

107TH CONGRESS
2D SESSION

S. 2964

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

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 18, 2002

Mr. LEVIN (for himself, Ms. COLLINS, Ms. STABENOW, Mr. DEWINE, Mr. REED, Mr. WARNER, Mr. DURBIN, Mr. FITZGERALD, Mr. AKAKA, Mr. VOINOVICH, Mr. INOUE, Ms. CANTWELL, Mr. KENNEDY, and Mr. BAYH) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

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

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

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

4 (a) SHORT TITLE.—This Act may be cited as the
5 “National Aquatic Invasive Species Act of 2002”.

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—AQUATIC INVASIVE SPECIES MANAGEMENT

Sec. 101. Program coordination.

Sec. 102. Federal consistency.

Sec. 103. International coordination.

Sec. 104. Prevention of introduction of aquatic invasive species into waters of the United States by vessels.

Sec. 105. Prevention of the introduction of aquatic invasive species into waters of the United States by other pathways.

Sec. 106. Early detection and monitoring.

Sec. 107. Containment and control.

Sec. 108. Brown tree snake control program.

Sec. 109. Information, education, and outreach.

TITLE II—AQUATIC INVASIVE SPECIES RESEARCH

Sec. 201. Ecological, pathway, and experimental research.

Sec. 202. Analysis.

Sec. 203. Vessel pathway standards research.

Sec. 204. Graduate education in systematics and taxonomy.

TITLE III—AUTHORIZATION OF APPROPRIATIONS

Sec. 301. Authorization of appropriations.

TITLE IV—CONFORMING AMENDMENTS

Sec. 401. Conforming amendments.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) invasive species can cause devastating de-
4 clines in local, regional, and national species diver-
5 sity;

6 (2) aquatic invasive species continue to be in-
7 troduced into water of the United States;

8 (3) aquatic invasive species damage infrastruc-
9 ture, disrupt commerce, outcompete native species,
10 reduce biodiversity, and threaten human health;

1 (4) the direct and indirect costs of aquatic
2 invasive species to the economy of the United States
3 amount to billions of dollars per year;

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

8 (6) recent studies have—

9 (A) demonstrated that, in addition to eco-
10 nomic damage, invasive species can cause enor-
11 mous ecological damage; and

12 (B) cited invasive species as the second
13 leading threat to endangered species;

14 (7) over the past 200 years, the rate of detected
15 marine and freshwater invasions in North America
16 has increased exponentially;

17 (8) wetlands suffer compound impacts from—

18 (A) terrestrial infestations (such as Nu-
19 tria);

20 (B) aquatic infestations (such as Hydrilla);
21 and

22 (C) riparian infestations (such as Purple
23 Loosestrife);

24 (9) the rate of invasions continues to be unac-
25 ceptable;

1 (10) infestations by aquatic invasive species
2 often spread and cause significant, negative regional,
3 national, and international effects;

4 (11) prevention of aquatic invasive species is
5 the most environmentally sound and cost-effective
6 management approach because once established,
7 aquatic invasive species are costly, and sometimes
8 impossible to control;

9 (12) to be effective, the prevention, early detec-
10 tion, and control of and rapid response to aquatic
11 invasive species should be coordinated regionally, na-
12 tionally, and internationally;

13 (13) research underlies every aspect of detect-
14 ing, preventing, controlling, and eradicating invasive
15 species, educating citizens and stakeholders, and re-
16 storing ecosystems;

17 (14) pathway management is the most prom-
18 ising approach to reducing unplanned introductions
19 of aquatic invasive species;

20 (15) consistent national screening criteria are
21 needed to evaluate the potential risk of nonnative
22 aquatic species;

23 (16) States and regions have specific problems
24 with respect to aquatic invasive species and re-
25 sources for addressing aquatic invasive species;

1 (17) an emphasis on research, development, and
2 demonstration to support prevention efforts would
3 likely result in a more cost-effective and successful
4 approach to combating invasive species through pre-
5 venting initial introduction;

6 (18) research, development, and demonstration
7 to support prevention includes monitoring of path-
8 ways and ecosystems to track the introduction and
9 establishment of invasive species, analysis of that
10 data, and development and testing of technologies to
11 prevent introduction through known pathways;

12 (19) the Aquatic Invasive Species Task Force
13 established by section 1201(a) of the Nonindigenous
14 Aquatic Nuisance Prevention and Control Act of
15 1990 (16 U.S.C. 4721(a)) has been directed by Con-
16 gress to coordinate interagency responses to aquatic
17 invasive species, but the provision of additional di-
18 rection, and assignment of specific responsibilities,
19 to various Federal agencies would accelerate those
20 responses; and

21 (20) it is in the interest of the United States
22 to conduct a comprehensive and thorough research,
23 development, and demonstration program on aquatic
24 invasive species in order to better understand how
25 aquatic invasive species are introduced and become

1 established and to support efforts to prevent the in-
2 troduction and establishment of those species.

3 **SEC. 3. DEFINITIONS.**

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

7 **“SEC. 1003. DEFINITIONS.**

8 “In this Act:

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

12 “(2) AQUATIC ECOSYSTEMS IN THE UNITED
13 STATES.—The term ‘aquatic ecosystems in the
14 United States’ means freshwater, marine, and estua-
15 rine environments (including inland waters and wet-
16 lands), located wholly or in part, in the United
17 States.

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

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

1 “(5) COASTAL VOYAGE.—The term ‘coastal voy-
2 age’ means a voyage conducted entirely within the
3 exclusive economic zone.

4 “(6) CONTROL.—The term ‘control’ means—

5 “(A) the eradication, suppression, reduc-
6 tion, or management of an aquatic invasive spe-
7 cies population;

8 “(B) the containment of spread of an
9 aquatic invasive species; and

10 “(C) any action taken, such as restoration
11 of native species or habitat—

12 “(i) to reduce the effects of an aquatic
13 invasive species; and

14 “(ii) to prevent further invasions by
15 the aquatic invasive species.

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

19 “(8) ENVIRONMENTALLY SOUND.—The term
20 ‘environmentally sound’, when used in reference to
21 any activity or thing, refers to an activity or thing
22 that prevents introductions, or controls infestations,
23 of aquatic invasive species in a manner that—

24 “(A) minimizes adverse effects on—

1 “(i) the structure and function of an
2 ecosystem; and

3 “(ii) nontarget organisms and eco-
4 systems; and

5 “(B) emphasizes the use of integrated pest
6 management techniques.

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

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

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

15 “(10) 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;

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

25 “(i) the Saint Mary’s River;

1 “(ii) the Saint Clair River;

2 “(iii) the Detroit River;

3 “(iv) the Niagara River; and

4 “(v) the Saint Lawrence River to the
5 Canadian border; and

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

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

14 “(12) HYDROGRAPHICALLY DISTINCT ZONES.—
15 The term ‘hydrographically distinct zones’ means
16 contiguous coastal areas in which (as determined by
17 the Task Force) there is the potential for the move-
18 ment of organisms, both through natural pathways
19 and a multiplicity of anthropogenic means, such that
20 the dispersal of most native organisms may not be
21 significantly altered by the movement of vessels
22 alone.

23 “(13) 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 “(14) INTERBASIN WATERWAY.—The term
4 ‘interbasin waterway’ means a waterway that con-
5 nects 2 distinct water basins.

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

13 “(16) INTERSTATE ORGANIZATION.—The term
14 ‘interstate organization’ means an entity that—

15 “(A) is established by—

16 “(i) an interstate compact approved
17 by Congress;

18 “(ii) an Act of Congress; or

19 “(iii) an international agreement to
20 which the United States is a party;

21 “(B)(i) represents 2 or more—

22 “(I) States (or political subdivisions of
23 States); or

24 “(II) Indian tribes;

25 “(ii) represents—

1 “(I) 1 or more States (or political
2 subdivisions of States); and

3 “(II) 1 or more Indian tribes; or

4 “(iii) represents the Federal Government
5 and 1 or more foreign governments; and

6 “(C) has jurisdiction over, serves as a
7 forum for coordinating, or otherwise has a role
8 or responsibility for the management of, any
9 land or other natural resource.

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

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

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

21 “(20) INVASIVE SPECIES COUNCIL.—The term
22 ‘Invasive Species Council’ means the interagency
23 council established by section 3 of Executive Order
24 No. 13112 (42 U.S.C. 4321 note).

1 “(21) NEW SOURCE.—The term ‘new source’
2 means any source of nonnative species that may be
3 introduced by construction that is commenced after
4 the publication of a proposed regulation prescribing
5 a standard of performance under this Act that is ap-
6 plicable to the source, if the standard is subse-
7 quently promulgated in accordance with this Act.

8 “(22) NONINDIGENOUS SPECIES.—The term
9 ‘nonindigenous species’ means any species that en-
10 ters an ecosystem outside the historic range of the
11 species.

12 “(23) ORGANISM IN TRADE.—The term ‘orga-
13 nism in trade’ means an organism of a species or
14 subspecies that has a documented history of being
15 commercially imported during the period beginning
16 on January 1, 1990, and ending on January 1,
17 2002.

18 “(24) ORGANISM TRANSFER.—The term ‘orga-
19 nism transfer’ means the movement of an organism
20 of any species from 1 ecosystem to another eco-
21 system.

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

1 “(26) PILOT SCALE TEST.—The term ‘pilot
2 scale test’ means a test—

3 “(A) that is conducted at less than full-
4 scale; but

5 “(B) the results of which can potentially
6 be extrapolated to the full scale.

7 “(27) PLANNED IMPORTATION.—The term
8 ‘planned importation’ means the purposeful move-
9 ment of a species into the territorial limits of the
10 United States.

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

14 “(29) SECRETARY.—The term ‘Secretary’
15 means the Secretary of the department in which the
16 Coast Guard is operating.

17 “(30) SPECIES.—The term ‘species’ means—

18 “(A) a fundamental category of taxonomic
19 classification, ranking below a genus or
20 subgenus, and consisting of related organisms
21 capable of interbreeding; and

22 “(B) any viable biological material, as de-
23 termined by the Task Force.

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

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

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

14 “(34) TYPE APPROVAL.—The term ‘type ap-
15 proval’ means an approval procedure under which a
16 type of system is certified as meeting a standard es-
17 tablished by law (including a regulation) for a par-
18 ticular application.

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

22 “(36) UNDESIRABLE IMPACT.—The term ‘unde-
23 sirable impact’ means economic, aesthetic, or envi-
24 ronmental degradation that is not necessary for, and

1 is not clearly outweighed by, public health, environ-
2 mental, or welfare benefits.

3 “(37) WATERS OF THE UNITED STATES.—

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

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

9 **TITLE I—AQUATIC INVASIVE**
10 **SPECIES MANAGEMENT**

11 **SEC. 101. PROGRAM COORDINATION.**

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

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

17 (2) by redesignating paragraph (7) as para-
18 graph (10); and

19 (3) by inserting after paragraph (6) the fol-
20 lowing:

21 “(7) the Director of the United States Geologi-
22 cal Survey;

23 “(8) the Director of the Smithsonian Environ-
24 mental Research Center;

25 “(9) the Secretary of State; and”.

1 (b) COORDINATION WITH INVASIVE SPECIES COUN-
2 CIL.—Section 1201(f) of the Nonindigenous Aquatic Nui-
3 sance Prevention and Control Act of 1990 (16 U.S.C.
4 4721(f)) is amended—

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

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

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

10 “(2) INVASIVE SPECIES COUNCIL.—The
11 Invasive Species Council shall—

12 “(A) coordinate and cooperate with the
13 Task Force in carrying out the duties of the
14 Invasive Species Council relating to aquatic
15 invasive species;

16 “(B) not later than 2 years after the date
17 of enactment of the National Aquatic Invasive
18 Species Act of 2002, and every 3 years there-
19 after, submit to Congress a report that summa-
20 rizes the status of the conduct of activities au-
21 thorized by and required under this Act; and

22 “(C) establish any regional panels or task
23 forces in coordination with the regional panels
24 of the Task Force convened under section
25 1203.”.

1 (c) REGIONAL COORDINATION.—Section 1203 of the
2 Nonindigenous Aquatic Nuisance Prevention and Control
3 Act of 1990 (16 U.S.C. 4723) is amended by adding at
4 the end the following:

5 “(d) ANNUAL INTER-REGIONAL MEETING.—The
6 Task Force shall annually convene all regional panels es-
7 tablished pursuant to this Act for the purpose of informa-
8 tion transfer between and among panels, and between the
9 panels and the Task Force, regarding aquatic invasive
10 species management.”.

11 (d) ORGANIZATIONS.—Section 1203 of the Non-
12 indigenous Aquatic Nuisance Prevention and Control Act
13 of 1990 (16 U.S.C. 4723) (as amended by subsection (c))
14 is amended by adding at the end the following:

15 “(e) ORGANIZATIONS.—An interstate organization
16 that has a Federal charter authorized by law, interstate
17 agreement, or executive order for purposes of fisheries or
18 natural resource management may receive funds under
19 this Act to implement activities authorized under this
20 Act.”.

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

25 “(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
7 under the Lacey Act Amendments of 1981
8 (16 U.S.C. 3371 et seq.);

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)); or

15 “(iii) any list of species of wildlife
16 under part 16 of title 50, Code of Federal
17 Regulations (or any successor regulations).

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

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

1 (1) in paragraph (1), by inserting “(including
2 tribal governments within a State)” after “Indian
3 tribes”;

4 (2) in paragraph (2)—

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

9 “(i) rapid response contingency strate-
10 gies under section 1211;

11 “(ii) early detection strategies under
12 section 1211(a)(2)(D);

13 “(iii) aquatic plant control programs
14 under section 1210; and

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

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

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

20 “(5) GUIDELINES.—

21 “(A) IN GENERAL.—Not later than 1 year
22 after the date of enactment of the National
23 Aquatic Invasive Species Act of 2002, the Task
24 Force shall publish in the Federal Register
25 guidelines for the development of plans under

1 this subsection, including guidelines for report-
2 ing progress in implementing the plans, to en-
3 courage consistency in implementation of and
4 reporting under those plans.

