to invasive species).

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

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

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

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

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

13 **TITLE I—INVASIVE SPECIES**
14 **Subtitle A—National Aquatic**
15 **Invasive Species**

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

17 This subtitle may be cited as the “National Aquatic
18 Invasive Species Act of 2009”.

19 **SEC. 102. FINDINGS.**

20 Congress finds that—

21 (1) aquatic invasive species are second only to
22 habitat destruction as a cause of permanent losses
23 in biological diversity of aquatic ecosystems of the
24 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. 103. 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 **PART I—PREVENTION OF INTRODUCTION OF**
16 **AQUATIC INVASIVE SPECIES BY OTHER**
17 **PATHWAYS**

18 **SEC. 111. PRIORITY PATHWAY MANAGEMENT PROGRAM.**

19 Subtitle C of title I of the Nonindigenous Aquatic
20 Nuisance Prevention and Control Act of 1990 (16 U.S.C.
21 4721 et seq.) is amended by adding at the end the fol-
22 lowing:

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

24 “(a) IDENTIFICATION OF HIGH PRIORITY PATH-
25 WAYS.—Not later than 2 years after the date of enactment

1 of the National Aquatic Invasive Species Act of 2009, and
2 every 3 years thereafter, the Task Force, in coordination
3 with the National Invasive Species Council and in con-
4 sultation with representatives of States, industry, and
5 other interested parties, shall, based on pathway surveys
6 conducted under this title and other available research re-
7 lating to the rates of introductions in waters of the United
8 States—

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

12 “(2) develop recommendations for management
13 strategies for those high-risk pathways;

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

18 “(4) identify invasive species not yet introduced
19 into waters of the United States that are likely to
20 be introduced into waters of the United States un-
21 less preventative measures are taken.

22 “(b) MANAGEMENT OF HIGH PRIORITY PATH-
23 WAYS.—Not later than 3 years after the date of enactment
24 of the National Aquatic Invasive Species Act of 2009, the
25 Task Force or agencies of jurisdiction shall, to the max-

1 imum extent practicable, implement the strategies de-
 2 scribed in subsection (a)(2), considering appropriate peri-
 3 odic updates to the strategies.”.

4 **SEC. 112. SCREENING PROCESS FOR PLANNED IMPORTA-**
 5 **TIONS OF LIVE AQUATIC ORGANISMS.**

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

9 **“SEC. 1105. SCREENING PROCESS FOR PLANNED IMPORTA-**
 10 **TIONS OF AQUATIC ORGANISMS.**

11 “(a) PURPOSE.—The purpose of the screening proc-
 12 ess under this section is to prevent the introduction or
 13 establishment of aquatic invasive species, including patho-
 14 gens and parasites of the species, in waters of the United
 15 States and contiguous waters of Canada and Mexico.

16 “(b) CATALOG OF SPECIES IN TRADE.—Not later
 17 than 18 months after the date of enactment of the Na-
 18 tional Aquatic Invasive Species Act of 2009, the Director
 19 of the United States Geological Survey, the Administrator
 20 of the Animal and Plant Health Inspection Service, the
 21 Director of the Smithsonian Environmental Research Cen-
 22 ter, and other Federal agencies with jurisdiction over
 23 planned importations of live organisms, shall—

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

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

3 “(c) PLANNED IMPORTATIONS.—Not later than 3
4 years after the date of enactment of the National Aquatic
5 Invasive Species Act of 2009, no aquatic organism of a
6 species that is not in trade shall be imported into the
7 United States without screening and approval in accord-
8 ance with this section.

9 “(d) GUIDELINES.—

10 “(1) IN GENERAL.—Not later than 30 months
11 after the date of enactment of the National Aquatic
12 Invasive Species Act of 2009, the National Invasive
13 Species Council, in conjunction with the Task Force
14 and in consultation with affected regional panels,
15 States, Indian tribes, and other stakeholders, shall
16 promulgate guidelines for screening proposed
17 planned importations of aquatic organisms into the
18 United States.

19 “(2) CONTENT.—At a minimum, the guidelines
20 under paragraph (1) shall include guidelines relating
21 to—

22 “(A) the minimum information require-
23 ments for screening determinations under sub-
24 section (e);

1 “(B) a simplified notification procedure for
 2 any additional shipment of organisms that may
 3 occur after completion of an initial screening
 4 process and determination under subsection (e);

5 “(C) application forms; and

6 “(D) shipping labels.

7 “(3) FACTORS FOR CONSIDERATION.—In devel-
 8 oping guidelines under this section, the National
 9 Invasive Species Council and the Task Force shall
 10 take into consideration—

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

13 “(B) species that may occur in association
 14 with the species planned for importation, in-
 15 cluding pathogens, parasites, and free-living or-
 16 ganisms;

17 “(C) regional differences in the probability
 18 of invasion and associated impacts;

19 “(D) the difficulty of controlling an estab-
 20 lished population of an aquatic invasive species
 21 in the wild;

22 “(E) the profile established under section
 23 1108(b);

24 “(F) any applicable best available science;

1 “(G) the potential benefits associated with
2 the species; and

3 “(H) the requirements of international law.

4 “(e) SCREENING.—

5 “(1) EVALUATION.—

6 “(A) IN GENERAL.—Not later than 180
7 days after the date of publication of the guide-
8 lines under subsection (d), each Federal agency
9 with authority over an importation into the
10 United States of an aquatic organism of a spe-
11 cies that is not in trade, as determined in ac-
12 cordance with the catalog under subsection (b),
13 and that is proposed for importation into the
14 United States, shall—

15 “(i) promulgate regulations in accord-
16 ance with the guidelines under subsection
17 (d); and

18 “(ii) carry out screening in accordance
19 with this subsection.

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

23 “(i) prohibit the importation into the
24 United States of any species described in
25 clause (i) or (iii) of paragraph (2)(B), un-

1 less the importation is for the sole purpose
 2 of research conducted in accordance with
 3 section 1202(f)(2);

4 “(ii) restrict, as necessary, the impor-
 5 tation of any species described in sub-
 6 section (2)(B)(ii), unless the importation is
 7 for the sole purpose of research conducted
 8 in accordance with section 1202(f)(2);

9 “(iii) make a determination under this
 10 subsection not later than 180 days after
 11 receiving a complete request for permission
 12 to import a aquatic organism; and

13 “(iv) make the results of the screening
 14 process available to the public.

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

17 “(A) to the maximum extent practicable,
 18 the identification, preferably to the species level
 19 but, at a minimum, to the genus level, of aquat-
 20 ic organisms proposed for importation; and

21 “(B) the designation of—

22 “(i) species with a high or moderate
 23 probability of undesirable impacts to areas
 24 within the United States and contiguous

1 areas of neighboring countries to which the
 2 species is likely to be spread;

3 “(ii) species with a low or no prob-
 4 ability of undesirable impacts to areas
 5 within the United States and contiguous
 6 areas of neighboring countries to which the
 7 species is likely to be spread; and

8 “(iii) species with respect to which
 9 there is insufficient information to deter-
 10 mine the risk of such undesirable impacts.

11 “(3) DELEGATION AND AUTHORITY.—

12 “(A) IN GENERAL.—If no Federal agency
 13 has the authority described in paragraph
 14 (1)(A), or if the head of such a Federal agency
 15 delegates the screening authority to the Direc-
 16 tor under subparagraph (B), the Director shall
 17 screen the organism.

18 “(B) DELEGATION TO DIRECTOR.—The
 19 head of a Federal agency with the authority de-
 20 scribed in paragraph (1)(A) may delegate to the
 21 Director the authority to carry out the screen-
 22 ing process under this subsection.

23 “(C) UNITED STATES FISH AND WILDLIFE
 24 SERVICE.—

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

6 “(I) no other Federal agency has
 7 authority to regulate the importation
 8 of the species; or

9 “(II) the head of a Federal agen-
 10 cy delegates authority to the Director
 11 under subparagraph (B).

12 “(ii) SCREENING REQUIREMENTS.—
 13 The Director shall promulgate screening
 14 requirements in accordance with the guide-
 15 lines under subsection (d) to evaluate any
 16 planned importation of an aquatic orga-
 17 nism, including an importation carried out
 18 by a Federal agency, that is not otherwise
 19 subject to Federal authority to permit the
 20 importation.

21 “(D) MULTIPLE JURISDICTION.—

22 “(i) IN GENERAL.—If more than 1
 23 Federal agency has jurisdiction over the
 24 importation of an aquatic organism, the
 25 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 with each Federal agency with the authority to conduct screening under this subsection.

“(B) CONTENTS.—A memorandum of understanding under subparagraph (A) shall contain, at a minimum—

“(i) a description of the relationship between, and responsibilities of, each Federal agency, including a process designating a lead agency in cases in which

1 multiple agencies have jurisdiction over the
 2 screening of an aquatic species;

3 “(ii) the process by which the Director
 4 will delegate screening duties to, and re-
 5 ceive delegation from, other agencies of ju-
 6 risdiction; and

7 “(iii) the process by which the agency
 8 and the National Invasive Species Council
 9 will coordinate and share information re-
 10 quired for the screening of a species.

11 “(f) REVIEW AND REVISION.—

12 “(1) IN GENERAL.—Not less frequently than
 13 once every 3 years, the National Invasive Species
 14 Council, in conjunction with the Task Force, shall
 15 review and revise, based on research on early detec-
 16 tion and monitoring under section 1106 and other
 17 information, the guidelines, screening, and other ac-
 18 tivities carried out under this section.

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

22 “(A) an evaluation of the effectiveness of
 23 the screening process carried out under sub-
 24 section (e);

1 “(B) the consistency of the application of
2 the screening process by Federal agencies; and

3 “(C) recommendations for revisions of the
4 screening process.

5 “(g) PROHIBITIONS.—

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

9 “(2) PENALTIES.—

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

13 “(B) CRIMINAL PENALTIES.—Any person
14 that knowingly violates subsection (c) is guilty
15 of a class C felony.

16 “(h) FEES.—The head of any agency that has juris-
17 diction over a planned importation of an aquatic species
18 subject to screening under this section may increase the
19 amount of any appropriate fee that is charged under an
20 applicable law (including regulations) to offset the cost of
21 screening carried out under this section.

22 “(i) EFFECT ON OTHER LAWS.—

23 “(1) IN GENERAL.—Nothing in this section re-
24 peals, supersedes, or modifies any provision of Fed-

1 eral or State law relating to the screening process
2 for aquatic species importation.

3 “(2) MORE PROTECTIVE LAWS.—A State, the
4 District of Columbia, or a territory of the United
5 States may adopt an aquatic plant or animal impor-
6 tation law, regulation, or policy that requires a more
7 protective screening process for aquatic species im-
8 portation than the regulations and policies of this
9 section.”.

10 **PART II—EARLY DETECTION; RAPID RESPONSE;**
11 **CONTROL AND OUTREACH**

12 **SEC. 121. EARLY DETECTION.**

13 Subtitle B of the Nonindigenous Aquatic Nuisance
14 Prevention and Control Act of 1990 (16 U.S.C. 4711 et
15 seq.) (as amended by section 112) is amended by adding
16 at the end the following:

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

18 “(a) IN GENERAL.—Not later than 18 months after
19 the date of enactment of the National Aquatic Invasive
20 Species Act of 2009, in conjunction with the Council, the
21 Task Force shall (based on the standard protocol for early
22 detection surveys developed under this title), promulgate
23 a set of sampling protocols, a geographic plan, and budget
24 to support a national system of ecological surveys to rap-

1 idly detect recently established aquatic invasive species in
 2 waters of the United States.

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

5 “(1) address a diversity of aquatic ecosystems
 6 of the United States (including inland and coastal
 7 waters);

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

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

12 “(4) considers the pathways and organisms
 13 identified under section 1210;

14 “(5) include a capacity to evaluate the impacts
 15 of permitted importations screened by the processes
 16 established under section 1105; and

17 “(6) include clear lines of communication with
 18 appropriate Federal, State, and regional rapid re-
 19 sponse authorities.

20 “(c) IMPLEMENTATION.—Not later than 3 years after
 21 the date of enactment of the National Aquatic Invasive
 22 Species Act of 2009, the Director of the United States
 23 Geological Survey, the Administrator of the National Oce-
 24 anic and Atmospheric Administration, and the Adminis-
 25 trator (in consultation with the National Invasive Species

1 Council and in coordination with other agencies and orga-
 2 nizations) shall implement a national system of ecological
 3 surveys that is—

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

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

10 **SEC. 122. RAPID RESPONSE.**

11 Subtitle C of title I of the Nonindigenous Aquatic
 12 Nuisance Prevention and Control Act of 1990 (16 U.S.C.
 13 4721 et seq.) (as amended by section 111) is amended
 14 by adding at the end the following:

15 **“SEC. 1211. RAPID RESPONSE.**

16 “(a) EMERGENCY RAPID RESPONSE FUND.—

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

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

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

3 “(2) EXPENDITURES FROM FUND.—

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

14 “(B) STATE ASSISTANCE.—

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

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

24 “(I) in a case in which a State
25 has in effect a rapid response contin-

1 agency strategy that is approved under
 2 subsection (b), to provide emergency
 3 response assistance to the State; and

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

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

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

23 “(3) INVESTMENT OF AMOUNTS.—

24 “(A) IN GENERAL.—The Secretary of the
 25 Treasury shall invest such portion of the Fund

1 as is not, in the judgment of the Secretary of
 2 the Treasury, required to meet current with-
 3 drawals.

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

7 “(C) ACQUISITION OF OBLIGATIONS.—For
 8 the purpose of investments under subparagraph
 9 (A), obligations may be acquired—

10 “(i) on original issue at the issue
 11 price; or

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

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

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

21 “(4) TRANSFERS OF AMOUNTS.—

22 “(A) IN GENERAL.—The amounts required
 23 to be transferred to the Fund under this section
 24 shall be transferred at least monthly from the
 25 general fund of the Treasury to the Fund on

1 the basis of estimates made by the Secretary of
2 the Treasury.