5 “(B) GUIDELINES.—The guidelines pub-
6 lished under subparagraph (A) shall include, for
7 the purpose of paragraph (2)(A), guidelines
8 concerning—

9 “(i) rapid response contingency strate-
10 gies;

11 “(ii) early detection and monitoring
12 strategies;

13 “(iii) aquatic plant control programs;

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

16 “(v) the review and revision of re-
17 quirements of this subsection and the re-
18 approval process under this subsection.

19 “(6) RELATIONSHIP TO OTHER PLANS.—

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

1 “(B) ENFORCEMENT.—Funds provided to
2 States for implementation of plans pursuant to
3 section 1204 may be used by any Federal agen-
4 cy of jurisdiction to enforce requirements relat-
5 ing to aquatic invasive species under—

6 “(i) the Plant Protection Act (7
7 U.S.C. 7701 et seq.) (including regulations
8 promulgated under that Act contained in
9 part 360 of title 7, Code of Federal Regu-
10 lations (or any successor regulations)); or

11 “(ii) part 16 of title 50, Code of Fed-
12 eral Regulations (or any successor regula-
13 tions).

14 “(7) REVIEW AND REVISION.—Each State shall
15 periodically review and, as necessary, revise the
16 management plan of the State in accordance with
17 guidelines of the Task Force.

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

1 (g) GRANT PROGRAM.—Section 1204(b)(1) of the
 2 Nonindigenous Aquatic Nuisance Prevention and Control
 3 Act of 1990 (16 U.S.C. 4724(b)(1)) is amended by strik-
 4 ing “subsection (a) for the implementation of those
 5 plans.” and inserting the following: “subsection (a)—

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

10 “(B) to implement those plans.”.

11 **SEC. 102. FEDERAL CONSISTENCY.**

12 Subtitle E of the Nonindigenous Aquatic Nuisance
 13 Prevention and Control Act of 1990 (16 U.S.C. 4751 et
 14 seq.) is amended—

15 (1) by striking the subtitle heading and insert-
 16 ing the following:

17 **“Subtitle E—Administration”;**

18 and

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

20 **“SEC. 1402. FEDERAL CONSISTENCY.**

21 “To the maximum extent practicable, no Federal
 22 agency shall authorize, fund, or carry out any action that
 23 would likely cause or promote the introduction or spread
 24 of an invasive species in the United States or any other
 25 location unless the Federal agency has issued guidelines

1 in accordance with applicable requirements of Executive
 2 Order 13112 (42 U.S.C. 4321 note) relating to invasive
 3 species under which the Federal agency first determines,
 4 and makes public the determination, that—

5 “(1) the benefits of the action to be authorized,
 6 funded, or carried out clearly outweigh the potential
 7 harm caused by the introduction or spread of an
 8 invasive species; and

9 “(2) all feasible and prudent measures to mini-
 10 mize risk of harm will be taken in carrying out the
 11 actions.”.

12 **SEC. 103. INTERNATIONAL COORDINATION.**

13 Subtitle E of the Nonindigenous Aquatic Nuisance
 14 Prevention and Control Act of 1990 (16 U.S.C. 4751 et
 15 seq.) (as amended by section 102) is amended by adding
 16 at the end the following:

17 **“SEC. 1403. INTERNATIONAL COORDINATION.**

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

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

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

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

13 “(2) NEGOTIATIONS.—

14 “(A) IN GENERAL.—As soon as practicable
15 after the date of enactment of the National
16 Aquatic Invasive Species Act of 2002, the Sec-
17 retary of State may enter into negotiations
18 with—

19 “(i) Canada to issue a request that
20 the International Joint Commission, not
21 later than 18 months after the date of en-
22 actment of that Act, review, research, con-
23 duct hearings on, and submit to the parties
24 represented on the International Joint
25 Commission a report that describes the

1 success of current policies of governments
2 in the United States and Canada having
3 jurisdiction over the Great Lakes in antici-
4 pating and preventing biological invasions
5 of the aquatic ecosystem in the Great
6 Lakes, including—

7 “(I) an analysis of current Fed-
8 eral, State or Provincial, local, and
9 international laws and agreements;

10 “(II) an analysis of all likely
11 pathways for biological invasions of
12 the aquatic ecosystem in the Great
13 Lakes; and

14 “(III) recommendations of the
15 International Joint Commission for
16 means by which to improve the poli-
17 cies referred to in clause (i); and

18 “(ii) Mexico, to ensure coordination of
19 efforts of the United States with efforts of
20 Mexico to manage invasive species estab-
21 lished in the United States-Mexico border
22 region.”.

1 **SEC. 104. PREVENTION OF INTRODUCTION OF AQUATIC**
2 **INVASIVE SPECIES INTO WATERS OF THE**
3 **UNITED STATES BY VESSELS.**

4 (a) IN GENERAL.—Section 1101 of the Nonindige-
5 nous Aquatic Nuisance Prevention and Control Act of
6 1990 (16 U.S.C. 4711) is amended—

7 (1) by striking subsection (a) and inserting the
8 following:

9 “(a) MINIMUM REQUIREMENTS FOR ALL VESSELS
10 ENTERING PORTS OF THE UNITED STATES.—

11 “(1) INVASIVE SPECIES MANAGEMENT PLAN.—

12 “(A) IN GENERAL.—Effective beginning on
13 the date that is 180 days after the promulga-
14 tion of applicable guidelines or regulations
15 under the National Aquatic Invasive Species
16 Act of 2002, each vessel entering a port of the
17 United States shall have in effect an aquatic
18 invasive species management plan that pre-
19 scribes safe and effective means by which the
20 master of the vessel shall minimize introduc-
21 tions and transfers of invasive species by any
22 part of the vessel (including towed vessels), pur-
23 suant to the guidelines or regulations.

24 “(B) SPECIFICITY.—The management plan
25 shall be specific to the vessel (or group of ves-

1 sels with characteristics similar to that of the
2 vessel, as determined by the Secretary).

3 “(C) REQUIREMENTS.—The management
4 plan shall include, at a minimum, such informa-
5 tion as is requested by the Secretary pursuant
6 to subparagraph (D), including—

7 “(i) operational requirements to safely
8 and effectively comply with the ballast
9 water management requirements under
10 paragraph (4);

11 “(ii) operational requirements to safe-
12 ly and effectively carry out any actions re-
13 quired under a rapid response contingency
14 strategy approved by the Secretary under
15 section 1211;

16 “(iii) other requirements specified in
17 guidelines adopted by the International
18 Maritime Organization;

19 “(iv) a description of all reporting re-
20 quirements and a copy of each form nec-
21 essary to meet those requirements;

22 “(v) the position of the officer respon-
23 sible for implementation of ballast water
24 management and reporting procedures on
25 board;

1 “(vi) documents relevant to any bal-
2 last water management equipment or pro-
3 cedures;

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

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

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

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

16 “(D) GUIDELINES.—Not later than 18
17 months after the date of enactment of the Na-
18 tional Aquatic Invasive Species Act of 2002, the
19 Secretary shall issue final guidelines for the de-
20 velopment of invasive species management
21 plans, including guidelines that—

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

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

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

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

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

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

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

13 “(3) BEST MANAGEMENT PRACTICES.—

14 “(A) IN GENERAL.—Not later than 18
15 months after the date of enactment of the Na-
16 tional Aquatic Invasive Species Act of 2002, the
17 Secretary shall promulgate best management
18 practices to minimize and monitor the transfer
19 by vessels of organisms between
20 hydrographically distinct zones.

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

23 “(i) regular removal or purging of
24 sediments from ballast tanks in the open
25 ocean (or in other areas in accordance with

1 guidelines adopted by the International
2 Maritime Organization) so that there is lit-
3 tle or no sediment accumulation in ballast
4 tanks of transoceanic vessels;

5 “(ii) minimization of ballast water op-
6 erations—

7 “(I) in areas with toxic algal
8 blooms, known outbreaks of aquatic
9 invasive species, and sewage outfalls;

10 “(II) in darkness, when bottom-
11 dwelling organisms may rise in the
12 water column;

13 “(III) in areas with naturally
14 high levels of suspended sediments
15 (including river mouths and deltas);

16 “(IV) in areas that have been af-
17 fected significantly by soil erosion
18 from inland drainage); and

19 “(V) in areas in which sediments
20 have been disturbed (including areas
21 near dredging operations and areas of
22 shallow water in which the propellers
23 of a vessel may have disturbed the
24 sediment);

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

4 “(iv) to the maximum extent prac-
5 ticable, collection and disposal of debris
6 from the cleaning of the hull, sea chests,
7 sea suction grids, and other hull apertures
8 so that the debris does not remain in the
9 water or fall to the seabed;

10 “(v)(I) at the time at which an anti-
11 fouling coating is applied, coating of great-
12 er than 95 percent of the surface of the
13 hull that is exposed to water below the
14 water line; and

15 “(II) reapplication of anti-fouling
16 paint prior to coating failure on any part
17 of the vessel to which an anti-fouling coat-
18 ing is applied; and

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

22 “(4) DESIGN FEATURES AND TREATMENT SYS-
23 TEMS FOR NEW VESSELS.—A vessel of which con-
24 struction begins on or after January 1, 2006, shall

1 be equipped with design features and ballast water
2 treatment systems that meet, at a minimum—

3 “(A) the standards described in subsection
4 (e)(1)(B)(ii); or

5 “(B) on promulgation of final standards
6 pursuant to subsection (e)(2)(A), such final
7 standard as is applicable to the vessel.”;

8 (2) in subsection (b), by adding at the end the
9 following:

10 “(5) ADDITIONAL REQUIREMENTS FOR VESSELS
11 ENTERING GREAT LAKES AFTER OPERATING OUT-
12 SIDE THE EEZ.—

13 “(A) IN GENERAL.—Not later than the
14 date that is 18 months after the date of enact-
15 ment of the National Aquatic Invasive Species
16 Act of 2002, the Secretary shall—

17 “(i) review and revise regulations pro-
18 mulgated under this section; and

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

21 “(B) CONTENTS.—The revised regulations
22 shall include—

23 “(i) requirements under subsections
24 (a) and (e) (as amended by that Act); and

1 “(ii) such other provisions as are nec-
2 essary to improve the effectiveness of the
3 program under this Act to prevent intro-
4 ductions of aquatic invasive species into
5 the Great Lakes.”;

6 (3) by striking subsections (c) through (f) and
7 subsection (h);

8 (4) by redesignating subsection (g) as sub-
9 section (h);

10 (5) by inserting after subsection (b) the fol-
11 lowing:

12 “(c) ADDITIONAL REQUIREMENTS FOR VESSELS EN-
13 TERING UNITED STATES PORTS AFTER OPERATING OUT-
14 SIDE EEZ.—

15 “(1) IN GENERAL.—Effective beginning on the
16 date that is 18 months after the date of enactment
17 of the National Aquatic Invasive Species Act of
18 2002, in addition to complying with applicable re-
19 quirements under subsection (a) and except as pro-
20 vided in subsection (e)(2)(B)(v), each vessel
21 equipped with a ballast water tank that, after oper-
22 ating on the waters beyond the exclusive economic
23 zone, enters a United States port, other than a
24 United States port on the Great Lakes, shall comply

1 with the regulations promulgated under paragraph
2 (2).

3 “(2) REGULATIONS.—Not later than 18 months
4 after the date of enactment of the National Aquatic
5 Invasive Species Act of 2002, the Secretary shall
6 promulgate, with the concurrence of the Adminis-
7 trator, regulations to implement this subsection
8 that—

9 “(A) ensure, to the maximum extent prac-
10 ticable, that aquatic invasive species are not
11 discharged into waters of the United States
12 from vessels, including through requirements
13 consistent with interim and final standards
14 issued under paragraph (1)(B)(ii) or (2) of sub-
15 section (e), as applicable;

16 “(B) apply to all vessels described in para-
17 graph (1);

18 “(C) protect the safety of—

19 “(i) each vessel; and

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

22 “(D) direct a vessel described in paragraph
23 (1)—

24 “(i) to carry out the exchange of bal-
25 last water of the vessel in waters beyond

1 the exclusive economic zone in accordance
2 with the standards and certification proce-
3 dures promulgated under subsection (e);

4 “(ii) in a case in which the master of
5 the vessel determines that compliance with
6 clause (i) is impracticable, to exchange the
7 ballast water of the vessel in other waters
8 in which the exchange does not pose a
9 threat of invasion or spread of nonindige-
10 nous species in waters of the United
11 States, as designated by the Secretary; or

12 “(iii) use environmentally sound alter-
13 native ballast water management methods,
14 including modification of the vessel ballast
15 water tanks and intake systems, if the Sec-
16 retary determines that such alternative
17 methods are in accordance with standards
18 and certification procedures promulgated
19 under subsection (e);

20 “(E) provide for in-line sampling proce-
21 dures of ballast piping to monitor compliance
22 with the regulations;

23 “(F) take into consideration—

24 “(i) vessel types;

1 “(ii) variations in the ecological condi-
2 tions of waters and coastal areas of the
3 United States; and

4 “(iii) different operating conditions;
5 and

6 “(G) are based on the best scientific infor-
7 mation available.

8 “(d) ADDITIONAL REQUIREMENT FOR VESSELS EN-
9 GAGED IN COASTAL VOYAGES.—

10 “(1) IN GENERAL.—A vessel engaged in a
11 coastal voyage shall minimize the introduction and
12 spread of an aquatic invasive species between
13 hydrographically distinct zones in a manner that is
14 consistent with limitations and requirements on
15 transoceanic voyages imposed under the final stand-
16 ard promulgated and applied under subsection
17 (e)(2).

18 “(2) DESIGNATION OF HYDROGRAPHICALLY
19 DISTINCT ZONES.—Not later than 18 months after
20 the date of enactment of the National Aquatic
21 Invasive Species Act of 2002, and periodically there-
22 after but not less frequently than once every 3 years,
23 the Task Force shall, based on available research
24 and monitoring data and in consultation with re-
25 gional panels of the Task Force, with the concur-

1 rence of the Secretary, designate hydrographically
2 distinct zones for purposes of this Act.

3 “(e) BALLAST WATER MANAGEMENT STANDARDS
4 AND CERTIFICATION PROCEDURES.—

5 “(1) INTERIM STANDARDS.—

6 “(A) IN GENERAL.—Not later than 1 year
7 after the date of enactment of the National
8 Aquatic Invasive Species Act of 2002, the Sec-
9 retary, with the concurrence of the Adminis-
10 trator and in consultation with the Task Force,
11 shall promulgate regulations establishing in-
12 terim standards indicating acceptable—

13 “(i) operational performance for bal-
14 last water exchange (including contingency
15 procedures in instances in which a safety
16 exemption is used pursuant to subsection
17 (k)); and

18 “(ii) biological effectiveness of ballast
19 water treatment systems (including on-
20 shore facilities and facilities on board ves-
21 sels).

22 “(B) REQUIREMENTS.—

23 “(i) BALLAST WATER EXCHANGE.—
24 The interim standard for ballast water ex-

1 change described in subparagraph (A) shall
2 require—

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

10 “(II) in a case in which the mas-
11 ter of a vessel determines that compli-
12 ance with subclause (I) is impracti-
13 cable, a sufficient number of flow-
14 through exchanges of ballast water, on
15 the high sea or in an alternative ex-
16 change area designated by the Sec-
17 retary, to achieve replacement of at
18 least 95 percent of ballast water in
19 ballast tanks of the vessel, as deter-
20 mined by a certification dye study
21 conducted or model developed in ac-
22 cordance with protocols developed
23 under paragraph (5)(B)(i) and re-
24 corded in the management plan of a

1 vessel pursuant to subsection
2 (a)(1)(C)(i); and

3 “(III) an approved contingency
4 procedure using best practicable tech-
5 nology in instances in which a ballast
6 water exchange is not undertaken
7 pursuant to subsection (k).

8 “(ii) BALLAST SYSTEM DESIGN AND
9 WATER TREATMENT SYSTEMS.—The in-
10 terim standard for a ballast water system
11 design and treatment system described in
12 subparagraph (A) shall require that at
13 least 95 percent of each of the live aquatic
14 vertebrates, invertebrates, phytoplankton,
15 and macroalgae, respectively, in ballast
16 water taken in by a vessel or class of ves-
17 sels be killed or removed from ballast dis-
18 charge in the qualified type approved proc-
19 ess promulgated under paragraph
20 (5)(B)(ii)

21 “(iii) CRITERIA; PERIOD OF EFFEC-
22 TIVENESS.—The interim standards de-
23 scribed in clauses (i) and (ii) shall—

1 “(I) meet occupational safety and
2 environmental soundness criteria de-
3 scribed in paragraph (6); and

4 “(II) cease to apply on the effec-
5 tive date of final standards developed
6 pursuant to subsection (e)(2).

7 “(2) FINAL STANDARDS.—

8 “(A) IN GENERAL.—Not later than 4 years
9 after the date of enactment of the National
10 Aquatic Invasive Species Act of 2002, the Sec-
11 retary and the Administrator, in consultation
12 with the Task Force, shall promulgate final
13 standards for ballast water discharge and other
14 vessel operations determined to pose a signifi-
15 cant risk to the environment through the intro-
16 duction of nonnative species.

17 “(B) REQUIREMENTS.—The final stand-
18 ards shall—

19 “(i) result from application of the best
20 available technology that is economically
21 achievable for—

22 “(I) the applicable category or
23 class of vessels; and

24 “(II) the new source or existing
25 source status;

1 “(ii) have the goal of eliminating the
2 risk of introduction into waters of the
3 United States by vessels of nonnative spe-
4 cies, including plant, animal, and human
5 pathogens;

6 “(iii) consider findings of scientific
7 and policy research, including research
8 conducted pursuant to title II, particularly
9 section 203;

10 “(iv) apply to all methods of ballast
11 water management and system design, in-
12 cluding—

13 “(I) ballast water exchange;

14 “(II) ballast water treatment sys-
15 tems; and

16 “(III) other vessel operations de-
17 termined to pose a significant risk to
18 the environment through the introduc-
19 tion of nonnative organisms;

20 “(v) be measurable;

21 “(vi) be reviewed and, as appropriate,
22 revised not less often than every 3 years
23 pursuant to subsection (g)(1);

1 “(vii) meet occupational safety and
2 environmental soundness criteria described
3 in paragraph (6); and

4 “(viii) apply beginning not later than
5 October 1, 2011.

6 “(3) EXPERIMENTAL APPROVAL FOR BALLAST
7 WATER TREATMENT.—

8 “(A) IN GENERAL.—Subject to subpara-
9 graph (B), if, before the date on which the Sec-
10 retary promulgates interim ballast water man-
11 agement standards under paragraph (1), an
12 owner or operator of a vessel seeks to conduct
13 a treatment of ballast water—

14 “(i) the owner or operator shall apply
15 to the Secretary for experimental approval
16 of the treatment; and

17 “(ii) the Secretary shall approve the
18 treatment if—

19 “(I) the owner or operator pro-
20 vides to the Secretary peer-reviewed,
21 pilot-scale information relating to the
22 effectiveness and environmental
23 soundness of the treatment;

24 “(II) the Secretary and the Ad-
25 ministrators, in consultation with the

1 Task Force (including relevant re-
2 gional panels, and the Ballast Water
3 and Shipping Committee, of the Task
4 Force), determine that the technology
5 to be used for the treatment has sig-
6 nificant potential to kill or remove at
7 least 95 percent of the aquatic
8 vertebrates, invertebrates, phyto-
9 plankton, and macro algae, respec-
10 tively, in ballast water taken in by the
11 class of vessel for which the treatment
12 is sought to be conducted; and

13 “(III) the Administrator deter-
14 mines that the treatment meets envi-
15 ronmental regulations.

16 “(B) LIMITATIONS.—

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

22 “(ii) PERIOD OF APPROVAL.—Ap-
23 proval granted under subparagraph (A)
24 shall be for the lesser of—

1 “(I) a period of 10 years or the
2 expected life of the treatment system,
3 whichever is earlier; or

4 “(II) such period of time for
5 which the Secretary or Administrator
6 (as appropriate) determines that
7 (based on available information, in-
8 cluding information developed pursu-
9 ant to clause (iii)) there exists a seri-
10 ous deficiency in performance or envi-
11 ronmental soundness of the system
12 relative to anticipated performance or
13 environmental soundness.

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

23 “(iv) RENEWAL.—An experimental
24 approval may be renewed pursuant to
25 paragraph (7)(B)(ii)(III).

1 “(4) INCENTIVES FOR USE OF TREATMENT SYS-
2 TEMS.—

3 “(A) IN GENERAL.—The Secretary and the
4 Administrator shall assist owners or operators
5 of vessels that seek to obtain experimental or
6 interim approval for installation of ballast water
7 treatment systems, including through providing
8 guidance on—

9 “(i) a sampling protocol and test pro-
10 gram for cost effective treatment evalua-
11 tion;

12 “(ii) sources of sampling equipment
13 and field biological expertise; and

14 “(iii) examples of shipboard evalua-
15 tion studies.

16 “(B) PREFERENCE.—The Secretary of the
17 Interior and the Secretary of Commerce shall
18 give preference to grant applications submitted
19 under section 1104(b) for research relative to
20 tests on vessels of treatment systems that have
21 received approval for ballast water treatment
22 under paragraphs (1) and (3).

23 “(C) ANNUAL SUMMARIES.—The Secretary
24 shall annually summarize, and make available
25 to interested parties, all available information

1 on the performance of technologies proposed for
2 ballast treatment to facilitate the application
3 process for experimental approval for ballast
4 water treatment under paragraph (3).

5 “(5) CERTIFICATION PROCESS.—

6 “(A) IN GENERAL.—Not later than the
7 date on which interim standards are promul-
8 gated under paragraph (1) and final standards
9 are promulgated under paragraph (2), the Sec-
10 retary shall establish, with the concurrence of
11 the Administrator, a certification process for
12 use in determining compliance of vessels with
13 the standards.

14 “(B) REQUIREMENTS.—In carrying out
15 subparagraph (A), the Secretary shall establish
16 by regulation—

17 “(i) a certification protocol for ballast
18 water exchange involving dye studies or
19 models detailing flow dynamics of vessels
20 described in paragraph (1)(B)(i)(II); and

21 “(ii) a shipboard protocol for qualified
22 type approval of ballast water treatment
23 systems for the interim and final standards
24 described in paragraphs (1) and (2) that—

1 “(I) is capable of determining the
2 extent to which a ballast water treat-
3 ment system complies with applicable
4 standards for the prevention of the
5 transfer of aquatic organisms, includ-
6 ing limitations on that compliance
7 caused by—

8 “(aa) biological, chemical, or
9 physical conditions of water
10 taken into ballast; and

11 “(bb) conditions encountered
12 during a voyage;

13 “(II) is capable of determining
14 the extent to which a ballast water
15 treatment system—

16 “(aa) is environmentally
17 sound, based on criteria promul-
18 gated by the Administrator under
19 paragraph (6)(A);

20 “(bb) is safe for vessel and
21 crew; and

22 “(cc) complies with this Act;

23 “(III) may be used in estimating
24 the expected useful life of the ballast
25 water treatment system, as deter-

1 mined on the basis of voyage patterns
2 and normal use conditions;

3 “(IV) may include a shore-based
4 testing component;

5 “(V) is applicable to a specific
6 vessel or group of vessels, as deter-
7 mined by the Secretary;

8 “(VI) includes such limitations as
9 are appropriate;

10 “(VII) provides for appropriate
11 monitoring; and

12 “(VIII) is cost effective.

13 “(6) ENVIRONMENTAL SOUNDNESS CRITERIA
14 FOR BALLAST TREATMENTS.—

15 “(A) IN GENERAL.—The Administrator
16 shall include in criteria promulgated under sec-
17 tion 1202(k)(1)(A) specific criteria—

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

20 “(ii) to grant environmental sound-
21 ness exceptions under subparagraph (B).

22 “(B) EXCEPTIONS.—

23 “(i) IN GENERAL.—In reviewing appli-
24 cations under paragraph (7)(B)(i)(I) in an
25 emergency situation to achieve reductions

1 in significant and acute risk of transfers of
2 invasive species by vessels, the Secretary
3 and the Administrator may jointly deter-
4 mine to make an exception to criteria de-
5 scribed in subparagraph (A)(i).

6 “(ii) QUALIFICATION OF APPROV-
7 ALS.—To be eligible for an exception under
8 clause (i), an approval under paragraph
9 (7)(B)(i)(I) shall be qualified under para-
10 graph (7)(B)(ii).

11 “(7) APPLICATION.—

12 “(A) IN GENERAL.—The owner or operator
13 of a ballast water treatment system shall sub-
14 mit to the Secretary and the Administrator an
15 application for qualified type approval of the
16 ballast water treatment system that is in such
17 form and contains such information as the Sec-
18 retary may require.

19 “(B) APPROVAL AND DISAPPROVAL.—

20 “(i) IN GENERAL.—On receipt of an
21 application under subparagraph (A)—

22 “(I) the Administrator shall, not
23 later than 90 days after the date of
24 receipt of the application—

1 “(aa) review the application
2 for compliance and consistency
3 with environmental soundness
4 criteria promulgated under para-
5 graph (6)(A); and

6 “(bb) approve those ballast
7 water treatment systems that
8 meet those criteria; and

9 “(II) the Secretary, in coopera-
10 tion with the Task Force, shall, not
11 later than 180 days after the date of
12 receipt of the application—

13 “(aa) determine whether the
14 ballast water treatment system
15 covered by the application meets
16 the requirements of this sub-
17 section, as appropriate;

18 “(bb) approve or disapprove
19 the application; and

20 “(cc) provide the applicant
21 written notice of approval or dis-
22 approval.

23 “(ii) LIMITATIONS.—An application
24 approved under clause (i) shall—

1 “(I) be qualified with any limita-
2 tions relating to voyage pattern, dura-
3 tion, or any other characteristic that
4 may affect the effectiveness or envi-
5 ronmental soundness of the ballast
6 water treatment system covered by
7 the application, as determined by the
8 Secretary in consultation with the Ad-
9 ministrators;

10 “(II) be valid for the lesser of—

11 “(aa) the expected useful life
12 of the ballast water treatment
13 system;

14 “(bb) 10 years; or

15 “(cc) such period of time for
16 which the Secretary or Adminis-
17 trator (as appropriate) deter-
18 mines that (based on available in-
19 formation, including information
20 developed pursuant to subsection
21 (e)(3)(B)(iii)) there exists a seri-
22 ous deficiency in performance or
23 environmental soundness of the
24 system relative to anticipated

1 performance or environmental
2 soundness; and

3 “(III) be renewed if—

4 “(aa) the Secretary deter-
5 mines that the ballast water
6 treatment system remains in
7 compliance with applicable stand-
8 ards as of the date of application
9 for renewal; or

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

13 “(8) PENALTIES.—Paragraphs (1) and (2) of
14 subsection (h) shall apply to a violation of a regula-
15 tion promulgated under this subsection.

16 “(f) COORDINATION WITH OTHER AGENCIES.—The
17 Secretary may coordinate with, and (with consent) use the
18 expertise, facilities, members, or personnel of, appropriate
19 Federal and State agencies and organizations that have
20 routine contact with vessels, as determined by the Sec-
21 retary.

22 “(g) PERIODIC REVIEW AND REVISION, AND EFFEC-
23 TIVE DATE, OF REGULATIONS.—

24 “(1) PERIODIC REVIEW AND REVISION.—

1 “(A) IN GENERAL.—Not later than 3 years
2 after the date of enactment of the National
3 Aquatic Invasive Species Act of 2002, and not
4 less often than every 3 years thereafter, the
5 Secretary shall (with the concurrence of the Ad-
6 ministrator, based on recommendations of the
7 Task Force, and in accordance with criteria de-
8 veloped by the Task Force under subparagraph
9 (C))—

10 “(i) assess the compliance by vessels
11 with regulations promulgated under this
12 section;

13 “(ii) assess the effectiveness of the
14 regulations referred to in clause (i) in re-
15 ducing the introduction and spread of
16 aquatic invasive species by vessels; and

17 “(iii) as necessary, on the basis of the
18 best scientific information available—

19 “(I) revise the regulations re-
20 ferred to in clause (i); and

21 “(II) promulgate additional regu-
22 lations.