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

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

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

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

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

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

1 “(B) distinguishes rapid response meas-
 2 ures from ongoing management and control of
 3 established populations of aquatic invasive spe-
 4 cies; and

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

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

11 “(5) provides for a monitoring capability to as-
 12 sess—

13 “(A) the extent of infestations; and

14 “(B) the effectiveness of rapid response ef-
 15 forts;

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

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

22 “(8) includes a public education and outreach
 23 component directed at—

24 “(A) potential pathways for spread of
 25 aquatic invasive species; and

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

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

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

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

15 “(2) are approved by—

16 “(A) the Secretary; and

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

19 “(d) MODEL RAPID RESPONSE CONTINGENCY
 20 STRATEGIES.—Not later than 18 months after the date
 21 of enactment of the National Aquatic Invasive Species Act
 22 of 2009—

23 “(1) the Task Force, with the concurrence of
 24 the National Invasive Species Council and the re-

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

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

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

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

18 “(e) COST SHARING.—

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

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

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

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

7 “(f) FEDERAL RAPID RESPONSE TEAMS.—

8 “(1) ESTABLISHMENT OF TEAMS.—Not later
 9 than 1 year after the date of enactment of the Na-
 10 tional Aquatic Invasive Species Act of 2009, the Na-
 11 tional Invasive Species Council, in coordination with
 12 the Task Force and the heads of appropriate Fed-
 13 eral agencies, shall establish a Federal rapid re-
 14 sponse team for each of the 10 Federal regions that
 15 comprise the Standard Federal Regional Boundary
 16 System.

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

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

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

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

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

“(D) provide central sources of information for rapid responders;

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

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

“(3) CRITERIA FOR IDENTIFYING CASES OF RAPID RESPONSE WARRANTING FEDERAL ASSISTANCE.—Not later than 1 year after the date of enactment of the National Aquatic Invasive Species Act of 2009, the Task Force, with the concurrence of the National Invasive Species Council, shall develop criteria to identify cases warranting Federal assistance for rapid assessment and response under this subsection, including indicative criteria relating to, at a minimum—

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

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

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

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

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

14 “(iii) human health.

15 “(4) ENVIRONMENTAL CRITERIA.—Not later
16 than 1 year after the date of enactment of the Na-
17 tional Aquatic Invasive Species Act of 2009, the Ad-
18 ministrator, in consultation with the National
19 Invasive Species Council, the Secretary of Transpor-
20 tation, the Task Force (including regional panels of
21 the Task Force established under section 1203), the
22 Director, and the Director of the National Marine
23 Fisheries Service, shall develop environmental cri-
24 teria to minimize nontarget environmental impacts

1 of rapid responses carried out pursuant to this sec-
 2 tion.”.

3 **SEC. 123. DISPERSAL BARRIERS.**

4 (a) IN GENERAL.—Section 1202 of the Nonindige-
 5 nous Aquatic Nuisance Prevention and Control Act of
 6 1990 (16 U.S.C. 4722) is amended—

7 (1) by redesignating subsections (j) and (k) as
 8 subsections (m) and (n), respectively; and

9 (2) by inserting after subsection (i) the fol-
 10 lowing:

11 “(j) NATIONAL DISPERSAL BARRIER PROGRAM.—

12 “(1) MONITORING PROGRAM.—

13 “(A) ESTABLISHMENT.—Not later than 1
 14 year after the date of enactment of the Na-
 15 tional Aquatic Invasive Species Act of 2009, the
 16 Secretary of the Interior shall establish an
 17 interbasin and intrabasin monitoring program.

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

20 “(i) track aquatic invasive species
 21 moving through—

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

24 “(II) the Lake Champlain Canal;

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

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

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

15 “(iii) identify waterways suitable for
16 dispersal barrier demonstration projects, in
17 addition to the waterways at which dis-
18 persal barrier demonstration projects were
19 carried out before the date of enactment of
20 the National Aquatic Invasive Species Act
21 of 2009.

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

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

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

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

17 “(A) identify additional waterways suitable
 18 for the construction of new dispersal barriers
 19 (based on the monitoring program established
 20 under paragraph (1)); and

21 “(B) construct, maintain, and operate such
 22 dispersal barriers as necessary.

23 “(5) REPORTS.—Not later than 3 years after
 24 the date of enactment of the National Aquatic
 25 Invasive Species Act of 2009, the Assistant Sec-

1 retary and the Director shall jointly submit to Con-
2 gress a report that describes—

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

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

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

13 “SEC. 345. There are authorized to be appropriated
14 such sums as are necessary to carry out the Barrier II
15 project of the project for the Chicago Sanitary and Ship
16 Canal Dispersal Barrier, Illinois, initiated pursuant to sec-
17 tion 1135 of the Water Resources Development Act of
18 1986 (33 U.S.C. 2309a).”.

19 **SEC. 124. ENVIRONMENTAL SOUNDNESS.**

20 Section 1202 of the Nonindigenous Aquatic Nuisance
21 Prevention and Control Act of 1990 (16 U.S.C. 4722) (as
22 amended by section 123) is amended by inserting after
23 subsection (j) the following:

24 “(k) IMPROVEMENT OF TREATMENT METHODS FOR
25 AQUATIC INVASIVE SPECIES.—

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

3 “(A) IN GENERAL.—Not later than 1 year
4 after the date of enactment of the National
5 Aquatic Invasive Species Act of 2009, the Ad-
6 ministrator, in consultation with the Secretary,
7 the National Invasive Species Council, and the
8 Task Force (including any regional panels of
9 the Task Force) shall promulgate criteria to
10 evaluate the treatment methods described in
11 subparagraph (B) for the purpose of ensuring
12 that the treatment methods pose no significant
13 threat of adverse effect on human health, public
14 safety, or the environment (including air quality
15 and the aquatic environment) that is acute,
16 chronic, cumulative, or collective.

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

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

“(i) the Secretary of Transportation;

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

“(iii) the Director;

“(iv) the Assistant Secretary;

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

“(vi) relevant State agencies.

“(2) PUBLICATION OF INFORMATION ON ENVIRONMENTALLY SOUND TREATMENT METHODS.—The Administrator, in consultation with the National Invasive Species Council, shall publish (not later than 1 year after the date of enactment of the National Aquatic Invasive Species Act of 2009) and update annually—

“(A) a list of environmentally sound treatment methods that may apply to a potential aquatic invasive species response effort;

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

1 “(C) explicit guidelines under which each
2 treatment method can be used in an environ-
3 mentally sound manner.

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

8 **SEC. 125. INFORMATION, EDUCATION, AND OUTREACH.**

9 Section 1202(h) of the Nonindigenous Aquatic Nui-
10 sance Prevention and Control Act of 1990 (16 U.S.C.
11 4722(h)) is amended—

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

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

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

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

17 “(2) ACTIVITIES.—

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

21 “(B) PUBLIC OUTREACH.—

22 “(i) PUBLIC WARNINGS.—Not later
23 than 180 days after the date of enactment
24 of the National Aquatic Invasive Species
25 Act of 2009, each Federal officer of an

1 agency that provides Federal funds to
 2 States for building or maintaining public
 3 access points to United States water bodies
 4 shall amend the guidelines of the agency,
 5 in consultation with relevant State agen-
 6 cies, to encourage the posting of regionally
 7 specific public warnings or other suitable
 8 informational and educational materials at
 9 the access points regarding—

10 “(I) the danger of spread of
 11 aquatic invasive species through the
 12 transport of recreational watercraft;
 13 and

14 “(II) methods for removing orga-
 15 nisms prior to transporting a
 16 watercraft.

17 “(ii) CLEANING OF WATERCRAFT AT
 18 MARINAS.—Not later than 1 year after the
 19 date of enactment of the National Aquatic
 20 Invasive Species Act of 2009, the Under
 21 Secretary and the Director (in cooperation
 22 with the Task Force and in consultation
 23 with the States, relevant industry groups,
 24 and Indian tribes) shall develop an edu-
 25 cation, outreach, and training program di-

1 rected toward marinas and marina opera-
2 tors regarding—

3 “(I) checking watercraft for live
4 organisms;

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

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

12 “(IV) other activities, as identi-
13 fied by the Secretary.

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

17 “(I) not later than 1 year after
18 the date of enactment of the National
19 Aquatic Invasive Species Act of 2009,
20 develop (in consultation with industry
21 and other affected parties) guidelines
22 for proper disposal of live nonindige-
23 nous aquatic organisms in trade; and

1 “(II) use the guidelines in appro-
2 priate public information and out-
3 reach efforts.

4 “(C) 100TH MERIDIAN PROGRAM.—

5 “(i) IN GENERAL.—Not later than 1
6 year after the date of enactment of the
7 National Aquatic Invasive Species Act of
8 2009, the Task Force shall expand the in-
9 formation and education program directed
10 at recreational boaters in States from
11 which watercraft are transported westward
12 across the 100th meridian.

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

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

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

24 “(III) support education and in-
25 formation programs of the States of

1 origin to ensure that the State pro-
2 grams address westward spread.

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

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

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

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

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

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

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

14 **PART III—AQUATIC INVASIVE SPECIES**

15 **RESEARCH**

16 **SEC. 131. ECOLOGICAL, PATHWAY, AND EXPERIMENTAL RE-** 17 **SEARCH.**

18 (a) IN GENERAL.—Subtitle B of the Nonindigenous
 19 Aquatic Nuisance Prevention and Control Act of 1990 (16
 20 U.S.C. 4711 et seq.) (as amended by section 121) is
 21 amended by adding at the end the following:

22 **“SEC. 1107. ECOLOGICAL, PATHWAY, AND EXPERIMENTAL** 23 **RESEARCH.**

24 “(a) DEFINITION OF ADMINISTERING AGENCIES.—

1 “(1) IN GENERAL.—In this section and section
2 1108, the term ‘administering agencies’ means—

3 “(A) the Smithsonian Environmental Re-
4 search Center;

5 “(B) the United States Geological Survey;
6 and

7 “(C) the National Oceanic and Atmos-
8 pheric Administration (including the Great
9 Lakes Environmental Research Laboratory).

10 “(2) MEMORANDUM OF UNDERSTANDING.—The
11 administering agencies shall enter into an agreement
12 regarding implementation of this subtitle.

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

15 “(A) the Task Force;

16 “(B) the Environmental Protection Agen-
17 cy;

18 “(C) the United States Fish and Wildlife
19 Service; and

20 “(D) other appropriate Federal and State
21 agencies.

22 “(4) COOPERATION.—In carrying out this sec-
23 tion, the administering agencies shall contract, as
24 appropriate, or otherwise cooperate with academic
25 researchers.

1 “(b) PROGRAM.—The administering agencies shall
 2 develop (not later than 18 months after the date of enact-
 3 ment of the National Aquatic Invasive Species Act of
 4 2009) and conduct a marine and freshwater research pro-
 5 gram (including ecological and pathway surveys and ex-
 6 perimentation) to assess rates of, patterns of, and condi-
 7 tions surrounding introductions of nonindigenous aquatic
 8 species in aquatic ecosystems.

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

12 “(1) providing information for—

13 “(A) early detection and rapid response ef-
 14 forts; and

15 “(B) relevant policy questions; and

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

19 “(d) PROTOCOL DEVELOPMENT.—The administering
 20 agencies shall—

21 “(1) establish standardized protocols for con-
 22 ducting surveys that are integrated and produce
 23 comparable data, and, as practicable, build on exist-
 24 ing protocols and data collection methods (including
 25 surveys required under subsection (b)), including—

1 “(A) protocols to support early detection
2 surveys of nonindigenous aquatic species con-
3 ducted by Federal, State, or local agencies in-
4 volved in the management of invasive species,
5 including surveys carried out pursuant to sec-
6 tion 1106;

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

11 “(C) protocols to support pathway surveys;

12 “(2) recommend a standardized approach for
13 classifying species;

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

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

18 “(5) complete the protocols not later than 1
19 year after the date of enactment of the National
20 Aquatic Invasive Species Act of 2009;

21 “(6) revise protocols as necessary; and

22 “(7) disseminate the protocols to the Task
23 Force and other Federal, State, and local stake-
24 holders.

1 “(e) ECOLOGICAL AND PATHWAY SURVEY REQUIRE-
2 MENTS.—

3 “(1) IN GENERAL.—Each comprehensive eco-
4 logical survey conducted under this section shall, at
5 a minimum—

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

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

13 “(ii) the chemical and physical charac-
14 teristics of water and underlying substrate
15 in the ecosystem;

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

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

19 “(ii) the environmental requirements
20 and tolerances of the species;

21 “(iii) the native ecosystems of the spe-
22 cies; and

23 “(iv) the history of the species spread
24 from the native ecosystems of the species;

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

6 “(D) identify the likely pathway of entry of
7 nonindigenous species.

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

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

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

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

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

23 “(1) REQUIRED SITES.—The administering
24 agencies shall designate the number and location of

1 survey sites necessary to carry out marine and fresh-
 2 water research required under this section.

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

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

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

9 “(g) COMPETITIVE GRANT PROGRAM.—

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

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

19 “(h) WORKSHOP.—Not later than 120 days after the
 20 date of enactment of the National Aquatic Invasive Spe-
 21 cies Act of 2009, to assist in the development of the proto-
 22 cols and design for the surveys under this section, the ad-
 23 ministering agencies shall—

24 “(1) convene a workshop among researchers
 25 from Federal and State agencies and academic insti-

1 tutions to obtain recommendations for the develop-
2 ment of the protocols and surveys; and

3 “(2) make the results of the workshop widely
4 available to the public.