23 “(B) SPECIAL REVIEW AND REVISION.—
24 Not later than 90 days after the date on which
25 the Task Force makes a request to the Sec-

1 retary for a special review and revision, the Sec-
2 retary shall (with the concurrence of the Ad-
3 ministrators)—

4 “(i) conduct a special review of regu-
5 lations in accordance with subparagraph
6 (A); and

7 “(ii) as necessary, in the same man-
8 ner as provided under subparagraph
9 (A)(iv)—

10 “(I) revise those guidelines; or

11 “(II) promulgate additional regu-
12 lations.

13 “(C) CRITERIA FOR EFFECTIVENESS.—Not
14 later than 1 year after the date of enactment of
15 the National Aquatic Invasive Species Act of
16 2002, and every 3 years thereafter, the Task
17 Force shall submit to the Secretary criteria for
18 determining the adequacy and effectiveness of
19 all regulations promulgated under this section.

20 “(2) INTERNATIONAL REGULATIONS.—

21 “(A) IN GENERAL.—The Secretary shall
22 revise regulations promulgated under this sub-
23 section as necessary to ensure that the regula-
24 tions relating to any matter are consistent with
25 the treatment of the matter in any international

1 agreement to which the United States is a
2 party that governs management of the transfer
3 by vessel of aquatic nonindigenous species.

4 “(B) LIMITATION.—The revisions carried
5 out pursuant to subparagraph (A) shall not
6 lessen the protectiveness of the overall program
7 established under this Act.”;

8 (6) in subsection (h) (as redesignated by para-
9 graph (4))—

10 (A) in the first sentence of paragraph (1),
11 by striking “\$25,000” and inserting “\$50,000”;
12 and

13 (B) in paragraph (4)(B), by inserting
14 “, contingency requirements under subsection
15 (k),” after “recordkeeping”;

16 (7) by striking subsection (k) and inserting the
17 following:

18 “(k) SAFETY EXEMPTION.—

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

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

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

12 “(m) APPLICABILITY; EFFECT ON OTHER LAW.—
13 Nothing in this section or any regulation promulgated
14 under this section supersedes or otherwise affects any re-
15 quirement or prohibition relating to the discharge of bal-
16 last water under the Federal Water Pollution Control Act
17 (33 U.S.C. 1251 et seq.).

18 “(n) CONTINUITY OF REGULATIONS AND GREAT
19 LAKES PROGRAM.—

20 “(1) REGULATIONS.—Until such time as regu-
21 lations are promulgated to implement the amend-
22 ments made by the National Aquatic Invasive Spe-
23 cies Act of 2002, regulations shall remain in effect
24 as of the date of enactment of that Act.

1 “(2) GREAT LAKES PROGRAM.—On implemen-
 2 tation of a national mandatory ballast management
 3 program that is at least as comprehensive as the
 4 Great Lakes program (as determined by the Sec-
 5 retary, in consultation with the Governors of Great
 6 Lakes States)—

7 “(A) the program regulating vessels and
 8 ballast water in Great Lakes under this section
 9 shall terminate; and

10 “(B) the national program shall apply to
 11 such vessels and ballast water.”.

12 (b) ARMED SERVICES WHOLE VESSEL MANAGEMENT
 13 PROGRAM.—Section 1103 of the Nonindigenous Aquatic
 14 Nuisance Prevention and Control Act of 1990 (16 U.S.C.
 15 4713) is amended—

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

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

20 and

21 (2) in subsection (a)—

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

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

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

1 “(2) TOWED VESSEL MANAGEMENT PRO-
2 GRAM.—Subject to operational conditions, the Sec-
3 retary of Defense, in consultation with the Sec-
4 retary, the Task Force, and the International Mari-
5 time Organization, shall implement a towed vessel
6 management program for Department of Defense
7 vessels to minimize the risk of introductions of
8 aquatic invasive species through hull and associated
9 hull aperture transfers by towed vessels.

10 “(3) REPORTS.—Not later than 3 years after
11 the date of enactment of the National Aquatic
12 Invasive Species Act of 2002, and every 3 years
13 thereafter, the Secretary of Defense shall submit to
14 Congress a report that includes a summary and
15 analysis of the program carried out under paragraph
16 (2).”.

17 (c) CONFORMING AMENDMENTS.—

18 (1) Section 1101(g) of the Nonindigenous
19 Aquatic Nuisance Prevention and Control Act of
20 1990 (16 U.S.C. 4711(g)) is amended by striking
21 “under subsection (b) of (f)” each place it appears
22 and inserting “under this section”.

23 (2) Section 1102(c)(1) of the Nonindigenous
24 Aquatic Nuisance Prevention and Control Act of
25 1990 (16 U.S.C. 4712(c)(1)) is amended by striking

1 “issued under section 1101(b)” and inserting “pro-
2 mulgated under section 1101(b)”.

3 (3) Section 1102(f)(1)(B) of the Nonindigenous
4 Aquatic Nuisance Prevention and Control Act of
5 1990 (16 U.S.C. 4712(f)(1)(B)) is amended by
6 striking “guidelines issued pursuant to section
7 1101(e)” and inserting “regulations promulgated
8 under section 1101(c)”.

9 **SEC. 105. PREVENTION OF THE INTRODUCTION OF AQUAT-**
10 **IC INVASIVE SPECIES INTO WATERS OF THE**
11 **UNITED STATES BY OTHER PATHWAYS.**

12 (a) PRIORITY PATHWAY MANAGEMENT PROGRAM.—
13 Subtitle C of title I of the Nonindigenous Aquatic Nui-
14 sance Prevention and Control Act of 1990 (16 U.S.C.
15 4721 et seq.) is amended by adding at the end the fol-
16 lowing:

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

18 “(a) IDENTIFICATION OF HIGH PRIORITY PATH-
19 WAYS.—Not later than 18 months after the date of enact-
20 ment of the National Aquatic Invasive Species Act of
21 2002, and every 3 years thereafter, the Task Force, in
22 coordination with the Invasive Species Council and in con-
23 sultation with representatives of States, industry, and
24 other interested parties, shall, based on pathway surveys
25 conducted under title II and other available research relat-

1 ing to the rates of introductions in waters of the United
2 States—

3 “(1) publish for public review and comment a
4 system for identifying and evaluating the relative
5 risk of pathways of the introductions;

6 “(2) identify any pathways that, according to
7 that system, pose the highest risk for introductions,
8 both nationally and on a region-by-region basis;

9 “(3) develop recommendations for management
10 strategies for those high-risk pathways; and

11 “(4) include in the report to Congress required
12 under section 1201(f)(2)(B) a description of the
13 identifications, strategies, and recommendations
14 based on research collected under title II.

15 “(b) MANAGEMENT OF HIGH PRIORITY PATH-
16 WAYS.—Not later than 3 years after the date of enactment
17 of the National Aquatic Invasive Species Act of 2002, the
18 Task Force shall, to the maximum extent practicable, im-
19 plement the strategies described in subsection (a)(3).”.

20 (b) SCREENING PROCESS FOR PLANNED IMPORTA-
21 TIONS OF LIVE AQUATIC ORGANISMS.—Subtitle B of the
22 Nonindigenous Aquatic Nuisance Prevention and Control
23 Act of 1990 (16 U.S.C. 4711 et seq.) is amended by add-
24 ing at the end the following:

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

3 “(a) IN GENERAL.—Not later than 30 months after
4 the date of enactment of the National Aquatic Invasive
5 Species Act of 2002, no live aquatic organism not in trade
6 shall be imported into the United States without screening
7 and approval in accordance with subsections (c) and (d).

8 “(b) GUIDELINES.—

9 “(1) IN GENERAL.—Not later than 30 months
10 after the date of enactment of the National Aquatic
11 Invasive Species Act of 2002, in consultation with
12 regional panels convened under section 1203, States,
13 tribes, and other stakeholders, the Invasive Species
14 Council (in conjunction with the Task Force) shall
15 promulgate guidelines for screening proposed
16 planned importations of live aquatic organisms into
17 the United States that include—

18 “(A) guidelines for minimum information
19 requirements for determinations under sub-
20 section (c); and

21 “(B) guidelines for a simplified notification
22 procedure for any additional shipments of orga-
23 nisms that may occur after completion of an
24 initial screening process and determination
25 under subsection (c).

1 “(2) PURPOSE.—The purpose of the screening
2 process shall be to prevent the establishment of
3 aquatic invasive species in waters of the United
4 States and contiguous waters of Canada and Mexico.

5 “(3) FACTORS.—In developing guidelines under
6 this subsection and reviewing and revising the guide-
7 lines under subsection (i), the Invasive Species
8 Council and the Task Force shall consider—

9 “(A) the likelihood of the spread of orga-
10 nisms by human or natural means;

11 “(B) organisms that may occur in associa-
12 tion with the organism planned for importation;

13 “(C) regional differences; and

14 “(D) the model established under section
15 1108(b).

16 “(c) CATEGORIES.—The screening process shall re-
17 quire the identification (to at least the genus level) of live
18 aquatic organisms and shall designate—

19 “(1) species with high or moderate probability
20 of undesirable impacts to areas within the bound-
21 aries of the United States and contiguous areas of
22 neighboring countries, to which the organism is like-
23 ly to spread; and

1 “(2) species with insufficient information to de-
2 termine the risk category based on guidelines issued
3 pursuant to section 1105(b)(1)(B).

4 “(d) EVALUATION.—

5 “(1) IN GENERAL.—Not later than 180 days
6 after the date of promulgation of guidelines under
7 subsection (b), in consultation with regional panels
8 convened under section 1203, States, tribes, and
9 other stakeholders, a Federal agency with authority
10 over an importation into the United States of a live
11 organism not in trade (other than through this Act)
12 shall screen the organism in accordance with guide-
13 lines promulgated under subsection (b).

14 “(2) DELEGATION AND AUTHORITY.—If no
15 agency has authority described in paragraph (1) or
16 an agency delegates the screening to the Director
17 under subsection (g), the Director shall screen the
18 organisms in accordance with subsections (a) and
19 (b).

20 “(3) MULTIPLE JURISDICTION.—If more than 1
21 agency has jurisdiction over the importation of a live
22 organism, the agencies shall conduct only 1 screen-
23 ing process in accordance with an agreement of the
24 agencies, except that the Secretary of Agriculture

1 shall have sole responsibility for screening cultured
2 aquatic organisms.

3 “(e) REQUIREMENTS.—A Federal agency of jurisdic-
4 tion, or the Director under subsection (a)(2), shall—

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

8 “(2) prohibit the importation of any species de-
9 scribed in subsection (c)(2), unless the importation
10 is for the sole purpose of research that is conducted
11 in accordance with section 1202(f)(2); and

12 “(3) make a determination under this sub-
13 section not later than 60 days after receiving a re-
14 quest for permission to import a live aquatic species.

15 “(f) SCREENING REQUIREMENTS.—The Director
16 shall promulgate screening requirements consistent with
17 the guidelines promulgated under subsection (b) to evalu-
18 ate any planned live aquatic species importation (including
19 an importation carried out by a Federal agency) from out-
20 side the borders of the United States into waters of the
21 United States that is—

22 “(1) not otherwise subject to Federal authority
23 to permit the importation; or

24 “(2) delegated to the Director by another agen-
25 cy of jurisdiction under subsection (g).

1 “(g) DELEGATION TO DIRECTOR.—Any agency with
2 authority over the planned importation of a live aquatic
3 organism may delegate to the Director the screening proc-
4 ess carried out under this section.

5 “(h) CATALOG OF ORGANISMS IN TRADE.—Not later
6 than 1 year after the date of enactment of the National
7 Aquatic Invasive Species Act of 2002, the Director of the
8 United States Geological Survey and the Director of the
9 Smithsonian Environmental Research Center, in coopera-
10 tion with agencies with jurisdiction over planned importa-
11 tions of live organisms, shall—

12 “(1) develop a catalog of organisms in trade;
13 and

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

16 “(i) FUNDS FOR STATE AND INTERSTATE IMPLE-
17 MENTATION OF SCREENING PROCESS.—Each States that
18 implements a screening process for movements of live or-
19 ganisms, into and within the State, that is consistent with
20 the Federal screening process established under this sec-
21 tion, as part of the State invasive species management
22 plan approved under section 1204(a), shall be eligible to
23 receive a grant under section 1204(b) for the implementa-
24 tion of the screening process.

25 “(j) REVIEW AND REVISION.—

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

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

10 “(A) an evaluation of the effectiveness of
11 the screening processes carried out under this
12 section; and

13 “(B) recommendations for revisions of the
14 processes.

15 “(k) PENALTIES.—Paragraphs (1) and (2) of section
16 1101(h) shall apply to a violation of this section.

17 “(l) FEES.—The head of any agency that has juris-
18 diction over a planned importation of a live organism sub-
19 ject to screening under this Act may increase the amount
20 of any appropriate fee that is charged under an authority
21 of law to offset the cost of any screening process carried
22 out under this section.

23 “(m) INFORMATION.—A Federal agency conducting
24 a screening process under this section shall make the re-

1 sults of the process available to the public (including inter-
 2 national organizations).”.

3 **SEC. 106. EARLY DETECTION AND MONITORING.**

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 105(b)) is amended by add-
 7 ing at the end the following:

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

9 “(a) EARLY DETECTION.—

10 “(1) IN GENERAL.—Not later than 18 months
 11 after the date of enactment of the National Aquatic
 12 Invasive Species Act of 2002, in conjunction with
 13 the Council, the Task Force shall develop (based on
 14 the standard protocol for early detection surveys de-
 15 veloped under title II), publish for public comment,
 16 and promulgate a set of sampling protocols, a geo-
 17 graphic plan, and budget to support a national sys-
 18 tem of ecological surveys to rapidly detect recently-
 19 established aquatic invasive species in waters of the
 20 United States.

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

23 “(A) address a diversity of water bodies of
 24 the United States (including inland and coastal
 25 waters);

1 “(B) encourage State, local, port, and trib-
2 al participation in monitoring;

3 “(C) balance scientific rigor with practica-
4 bility, timeliness, and breadth of sampling activ-
5 ity;

6 “(D) provide for the identification of pos-
7 sible pathways causing or influencing distribu-
8 tion of newly-detected populations of harmful
9 aquatic organisms;

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

13 “(F) include clear lines of communication
14 with appropriate Federal, State, and regional
15 rapid response authorities.

16 “(3) IMPLEMENTATION.—Not later than 2
17 years after the date of enactment of the National
18 Aquatic Invasive Species Act of 2002, the Director
19 of the United States Fish and Wildlife Service, the
20 Administrator of the National Oceanic and Atmos-
21 pheric Administration, and the Administrator (in
22 consultation with the Invasive Species Council and
23 in coordination with other agencies) shall implement
24 a national system of ecological surveys that is—

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

4 “(B) based on the protocols, plan, and
5 budget published under subsection (a)(1) and
6 any public comment.

7 “(b) LIST OF POTENTIAL INVADERS.—

8 “(1) IN GENERAL.—Not later than 180 days
9 after the date of enactment of the National Aquatic
10 Invasive Species Act of 2002, and annually there-
11 after, the Task Force (building on prior efforts to
12 create lists, to the maximum extent practicable)
13 shall publish a list that identifies, based on research
14 (including research conducted under title II)—

15 “(A) aquatic invasive species not yet intro-
16 duced into waters of the United States that are
17 likely to be introduced into waters of the United
18 States unless preventative measures are taken;
19 and

20 “(B) the likely pathways for introduction
21 of the species and transfer of the species.

22 “(2) USE.—The Task Force shall use the list
23 to inform and make recommendations regarding en-
24 forcement, voluntary actions, early detection, moni-

1 toring, pathway management, rapid response plan-
2 ning, and screening efforts.

3 “(3) PUBLIC AVAILABILITY.—The Task Force
4 shall—

5 “(A) make the list available to the public
6 on the Internet pursuant to section
7 1202(h)(4)(D); and

8 “(B) in conjunction with the Invasive Spe-
9 cies Council, include the list in the report under
10 section 1201(f)(2)(B).

11 “(4) EXCHANGE OF INFORMATION.—The Task
12 Force shall exchange information on invasive species
13 with interested agencies, States, Indian tribes, inter-
14 national organizations (such as the International
15 Council for the Exploration of the Sea), and other
16 stakeholder groups to assist in efforts to prevent and
17 detect introductions.”

18 **SEC. 107. CONTAINMENT AND CONTROL.**

19 (a) NATIONAL DISPERSAL BARRIER PROGRAM.—

20 (1) IN GENERAL.—Section 1202 of the Non-
21 indigenous Aquatic Nuisance Prevention and Control
22 Act of 1990 (16 U.S.C. 4722) is amended—

23 (A) by redesignating subsections (j) and
24 (k) as subsections (l) and (m), respectively;

1 (B) by inserting after subsection (i) the
2 following:

3 “(j) NATIONAL DISPERSAL BARRIER PROGRAM.—

4 “(1) CHICAGO RIVER SHIP AND SANITARY
5 CANAL DISPERSAL BARRIER PROJECT.—

6 “(A) IN GENERAL.—The Assistant Sec-
7 retary, with the concurrence of the Adminis-
8 trator, shall complete construction of, and
9 maintain, the Chicago River Ship and Sanitary
10 Canal dispersal barrier project.

11 “(B) CONSULTATION.—Subparagraph (A)
12 shall be carried out in consultation with—

13 “(i) the Task Force;

14 “(ii) the Great Lakes Aquatic Nui-
15 sance Species Panel;

16 “(iii) the Great Lakes Fishery Com-
17 mission;

18 “(iv) the Upper Mississippi River
19 Basin Association;

20 “(v) the Illinois Natural History Sur-
21 vey;

22 “(vi) the Mississippi Interstate Coop-
23 erative Resources Association;

24 “(vii) the city of Chicago;

1 “(viii) local water and power authori-
2 ties; and

3 “(ix) other appropriate entities.

4 “(C) CONSTRUCTION OF BARRIER.

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 2002, the Assistant Secretary, with the
9 concurrence of the Administrator, shall
10 complete construction of and maintain the
11 Chicago River Ship and Sanitary Canal
12 dispersal barrier project.

13 “(ii) REQUIRED ELEMENTS OF
14 PROJECT.—The completed project under
15 clause (i) shall include—

16 “(I) additions to the existing dis-
17 persal barrier, including—

18 “(aa) backup power;

19 “(bb) a research vessel
20 launching crane;

21 “(cc) replacement electrodes;

22 “(dd) other barrier ele-
23 ments, as available and appro-
24 priate;

1 “(ee) an acoustic monitoring
2 system; and

3 “(ff) emergency egress sys-
4 tem; and

5 “(II) construction of a second
6 long-service life dispersal barrier.

7 “(D) OPERATION OF BARRIER.—Not later
8 than 1 year after the date of enactment of the
9 National Aquatic Invasive Species Act of 2002,
10 the Assistant Secretary shall operate and main-
11 tain the Chicago River Ship and Sanitary Canal
12 dispersal barrier project.

13 “(E) FEASIBILITY STUDY OF CHICAGO
14 RIVER SHIP AND SANITARY CANAL.—

15 “(i) IN GENERAL.—Not later than 3
16 years after the date of enactment of the
17 National Aquatic Invasive Species Act of
18 2002, the Assistant Secretary, in consulta-
19 tion with the entities specified in subpara-
20 graph (B), shall conduct a feasibility
21 study, incorporating information from the
22 interbasin transfer monitoring program
23 under paragraph (2)(C) and the dispersal
24 barrier research and development program
25 under section 1107(c), of the full range of

1 options available to prevent the spread of
2 aquatic invasive species through the Chi-
3 cago River Ship and Sanitary Canal dis-
4 persal barrier.

5 “(ii) MATTERS TO BE STUDIED.—The
6 study shall —

7 “(I) provide recommendations
8 concerning additional measures nec-
9 essary to improve the performance of
10 the Chicago River Ship and Sanitary
11 Canal dispersal barrier; and

12 “(II) examine methods and meas-
13 ures necessary to achieve—

14 “(aa) to the maximum ex-
15 tent practicable, 100 percent effi-
16 cacy of the barrier with respect
17 to aquatic invasive species of
18 fish; and

19 “(bb) maximum efficacy of
20 the barrier with respect to other
21 taxa of aquatic invasive species;
22 and

23 “(III) examine additional long-
24 term measures, including structural
25 modifications, needed to prevent the

1 spread of aquatic invasive species
2 through the Chicago River Ship and
3 Sanitary Canal.

4 “(2) MONITORING PROGRAM.—

5 “(A) ESTABLISHMENT.—Not later than 1
6 year after the date of enactment of the Na-
7 tional Aquatic Invasive Species Act of 2002, the
8 Secretary of the Interior (acting through the
9 Director and in consultation with the Task
10 Force) shall establish a program to be known
11 as the ‘interbasin and intrabasin transfer moni-
12 toring program’ (referred to in this paragraph
13 as the ‘monitoring program’).

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

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

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

20 “(II) the Lake Champlain Canal;

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

23 “(IV) major river systems, such
24 as the Mississippi River, as rec-

1 ommended by regional panels con-
2 vened under section 1203;

3 “(ii) assess the efficacy of dispersal
4 barriers and other measures in preventing
5 the spread of aquatic invasive species
6 through the waterways specified in clause
7 (i);

8 “(iii) identify waterways suitable for
9 dispersal barrier demonstration projects, in
10 addition to the waterways at which dis-
11 persal barrier demonstration projects were
12 carried out before the date of enactment of
13 the National Aquatic Invasive Species Act
14 of 2002;

15 “(iv) conduct a feasibility study of the
16 full range of options available to prevent
17 the spread of aquatic invasive species
18 through the Lake Champlain Canal;

19 “(v) build on and provide data to the
20 early detection and monitoring system es-
21 tablished pursuant to section 1106; and

22 “(vi) use information collected under
23 title II.

24 “(C) REPORTS.—

1 “(i) IN GENERAL.—The Secretary of
2 Interior, acting through the Director, shall
3 make available to the public—

4 “(I) not later than 1 year after
5 the date of enactment of the National
6 Aquatic Invasive Species Act of 2002
7 and annually thereafter, a report that
8 contains the information described in
9 clauses (i) and (ii) of subparagraph
10 (B); and

11 “(II) not later than 2 years after
12 the date of enactment of the National
13 Aquatic Invasive Species Act of 2002
14 and biennially thereafter, a report
15 that contains the information de-
16 scribed in clauses (iii) and (iv) of sub-
17 paragraph (B).

18 “(ii) REPORT TO CONGRESS.—Not
19 later than 3 years after the date of enact-
20 ment of the National Aquatic Invasive Spe-
21 cies Act of 2002, the Assistant Secretary
22 and the Director shall jointly submit to
23 Congress a report that describes—

1 “(I) the efficacy of the Chicago
2 River Ship and Sanitary Canal dis-
3 persal barrier project;

4 “(II) the results of the programs
5 conducted under paragraphs (2) and
6 (3); and

7 “(III) a plan to provide for addi-
8 tional dispersal barrier demonstration
9 projects and further research needs.

10 “(iii) INFORMATION.—The Invasive
11 Species Council, in conjunction with the
12 Task Force, shall include information de-
13 scribed in subparagraph (B) in the report
14 of the Task Force under section
15 1201(f)(2)(B).

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

23 “(4) TECHNICAL ASSISTANCE.—The Great
24 Lakes Environmental Research Laboratory of the
25 National Oceanic and Atmospheric Administration

1 shall provide technical assistance to appropriate enti-
2 ties to assist in the research conducted under this
3 subsection.”.

4 (2) CONFORMING AMENDMENTS.—

5 (A) Section 1202(i) of the Nonindigenous
6 Aquatic Nuisance Prevention and Control Act
7 of 1990 (16 U.S.C. 4722(i)) is amended—

8 (i) by striking the subsection heading
9 and inserting the following:

10 “(i) INVASIVE SPECIES DEMONSTRATION PRO-
11 GRAM.—”;

12 (ii) by striking paragraph (3);

13 (iii) in paragraph (4), by striking
14 “studies under paragraphs (2) and (3)”
15 and inserting “study under paragraph
16 (2)”; and

17 (iv) by redesignating paragraphs (4)
18 and (5) as paragraphs (3) and (4), respec-
19 tively.

20 (B) Subsections (a)(1)(B) and (b)(2) of
21 section 1203 of the Nonindigenous Aquatic
22 Nuisance Prevention and Control Act of 1990
23 (16 U.S.C. 4723) are amended by striking “sec-
24 tion 1202(i) of this Act” each place it appears

1 and inserting “subsections (i) and (j) of section
2 1202”.

3 (b) IMPROVEMENT OF TREATMENT METHODS FOR
4 AQUATIC INVASIVE SPECIES.—Section 1202 of the Non-
5 indigenous Aquatic Nuisance Prevention and Control Act
6 of 1990 (16 U.S.C. 4722) (as amended by subsection
7 (a)(1)) is amended by inserting after subsection (j) the
8 following:

9 “(k) IMPROVEMENT OF TREATMENT METHODS FOR
10 AQUATIC INVASIVE SPECIES.—

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

13 “(A) IN GENERAL.—Not later than 18
14 months after the date of enactment of the Na-
15 tional Aquatic Invasive Species Act of 2002, the
16 Administrator, in consultation and cooperation
17 with the Secretary, the Invasive Species Coun-
18 cil, and the Task Force (including any regional
19 panels of the Task Force) shall promulgate cri-
20 teria to evaluate the treatment methods de-
21 scribed in subparagraph (B) for the purpose of
22 ensuring that the treatment methods pose no
23 significant threat of adverse effect on human
24 health, public safety, or the environment (in-
25 cluding air quality and the aquatic environ-

1 ment) that is acute, chronic, cumulative, or col-
2 lective.

3 “(B) TREATMENT METHODS.—The treat-
4 ment methods referred to in subparagraph (A)
5 are all chemical, biological, and other treatment
6 methods used in bodies of water of the United
7 States (regardless of whether the bodies of
8 water are navigable and regardless of the origin
9 of the waters), to prevent, treat, or respond to
10 the introduction of aquatic invasive species.

11 “(C) CONSULTATION.—In carrying out
12 subparagraph (A), the Administrator shall con-
13 sult with—

14 “(i) the Secretary of Transportation;

15 “(ii) the Task Force (including the re-
16 gional panels of the Task Force established
17 under section 1203);

18 “(iii) the Director;

19 “(iv) the Assistant Secretary;

20 “(v) the Director of the National Ma-
21 rine Fisheries Service; and

22 “(vi) relevant State agencies.

23 “(2) PUBLICATION OF INFORMATION ON ENVI-
24 RONMENTALLY SOUND TREATMENT METHODS.—The
25 Administrator, in consultation with the Invasive Spe-

1 cies Council, shall publish (not later than 1 year
2 after the date of enactment of the National Aquatic
3 Invasive Species Act of 2002) and update annu-
4 ally—

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

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

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

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

18 (c) RAPID RESPONSE.—Subtitle C of title I of the
19 Nonindigenous Aquatic Nuisance Prevention and Control
20 Act of 1990 (16 U.S.C. 4721 et seq.) (as amended by sec-
21 tion 103(a)) is amended by adding at the end the fol-
22 lowing:

23 **“SEC. 1211. RAPID RESPONSE.**

24 “(a) STATE RAPID RESPONSE CONTINGENCY STRAT-
25 EGIES.—

1 “(1) EMERGENCY FUNDS FOR RAPID RE-
2 SPONSE.—

3 “(A) IN GENERAL.—A State that has in
4 effect a rapid response contingency strategy for
5 invasive species in the State that is approved
6 under paragraph (2) shall be eligible to receive
7 emergency funding for a period of 1 fiscal year
8 to implement rapid response measures for
9 aquatic invasive species under the strategy, sub-
10 ject to renewal, as determined by the Secretary
11 of the Interior and the Secretary in accordance
12 with paragraph (2).

13 “(B) FEDERAL ASSISTANCE.—If a Federal
14 agency carries out a rapid response measure
15 under subparagraph (A) on behalf of a State,
16 the Federal agency shall receive such emergency
17 funding as would have been awarded to the
18 State to carry out the rapid response measure.