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

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

12 “(2) the circumstances necessary for the species
13 to survive and thrive.

14 “(j) NATIONAL PATHWAYS AND ECOLOGICAL SUR-
15 VEYS DATABASE.—

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

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

1 “(A) make the database widely available to
2 the public;

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

5 “(C) coordinate the database with existing
6 databases collecting similar information; and

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

12 (b) VESSEL PATHWAY SURVEYS.—Section
13 1102(b)(2)(B) of Nonindigenous Aquatic Nuisance Pre-
14 vention and Control Act of 1990 (16 U.S.C.
15 4712(b)(2)(B)) is amended by striking clause (ii) and in-
16 serting the following:

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

21 **SEC. 132. ANALYSIS.**

22 (a) IN GENERAL.—Subtitle B of the Nonindigenous
23 Aquatic Nuisance Prevention and Control Act of 1990 (16
24 U.S.C. 4711 et seq.) (as amended by section 131(a)) is
25 amended by adding at the end the following:

1 **“SEC. 1108. ANALYSIS.**

2 “(a) INVASION ANALYSIS.—

3 “(1) IN GENERAL.—Not later than 3 years
4 after the date of enactment of the National Aquatic
5 Invasive Species Act of 2009, and annually there-
6 after, the administering agencies shall analyze data
7 collected under section 1107 and other relevant re-
8 search, for the purpose of preventing the introduc-
9 tion of, detecting, and eradicating invasive species
10 by—

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

13 “(B) providing information for relevant
14 policy questions; and

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

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

21 “(A) an analysis of pathways to—

22 “(i) identify, and characterize as
23 high-, medium-, or low-risk, regional and
24 national pathways for the introduction of
25 nonindigenous aquatic species into aquatic
26 ecosystems;

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

5 “(iii) identify handling practices that
6 contribute to the introduction of species in
7 pathways; and

8 “(iv) assess the risk that species cur-
9 rently used in commerce pose for introduc-
10 tion into aquatic ecosystems;

11 “(B) include patterns and rates of invasion
12 and susceptibility to invasion of various types of
13 bodies of water;

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

18 “(D) consider rates of spread and numbers
19 and types of pathways of spread of new popu-
20 lations of the aquatic invasive species and esti-
21 mate the potential for the spread and distribu-
22 tion of newly introduced invasive species based
23 on the environmental requirements and histor-
24 ical distribution of the species;

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

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

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

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

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

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

21 “(b) RESEARCH TO ASSESS THE POTENTIAL OF THE
22 ESTABLISHMENT OF INTRODUCED SPECIES.—

23 “(1) IN GENERAL.—Not later than 2 years
24 after the date of enactment of the National Aquatic
25 Invasive Species Act of 2009, the administering

1 agencies shall develop, conduct peer review of, and
2 submit to the Task Force a profile of the general
3 characteristics of invasive species, in order to—

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

8 “(B) support the development of the
9 screening process authorized under section
10 1105.

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

15 “(A) characteristics of general species and
16 ecosystems (taking into account the opportunity
17 for introduction into any ecosystem); and

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

20 “(3) RECOMMENDATIONS.—Based on the pro-
21 file, the administering agencies shall develop and
22 submit to the Task Force, for inclusion in the report
23 to Congress developed under section 1201(f)(2)(B),
24 recommendations concerning which planned importa-

1 tion of nonindigenous aquatic organisms warrant re-
2 striction under section 1105.

3 **“SEC. 1109. DISSEMINATION.**

4 “(a) IN GENERAL.—The National Invasive Species
5 Council, in coordination with the Task Force, and the ad-
6 ministering agencies shall disseminate the information col-
7 lected under this Act to Federal, State, and local entities
8 (including relevant policymakers and private researchers
9 with responsibility over or interest in aquatic invasive spe-
10 cies).

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

13 “(1) not later than 3 years after the date of en-
14 actment of the National Aquatic Invasive Species
15 Act of 2009, submit to Congress a report that de-
16 scribes the actions and findings carried out under
17 this Act; and

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

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

1 istering agencies, and other appropriate Federal and State
 2 agencies, shall implement a national strategy for the shar-
 3 ing of information collected under this Act with those enti-
 4 ties.

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

13 **“SEC. 1110. TECHNOLOGY DEVELOPMENT DEMONSTRATION**
 14 **AND VERIFICATION.**

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

17 “(1) IN GENERAL.—Not later than 1 year after
 18 the date of enactment of the National Aquatic
 19 Invasive Species Act of 2009, the Administrator, in
 20 consultation with the Army Corps of Engineers and
 21 the administering agencies, shall develop and imple-
 22 ment a grant program to fund research, develop-
 23 ment, demonstration, and verification of environ-
 24 mentally sound cost-effective technologies and meth-
 25 ods to control and eradicate aquatic invasive species.

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

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

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

11 “(C) provide for the demonstration or dis-
12 semination of the technologies or methods to
13 potential end-users; and

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

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

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

1 “(5) REPORT.—Not later than 3 years after the
 2 date of enactment of the National Aquatic Invasive
 3 Species Act of 2009, the Administrator shall submit
 4 to Congress a report on the program conducted
 5 under this subsection, including findings and rec-
 6 ommendations of the Secretary with respect to tech-
 7 nologies and methods described in paragraph (1).

8 “(b) DISPERSAL BARRIER RESEARCH PROGRAM.—
 9 Not later than 1 year after the date of enactment of the
 10 National Aquatic Invasive Species Act of 2009, the Assist-
 11 ant Secretary, in conjunction with the Director and other
 12 appropriate Federal agencies and academic researchers,
 13 shall establish a research, development, and demonstration
 14 program—

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

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

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

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

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

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

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

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

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

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

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

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

3 **SEC. 133. VESSEL PATHWAY STANDARDS RESEARCH.**

4 Subtitle B of the Nonindigenous Aquatic Nuisance
5 Prevention and Control Act of 1990 (16 U.S.C. 4711 et
6 seq.) (as amended by section 132(a)) is amended by add-
7 ing at the end the following:

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

9 **“(a) RESEARCH PROGRAM.—**

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

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

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

1 mentation of vessel vector control technologies
2 and practices;

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

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

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

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

21 “(b) PERFORMANCE TEST.—Not later than 1 year
22 after the date of enactment of the National Aquatic
23 Invasive Species Act of 2009, the Secretary, in conjunc-
24 tion with the National Institute of Standards and Tech-
25 nology and the Maritime Administration, shall design a

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

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

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

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

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

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

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

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

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

3 “(2) REPORT.—Not later than 2 years after the
4 date of enactment of the National Aquatic Invasive
5 Species Act of 2009, the Secretary shall submit to
6 Congress a report that describes the results of the
7 study under paragraph (1).

8 “(3) IMPLEMENTATION OF RECOMMENDA-
9 TIONS.—Not later than the later of the date that is
10 1 year after the date of submission of the report
11 under paragraph (2) or the date that is 3 years after
12 the date of enactment of the National Aquatic
13 Invasive Species Act of 2009, the Task Force, in
14 conjunction with the Administrator, administering
15 agencies, and other appropriate Federal agencies,
16 shall submit to the Secretary a report that describes
17 recommendations for—

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

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

25 “(d) WORKING GROUP.—

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

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

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

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

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

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

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

3 **SEC. 134. GRADUATE EDUCATION IN SYSTEMATICS AND**
4 **TAXONOMY.**

5 Subtitle B of the Nonindigenous Aquatic Nuisance
6 Prevention and Control Act of 1990 (16 U.S.C. 4711 et
7 seq.) (as amended by section 133) is amended by adding
8 at the end the following:

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

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

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

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

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

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

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

5 “(c) ADMINISTRATION.—

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

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

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

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

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

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

PART IV—COORDINATION

SEC. 141. PROGRAM COORDINATION.

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

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

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

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

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

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

“(9) the Secretary of State;

“(10) the Secretary of Transportation;

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

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

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

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

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

4 “(2) 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 2009, 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 2009, 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 reapproval 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 2009 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 2009
 21 shall be updated after the date of enactment of
 22 the National Aquatic Invasive Species Act of
 23 2009 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. 142. 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(n) 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 2009, 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 **PART V—AUTHORIZATION OF APPROPRIATIONS**

13 **SEC. 151. AUTHORIZATION OF APPROPRIATIONS.**

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

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

18 “(a) IN GENERAL.—Except as otherwise provided in
19 this section, there are authorized to be appropriated such
20 sums as are necessary to carry out this Act for each of
21 fiscal years 2010 through 2014.

22 “(b) TASK FORCE AND AQUATIC INVASIVE SPECIES
23 PROGRAM.—There are authorized to be appropriated for
24 each of fiscal years 2010 through 2014—

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 2010 through 2014.

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 2010 through 2014—

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 2010 through
13 2014—

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 2010 and 2011 and \$10,000,000 for each of fiscal years
9 2012 through 2014, of which—

10 “(1) for each of fiscal years 2010 and 2011—

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.—

24 “(1) DISPERSAL BARRIERS.—There are author-
25 ized to be appropriated for use by the Director to

1 carry out the monitoring program under section
 2 1202(j)(2) \$2,150,000 for each of fiscal years 2010
 3 through 2014.

4 “(2) RAPID RESPONSE.—There are authorized
 5 to be appropriated for each of fiscal years 2010
 6 through 2014—

7 “(A) \$25,000,000, to the Emergency
 8 Rapid Response Fund established under section
 9 1211(a), to remain available until expended;

10 “(B) \$1,000,000, to be used by the Na-
 11 tional Invasive Species Council in developing
 12 the State and regional rapid response contin-
 13 ugency strategy under section 1211; and

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

17 “(i) \$500,000 shall be used by the
 18 National Oceanic and Atmospheric Admin-
 19 istration; and

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

22 “(3) ENVIRONMENTAL SOUNDNESS.—There is
 23 authorized to be appropriated for establishment
 24 under section 1202(k) of criteria for the improve-
 25 ment of treatment methods for aquatic invasive spe-

1 cies \$600,000 for each of fiscal years 2010 through
2 2014.

3 “(h) INFORMATION, EDUCATION AND OUTREACH.—
4 There are authorized to be appropriated for each of fiscal
5 years 2010 through 2014—

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

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

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

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

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

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

23 “(i) RESEARCH.—

1 “(1) ECOLOGICAL AND PATHWAY RESEARCH
2 AND ANALYSIS.—There are authorized to be appro-
3 priated for each of fiscal years 2010 through 2014—

4 “(A) \$17,000,000, to be used by the Na-
5 tional Oceanic and Atmospheric Administration
6 to carry out sections 1107 and 1108, of which
7 \$13,000,000 shall be used to carry out the
8 grant program under section 1107(g);

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

12 “(C) \$4,500,000, to be used by the United
13 States Geological Survey to carry out sections
14 1107 and 1108, of which \$500,000 shall be
15 used to develop, maintain, and update the data-
16 base required under section 1107(j); and

17 “(D) \$1,650,000, to be used by the Great
18 Lakes Environmental Research Laboratory to
19 carry out the demonstration program under sec-
20 tion 1202(i).

21 “(2) DISSEMINATION.—There is authorized to
22 be appropriated to provide for the dissemination of
23 information by the National Invasive Species Council
24 under section 1109 \$500,000 for each of fiscal years
25 2010 through 2014.

1 “(3) TECHNOLOGY DEVELOPMENT, DEM-
 2 ONSTRATION, AND VERIFICATION.—There are au-
 3 thorized to be appropriated for each of fiscal years
 4 2010 through 2014—

5 “(A) \$2,500,000, to be used by the Admin-
 6 istrator for the purposes of environmental
 7 soundness screening and improvement under
 8 section 1110(a);

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

12 “(C) \$7,500,000, to carry out vessel path-
 13 way technology development under sections
 14 1104 and 1301(e).

15 “(4) VESSEL PATHWAY STANDARDS RE-
 16 SEARCH.—There are authorized to be appro-
 17 priated—

18 “(A) for each of fiscal years 2010 through
 19 2014, \$3,000,000, to be used for research in
 20 support of vessels pathway standards and tech-
 21 nology evaluation under section 1111(a) of
 22 which—

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

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

3 “(B) for each of fiscal years 2010 through
4 2012, \$500,000, to be used by the Coast Guard
5 to carry out the performance test required
6 under section 1111(b); and

7 “(C) for fiscal year 2010, \$500,000, to be
8 used by the Secretary of the Coast Guard to
9 enter into an agreement with the National
10 Academy of Sciences to carry out the study re-
11 quired under section 1111(c).

12 “(5) RESEARCH IN SYSTEMATICS AND TAX-
13 ONOMY.—There is authorized to be appropriated for
14 the National Science Foundation to provide research
15 grants for systematics and taxonomy under section
16 1112 \$2,500,000 for each of fiscal years 2010
17 through 2014.”.

18 **PART VI—CONFORMING AMENDMENTS**

19 **SEC. 161. CONFORMING AMENDMENTS.**

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

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

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

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

3 (B) in subsection (b)—

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

5 (ii) by redesignating paragraphs (2)

6 and (3) as paragraphs (1) and (2), respec-

7 tively;

8 (2) in subtitle C (16 U.S.C. 4721 et seq.), by

9 striking the subtitle heading and inserting the fol-

10 lowing:

11 **“Subtitle C—Prevention and Con-**
12 **trol of Aquatic Invasive Species**
13 **Dispersal”;**

14 (3) in section 1201(a) (16 U.S.C. 4721(a)), by

15 striking “Nuisance Species” and inserting “Invasive

16 Species”;

17 (4) in section 1202 (16 U.S.C. 4722), by strik-

18 ing the section heading and inserting the following:

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

20 (5) in section 1204 (16 U.S.C. 4724), by strik-

21 ing the section heading and inserting the following:

22 **“SEC. 1204. STATE AQUATIC INVASIVE SPECIES MANAGE-**
23 **MENT PLANS.”;**

24 and

1 (6) by striking “aquatic nuisance species” each
 2 place it appears and inserting “aquatic invasive spe-
 3 cies”.

4 (b) SHORT TITLE.—

5 (1) IN GENERAL.—Section 1001 of the Non-
 6 indigenous Aquatic Nuisance Prevention and Control
 7 Act of 1990 (16 U.S.C. 4701) is amended by strik-
 8 ing “Nonindigenous Aquatic Nuisance” and insert-
 9 ing “Nonindigenous Aquatic Invasive Species”.

10 (2) REFERENCES.—Any reference in a law,
 11 map, regulation, document, paper, or other record of
 12 the United States to the Nonindigenous Aquatic
 13 Nuisance Prevention and Control Act of 1990 shall
 14 be deemed to be a reference to the Nonindigenous
 15 Aquatic Invasive Species Prevention and Control Act
 16 of 1990.

17 **Subtitle B—Asian Carp Prevention** 18 **and Control**

19 **SEC. 171. ADDITION OF SPECIES OF CARP TO THE LIST OF** 20 **INJURIOUS SPECIES THAT ARE PROHIBITED** 21 **FROM BEING IMPORTED OR SHIPPED.**

22 Section 42(a)(1) of title 18, United States Code, is
 23 amended by inserting after “*Dreissena polymorpha*,” the
 24 following: “of the bighead carp of the species
 25 *Hypophthalmichthys nobilis*”.

1 **SEC. 172. DISPERSAL BARRIERS.**

2 Section 1202 of the Nonindigenous Aquatic Nuisance
3 Prevention and Control Act of 1990 (16 U.S.C. 4722) (as
4 amended by section 124) is amended by inserting after
5 subsection (k) the following:

6 “(l) INTERBASIN AND INTRABASIN MONITORING
7 PROGRAM.—

8 “(1) MONITORING PROGRAM.—

9 “(A) ESTABLISHMENT.—Not later than 1
10 year after the date of enactment of the Great
11 Lakes Collaboration Implementation Act of
12 2009, the Secretary of the Interior shall estab-
13 lish an interbasin and intrabasin monitoring
14 program.

15 “(B) REQUIRED ELEMENTS.—The moni-
16 toring program shall—

17 “(i) track aquatic invasive species
18 moving through—

19 “(I) the Chicago River Ship and
20 Sanitary Canal;

21 “(II) the Lake Champlain Canal;

22 “(III) other interbasin water-
23 ways; and

24 “(IV) major river systems (such
25 as the Mississippi River), as rec-
26 ommended by regional panels con-

1 vened under section 1203, in which
2 interbasin transfers of aquatic
3 invasive species have been shown to
4 pose a significant threat to fish and
5 wildlife resources;

6 “(ii) assess the efficacy of dispersal
7 barriers and other measures in preventing
8 the spread of aquatic invasive species
9 through the waterways; and

10 “(iii) identify waterways suitable for
11 dispersal barrier demonstration projects, in
12 addition to the waterways at which dis-
13 persal barrier demonstration projects were
14 carried out before the date of enactment of
15 the Great Lakes Collaboration Implemen-
16 tation Act of 2009.

17 “(C) REPORTS.—The Secretary of the In-
18 terior shall issue biennial reports describing the
19 findings of the monitoring program.

20 “(2) PREVENTION AND MITIGATION PLANS FOR
21 CORPS PROJECTS.—In developing projects involving
22 interbasin waterways or other hydrologic alterations
23 that could create pathways for aquatic invasive spe-
24 cies, the Assistant Secretary shall develop adequate

1 prevention and mitigation plans for controlling the
2 dispersal of the aquatic invasive species.

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

9 “(4) ADDITIONAL WATERWAYS.—The Assistant
10 Secretary, with the concurrence of the Adminis-
11 trator, and other relevant Federal agencies, shall
12 identify additional waterways suitable for the con-
13 struction of new dispersal barriers (based on the
14 monitoring program established under paragraph
15 (1)).

16 “(5) REPORTS.—Not later than 3 years after
17 the date of enactment of the Great Lakes Collabora-
18 tion Implementation Act of 2009, the Assistant Sec-
19 retary and the Director shall jointly submit to Con-
20 gress a report that describes—

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

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

4 **Subtitle C—National Invasive** 5 **Species Council**

6 **SEC. 181. DEFINITIONS.**

7 In this subtitle:

8 (1) COUNCIL.—The term “Council” means the
 9 National Invasive Species Council established by sec-
 10 tion 183(a).

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

13 (A) that is nonnative to an ecosystem; and

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

17 (3) NATIONAL MANAGEMENT PLAN.—The term
 18 “National Management Plan” means the National
 19 Invasive Species Management Plan developed by the
 20 Council under section 185(a).

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

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

24 (B) consists of related organisms capable
 25 of interbreeding.

1 **SEC. 182. LIMITATION ON FEDERAL ACTIONS.**

2 (a) IN GENERAL.—No Federal agency may author-
3 ize, fund, or carry out any action that would likely cause
4 or promote the introduction or spread of an invasive spe-
5 cies in the United States or any other location, unless the
6 head of the Federal agency, at the sole discretion of the
7 head of the agency and in accordance with guidelines de-
8 veloped under subsection (b), determines that—

9 (1) the benefits of the action under consider-
10 ation clearly outweigh the potential harm to the en-
11 vironment, the economy, and human health caused
12 by the introduction or spread of the invasive species;
13 and

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

18 (b) GUIDELINES.—The Council on Environmental
19 Quality, in conjunction with the Council, shall develop
20 guidelines for Federal agencies to use in analyzing actions
21 under subsection (a).

22 **SEC. 183. NATIONAL INVASIVE SPECIES COUNCIL.**

23 (a) ESTABLISHMENT.—

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

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

5 (A) to minimize the environmental, eco-
6 nomic, and human health effects caused by
7 invasive species; and

8 (B) to reduce the threat of further inva-
9 sions of invasive species.

10 (b) MEMBERSHIP.—

11 (1) IN GENERAL.—The Council shall consist
12 of—

13 (A) the Secretary of the Interior;

14 (B) the Secretary of Agriculture;

15 (C) the Secretary of Commerce;

16 (D) the Secretary of State;

17 (E) the Secretary of the Treasury;

18 (F) the Secretary of Defense;

19 (G) the Secretary of Transportation;

20 (H) the Secretary of Health and Human
21 Services;

22 (I) the Administrator;

23 (J) the Administrator of the United States
24 Agency for International Development; and

1 (K) such additional members as are ap-
2 pointed under paragraph (2).

3 (2) ADDITIONAL MEMBERS.—With the concur-
4 rence of a majority of the members of the Council,
5 the chairperson of the Council may appoint addi-
6 tional members to the Council from among individ-
7 uals who are officers or employees of the Federal
8 Government with significant responsibilities con-
9 cerning invasive species.

10 (c) CHAIRPERSON.—

11 (1) INITIAL CHAIRPERSON.—The Secretary of
12 the Interior shall serve as chairperson of the Council
13 for the 3-year period beginning on the date of enact-
14 ment of this Act.

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

19 (A) The Secretary of Agriculture.

20 (B) The Secretary of Commerce.

21 (C) The Secretary of the Interior.

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

24 (e) EXECUTIVE DIRECTOR.—

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

4 (2) CONSULTATION.—Before appointing an in-
5 dividual under paragraph (1), the President shall
6 consult with—

7 (A) the Secretary of the Interior;

8 (B) the Secretary of Agriculture; and

9 (C) the Secretary of Commerce.

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

12 (A) legal or scientific experience and train-
13 ing in the area of natural resources, ecology, or
14 agriculture; and

15 (B) experience in dealing with public policy
16 matters concerning aquatic and terrestrial
17 invasive species.

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

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

1 **SEC. 184. DUTIES OF COUNCIL.**

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

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

7 (1) coordinate with other organizations address-
8 ing invasive species (such as the Federal Interagency
9 Committee for the Management of Noxious and Ex-
10 otic Weeds, the Aquatic Nuisance Species Task
11 Force established under section 1201 of the Non-
12 indigenous Aquatic Nuisance Prevention and Control
13 Act of 1990 (16 U.S.C. 4721), regional panels es-
14 tablished under that Act, and the White House Of-
15 fice of Science and Technology Policy) to implement
16 the National Management Plan;

17 (2) develop recommendations for international
18 cooperation between the Federal Government, State
19 governments, and foreign countries on tools, policies,
20 and methods to prevent the introduction and export
21 of invasive species into and from, respectively, the
22 United States;

23 (3) develop guidelines for Federal agency ef-
24 forts to ensure that Federal programs concerning
25 invasive species, including outreach programs, are

1 coordinated with State, local, and tribal govern-
2 ments;

3 (4) develop, in consultation with the Council on
4 Environmental Quality and in accordance with the
5 National Environmental Policy Act of 1969 (42
6 U.S.C. 4321 et seq.), guidance for Federal agencies
7 on prevention, control, and eradication of invasive
8 species;

9 (5) establish and maintain a publicly accessible,
10 coordinated, up-to-date information sharing system
11 on invasive species that—

12 (A) allows the access to and exchange of
13 information among Federal agencies and the
14 public; and

15 (B) uses the Internet to the maximum ex-
16 tent practicable;

17 (6) ensure that Federal agencies implement the
18 plans, programs, and policies adopted by the Council
19 in the National Management Plan through appro-
20 priate actions, including working in cooperation with
21 Federal agencies on development of budgets for the
22 annual submission by the President to Congress of
23 the budget of the Federal Government under section
24 1105 of title 31, United States Code;

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

4 (B) recommend actions Federal agencies can
 5 take to minimize the risk of introductions or further
 6 spread of invasive species; and

7 (8) develop and submit to the appropriate com-
 8 mittees of Congress and the Director of the Office
 9 of Management and Budget an annual list of prior-
 10 ities, ranked in high, medium, and low categories, of
 11 Federal efforts and programs in prevention, eradi-
 12 cation, control, and monitoring of, and research and
 13 outreach concerning, invasive species.

14 **SEC. 185. NATIONAL INVASIVE SPECIES MANAGEMENT**
 15 **PLAN.**

16 (a) DEVELOPMENT.—

17 (1) IN GENERAL.—The Council shall develop a
 18 National Invasive Species Management Plan that de-
 19 tails and recommends performance-oriented goals
 20 and specific measures of success for carrying out ac-
 21 tivities by Federal agencies relating to invasive spe-
 22 cies.

23 (2) DEVELOPMENT PROCESS.—The National
 24 Management Plan shall be developed through a pub-
 25 lic process and in consultation with Federal agen-

1 cies, appropriate State and local entities, and other
2 appropriate stakeholders.

3 (3) CONTENTS.—The National Management
4 Plan shall include recommendations of effective,
5 cost-efficient, environmentally sound, and science-
6 based approaches for—

7 (A) preventing the introduction of invasive
8 species, including approaches for identifying
9 pathways by which invasive species are intro-
10 duced and for minimizing the risk of introduc-
11 tions via those pathways, which recommended
12 approaches shall provide for—

13 (i) a process to evaluate risks associ-
14 ated with the introduction and spread of
15 invasive species; and

16 (ii) a coordinated and systematic risk-
17 based process to identify, monitor, and
18 interdict pathways that may be involved in
19 the introduction of invasive species;

20 (B) cooperating with other countries to in-
21 crease their capacity—

22 (i) to control invasive species; and

23 (ii) to prevent the spread of invasive
24 species across international borders;

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

3 (D) managing new and established popu-
 4 lations of invasive species by—

5 (i) eradicating the invasive species; or

6 (ii) controlling the spread of the
 7 invasive species;

8 (E) accurately and reliably monitoring new
 9 and established populations of invasive species;

10 (F) restoring native species and habitat
 11 conditions in ecosystems that have been invaded
 12 by invasive species;

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

15 (H) evaluating and documenting the ef-
 16 fects of invasive species on the environment, the
 17 economy, and human health;

18 (I) developing technologies to prevent the
 19 introduction and provide for the management of
 20 invasive species; and

21 (J) promoting public education on invasive
 22 species and the means to address invasive spe-
 23 cies.

24 (4) IDENTIFICATION OF NEEDED RE-
 25 SOURCES.—The National Management Plan shall

1 identify the personnel, other resources, and addi-
2 tional levels of coordination needed to achieve the
3 goals included in the National Management Plan.

4 (b) EXISTING PLAN.—The National Invasive Species
5 Management Plan of the Invasive Species Council adopted
6 in 2001 shall be treated as the National Management Plan
7 required under subsection (a) until the date of issuance
8 of the National Management Plan under subsection (c)(1).

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

11 (1) not later than December 31, 2009, issue the
12 National Management Plan;

13 (2) not later than December 31, 2011, and bi-
14 ennially thereafter, update the National Manage-
15 ment Plan; and

16 (3) concurrently with the process of updating
17 the National Management Plan, evaluate and report
18 to Congress on success in achieving the goals in-
19 cluded in the National Management Plan.

20 (d) AGENCY REPORTS.—Not later than 18 months
21 after the date of issuance of any update of the National
22 Management Plan that recommends action by a Federal
23 agency, the head of the Federal agency shall submit to
24 Congress a report that—

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

3 (2) provides an explanation of why the action is
4 not feasible.

5 **SEC. 186. INVASIVE SPECIES ADVISORY COMMITTEE.**

6 (a) ESTABLISHMENT.—

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

11 (2) ORGANIZATION, FUNCTIONS, AND AUTHORI-
12 TIES.—Except as otherwise provided in this section,
13 the advisory committee shall be organized, perform
14 the functions, and have the authorities specified in
15 the charter for the advisory committee signed by the
16 Secretary of the Interior on October 30, 2001.