19 “(2) APPROVAL OF RAPID RESPONSE CONTIN-
20 GENCY STRATEGIES.—The Task Force, in consulta-
21 tion with the Invasive Species Council, and, with re-
22 spect to any vessels involved, the Secretary, shall ap-
23 prove a State rapid response contingency strategy
24 described in subparagraph (A) if the strategy—

1 “(A) identifies all key governmental and
2 nongovernmental partners to be involved in car-
3 rying out the strategy;

4 “(B) clearly designates the authorities and
5 responsibilities of each partner, including the
6 authority of any State or government of an In-
7 dian tribe to distribute emergency funds;

8 “(C) specifies criteria for rapid response
9 measures, including a diagnostic system that—

10 “(i) distinguishes cases in which rapid
11 response has a likelihood of success and
12 cases in which rapid response has no likeli-
13 hood of success;

14 “(ii) distinguishes rapid response
15 measures from ongoing management and
16 control of established populations of aquat-
17 ic invasive species; and

18 “(iii) distinguishes instances in which
19 the rate and probability of organism dis-
20 persal is significantly altered by vessel
21 movements;

22 “(D) includes an early detection strategy
23 that supports or complements the early detec-
24 tion and monitoring system developed under
25 section 1108;

1 “(E) provides for a monitoring capability
2 to assess—

3 “(i) the extent of infestations; and

4 “(ii) the effectiveness of rapid re-
5 sponse efforts;

6 “(F) to the maximum extent practicable, is
7 integrated into the State aquatic invasive spe-
8 cies management plan approved under section
9 1204;

10 “(G) does not use any rapid response tools
11 that do not meet environmental criteria devel-
12 oped under subsection (e)(4);

13 “(H) includes a public education and out-
14 reach component directed at—

15 “(i) potential pathways for spread of
16 aquatic invasive species; and

17 “(ii) persons involved in industries
18 and recreational activities associated with
19 those pathways; and

20 “(I) to the extent that the strategy involves
21 vessels, conforms with guidelines issued by the
22 Secretary under subsection (c)(2).

23 “(b) REGIONAL RAPID RESPONSE CONTINGENCY
24 STRATEGIES.—The Task Force, with the concurrence of
25 the Invasive Species Council and in consultation with the

1 regional panels of the Task Force established under sec-
2 tion 1203, shall encourage the development of regional
3 rapid response contingency strategies that—

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

6 “(2) are approved by—

7 “(A) the Secretary; and

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

10 “(c) MODEL RAPID RESPONSE CONTINGENCY
11 STRATEGIES.—Not later than 18 months after the date
12 of enactment of the National Aquatic Invasive Species Act
13 of 2002—

14 “(1) the Task Force, with the concurrence of
15 the Invasive Species Council and the regional panels
16 of the Task Force established under section 1203,
17 shall develop—

18 “(A) a model State rapid response contin-
19 gency strategy for aquatic invasive species; and

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

23 “(2) the Secretary shall issue guidelines for the
24 inclusion of vessel-related requirements into a rapid
25 response contingency strategy, including specific re-

1 requirements for strategy provisions that may be ap-
2 proved under subsection (a)(2)(J).

3 “(d) COST SHARING.—

4 “(1) STATE RAPID RESPONSE CONTINGENCY
5 STRATEGIES.—The Federal share of the cost of ac-
6 tivities carried out under a State rapid response con-
7 tingency strategy approved under subsection (a)
8 shall be 50 percent.

9 “(2) REGIONAL RAPID RESPONSE CONTINGENCY
10 STRATEGIES.—The Federal share of the cost of ac-
11 tivities carried out under a regional rapid response
12 contingency strategy approved under subsection (b)
13 shall be 75 percent.

14 “(e) FEDERAL RAPID RESPONSE TEAMS.—

15 “(1) ESTABLISHMENT OF TEAMS.—Not later
16 than 1 year after the date of enactment of the Na-
17 tional Aquatic Invasive Species Act of 2002, the
18 Invasive Species Council, in coordination with the
19 Task Force and the heads of appropriate Federal
20 agencies, shall establish a Federal rapid response
21 team for each of the 10 Federal regions that com-
22 prise the Standard Federal Regional Boundary Sys-
23 tem.

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

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

4 “(B) carry out, or assist in carrying out,
5 rapid responses for newly detected aquatic
6 invasive species on non-Federal land at the re-
7 quest of a State, Indian tribe, or group of
8 States or Indian tribes, with a rapid response
9 contingency strategy approved under subsection
10 (a) or (b);

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

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

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

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

23 “(3) CRITERIA FOR IDENTIFYING CASES OF
24 RAPID RESPONSE WARRANTING FEDERAL ASSIST-
25 ANCE.—Not later than 1 year after the date of en-

1 actment of the National Aquatic Invasive Species
2 Act of 2002, the Task Force, with the concurrence
3 of the Invasive Species Council, shall develop criteria
4 to identify cases of rapid response warranting Fed-
5 eral assistance under this subsection, including cri-
6 teria relating to, at a minimum—

7 “(A) the extent to which infestations of
8 aquatic invasive species may be managed suc-
9 cessfully by rapid response;

10 “(B) the extent to which rapid response ef-
11 forts may differ from ongoing management and
12 control; and

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

16 “(i) biodiversity of native fish and
17 wildlife;

18 “(ii) habitats of native fish and wild-
19 life; or

20 “(iii) human health.

21 “(4) ENVIRONMENTAL CRITERIA.—Not later
22 than 1 year after the date of enactment of the Na-
23 tional Aquatic Invasive Species Act of 2002, the Ad-
24 ministrator, in consultation with the Invasive Spe-
25 cies Council, the Secretary of Transportation, the

1 Task Force (including regional panels of the Task
2 Force established under section 1203), the Director,
3 and the Director of the National Marine Fisheries
4 Service, shall develop environmental criteria to mini-
5 mize nontarget environmental impacts of rapid re-
6 sponses carried out pursuant to this section.

7 “(f) NATIONAL NUTRIA CONTROL PROGRAM.—

8 “(1) IN GENERAL.—Not later than 180 days
9 after the date of enactment of the National Aquatic
10 Invasive Species Act of 2002, the Task Force shall
11 establish a national subcommittee on nutria com-
12 posed of representatives of—

13 “(A) the United States Fish and Wildlife
14 Service;

15 “(B) the United States Geological Survey;

16 “(C) State fish and wildlife agencies in
17 States affected by nutria; and

18 “(D) nonprofit and commercial interests in
19 nutria and the impact of nutria on native habi-
20 tat and species.

21 “(2) PROPOSAL FOR NUTRIA CONTROL.—Not
22 later than 1 year after the date of enactment of the
23 National Aquatic Invasive Species Act of 2002, the
24 subcommittee shall—

1 “(A) report to the Task Force on actions
2 taken to carry out this subsection;

3 “(B) draft a proposal for—

4 “(i) nutria control guidelines; and

5 “(ii) support, criteria, and processes
6 for grants to promote State and regional
7 partnership efforts to control nutria in ac-
8 cordance with the guidelines; and

9 “(C) submit the proposal to the Task
10 Force for approval, including a recommendation
11 to the Task Force on national priority tasks
12 and resources required to carry out the pro-
13 posal.

14 “(3) OTHER DUTIES.—In addition to the re-
15 sponsibilities described in paragraph (2), the sub-
16 committee shall—

17 “(A) oversee and coordinate implementa-
18 tion of approved national priority tasks relating
19 to nutria control;

20 “(B) review State and regional partnership
21 grant proposals and make recommendations to
22 the Task Force on making grants to carry out
23 the proposals; and

1 “(C) carry out additional duties assigned
2 to the subcommittee by the Task Force (includ-
3 ing a co-chairperson of the Task Force).”.

4 **SEC. 108. BROWN TREE SNAKE CONTROL PROGRAM.**

5 Section 1209 of the Nonindigenous Aquatic Nuisance
6 Prevention and Control Act of 1990 (16 U.S.C. 4728) is
7 amended to read as follows:

8 **“SEC. 1209. BROWN TREE SNAKE CONTROL PROGRAM.**

9 “(a) IN GENERAL.—The Task Force and the
10 Invasive Species Council shall support the continuation
11 and expansion of a regionally-based comprehensive, envi-
12 ronmentally sound program, conducted in coordination
13 with territories and possessions of the United States,
14 States, and political subdivisions, to control the brown tree
15 snake on Guam, the Commonwealth of the Northern Mar-
16 iana Islands, the State of Hawaii, and other areas in
17 which the brown tree snake is, or may become, established
18 outside of the historic range of the brown tree snake.

19 “(b) COMPONENTS.—The program shall include—

20 “(1) the expansion of Federal and territorial
21 control programs on Guam that reduce the undesir-
22 able impact of the brown tree snake on Guam and
23 reduce the risk of spread to areas in which the snake
24 is not established;

1 “(2) the expansion of existing control programs
2 in the Commonwealth of the Northern Mariana Is-
3 lands and the State of Hawaii, including the estab-
4 lishment of interagency rapid response teams to as-
5 sist local governments with detecting brown tree
6 snakes and incipient brown tree snake populations in
7 areas in which brown tree snakes are not estab-
8 lished;

9 “(3) product-oriented research based on control
10 program needs, including projects to reduce the
11 number of brown tree snakes on Guam and an anal-
12 ysis of pathways for brown tree snake introduction
13 into areas in which the species is not established;

14 “(4) the appointment of a coordinator by the
15 Invasive Species Council to provide oversight and di-
16 rection over Federal actions dealing with brown tree
17 snake control; and

18 “(5) the continuation of the Brown Tree Snake
19 Control Committee, which shall—

20 “(A) be chaired by the coordinator; and

21 “(B) meet annually to plan and coordinate
22 ongoing brown tree snake control activities on
23 a regional and national level.”.

1 **SEC. 109. INFORMATION, EDUCATION, AND OUTREACH.**

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

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

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

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

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

10 “(2) ACTIVITIES.—

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

14 “(B) PUBLIC OUTREACH.—

15 “(i) PUBLIC WARNINGS.—Not later
16 than 180 days after the date of enactment
17 of the National Aquatic Invasive Species
18 Act of 2002, each Federal officer of an
19 agency that provides Federal funds to
20 States for building or maintaining public
21 access points to United States water bodies
22 shall amend the guidelines of the agency,
23 in consultation with relevant State agen-
24 cies, to encourage the posting of regionally-
25 specific public warnings or other suitable

1 informational and educational materials at
2 the access points regarding—

3 “(I) the danger of spread of
4 aquatic invasive species through the
5 transport of recreational watercraft;
6 and

7 “(II) methods for removing orga-
8 nisms prior to transporting a
9 watercraft.

10 “(ii) CLEANING OF WATERCRAFT AT
11 MARINAS.—Not later than 1 year after the
12 date of enactment of the National Aquatic
13 Invasive Species Act of 2002, the Under
14 Secretary (in consultation with the States,
15 relevant industry groups, and Indian
16 tribes) shall develop a concerted education,
17 outreach, and training program directed
18 toward marinas and marina operators re-
19 garding—

20 “(I) checking watercraft for live
21 organisms;

22 “(II) removing live organisms
23 from the watercraft before the
24 watercraft are commercially or
25 recreationally trailered;

1 “(III) encouraging regular hull
2 cleaning and maintenance, avoiding
3 in-water hull cleaning; and

4 “(IV) other activities, as identi-
5 fied by the Secretary.

6 “(iii) PROPER DISPOSAL OF NON-
7 NATIVE LIVE AQUATIC ORGANISMS IN
8 TRADE.—The Task Force shall—

9 “(I) not later than 1 year after
10 the date of enactment of the National
11 Aquatic Invasive Species Act of 2002,
12 develop (in consultation with industry
13 and other affected parties) guidelines
14 for proper disposal of live nonnative
15 aquatic organisms in trade; and

16 “(II) use the guidelines in appro-
17 priate public information and out-
18 reach efforts.

19 “(C) 100TH MERIDIAN PROGRAM.—

20 “(i) IN GENERAL.—Not later than 1
21 year after the date of enactment of the
22 National Aquatic Invasive Species Act of
23 2002, the Task Force shall develop an in-
24 formation and education program directed
25 at recreational boaters in States from

1 which watercraft are transported westward
2 across the 100th meridian.

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

5 “(I) survey owners of watercraft
6 transported westward across the
7 100th meridian to determine the
8 States of origin of most such owners;

9 “(II) provide information directly
10 to watercraft owners concerning the
11 importance of cleaning watercraft car-
12 rying live organisms before trans-
13 porting the watercraft; and

14 “(III) support education and in-
15 formation programs of the States of
16 origin to ensure that the State pro-
17 grams address westward spread.

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

1 sored by the National Park Service, including
2 the Lewis and Clark Bicentennial Expedition.

3 “(3) OUTREACH TO INDUSTRY.—The Task
4 Force, in conjunction with the Invasive Species
5 Council, shall carry out activities to inform and pro-
6 mote voluntary cooperation and regulatory compli-
7 ance by members of the national and international
8 maritime, horticultural, aquarium, aquaculture, and
9 pet trade industries with screening, monitoring, and
10 control of the transportation of aquatic invasive spe-
11 cies.

12 “(4) PUBLIC ACCESS TO MONITORING INFORMA-
13 TION.—The Task Force, in consultation with the
14 Smithsonian Environmental Research Center, the
15 Invasive Species Council, and other agencies, shall
16 maintain information on the Internet regarding—

17 “(A) the best approaches for the public
18 and private interests to use in assisting with
19 national early detection and monitoring of
20 aquatic invasive species in waters of the United
21 States;

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

24 “(C) approved State Management Plans
25 under section 1204(a) and Rapid Response

1 Contingency Strategies under sections
2 1211(a)(2) and 1211(e); and

3 “(D) the list of potential invaders under
4 section 1106(e).”.

5 **TITLE II—AQUATIC INVASIVE**
6 **SPECIES RESEARCH**

7 **SEC. 201. ECOLOGICAL, PATHWAY, AND EXPERIMENTAL RE-**
8 **SEARCH.**

9 (a) IN GENERAL.—Subtitle B of the Nonindigenous
10 Aquatic Nuisance Prevention and Control Act of 1990 (16
11 U.S.C. 4711 et seq.) (as amended by section 106) is
12 amended by adding at the end the following:

13 **“SEC. 1107. ECOLOGICAL, PATHWAY, AND EXPERIMENTAL**
14 **RESEARCH.**

15 “(a) DEFINITION OF ADMINISTERING AGENCIES.—

16 “(1) IN GENERAL.—In this section and section
17 1108, the term ‘administering agencies’ means—

18 “(A) the Smithsonian Environmental Re-
19 search Center;

20 “(B) the United States Geological Survey;
21 and

22 “(C) the National Oceanic and Atmos-
23 pheric Administration (including the Great
24 Lakes Environmental Research Laboratory).

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

3 “(A) the Task Force; and

4 “(B) Federal and State agencies.

5 “(3) COOPERATION.—In carrying out this sec-
6 tion, the administering agencies shall contract or
7 otherwise cooperate with academic researchers.

8 “(b) PROGRAM.—The administering agencies shall
9 develop (not later than 1 year after the date of enactment
10 of the National Aquatic Invasive Species Act of 2002) and
11 conduct a marine and freshwater research program (in-
12 cluding ecological and pathway surveys and experimen-
13 tation) to assess rates of, patterns of, and conditions sur-
14 rounding introductions of nonnative aquatic species in
15 aquatic ecosystems.

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

19 “(1) providing information for—

20 “(A) early detection and rapid response ef-
21 forts; and

22 “(B) relevant policy questions; and

23 “(2) assessing the effectiveness of relevant pro-
24 grams and activities to rank pathways by risk and

1 inform, review, and revise processes carried out
2 under this Act.

3 “(d) PROTOCOL DEVELOPMENT.—The administering
4 agencies shall—

5 “(1) propose standardized protocols for con-
6 ducting surveys (including surveys required under
7 paragraph (1)), including—

8 “(A) protocols to support early detection
9 surveys of nonnative aquatic species conducted
10 by Federal, State, or local agencies involved in
11 the management of invasive species, including
12 surveys carried out pursuant to section 1106;

13 “(B) protocols to support comprehensive
14 ecological surveys conducted under this section
15 for purposes of research and analysis of rates
16 and patterns of invasions; and

17 “(C) protocols to support pathway surveys
18 for purposes of risk evaluation under this Act;

19 “(2) recommend a standardized approach for
20 classifying species;

21 “(3) consider recommendations made at the
22 workshop conducted under subsection (g);

23 “(4) subject protocols to peer review;

1 “(5) complete protocols not later than 9 months
2 after the date of enactment of the National Aquatic
3 Invasive Species Act of 2002; and

4 “(6) disseminate the protocols to the Task
5 Force and other Federal, State, and local stake-
6 holders.

7 “(e) ECOLOGICAL AND PATHWAY SURVEY REQUIRE-
8 MENTS.—

9 “(1) IN GENERAL.—Each comprehensive eco-
10 logical survey conducted under this section shall, at
11 a minimum—

12 “(A) document baseline ecological informa-
13 tion of the aquatic ecosystem, including, to the
14 maximum extent practicable—

15 “(i) a comprehensive inventory of na-
16 tive species, nonnative species, and species
17 of unknown origin, present in the eco-
18 system; and

19 “(ii) the chemical and physical charac-
20 teristics of water and underlying substrate
21 in the ecosystem;

22 “(B) in the case of nonnative species, iden-
23 tify—

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

1 “(ii) the environmental requirements
2 and tolerances of the species;

3 “(iii) the native ecosystems of the spe-
4 cies; and

5 “(iv) the history of the species spread
6 from the native ecosystems of the species;

7 “(C) track the establishment of nonnative
8 species, including, to the maximum extent prac-
9 ticable, information about the estimated popu-
10 lation of nonnative organisms to allow an anal-
11 ysis of the probable date of introduction of the
12 species; and

13 “(D) identify, to the maximum extent
14 practicable, the likely pathway of entry of non-
15 native species.

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

19 “(A) identify which nonnative aquatic taxa
20 are being introduced, or have the potential to be
21 introduced, through the pathways under consid-
22 eration;

23 “(B) determine the rate of organism intro-
24 duction through the pathways under consider-
25 ation; and

1 “(C) determine the practices that contrib-
2 uted to or could contribute to the introduction
3 of nonnative aquatic species through the path-
4 ways under consideration.

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

6 “(1) REQUIRED SITES.—

7 “(A) IN GENERAL.—The administering
8 agencies shall designate the number and loca-
9 tion of survey sites necessary to carry out ma-
10 rine and freshwater research required under
11 this section.

12 “(B) ADMINISTRATION.—In carrying out
13 this paragraph, the administering agencies shall
14 contract with academic institutions, as appro-
15 priate, through a competitive, peer-reviewed
16 process.

17 “(2) EMPHASIS.—In establishing sites under
18 paragraph (1)(A), the Smithsonian Environmental
19 Research Center and the United States Geological
20 Survey shall give particular consideration to—

21 “(A) the quality of the proposal;

22 “(B) the geographic diversity of sites; and

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

1 “(g) WORKSHOP.—Not later than 120 days after the
2 date of enactment of the National Aquatic Invasive Spe-
3 cies Act of 2002, to assist in the development of the proto-
4 cols and design for the surveys under this section, the
5 Task Force shall—

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

10 “(2) make the results of the workshop widely
11 available to the public.

12 “(h) EXPERIMENTATION.—The administering agen-
13 cies shall conduct (at existing field stations and such other
14 sites as may be appropriate) coordinated experiments on
15 a range of taxonomic groups to identify—

16 “(1) the relationship between the introduction
17 and establishment of nonnative aquatic species; and

18 “(2) the circumstances necessary for the species
19 to survive and thrive.

20 “(i) NATIONAL PATHWAYS AND ECOLOGICAL SUR-
21 VEYS DATABASE.—

22 “(1) IN GENERAL.—The Secretary shall de-
23 velop, maintain, and update, in consultation and co-
24 operation with the administering agencies, a central
25 national database of information concerning—

1 “(A) ballast water management and deliv-
2 ery practices for vessels entering United States
3 ports using information collected under section
4 1101(a)(2);

5 “(B) ballast water treatment methods
6 under use and development under section
7 1101(e); and

8 “(C) information collected under section
9 1104(b).

10 “(2) ADMINISTRATION.—The Secretary shall—

11 “(A) make the database widely available to
12 the public; and

13 “(B) update the database not less often
14 than once a year.

15 “(3) REPORT.—In consultation and cooperation
16 with the administering agencies, the Secretary shall
17 prepare and submit to Congress and the Task
18 Force, on a biennial basis, a report that synthesizes
19 and analyzes the information described in this sec-
20 tion relating to—

21 “(A) ballast water delivery and manage-
22 ment patterns; and

23 “(B) compliance by vessels with this sec-
24 tion (including regulations promulgated under
25 this section).”.

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

6 “(ii) examine other potential modes
 7 for the introduction of nonnative aquatic
 8 species by vessel, including hull fouling.”.

9 **SEC. 202. ANALYSIS.**

10 (a) IN GENERAL.—Subtitle B of the Nonindigenous
 11 Aquatic Nuisance Prevention and Control Act of 1990 (16
 12 U.S.C. 4711 et seq.) (as amended by section 201(a)) is
 13 amended by adding at the end the following:

14 **“SEC. 1108. ANALYSIS.**

15 “(a) INVASION ANALYSIS.—

16 “(1) IN GENERAL.—Not later than 3 years
 17 after the date of enactment of the National Aquatic
 18 Invasive Species Act of 2002, and annually there-
 19 after, the administering agencies shall analyze data
 20 collected under section 1107 for the purpose of pre-
 21 venting the introduction of, detecting, and eradi-
 22 cating invasive species by—

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

1 “(B) providing information for relevant
2 policy questions; and

3 “(C) assessing the effectiveness of imple-
4 mented policies to prevent the introduction and
5 spread of invasive species.

6 “(2) CONTENTS.—In preparing the analysis of
7 pathways used by aquatic invasive species under
8 paragraph (1)(A), the administering agencies shall—

9 “(A) identify, and characterize as high-,
10 medium-, or low-risk, regional and national
11 pathways for the introduction of nonnative
12 aquatic species into aquatic ecosystems;

13 “(B)(i) identify new and expanding path-
14 ways through which nonnative aquatic species
15 may be introduced into aquatic ecosystems; and

16 “(ii) consult with relevant Federal agencies
17 with jurisdiction over foreign commerce to iden-
18 tify any potential new or expanding pathways;

19 “(C) identify handling practices that con-
20 tribute to the introduction of species in path-
21 ways;

22 “(D) assess the risk that species currently
23 used in commerce pose for introduction into
24 aquatic ecosystems;

1 “(E) include patterns and rates of invasion
2 and susceptibility to invasion of various types of
3 bodies of water;

4 “(F) consider the ways in which the risk of
5 establishment of an aquatic invasive species
6 through a pathway is related to the identity and
7 number of organisms transported;

8 “(G) consider rates of spread and numbers
9 and types of pathways of spread of new popu-
10 lations of the aquatic invasive species;

11 “(H) document factors that influence the
12 vulnerability of an ecosystem to invasion by a
13 nonnative aquatic species;

14 “(I) include a description of the potential
15 for, and impacts of, pathway management pro-
16 grams on invasion rates;

17 “(J) provide recommendations for improve-
18 ments on the effectiveness of pathway manage-
19 ment;

20 “(K) to the maximum extent practicable,
21 determine the level of reduction in live orga-
22 nisms of various taxonomic groups required to
23 reduce to an acceptable level the risk of estab-
24 lishment to receiving aquatic ecosystems; and

1 “(L) evaluate the effectiveness of a stand-
2 ard at reducing species introductions and estab-
3 lishment.

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

7 “(b) RESEARCH TO ASSESS THE POTENTIAL OF THE
8 ESTABLISHMENT OF INTRODUCED SPECIES.—

9 “(1) IN GENERAL.—Not later than 2 years
10 after the date of enactment of the National Aquatic
11 Invasive Species Act of 2002, the administering
12 agencies shall develop and submit to the Task Force
13 a profile of the general characteristics of invasive
14 species, in order to—

15 “(A) predict, to the maximum extent prac-
16 ticable, whether a species planned for importa-
17 tion is likely to invade a particular aquatic eco-
18 system if introduced; and

19 “(B) support the development of the
20 screening process authorized under section
21 1105.

22 “(2) RESEARCH.—In developing the profile, the
23 administering agencies shall analyze the research
24 conducted under section 1107 and other research as
25 necessary to determine—

1 “(A) characteristics of general species and
2 ecosystems (taking into account the opportunity
3 for introduction into any ecosystem); and

4 “(B) circumstances that may lead to estab-
5 lishment of a nonnative aquatic organism.

6 “(3) RECOMMENDATIONS.—The administering
7 agencies shall develop and submit to the Task Force,
8 for inclusion in the report to Congress developed
9 under section 1201(f)(2)(B), recommendations re-
10 garding organism characteristics warranting restric-
11 tion under section 1105.

12 **“SEC. 1109. DISSEMINATION.**

13 “(a) IN GENERAL.—The Invasive Species Council, in
14 coordination with the Task Force, the United States Geo-
15 logical Survey, and the Smithsonian Environmental Re-
16 search Center, shall disseminate the information collected
17 under this Act to Federal, State, and local entities (includ-
18 ing relevant policymakers and private researchers with re-
19 sponsibility over or interest in aquatic invasive species).

20 “(b) RESPONSE STRATEGY.—To enable Federal,
21 State, and local entities having responsibility for respond-
22 ing to the introduction of potentially harmful nonnative
23 aquatic species to better and more rapidly respond to
24 those introductions, the Invasive Species Council, in co-
25 ordination with the Task Force and other appropriate

1 Federal and State agencies, shall implement a national
2 strategy for the sharing of information collected under this
3 Act with those entities.

4 “(c) **PATHWAY PRACTICES.**—The Invasive Species
5 Council, in coordination with the Task Force, shall dis-
6 seminate information to, and develop an ongoing edu-
7 cational program for, pathway users (including vendors
8 and customers) to inform those users about means by
9 which users can prevent the intentional or unintentional
10 introduction of nonnative aquatic species into aquatic eco-
11 systems.

12 **“SEC. 1110. TECHNOLOGY DEVELOPMENT AND DEM-**
13 **ONSTRATION.**

14 “(a) **ENVIRONMENTAL SOUNDNESS SCREENING AND**
15 **IMPROVEMENT.**—Not later than 1 year after the date of
16 enactment of the National Aquatic Invasive Species Act
17 of 2002, the Administrator and the Assistant Secretary
18 (in consultation with the Director, the National Marine
19 Fisheries Service, and other interested parties) shall es-
20 tablish a marine and freshwater research, development,
21 and demonstration program for more comprehensive and
22 environmentally sound methods and treatment tools for
23 use in preventing, controlling, and eradicating aquatic
24 invasive species, with an emphasis on technology needs

1 other than needs addressed under the program established
2 under section 1104(b).

3 “(b) DISPERSAL BARRIER RESEARCH PROGRAM.—

4 “(1) ESTABLISHMENT.—Not later than 1 year
5 after the date of enactment of the National Aquatic
6 Invasive Species Act of 2002, the Assistant Sec-
7 retary, in conjunction with the Director and other
8 appropriate Federal agencies and academic research-
9 ers, shall establish a research, development, and
10 demonstration program—

11 “(A) to study environmentally sound meth-
12 ods and technologies to reduce dispersal of
13 aquatic invasive species through interbasin wa-
14 terways; and

15 “(B) to assess the potential for using those
16 methods and technologies in other waterways.

17 “(2) ADDITIONAL WATERWAYS.—The Assistant
18 Secretary, in consultation with the Director and
19 other relevant Federal agencies, shall identify addi-
20 tional waterways suitable for further dispersal bar-
21 rier research, development, and demonstration
22 projects.”.

23 (b) EXPANSION OF VESSEL PATHWAY TECHNOLOGY
24 DEMONSTRATION PROGRAM.—Section 1104(b) of the

1 Nonindigenous Aquatic Nuisance Prevention and Control
2 Act of 1990 (16 U.S.C. 4712(b)) is amended—

3 (1) by redesignating paragraphs (4) and (5) as
4 paragraphs (6) and (7), respectively; and

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

7 “(4) ADDITIONAL PURPOSES.—The Secretary
8 of the Interior and the Secretary of Commerce may
9 demonstrate technologies under this subsection to
10 monitor and control pathways of organism transport
11 on vessels other than through ballast water.