17 (b) APPOINTMENT.—Members of the advisory com-
18 mittee shall be appointed by the chairperson of the Coun-
19 cil, after consultation with the other members of the Coun-
20 cil, from among individuals representing stakeholders with
21 respect to Federal programs for minimizing the environ-
22 mental, economic, and human health impacts caused by
23 invasive species.

24 (c) FUNCTIONS.—In addition to the functions speci-
25 fied in the charter referred to in subsection (a), the advi-

1 sory committee shall recommend to the Council plans and
 2 actions at the regional, State, local, tribal, and ecosystem-
 3 based levels to achieve the goals of the National Manage-
 4 ment Plan.

5 (d) CONTINUING OPERATION OF EXISTING COM-
 6 MITTEE.—Any advisory committee appointed before the
 7 date of enactment of this Act in accordance with the char-
 8 ter referred to in subsection (a)(2) may continue in effect
 9 under this section.

10 **SEC. 187. BUDGET ANALYSIS AND SUMMARY.**

11 Not later than March 31, 2009, and March 31 of
 12 each year thereafter, the Director of the Office of Manage-
 13 ment and Budget shall prepare, and submit to Congress
 14 and the Council, a budget analysis and summary of all
 15 Federal programs relating to invasive species.

16 **SEC. 188. EXISTING EXECUTIVE ORDER.**

17 Executive Order No. 13112, dated February 3, 1999
 18 (42 U.S.C. 4321 note; relating to invasive species), shall
 19 have no force or effect.

20 **SEC. 189. AUTHORIZATION OF APPROPRIATIONS.**

21 There is authorized to be appropriated to carry out
 22 this subtitle \$2,000,000 for each of fiscal years 2010
 23 through 2012.

1 **TITLE II—COASTAL HEALTH**

2 **SEC. 201. TECHNICAL ASSISTANCE.**

3 (a) TECHNICAL ASSISTANCE FOR RURAL AND SMALL
4 TREATMENT WORKS.—Section 104(b) of the Federal
5 Water Pollution Control Act (33 U.S.C. 1254(b)) is
6 amended—

7 (1) by redesignating paragraphs (1) through
8 (7) as subparagraphs (A) through (G), respectively,
9 and indenting the subparagraphs appropriately;

10 (2) by striking “(b) In carrying out” and in-
11 serting the following:

12 “(b) AUTHORIZED ACTIVITIES.—

13 “(1) IN GENERAL.—In carrying out”;

14 (3) in paragraph (1) (as designated by para-
15 graph (2))—

16 (A) by striking “paragraph (1) of sub-
17 section (a)” each place it appears and inserting
18 “subsection (a)(1)”;

19 (B) in subparagraph (C) (as redesignated
20 by paragraph (1)), by striking “of this section”;

21 (C) in subparagraph (F) (as redesignated
22 by paragraph (1)), by striking “thereof; and”
23 and inserting “of the effects;”;

(D) in subparagraph (G) (as redesignated by paragraph (1)), by striking the period at the end and inserting “; and”; and

(E) by adding at the end the following:

“(H) make grants to nonprofit organizations—

“(i) to provide technical assistance to rural and small municipalities for the purpose of assisting, in consultation with the State in which the assistance is provided, the municipalities in the planning, development, and acquisition of financing for wastewater infrastructure assistance;

“(ii) to capitalize revolving loan funds for the purpose of providing loans, in consultation with the State in which the assistance is provided and in accordance with paragraph (2), to rural and small municipalities for—

“(I) predevelopment costs associated with wastewater infrastructure projects; and

“(II) short-term costs incurred for the replacement of equipment that is not part of a regular operation or

1 maintenance activity for an existing
 2 wastewater system;

3 “(iii) to provide technical assistance
 4 and training for rural and small publicly
 5 owned treatment works and decentralized
 6 wastewater treatment systems to enable
 7 the treatment works and systems to—

8 “(I) protect water quality; and

9 “(II) achieve and maintain com-
 10 pliance with the requirements of this
 11 Act; and

12 “(iv) to disseminate information to
 13 rural and small municipalities and munici-
 14 palities that meet the affordability criteria
 15 established by the State in which the mu-
 16 nicipality is located under section 603(i)(2)
 17 with respect to planning, design, construc-
 18 tion, and operation of publicly owned treat-
 19 ment works and decentralized wastewater
 20 treatment systems.”; and

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

22 “(2) LOAN CONDITIONS.—

23 “(A) IN GENERAL.—A loan provided under
 24 paragraph (1)(H)(ii) shall—

1 “(i) be provided at a below-market in-
2 terest rate;

3 “(ii) be provided in an amount not to
4 exceed \$100,000; and

5 “(iii) extend for a term of not more
6 than 10 years.

7 “(B) REPAYMENT.—Repayment of a loan
8 provided under paragraph (1)(H)(ii) shall be
9 credited to the water pollution control revolving
10 loan fund of the appropriate State under sec-
11 tion 603.”.

12 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
13 104(u) of the Federal Water Pollution Control Act (33
14 U.S.C. 1254(u)) is amended—

15 (1) by striking “(u) There is authorized to be
16 appropriated (1) not” and inserting the following:

17 “(u) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated—

19 “(1) not”;

20 (2) in paragraph (1), by striking “provisions;
21 (2) not” and inserting the following: “provisions;

22 “(2) not”;

23 (3) in paragraph (2), by striking “subsection
24 (g)(1); (3) not” and inserting the following: “sub-
25 section (g)(1);

1 “(3) not”;

2 (4) in paragraph (3), by striking “subsection
3 (g)(2); (4) not” and inserting the following: “sub-
4 section (g)(2);

5 “(4) not”;

6 (5) in paragraph (4), by striking “subsection
7 (p); (5) not” and inserting the following: “subsection
8 (p);

9 “(5) not”;

10 (6) in paragraph (5), by striking “subsection
11 (r); and (6) not” and inserting the following: “sub-
12 section (r);

13 “(6) not”;

14 (7) in paragraph (6), by striking the period at
15 the end and inserting “; and”; and

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

17 “(7) for each of fiscal years 2010 through
18 2014, not more than \$75,000,000 to carry out sub-
19 paragraphs (C) and (H) of subsection (b)(1), of
20 which, during any fiscal year—

21 “(A) not less than 20 percent shall be used
22 to carry out subsection (b)(1)(H); and

23 “(B) not more than $\frac{1}{3}$ of the amount used
24 under subparagraph (A) shall be used to carry
25 out subsection (b)(1)(H)(ii).”.

1 (c) COMPETITIVE PROCEDURES FOR AWARDING
 2 GRANTS.—Section 104 of the Federal Water Pollution
 3 Control Act (33 U.S.C. 1254) is amended by adding at
 4 the end the following:

5 “(w) COMPETITIVE PROCEDURES FOR AWARDING
 6 GRANTS.—The Administrator shall establish procedures
 7 that promote competition and openness, to the maximum
 8 extent practicable, in the award of grants to nonprofit pri-
 9 vate agencies, institutions, and organizations under this
 10 section.”.

11 **SEC. 202. SEWER OVERFLOW CONTROL GRANTS.**

12 Section 221 of the Federal Water Pollution Control
 13 Act (33 U.S.C. 1301) is amended by striking subsection
 14 (c) and inserting the following:

15 “(c) DEFINITION OF FINANCIALLY DISTRESSED
 16 COMMUNITY.—A financially distressed community re-
 17 ferred to in subsection (b) is a community that meets the
 18 affordability criteria established by the State in which the
 19 community is located under section 603(i)(2).”.

20 **SEC. 203. WATER POLLUTION CONTROL REVOLVING LOAN**
 21 **FUNDS.**

22 (a) EXTENDED PAYMENT PERIOD.—Section
 23 603(d)(1) of the Federal Water Pollution Control Act (33
 24 U.S.C. 1383(d)(1)) is amended—

1 (1) in subparagraph (A), by striking “20
2 years;” and inserting the following: “the lesser of—

3 “(i) the design life of the project to be
4 financed using the proceeds of the loan; or

5 “(ii) 30 years;”; and

6 (2) in subparagraph (B), by striking “not later
7 than 20 years after project completion” and insert-
8 ing “on the expiration of the term of the loan”.

9 (b) TECHNICAL AND PLANNING ASSISTANCE FOR
10 SMALL SYSTEMS.—Section 603(d) of the Federal Water
11 Pollution Control Act (33 U.S.C. 1383(d)) is amended—

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

14 (2) in paragraph (7), by striking the period at
15 the end and inserting “; and”; and

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

17 “(8) with respect to municipalities and inter-
18 municipal, interstate, and State agencies seeking as-
19 sistance under this title that serve a population of
20 20,000 or fewer, to provide to owners and operators
21 of small treatment works, in an amount not to ex-
22 ceed 2 percent of the amount of total grant awards
23 made under this title—

24 “(A) technical and planning assistance;

25 and

1 “(B) assistance relating to—

2 “(i) financial management;

3 “(ii) user fee analysis;

4 “(iii) budgeting;

5 “(iv) capital improvement planning;

6 “(v) facility operation and maintenance;
7

8 “(vi) repair schedules; and

9 “(vii) other activities to improve
10 wastewater treatment plant management
11 and operations.”.

12 (c) ADDITIONAL SUBSIDIZATION.—Section 603 of the
13 Federal Water Pollution Control Act (33 U.S.C. 1383) is
14 amended by adding at the end the following:

15 “(i) ADDITIONAL SUBSIDIZATION.—

16 “(1) IN GENERAL.—In any case in which a
17 State provides assistance to a municipality or an
18 intermunicipal, interstate, or State agency under
19 subsection (d), the State may provide additional sub-
20 sidization, including forgiveness of principal and
21 negative interest loans—

22 “(A) to benefit a municipality that—

23 “(i) meets the affordability criteria of
24 the State established under paragraph (2);

25 or

1 “(ii) does not meet the criteria estab-
2 lished under paragraph (2), if the munici-
3 pality—

4 “(I) seeks additional subsidiza-
5 tion to benefit individual ratepayers in
6 the residential user rate class;

7 “(II) demonstrates to the State
8 that the ratepayers described in sub-
9 clause (I) will experience a significant
10 hardship on the increase in rates re-
11 quired to finance the project or activ-
12 ity for which the assistance is sought;
13 and

14 “(III) ensures, as part of an
15 agreement between the State and the
16 recipient, that the additional sub-
17 sidization provided under this para-
18 graph will be directed to those rate-
19 payers through a user charge rate sys-
20 tem (or another appropriate method);
21 and

22 “(B) to implement alternative processes,
23 materials, and techniques (including non-
24 structural protection of surface waters, new or
25 improved methods of waste treatment, and pol-

1 lutant trading) that may result in cost savings
 2 or increased environmental benefit when com-
 3 pared to standard processes, materials, and
 4 techniques.

5 “(2) AFFORDABILITY CRITERIA.—

6 “(A) ESTABLISHMENT.—

7 “(i) IN GENERAL.—Not later than
 8 September 30, 2007, after providing notice
 9 and an opportunity for public comment, a
 10 State shall establish affordability criteria
 11 to assist the State in identifying munici-
 12 palities that would experience a significant
 13 hardship on the increase in rates required
 14 to finance a project or activity that is eligi-
 15 ble for assistance under subsection (c)(1) if
 16 additional subsidization under paragraph
 17 (1) is not provided.

18 “(ii) FACTORS FOR CONSIDER-
 19 ATION.—In establishing criteria under
 20 clause (i), a State shall take into consider-
 21 ation—

22 “(I) income data;

23 “(II) population trends; and

24 “(III) any other data the State
 25 determines to be relevant.

1 “(B) EXISTING CRITERIA.—If a State has
 2 established, after providing notice and an op-
 3 portunity for public comment, criteria in ac-
 4 cordance with subparagraph (A) before the date
 5 of enactment of this subsection, the criteria
 6 shall be considered to be affordability criteria
 7 established under that subparagraph.

8 “(C) INFORMATION TO ASSIST STATES.—
 9 The Administrator may publish information to
 10 assist States in establishing affordability cri-
 11 teria under subparagraph (A).

12 “(3) PRIORITY.—In providing assistance under
 13 this subsection, a State may give priority to any
 14 owner or operator of a project or activity that—

15 “(A) is eligible to receive funding under
 16 subsection (c)(1); and

17 “(B) is located in a municipality that
 18 meets the affordability criteria established
 19 under paragraph (2).

20 “(4) SET-ASIDE.—

21 “(A) IN GENERAL.—For any fiscal year
 22 during which more than \$1,400,000,000 is
 23 made available to the Administrator to carry
 24 out this title, a State shall provide additional
 25 subsidization under this subsection in the

1 amount described in subparagraph (B) to enti-
2 ties described in paragraph (1) for projects and
3 activities identified in the intended use plan of
4 the State under section 606(c) on receipt of an
5 application for additional subsidization.

6 “(B) AMOUNT.—The amount referred to in
7 subparagraph (A) is an amount not less than
8 25 percent of the difference between—

9 “(i) the total amount that would have
10 been allotted to the State under section
11 604 during the appropriate fiscal year, if
12 the amount made available to the Adminis-
13 trator to carry out this title during that
14 fiscal year was equal to \$1,400,000,000;
15 and

16 “(ii) the total amount allotted to the
17 State under section 604 for that fiscal
18 year.

19 “(5) LIMITATION.—The total amount of addi-
20 tional subsidization provided by a State under this
21 subsection shall not exceed 30 percent of the total
22 amount of capitalization grants received by the State
23 under this title for fiscal years beginning after Sep-
24 tember 30, 2006.”.

1 **SEC. 204. ALLOTMENT OF FUNDS.**

2 (a) IN GENERAL.—Section 604 of the Federal Water
3 Pollution Control Act (33 U.S.C. 1384) is amended by
4 striking subsection (a) and inserting the following:

5 “(a) ALLOTMENTS.—

6 “(1) FISCAL YEARS 2010 AND 2011.—Amounts
7 made available to carry out this title for fiscal years
8 2010 and 2011 shall be allotted by the Adminis-
9 trator in accordance with the formula used to cal-
10 culate allotments for fiscal year 2009.

11 “(2) FISCAL YEAR 2012 AND THEREAFTER.—
12 Amounts made available to carry out this title for
13 fiscal year 2012 and each fiscal year thereafter shall
14 be allotted by the Administrator during each fiscal
15 year—

16 “(A) for amounts up to \$1,350,000,000, in
17 accordance with the formula used to calculate
18 allotments for fiscal year 2007; and

19 “(B) for any amount in excess of
20 \$1,350,000,000, in accordance with the formula
21 developed by the Administrator under sub-
22 section (d).”.

23 (b) PLANNING ASSISTANCE.—Section 604(b) of the
24 Federal Water Pollution Control Act (33 U.S.C. 1384(b))
25 is amended by striking “1 percent” and inserting “2 per-
26 cent”.

1 (c) FORMULA.—Section 604 of the Federal Water
 2 Pollution Control Act (33 U.S.C. 1384) is amended by
 3 adding at the end the following:

4 “(d) FORMULA BASED ON WATER QUALITY
 5 NEEDS.—Not later than September 30, 2009, after pro-
 6 viding notice and an opportunity for public comment, the
 7 Administrator shall publish an allotment formula for pur-
 8 poses of subsection (a)(2)(B) based on water quality
 9 needs, to be determined by the Administrator in accord-
 10 ance with the most recent survey of needs developed by
 11 the Administrator under section 516.”.

12 **SEC. 205. AUTHORIZATION OF APPROPRIATIONS.**

13 Section 607 of the Federal Water Pollution Control
 14 Act (33 U.S.C. 1387) is amended to read as follows:

15 **“SEC. 607. AUTHORIZATION OF APPROPRIATIONS.**

16 “There are authorized to be appropriated to carry out
 17 this title—

18 “(1) \$2,000,000,000 for fiscal year 2010;

19 “(2) \$3,000,000,000 for fiscal year 2011;

20 “(3) \$4,000,000,000 for fiscal year 2012;

21 “(4) \$5,000,000,000 for fiscal year 2013; and

22 “(5) \$6,000,000,000 for fiscal year 2014.”.

1 **TITLE III—AREAS OF CONCERN**

2 **SEC. 301. REMEDIATION OF SEDIMENT CONTAMINATION IN** 3 **AREAS OF CONCERN.**

4 Section 118(c)(12)(H) of the Federal Water Pollu-
 5 tion Control Act (33 U.S.C. 1268(c)(12)(H)) is amended
 6 by striking clause (i) and inserting the following:

7 “(i) IN GENERAL.—In addition to
 8 other amounts authorized to be appro-
 9 priated to carry out this section, there is
 10 authorized to be appropriated to carry out
 11 this paragraph \$150,000,000 for each of
 12 fiscal years 2010 through 2015.”.

13 **TITLE IV—TOXIC SUBSTANCES**

14 **SEC. 401. MERCURY REDUCTION GRANTS.**

15 Section 118(c) of the Federal Water Pollution Con-
 16 trol Act (33 U.S.C. 1268(c)) is amended by adding at the
 17 end the following:

18 “(14) MERCURY REDUCTION GRANTS.—

19 “(A) IN GENERAL.—The Program Office
 20 shall provide grants to Great Lakes States and
 21 Indian tribes in Great Lakes States to carry
 22 out projects—

23 “(i) to reduce the quantity of mercury
 24 in the Great Lakes; and

1 “(ii) to identify emerging contami-
2 nants in the Great Lakes.

3 “(B) APPLICATION.—Each Great Lake
4 State or Indian tribe that seeks a grant under
5 this paragraph shall submit an application to
6 the Program Office at such time, in such man-
7 ner, and accompanied by or containing any in-
8 formation that the Program Office may require.

9 “(C) AUTHORIZATION OF APPROPRIA-
10 TIONS.—There is authorized to be appropriated
11 to carry out this paragraph \$10,000,000 for
12 each of fiscal years 2010 through 2014.”.

13 **TITLE V—INDICATORS AND** 14 **INFORMATION**

15 **Subtitle A—Research Program**

16 **SEC. 501. RESEARCH REAUTHORIZATIONS.**

17 Section 118 of the Federal Water Pollution Control
18 Act (33 U.S.C. 1268) is amended—

19 (1) in subsection (d)—

20 (A) by striking paragraph (2);

21 (B) by redesignating paragraphs (3)
22 through (7) as paragraphs (2) through (6), re-
23 spectively; and

24 (C) in paragraph (5) (as redesignated by
25 subparagraph (B)), by striking “which address

1 priority issues and current needs relating to the
 2 Great Lakes” and inserting “in accordance with
 3 the joint research and monitoring plan under
 4 subsection (e)”;

5 (2) by striking subsection (e) and inserting the
 6 following:

7 “(e) RESEARCH AND MANAGEMENT COORDINA-
 8 TION.—

9 “(1) JOINT PLAN.—

10 “(A) IN GENERAL.—Not later than Sep-
 11 tember 30 of each year, the Program Office,
 12 the Research Office, and the Great Lakes
 13 Science Center shall prepare and submit to the
 14 Executive Committee of the Regional Collabora-
 15 tion a joint research and monitoring plan for
 16 the fiscal year that begins in the following cal-
 17 endar year.

18 “(B) COLLABORATION.—The Program Of-
 19 fice, the Research Office, and the Great Lakes
 20 Science Center shall consult with other appro-
 21 priate Federal and State agencies, academic in-
 22 stitutions, and other groups conducting Great
 23 Lakes research and monitoring in preparing the
 24 plan described in subparagraph (A).

1 “(C) SUBMISSION TO CONGRESS.—The
 2 President shall include the plan described in
 3 subparagraph (A) in the annual budget of the
 4 United States Government submitted to Con-
 5 gress by the President.

6 “(2) CONTENTS OF PLAN.—Each plan prepared
 7 under paragraph (1) shall—

8 “(A) identify all proposed research dedi-
 9 cated to activities carried out under the Great
 10 Lakes Water Quality Agreement and any other
 11 applicable agreements and amendments;

12 “(B) include the assessment of the Re-
 13 gional Collaboration of priorities for research
 14 needed to fulfill the terms of those agreements;
 15 and

16 “(C) identify all proposed research that
 17 may be used to develop a comprehensive envi-
 18 ronmental data base for the Great Lakes Sys-
 19 tem and establish priorities for development of
 20 the data base.”.

21 **SEC. 502. GREAT LAKES SCIENCE CENTER.**

22 There is authorized to be appropriated to the Direc-
 23 tor of the United States Geological Survey, for use by the
 24 Great Lakes Science Center, to carry out research activi-
 25 ties that advance scientific knowledge and provide sci-

1 entific information for restoring, enhancing, managing,
2 and protecting the living marine resources and habitats
3 in the Great Lakes basin ecosystem \$25,000,000 for each
4 of fiscal years 2010 through 2014.

5 **SEC. 503. CENTER FOR SPONSOR COASTAL OCEAN RE-**
6 **SEARCH.**

7 There is authorized to be appropriated to the Direc-
8 tor of the Center for Sponsored Coastal Ocean Research
9 of the National Oceanic and Atmospheric Administration,
10 for use by the Center, to carry out a program to provide
11 grants to academic institutions, State agencies, and other
12 appropriate groups to carry out activities, in accordance
13 with the joint research and monitoring plan developed
14 under section 118(e) of the Federal Water Pollution Con-
15 trol Act (33 U.S.C. 1268(e)), that advance scientific
16 knowledge and provide scientific information for restoring,
17 enhancing, managing, and protecting the living marine re-
18 sources and habitats in the Great Lakes basin ecosystem
19 \$25,000,000 for each of fiscal years 2010 through 2014.

20 **SEC. 504. GREAT LAKES ENVIRONMENTAL RESEARCH LAB-**
21 **ORATORY.**

22 Section 118 of the Federal Water Pollution Control
23 Act (33 U.S.C. 1268) is amended by striking subsection
24 (h) and inserting the following:

1 “(h) AUTHORIZATIONS OF APPROPRIATIONS.—There
 2 is authorized to be appropriated to carry out this section
 3 \$105,000,000 for each of fiscal years 2010 through
 4 2014, of which, for each fiscal year—

5 “(1) \$40,000,000 shall be made available to the
 6 Program Office; and

7 “(2) \$15,000,000 shall be made available to the
 8 Great Lakes Environmental Research Laboratory.”.

9 **Subtitle B—Ocean and Coastal**
 10 **Observation System**

11 **SEC. 511. DEFINITIONS.**

12 In this subtitle:

13 (1) COUNCIL.—The term “Council” means the
 14 National Ocean Research Leadership Council.

15 (2) GREAT LAKE.—The term “Great Lake”
 16 means—

17 (A) Lake Erie;

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

20 (C) Lake Michigan;

21 (D) Lake Ontario;

22 (E) Lake Superior; and

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

25 (i) the Saint Marys River;

- 1 (ii) the Saint Clair River;
- 2 (iii) the Detroit River;
- 3 (iv) the Niagara River; and
- 4 (v) the Saint Lawrence River to the
- 5 Canadian border.

6 (3) OBSERVING SYSTEM.—The term “observing
7 system” means the integrated coastal, ocean, and
8 Great Lakes observing system to be established by
9 the Committee under section 512(a).

10 (4) INTERAGENCY PROGRAM OFFICE.—The
11 term “interagency program office” means the office
12 established under section 512(d).

13 **SEC. 512. INTEGRATED OCEAN AND COASTAL OBSERVING**
14 **SYSTEM.**

15 (a) ESTABLISHMENT.—

16 (1) IN GENERAL.—The President, acting
17 through the Council, shall establish and maintain an
18 integrated system of ocean and coastal observations,
19 data communication and management, analysis,
20 modeling, research, education, and outreach de-
21 signed to provide data and information for the time-
22 ly detection and prediction of changes occurring in
23 the ocean, coastal, and Great Lakes environment
24 that impact the social, economic, and ecological sys-
25 tems of the United States.

1 (2) PURPOSES.—The observing system shall
2 provide for long-term, continuous, and quality-con-
3 trolled observations of the coasts, oceans, and Great
4 Lakes so as to—

5 (A) improve the health of the coasts,
6 oceans, and Great Lakes of the United States;

7 (B) protect human lives and livelihoods
8 from hazards, including tsunamis, hurricanes,
9 coastal erosion, and fluctuating Great Lakes
10 water levels;

11 (C) understand the effects of human activi-
12 ties and natural variability on the state of the
13 coasts, oceans, and Great Lakes and the socio-
14 economic well-being of the United States;

15 (D) provide for the sustainable use, protec-
16 tion, and enjoyment of ocean, coastal, and
17 Great Lakes resources;

18 (E) provide information that can support
19 the eventual implementation and refinement of
20 ecosystem-based management;

21 (F) supply critical information to marine-
22 related businesses, including aquaculture and
23 fisheries; and

24 (G) support research and development to—

1 (i) ensure continuous improvement to
2 ocean, coastal, and Great Lakes observa-
3 tion measurements; and

4 (ii) enhance understanding of the
5 ocean, coastal, and Great Lakes resources
6 of the United States.

7 (b) SYSTEM ELEMENTS.—To carry out the purposes
8 of this subtitle, the observing system shall consist of—

9 (1) a national program to fulfill national obser-
10 vation priorities, including the ocean contribution of
11 the United States to the Global Earth Observation
12 System of Systems and the Global Ocean Observing
13 System;

14 (2) a network of regional associations to man-
15 age the regional ocean and coastal observing and in-
16 formation programs that collect, measure, and dis-
17 seminate data and information products to meet re-
18 gional needs;

19 (3) a data management and dissemination sys-
20 tem for the timely integration and dissemination of
21 data and information products from the national
22 and regional systems;

23 (4) a research and development program con-
24 ducted under the guidance of the Council; and

1 (5) an outreach, education, and training pro-
2 gram that augments existing programs, including
3 the National Sea Grant College Program, the Cen-
4 ters for Ocean Sciences Education Excellence pro-
5 gram, and the National Estuarine Research Reserve
6 System, to ensure the use of the data and informa-
7 tion for—

8 (A) improving public education and aware-
9 ness of the oceans of the United States; and

10 (B) building the technical expertise re-
11 quired to operate and improve the observing
12 system.

13 (c) COUNCIL FUNCTIONS.—In carrying out this sec-
14 tion, the Council shall—

15 (1) serve as the oversight body for the design
16 and implementation of all aspects of the observing
17 system;

18 (2) adopt plans, budgets, and standards that
19 are developed and maintained by the interagency
20 program office in consultation with the regional as-
21 sociations;

22 (3) coordinate the observing system with other
23 earth observing activities, including the Global
24 Ocean Observing System and the Global Earth Ob-
25 serving System of Systems;

1 (4) coordinate and administer programs of re-
2 search, development, education, and outreach to—

3 (A) support improvements to, and the op-
4 eration of, an integrated ocean and coastal ob-
5 serving system; and

6 (B) advance the understanding of the
7 oceans;

8 (5) establish pilot projects to develop technology
9 and methods for advancing the development of the
10 observing system;

11 (6) provide, as appropriate, support for and
12 representation on United States delegations to inter-
13 national meetings on ocean and coastal observing
14 programs; and

15 (7) in consultation with the Secretary of State,
16 coordinate relevant Federal activities with those of
17 other nations.

18 (d) INTERAGENCY PROGRAM OFFICE.—

19 (1) IN GENERAL.—The Council shall establish
20 an interagency program office to be known as “Oce-
21 anUS”.

22 (2) RESPONSIBILITIES.—The interagency pro-
23 gram office shall be responsible for program plan-
24 ning and coordination of the observing system.

1 (3) REQUIREMENTS.—The interagency program
2 office shall—

3 (A) prepare annual and long-term plans
4 for consideration by the Council for the design
5 and implementation of the observing system
6 that promote collaboration among Federal
7 agencies and regional associations in developing
8 the global and national observing systems, in-
9 cluding identification and refinement of a core
10 set of variables to be measured by all systems;

11 (B) coordinate the development of agency
12 priorities and budgets for implementation of the
13 observing system, including budgets for the re-
14 gional associations;

15 (C) establish and refine standards and pro-
16 tocols for data management and communica-
17 tions, including quality standards, in consulta-
18 tion with participating Federal agencies and re-
19 gional associations;

20 (D) develop a process for the certification
21 and periodic review and recertification of the re-
22 gional associations;

23 (E) establish an external technical com-
24 mittee to provide biennial review of the observ-
25 ing system; and

1 (F) provide for opportunities to partner or
2 contract with private sector companies in de-
3 ploying ocean observation system elements.

4 (e) LEAD FEDERAL AGENCY.—

5 (1) IN GENERAL.—The National Oceanic and
6 Atmospheric Administration shall be the lead Fed-
7 eral agency for implementation and operation of the
8 observing system.

9 (2) REQUIREMENTS.—Based on the plans pre-
10 pared by the interagency program office and adopted
11 by the Council, the Administrator of the National
12 Oceanic and Atmospheric Administration shall—

13 (A) coordinate implementation, operation,
14 and improvement of the observing system;

15 (B) establish efficient and effective admin-
16 istrative procedures for allocation of funds
17 among Federal agencies and regional associa-
18 tions in a timely manner and according to the
19 budget adopted by the Council;

20 (C) implement and maintain appropriate
21 elements of the observing system;

22 (D) provide for the migration of scientific
23 and technological advances from research and
24 development to operational deployment;

1 (E) integrate and extend existing programs
 2 and pilot projects into the operational observa-
 3 tion system;

4 (F) certify regional associations that meet
 5 the requirements of subsection (f); and

6 (G) integrate the capabilities of the Na-
 7 tional Coastal Data Development Center and
 8 the Coastal Services Center of the National
 9 Oceanic and Atmospheric Administration, and
 10 other appropriate centers, into the observing
 11 system to assimilate, manage, disseminate, and
 12 archive data from regional observation systems
 13 and other observation systems.

14 (f) REGIONAL ASSOCIATIONS OF OCEAN AND COAST-
 15 AL OBSERVING SYSTEMS.—

16 (1) IN GENERAL.—The Administrator of the
 17 National Oceanic and Atmospheric Administration
 18 may certify 1 or more regional associations to be re-
 19 sponsible for the development and operation of re-
 20 gional ocean and coastal observing systems to meet
 21 the information needs of user groups in the region
 22 while adhering to national standards.

23 (2) REQUIREMENTS.—To be certifiable by the
 24 Administrator, a regional association shall—

1 (A) demonstrate an organizational struc-
2 ture capable of supporting and integrating all
3 aspects of ocean and coastal observing and in-
4 formation programs within a region;

5 (B) operate under a strategic operations
6 and business plan that details the operation and
7 support of regional ocean and coastal observing
8 systems in accordance with the standards estab-
9 lished by the Council;

10 (C) provide information products for mul-
11 tiple users in the region;

12 (D) work with governmental entities and
13 programs at all levels within the region to pro-
14 vide timely warnings and outreach to protect
15 the public; and

16 (E) meet certification standards developed
17 by the interagency program office in conjunc-
18 tion with the regional associations and approved
19 by the Council.

20 (g) PROHIBITION ON LOBBYING.—Nothing in this
21 subtitle authorizes a regional association to engage in lob-
22 bying activities (as defined in section 3 of the Lobbying
23 Disclosure Act of 1995 (2 U.S.C. 1602)).

24 (h) CIVIL LIABILITY.—For purposes of section
25 1346(b)(1) and chapter 171 of title 28, United States

1 Code, the Suits in Admiralty Act (46 U.S.C. App. 741
2 et seq.), and the Public Vessels Act (46 U.S.C. App. 781
3 et seq.)—

4 (1) any regional ocean and coastal observing
5 system that is a designated part of a regional asso-
6 ciation certified under this section shall, in carrying
7 out the purposes of this subtitle, be considered to be
8 part of the National Oceanic and Atmospheric Ad-
9 ministration; and

10 (2) any employee of that system, while acting
11 within the scope of the employment of the employee,
12 carrying out those purposes, shall be considered to
13 be an employee of the Federal Government.

14 **SEC. 513. RESEARCH, DEVELOPMENT, AND EDUCATION.**

15 The Council shall establish programs for research,
16 development, education, and outreach for the ocean and
17 coastal observing system, including projects under the Na-
18 tional Oceanographic Partnership Program, consisting
19 of—

20 (1) basic research to advance knowledge of
21 ocean and coastal systems and ensure continued im-
22 provement of operational products, including related
23 infrastructure and observing technology;

1 (2) focused research projects to improve under-
2 standing of the relationship between the coasts and
3 oceans and human activities;

4 (3) large-scale computing resources and re-
5 search to advance modeling of ocean and coastal
6 processes; and

7 (4) a coordinated effort to build public edu-
8 cation and awareness of the ocean and coastal envi-
9 ronment and functions that integrates ongoing ac-
10 tivities, including the National Sea Grant College
11 Program, the Centers for Ocean Sciences Education
12 Excellence, and the National Estuarine Research
13 Reserve System.

14 **SEC. 514. INTERAGENCY FINANCING.**

15 (a) IN GENERAL.—The departments and agencies
16 represented on the Council may participate in interagency
17 financing and share, transfer, receive, obligate, and ex-
18 pend funds appropriated to any member of the Council
19 to carry out any administrative or programmatic project
20 or activity under this subtitle or under the National
21 Oceanographic Partnership Program, including support
22 for the interagency program office, a common infrastruc-
23 ture, and system integration for a ocean and coastal ob-
24 serving system.

1 (b) TRANSFER OF FUNDS.—Funds may be trans-
 2 ferred among the departments and agencies described in
 3 subsection (a) through an appropriate instrument that
 4 specifies the goods, services, or space being acquired from
 5 another Council member and the costs of the same.

6 **SEC. 515. APPLICATION WITH OUTER CONTINENTAL SHELF**
 7 **LANDS ACT.**

8 Nothing in this subtitle supersedes, or limits the au-
 9 thority of the Secretary of the Interior under, the Outer
 10 Continental Shelf Lands Act (43 U.S.C. 1331 et seq.).

11 **SEC. 516. AUTHORIZATION OF APPROPRIATIONS.**

12 (a) IN GENERAL.—There is authorized to be appro-
 13 priated to the National Oceanic and Atmospheric Adminis-
 14 tration to carry out the observing system under section
 15 512 and the research and development program under sec-
 16 tion 513 (including financial assistance to the interagency
 17 program office, the regional associations for the implemen-
 18 tation of regional ocean and coastal observing systems,
 19 and the departments and agencies represented on the
 20 Council) \$150,000,000 for each of fiscal years 2010
 21 through 2014, to remain available until expended.

22 (b) ALLOCATION OF FUNDS.—At least 50 percent of
 23 the funds appropriated to carry out the observing system
 24 under section 512 shall be allocated to the regional asso-

1 ciations certified under section 512(f) to carry out regional
 2 ocean and coastal observing systems.

3 **SEC. 517. REPORTING REQUIREMENT.**

4 (a) IN GENERAL.—Not later than March 31, 2011,
 5 the President, acting through the Council, shall submit to
 6 Congress a report on the programs established under sec-
 7 tions 512 and 513.

8 (b) REQUIREMENTS.—The report shall include—

9 (1) a description of activities carried out under
 10 the programs;

11 (2) an evaluation of the effectiveness of the pro-
 12 grams; and

13 (3) recommendations concerning reauthoriza-
 14 tion of the programs and funding levels for the pro-
 15 grams in succeeding fiscal years.

16 **Subtitle C—Great Lakes Water**
 17 **Quality Indicators and Monitoring**

18 **SEC. 521. GREAT LAKES WATER QUALITY INDICATORS AND**
 19 **MONITORING.**

20 Section 118(c)(1) of the Federal Water Pollution
 21 Control Act (33 U.S.C. 1268(c)(1)) is amended by strik-
 22 ing subparagraph (B) and inserting the following:

23 “(B)(i) not later than 2 years after the
 24 date of enactment of this clause, in cooperation
 25 with Canada and appropriate Federal agencies

(including the United States Geological Survey, the National Oceanic and Atmospheric Administration, and the United States Fish and Wildlife Service), develop and implement a set of science-based indicators of water quality and related environmental factors in the Great Lakes, including, at a minimum, measures of toxic pollutants that have accumulated in the Great Lakes for a substantial period of time, as determined by the Program Office;

“(ii) not later than 4 years after the date of enactment of this clause—

“(I) establish a Federal network for the regular monitoring of, and collection of data throughout, the Great Lakes basin with respect to the indicators described in clause (i); and

“(II) collect an initial set of benchmark data from the network; and

“(iii) not later than 2 years after the date of collection of the data described in clause (ii)(II), and biennially thereafter, in addition to the report required under paragraph (10), submit to Congress, and make available to the public, a report that—

“(I) describes the water quality and related environmental factors of the Great Lakes (including any changes in those factors), including a description of ways in which the factors relate to restoration priorities provided by the Great Lakes Regional Collaboration Executive Committee, as determined through the regular monitoring of indicators under clause (ii)(I) for the period covered by the report; and

“(II) identifies any emerging problems in the water quality or related environmental factors of the Great Lakes;”.

TITLE VI—SUSTAINABLE DEVELOPMENT

SEC. 601. WATERFRONT RESTORATION AND REMEDIATION PROJECTS.

(a) DEFINITIONS.—In this section:

(1) RELATED AREA.—The term “related area” means land—

(A) located adjacent to, or in close proximity of, a waterfront area; and

(B) that impacts or influences a waterfront area or an aquatic habitat.

1 (2) SECRETARY.—The term “Secretary” means
2 the Secretary of Commerce, acting through the
3 Under Secretary for Oceans and Atmosphere.

4 (3) WATERFRONT AREA.—The term “water-
5 front area” means a site located adjacent to a lake,
6 river, stream, wetland, or floodplain of the United
7 States.

8 (b) APPLICATION.—An individual or entity that seeks
9 to receive assistance under this section shall submit to the
10 Secretary an application for the assistance in such form,
11 by such time, and containing such information as the Sec-
12 retary may require.

13 (c) JUSTIFICATION AND PURPOSE.—

14 (1) JUSTIFICATION.—The Secretary may pro-
15 vide assistance to eligible recipients in financing a
16 restoration or remediation project only if the Sec-
17 retary finds that the proposed project addresses con-
18 cerns relating to—

19 (A) public health;

20 (B) public safety;

21 (C) environmental improvements; or

22 (D) economic improvements.

23 (2) PURPOSE.—An eligible recipient of assist-
24 ance may use assistance made available under this

1 section to complete a restoration or remediation
2 project for the purpose of—

3 (A) improving the surrounding ecosystem;

4 or

5 (B) preparing land for redevelopment by
6 Federal, State, or local agencies, or private en-
7 tities.

8 (d) COST SHARING.—

9 (1) GENERAL ASSISTANCE.—

10 (A) IN GENERAL.—Except as otherwise
11 provided in this subsection, the Federal share of
12 the cost of carrying out a restoration or remedi-
13 ation project under this section shall not exceed
14 65 percent, as determined by the Secretary.

15 (B) INNOVATIVE TECHNOLOGY.—The Fed-
16 eral share of the cost of carrying out a restora-
17 tion or remediation project under this section
18 that involves conducting a pilot project to test
19 a demonstration or innovative technology shall
20 not exceed 85 percent, as determined by the
21 Secretary.

22 (2) OPERATION AND MAINTENANCE.—The non-
23 Federal share of operation and maintenance costs
24 for a restoration or remediation project under this
25 section shall be 100 percent.

1 (3) CREDIT FOR WORK-IN-KIND CONSIDER-
2 ATIONS.—In determining the amount of a contribu-
3 tion made by a non-Federal interest under this sec-
4 tion, the non-Federal interest shall receive credit
5 equal to 100 percent of the value of any land, ease-
6 ments, rights-of-way, and relocations, and the rea-
7 sonable cost of services, studies, and supplies, con-
8 tributed toward the non-Federal share of project
9 costs.

10 (4) LIABILITY OF FEDERAL GOVERNMENT.—
11 The eligible recipient shall hold the United States
12 harmless from any claim or damage that may arise
13 from carrying out the restoration or remediation
14 project under this section, except any claim or dam-
15 age that may arise from the negligence of the Fed-
16 eral Government or a contractor of the Federal Gov-
17 ernment.

18 (e) FUNDING LIMITATION PER PROJECT.—Of the
19 funds provided under this section, not more than
20 \$5,000,000 may be allocated for an individual restoration
21 or rehabilitation project.

1 **SEC. 602. AUTHORITY OF SECRETARY TO RESTORE AND RE-**
2 **MEDIATE WATERFRONT AND RELATED**
3 **AREAS.**

4 The Secretary, in consultation with appropriate Fed-
5 eral, State, and local agencies, is authorized to restore and
6 remediate waterfront and related areas, including site
7 characterization, planning, design, construction, and mon-
8 itoring.

9 **SEC. 603. AUTHORIZATION OF APPROPRIATIONS.**

10 There is authorized to be appropriated to the Sec-
11 retary to carry out this title \$50,000,000 for fiscal year
12 2010 and each subsequent fiscal year.

13 **TITLE VII—COORDINATION AND**
14 **OVERSIGHT**

15 **SEC. 701. DEFINITIONS.**

16 In this title:

17 (1) **COLLABORATION.**—The term “Collabora-
18 tion” means the Great Lakes Regional Collaboration
19 established by section 704(a).

20 (2) **EXECUTIVE COMMITTEE.**—The term “Exec-
21 utive Committee” means the Great Lakes Regional
22 Collaboration Executive Committee established by
23 section 703(a).

24 (3) **EXECUTIVE ORDER.**—The term “Executive
25 order” means Executive Order No. 13340 (33
26 U.S.C. 1268 note; relating to establishment of Great

1 Lakes Interagency Task Force and promotion of re-
 2 gional collaboration of national significance for
 3 Great Lakes).

4 (4) GREAT LAKE.—The term “Great Lake”
 5 means—

6 (A) Lake Erie;

7 (B) Lake Huron (including Lake Saint
 8 Clair);

9 (C) Lake Michigan;

10 (D) Lake Ontario;

11 (E) Lake Superior; and

12 (F) the connecting channels of those
 13 Lakes, including—

14 (i) the Saint Marys River;

15 (ii) the Saint Clair River;

16 (iii) the Detroit River;

17 (iv) the Niagara River; and

18 (v) the Saint Lawrence River to the
 19 Canadian border.

20 (5) GREAT LAKES CITY.—The term “Great
 21 Lakes city” means a city located in the watershed
 22 basin of a Great Lake.

23 (6) GREAT LAKES STATE.—The term “Great
 24 Lakes State” means any of the States of Illinois, In-

1 diana, Michigan, Minnesota, New York, Ohio, Penn-
2 sylvania, and Wisconsin.

3 (7) GREAT LAKES TRIBE.—The term “Great
4 Lakes tribe” means any Indian tribe, band, village,
5 nation, or other organized group or community in
6 the watershed basin of a Great Lake that is recog-
7 nized by the Bureau of Indian Affairs as eligible for
8 the special programs and services provided by the
9 United States to Indians because of their status as
10 Indians.

11 (8) SAINT LAWRENCE CITY.—The term “Saint
12 Lawrence city” means a city located in the water-
13 shed basin of the Saint Lawrence River.

14 (9) TASK FORCE.—The term “Task Force”
15 means the Great Lakes Interagency Task Force es-
16 tablished by section 702(a).

17 **SEC. 702. GREAT LAKES INTERAGENCY TASK FORCE.**

18 (a) INTERAGENCY COORDINATION.—The Great
19 Lakes Interagency Task Force, as established by the Ex-
20 ecutive order for administrative purposes, is established
21 as a task force within the Environmental Protection Agen-
22 cy.

23 (b) DUTIES.—In addition to the duties described in
24 the Executive order, the Task Force shall—

1 (1) ensure that implementation of programs
2 and projects under the authority of Task Force
3 members is coordinated, effective, and cost-efficient;

4 (2) work in cooperation with Federal agencies
5 on the development of budgets and financial plans
6 regarding the Great Lakes for inclusion in annual
7 submissions by the President to Congress of the
8 budget of the United States; and

9 (3) submit to Congress a biennial report that
10 describes the projects and activities carried out by
11 the Collaboration during the 2-year period covered
12 by the report, including a description of—

13 (A) any actions that Federal agencies can
14 take to address the biennial restoration goals;

15 (B) Federal expenditures to meet the res-
16 toration goals and the amount of non-Federal
17 funding leveraged by those Federal expendi-
18 tures; and

19 (C) the indicators and monitoring used to
20 determine whether the goals will be met.

21 **SEC. 703. GREAT LAKES REGIONAL COLLABORATION EXEC-**
22 **UTIVE COMMITTEE.**

23 (a) IN GENERAL.—There is established a Great
24 Lakes Regional Collaboration Executive Committee.

1 (b) COMPOSITION.—The Executive Committee shall
2 be composed of—

3 (1) the Chairperson of the Task Force;

4 (2) a representative of the Governors of the
5 Great Lakes States, as agreed on by the Governors;

6 (3) a representative of the Great Lakes cities
7 and Saint Lawrence cities, as agreed on by the ma-
8 jority of mayors of those cities; and

9 (4) a designated representative for the Great
10 Lakes tribes, as agreed on by those tribes.

11 (c) DUTIES.—The Executive Committee shall—

12 (1) hold semiannual public meetings to discuss
13 Great Lakes restoration goals and progress;

14 (2) receive input and consider recommendations
15 from interested parties, including nongovernmental
16 organizations, industry, and academia, with respect
17 to proposed recommendations of the Executive Com-
18 mittee for restoration of the Great Lakes; and

19 (3) submit to Congress and the Task Force a
20 biennial report that includes—

21 (A) an analysis of progress in—

22 (i) carrying out restoration of the
23 Great Lakes; and

24 (ii) meeting the goals and rec-
25 ommendations in the restoration and pro-

1 tection strategy developed by the Great
 2 Lakes Regional Collaboration and under
 3 this Act; and

4 (B) recommendations on future priorities
 5 and actions with respect to that restoration.

6 (d) SUBCOMMITTEES.—The members of the Execu-
 7 tive Committee may designate representatives to work as
 8 1 or more subcommittees to provide staff support and oth-
 9 erwise assist in carrying out responsibilities of the Execu-
 10 tive Committee relating to the Collaboration.

11 **SEC. 704. GREAT LAKES REGIONAL COLLABORATION.**

12 (a) IN GENERAL.—There is established the Great
 13 Lakes Regional Collaboration.

14 (b) COMPOSITION.—The Collaboration shall be com-
 15 posed of—

16 (1) the members of the Executive Committee;
 17 and

18 (2) each other individual and entity that noti-
 19 fies the Executive Committee, in writing, of the de-
 20 sire and intent of the individual or entity to partici-
 21 pate in the Collaboration.

22 (c) DUTIES.—The Collaboration shall—

23 (1) develop and maintain as current a restora-
 24 tion and protection strategy to provide information

1 for use in future Great Lakes program implementa-
 2 tion and funding decisions;

3 (2) serve as a forum for addressing near-term
 4 regional issues relating to ecosystem restoration and
 5 protection of the Great Lakes; and

6 (3) establish an oversight forum to coordinate
 7 and enhance implementation of Great Lakes pro-
 8 grams.

9 **SEC. 705. GREAT LAKES RESTORATION GRANTS.**

10 (a) DEFINITIONS.—In this section:

11 (1) BOARD.—The term “Board” means the
 12 Great Lakes Environmental Restoration Advisory
 13 Board established by subsection (c)(1).

14 (2) PROGRAM OFFICE.—The term “Program
 15 Office” means the Great Lakes National Program
 16 Office of the Environmental Protection Agency.

17 (b) GREAT LAKES ENVIRONMENTAL RESTORATION
 18 GRANT PROGRAM.—

19 (1) ESTABLISHMENT.—There is established a
 20 program, to be known as the “Great Lakes Environ-
 21 mental Restoration Grant Program”, to be adminis-
 22 tered by the Program Office.

23 (2) GRANTS.—The Program Office, in coordi-
 24 nation with the Executive Committee, shall provide
 25 to States, municipalities, and other eligible appli-

1 cants grants for use in and around the Great Lakes
2 in carrying out projects and activities for—

3 (A) contaminated sediment cleanup;

4 (B) wetland restoration;

5 (C) invasive species control and prevention;

6 (D) coastal wildlife and fisheries habitat
7 improvement;

8 (E) public access improvement;

9 (F) water quality improvement;

10 (G) sustainable water use;

11 (H) nonpoint source pollution reduction; or

12 (I) such other purposes to restore, protect,
13 and assist the recovery of the Great Lakes, as
14 the Board determines to be appropriate.

15 (3) DISTRIBUTION.—In providing grants under
16 this subsection for a fiscal year, the Program Office
17 shall ensure that—

18 (A) at least 1 project or activity is funded
19 in each Great Lakes State for the fiscal year;

20 (B) the amount of funds received by each
21 Great Lakes State under this subsection for the
22 fiscal year is at least 6 percent, but not more
23 than 30 percent, of the total amount of funds
24 made available for grants under this section for
25 the fiscal year;

1 (C) each project or activity for which fund-
 2 ing is provided results in 1 or more tangible im-
 3 provements in the Great Lakes watershed; and

4 (D) each project or activity for which fund-
 5 ing is provided addresses 1 or more priority
 6 issue areas identified by the Board for the fiscal
 7 year.

8 (4) EVALUATION OF APPLICATIONS.—

9 (A) IN GENERAL.—In evaluating applica-
 10 tions for grants under this subsection, the Pro-
 11 gram Office shall give priority to the applica-
 12 tions in accordance with such ranking system
 13 as the Executive Committee may establish.

14 (B) NEGATIVE DETERMINATIONS.—If the
 15 Program Office determines not to provide a
 16 grant to an application ranked by the Executive
 17 Committee under subparagraph (A) as 1 of the
 18 top 10 applications, the Program Office shall
 19 submit to the Executive Committee a written
 20 statement explaining the reasons why the pro-
 21 posal was not funded by not later than 30 days
 22 after the date of the determination.

23 (5) PROHIBITED ACTIVITIES.—A grant provided
 24 under this subsection shall not be used for—

1 (A) design, construction, or improvement
 2 of a road, except as required in connection with
 3 a sewer upgrade;

4 (B) design, implementation, or evaluation
 5 of a research or monitoring project or activity,
 6 except as required in connection with a project
 7 or activity that will result in a tangible improve-
 8 ment to the Great Lakes watershed;

9 (C) design or implementation of a beautifi-
 10 cation project or activity that does not result in
 11 a tangible improvement to the Great Lakes wa-
 12 tershed;

13 (D) litigation expenses, including for any
 14 legal action to address a violation of the Fed-
 15 eral Water Pollution Control Act (33 U.S.C.
 16 1251 et seq.), the Endangered Species Act of
 17 1973 (16 U.S.C. 1531 et seq.), or any other en-
 18 vironmental law or regulation; or

19 (E) lobbying activities (as defined in sec-
 20 tion 3 of the Lobbying Disclosure Act of 1995
 21 (2 U.S.C. 1602)).

22 (6) FUNDING.—

23 (A) AUTHORIZATION OF APPROPRIA-
 24 TIONS.—There is authorized to be appropriated

1 to carry out this subsection \$50,000,000 for
 2 each of fiscal years 2010 through 2015.

3 (B) COST SHARING.—The Federal share of
 4 the cost of any project or activity carried out
 5 using funds made available under this sub-
 6 section shall not exceed 80 percent.

7 (C) IN-KIND CONTRIBUTIONS.—The non-
 8 Federal share of the cost of any project or ac-
 9 tivity carried out using funds made available
 10 under this subsection may be provided in cash
 11 or in kind.

12 (c) GREAT LAKES ENVIRONMENTAL RESTORATION
 13 ADVISORY BOARD.—

14 (1) ESTABLISHMENT.—There is established a
 15 board, to be known as the “Great Lakes Environ-
 16 mental Restoration Advisory Board”.

17 (2) MEMBERSHIP.—

18 (A) IN GENERAL.—The Board shall be
 19 composed of 15 members (or designees of the
 20 members), to be appointed by the Executive
 21 Committee, of whom—

22 (i) 5 shall be representatives of envi-
 23 ronmental organizations;

1 (ii) 5 shall be representatives of in-
2 dustry, to be selected by the chairperson of
3 the Board;

4 (iii) 1 shall be a representative of Ca-
5 nadian interests; and

6 (iv) 4 shall be representatives of other
7 interests, such as recreational boating,
8 fishing, birding, and academia.

9 (B) DATE OF APPOINTMENTS.—The ap-
10 pointment of each member of the Board shall
11 be made not later than 90 days after the date
12 of enactment of this Act.

13 (C) TERM; VACANCIES.—

14 (i) TERM.—A member of the Board
15 shall be appointed for 5 years.

16 (ii) VACANCIES.—A vacancy on the
17 Board—

18 (I) shall not affect the powers of
19 the Board; and

20 (II) shall be filled in the same
21 manner as the original appointment
22 was made.

23 (D) MEETINGS.—The Board shall meet at
24 the call of the chairperson.

1 (E) CHAIRPERSON.—The Board shall se-
2 lect a chairperson of the Board from the mem-
3 bers appointed under subparagraph (A)(i).

4 (3) DUTIES.—

5 (A) DETERMINATION OF FUNDING PRI-
6 ORITY ISSUE AREAS.—

7 (i) IN GENERAL.—Not later than Sep-
8 tember 30, 2009, and annually thereafter,
9 the Board shall—

10 (I) determine, by majority vote in
11 accordance with clause (ii), the fund-
12 ing priority issue areas that shall
13 apply to all grants provided under
14 subsection (b) during the following
15 fiscal year; and

16 (II) submit to the Executive
17 Committee a report describing the de-
18 termination.

19 (ii) GREAT LAKES GOALS.—The
20 Board shall base a determination under
21 clause (i)(I) on environmental restoration
22 goals for the Great Lakes that identify
23 specific objectives and the best methods by
24 which to produce tangible improvement to
25 the Great Lakes.

1 (B) GRANTS.—

2 (i) ACTION BY PROGRAM OFFICE.—

3 The Program Office shall provide to the
4 Board, in a timely manner, a copy of each
5 application for a grant under subsection
6 (b).

7 (ii) BOARD.—The Board shall—

8 (I) review each application re-
9 ceived under clause (i); and

10 (II) by a date specified by the
11 Program Office, provide to the Pro-
12 gram Office a list of the grant appli-
13 cations that the Board recommends
14 for funding, ranked in order of the
15 applications that most merit funding.

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