12 “(5) WORKSHOP.—The National Oceanic and
13 Atmospheric Administration shall—

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

17 “(i) principal investigators for which
18 funds are made available under section
19 1110(c); and

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

23 “(B) make the results of the proceedings
24 widely available.”.

1 **SEC. 203. VESSEL PATHWAY STANDARDS RESEARCH.**

2 Subtitle B of the Nonindigenous Aquatic Nuisance
3 Prevention and Control Act of 1990 (16 U.S.C. 4711 et
4 seq.) (as amended by section 202(a)) is amended by add-
5 ing at the end the following:

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

7 “(a) RESEARCH PROGRAM.—

8 “(1) IN GENERAL.—The Director of the United
9 States Geological Survey and the Administrator of
10 the National Oceanic and Atmospheric Administra-
11 tion (in coordination with the Smithsonian Environ-
12 mental Research Center, the Administrator, the
13 Commandant of the Coast Guard, the Task Force,
14 and other appropriate Federal agencies and aca-
15 demic researchers) shall develop and conduct a re-
16 search program to support the establishment and
17 implementation of standards to prevent the introduc-
18 tion and spread of invasive species 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-
25 mentation of vessel vector control technologies
26 and practices;

1 “(B) identify existing and new research ap-
2 proaches to shipboard evaluation and moni-
3 toring of vessel vector control technologies and
4 practices;

5 “(C) research and demonstrate methods
6 for mitigating the spread of invasive species by
7 coastal voyages, including the exploration of the
8 effectiveness of alternative exchange zones in
9 the near coastal areas and other methods pro-
10 posed to reduce the transfers of organisms; and

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

15 “(3) ACADEMIC RESEARCHERS.—In carrying
16 out this subsection, the Director of the United
17 States Geological Survey and the Administrator of
18 the National Oceanic and Atmospheric Administra-
19 tion shall—

20 “(A) coordinate with academic researchers;
21 and

22 “(B) as appropriate, contract on a com-
23 petitive basis with academic researchers.

24 “(b) PERFORMANCE TEST.—Not later than 1 year
25 after the date of enactment of the National Aquatic

1 Invasive Species Act of 2002, the Secretary, in conjunc-
2 tion with the National Institute of Standards and Tech-
3 nology and the Maritime Administration, shall design a
4 performance test for ballast water exchange (such as a dye
5 study) to measure the effectiveness of ballast water ex-
6 change.

7 “(c) BEST PRACTICES.—Not later than 1 year after
8 the date of enactment of the National Aquatic Invasive
9 Species Act of 2002, the Great Lakes Environmental Re-
10 search Laboratory shall—

11 “(1) identify best practices for improving the
12 effectiveness of ballast water exchange; and

13 “(2) report findings and recommendations to
14 the Invasive Species Council and the Task Force.

15 “(d) NATIONAL ACADEMY OF SCIENCES STUDY.—

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

19 “(A) identify the relative risk of transfer of
20 various taxonomic groups of invasive species by
21 different vessel modes;

22 “(B)(i) assess the extent to which a ballast
23 water standard that virtually eliminates the risk
24 of introduction of invasive species by ballast

1 water may relate to the risk of introductions by
2 all vessel modes; and

3 “(ii) explain the degree of uncertainty in
4 such an assessment; and

5 “(C)(i) recommend methods reducing the
6 transfers of invasive species by vessels by ad-
7 dressing all parts and systems of vessels and all
8 related modes of transport of living organisms;
9 and

10 “(ii) identify the research, development,
11 and demonstration needed to improve the infor-
12 mation base to support those methods, includ-
13 ing economic information.

14 “(2) REPORT.—Not later than 3 years after the
15 date of enactment of the National Aquatic Invasive
16 Species Act of 2002, the Secretary shall submit to
17 Congress a report that describes the results of the
18 study under paragraph (1).

19 “(3) IMPLEMENTATION OF RECOMMENDA-
20 TIONS.—Not later than the later of the date that is
21 2 years after the date of submission of the report
22 under paragraph (2) or the date that is 5 years after
23 the date of enactment of the National Aquatic
24 Invasive Species Act of 2002, the Task Force, in
25 conjunction with the Administrator, the National In-

1 stitute of Standards and Technology, and other ap-
2 propriate Federal agencies, shall submit to the Sec-
3 retary a report that describes recommendations
4 for—

5 “(A) a vessel pathway treatment standard
6 that incorporates all potential modes of transfer
7 by vessel; and

8 “(B) methods for type approval and accu-
9 rate monitoring of treatment performance that
10 are simple and streamlined.

11 “(e) WORKING GROUP.—

12 “(1) IN GENERAL.—Not later than 2 years
13 after the date of issuance by the Secretary of any
14 standard relating to the introduction by vessels of
15 invasive species, the Secretary shall convene a work-
16 ing group (including the Administrator, the United
17 States Geological Survey, the Smithsonian Environ-
18 mental Research Center, the National Oceanic and
19 Atmospheric Administration, and other appropriate
20 Federal and State agencies and academic research-
21 ers) to evaluate the effectiveness of that standard
22 and accompanying implementation protocols.

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

1 “(A) reviewing the effectiveness of the
2 standard in reducing the establishment of
3 invasive species in aquatic ecosystems, taking
4 into consideration the data collected under sec-
5 tion 1107; and

6 “(B) submitting to the Secretary rec-
7 ommendations for the revision of the standard
8 or implementation procedures (which rec-
9 ommendations shall be made widely available to
10 the public), including—

11 “(i) the type approval process, to en-
12 sure effectiveness in reducing introduc-
13 tions; and

14 “(ii) simple, streamlined, and accurate
15 shipboard monitoring of treatment per-
16 formance.”.

17 **SEC. 204. GRADUATE EDUCATION IN SYSTEMATICS AND**
18 **TAXONOMY.**

19 Subtitle B of the Nonindigenous Aquatic Nuisance
20 Prevention and Control Act of 1990 (16 U.S.C. 4711 et
21 seq.) (as amended by section 203) is amended by adding
22 at the end the following:

1 **“SEC. 1112. GRADUATE EDUCATION IN SYSTEMATICS AND**
 2 **TAXONOMY.**

3 “(a) IN GENERAL.—The National Science Founda-
 4 tion shall establish a program to award grants, on a com-
 5 petitive basis, to institutions of higher education to carry
 6 out research programs in systematics and taxonomy.

7 “(b) MERIT REVIEW.—The National Sciences Foun-
 8 dation shall provide for merit review of each grant.”.

9 **TITLE III—AUTHORIZATION OF**
 10 **APPROPRIATIONS**

11 **SEC. 301. AUTHORIZATION OF APPROPRIATIONS.**

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

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

16 “(a) IN GENERAL.—Except as otherwise provided in
 17 this section, there are authorized to be appropriated such
 18 sums as are necessary to carry out this Act for each of
 19 fiscal years 2003 through 2007.

20 “(b) TASK FORCE AND AQUATIC NUISANCE SPECIES
 21 PROGRAM.—There are authorized to be appropriated for
 22 each of fiscal years 2003 through 2007—

23 “(1) \$8,000,000, to carry out activities of the
 24 Task Force under section 1202, of which—

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

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

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

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

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

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

12 “(5) \$6,000,000, to be used by the Secretary of
13 the Interior to carry out section 1209.

14 “(c) INTERNATIONAL COORDINATION.—There is au-
15 thorized to be appropriated to the Department of State
16 to carry out section 1403 \$1,000,000 for each of fiscal
17 years 2003 through 2007.

18 “(d) PREVENTION OF INTRODUCTION BY VESSELS
19 OF AQUATIC INVASIVE SPECIES INTO WATERS OF THE
20 UNITED STATES.—There are authorized to be appro-
21 priated for each of fiscal years 2003 through 2007—

22 “(1) \$6,000,000, to be used by the Secretary to
23 carry out section 1101;

24 “(2) \$2,500,000, to be used by the Adminis-
25 trator to carry out section 1101; and

1 “(3) \$2,750,000, to be used by the Task Force
2 to carry out section 1101, of which—

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

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

7 “(e) PREVENTION OF THE INTRODUCTION BY NON-
8 VESSEL PATHWAYS OF AQUATIC INVASIVE SPECIES INTO
9 WATERS OF THE UNITED STATES.—There are authorized
10 to be appropriated for each of fiscal years 2003 through
11 2007—

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

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

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

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

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

1 “(f) EARLY DETECTION AND MONITORING.—There
2 is authorized to be appropriated, to carry out early detec-
3 tion, monitoring, and survey planning and implementation
4 under section 1106, \$2,000,000 for each of fiscal years
5 2003 and 2004 and \$10,000,000 for each of fiscal years
6 2005 through 2007, of which—

7 “(1) for each of fiscal years 2003 and 2004—

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

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

13 “(2) for each of fiscal years 2005 through
14 2007—

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

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

20 “(g) CONTAINMENT AND CONTROL.—

21 “(1) DISPERSAL BARRIERS.—There are author-
22 ized to be appropriated for each of fiscal years 2003
23 through 2007—

24 “(A) \$300,000, to be used by the Assistant
25 Secretary in carrying out operation and mainte-

1 nance of the Chicago River Canal Dispersal
2 Barrier under section 1202(j)(1);

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

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

11 “(D) \$500,000, to be used by the Assist-
12 ant Secretary to carry out a feasibility study for
13 the construction described in subparagraph (C);
14 and

15 “(E) \$2,150,000, to be used by the Direc-
16 tor to carry out the monitoring program under
17 section 1202(j)(2).

18 “(2) RAPID RESPONSE.—There are authorized
19 to be appropriated for each of fiscal years 2003
20 through 2007—

21 “(A) \$25,000,000, to the rapid response
22 fund of the Secretary of the Interior established
23 under section 1211;

24 “(B) \$1,000,000, to be used by the
25 Invasive Species Council in developing the State

1 and regional rapid response contingency strat-
2 egy under section 1211; and

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

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

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

11 “(3) ENVIRONMENTAL SOUNDNESS.—There is
12 authorized to be appropriated for establishment
13 under section 1202(k) of criteria for the improve-
14 ment of treatment methods for aquatic invasive spe-
15 cies \$600,000 for each of fiscal years 2003 through
16 2007.

17 “(4) NATIONAL NUTRIA CONTROL PROGRAM.—
18 There is authorized to be appropriated to the Direc-
19 tor to carry out the national nutria control program
20 under section 1211(f) \$3,000,000 for each of fiscal
21 years 2003 through 2007.

22 “(h) INFORMATION, EDUCATION AND OUTREACH.—
23 There are authorized to be appropriated for each of fiscal
24 years 2003 through 2007—

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

4 “(2) \$750,000, to be used by the Director in
5 carrying out the 100th meridian program under sec-
6 tion 1202(h)(2)(C);

7 “(3) \$2,000,000, to be used to carry out infor-
8 mational and educational activities of the Task
9 Force under section 1202(h), of which—

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

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

15 “(4) \$500,000, to be used by the National Oce-
16 anic and Atmospheric Administration to carry out
17 section 1202(h)(2)(B)(ii).

18 “(i) RESEARCH.—

19 “(1) ECOLOGICAL AND PATHWAY RESEARCH.—
20 There are authorized to be appropriated for each of
21 fiscal years 2003 through 2007—

22 “(A) \$1,500,000, to be used for the pur-
23 pose of protocol development under section
24 1107(b), of which—

1 “(i) \$1,000,000 shall be used by the
2 United States Geological Survey; and

3 “(ii) \$500,000 shall be used by the
4 Smithsonian Environmental Research Cen-
5 ter;

6 “(B) \$18,000,000, to be used to carry out
7 comprehensive ecological and pathway surveys
8 (including ballast water discharge surveys)
9 under section 1107, of which—

10 “(i) \$8,000,000 shall be used by the
11 National Oceanic and Atmospheric Admin-
12 istration; and

13 “(ii) \$10,000,000 shall be used by the
14 Director of the United States Geological
15 Survey;

16 “(C) \$7,000,000, to be used by the United
17 States Geological Survey to carry out experi-
18 mentation under section 1107(g);

19 “(D) \$1,650,000, to be used by the Great
20 Lakes Environmental Research Laboratory to
21 carry out the invasive species demonstration
22 program under section 1202(i); and

23 “(E) \$1,000,000, to be used by the Smith-
24 sonian Environmental Research Center to de-

1 velop the national database under section
2 1107(h).

3 “(2) ANALYSIS.—There are authorized to be
4 appropriated for each of fiscal years 2003 through
5 2007—

6 “(A) \$1,500,000, to be used for the pur-
7 pose of invasion analysis under section 1108(a),
8 of which—

9 “(i) \$500,000 shall be used by the
10 National Oceanic and Atmospheric Admin-
11 istration;

12 “(ii) \$500,000 shall be used by the
13 Director;

14 “(iii) \$500,000 shall be used by the
15 Smithsonian Environmental Research Cen-
16 ter;

17 “(B) \$2,000,000, to be used to develop a
18 profile under section 1108(b) to predict the es-
19 tablishment of species and priorities of path-
20 ways, of which—

21 “(i) \$1,000,000 shall be used by the
22 Director of the United States Geological
23 Survey;

1 “(ii) \$500,000 shall be used by the
2 National Oceanic and Atmospheric Admin-
3 istration; and

4 “(iii) \$500,000 shall be used by the
5 Smithsonian Environmental Research Cen-
6 ter;

7 “(C) \$500,000, to be used by the Invasive
8 Species Council for the dissemination of infor-
9 mation under section 1109;

10 “(D) \$3,000,000, to carry out section
11 1110, of which—

12 “(i) \$1,500,000 shall be used by the
13 Administrator for the purposes of environ-
14 mental soundness screening and improve-
15 ment under section 1110(a);

16 “(ii) \$500,000 shall be used by the
17 Assistant Secretary to carry out section
18 1110(a); and

19 “(iii) \$1,000,000 shall be used by the
20 Assistant Secretary to carry out the pro-
21 gram under section 1110(b);

22 “(E) \$5,000,000, to carry out vessel path-
23 way technology development under sections
24 1104 and 1301(e);

1 “(F) \$500,000, to be used for research in
2 support of vessels pathway standards and tech-
3 nology evaluation under section 1111, of
4 which—

5 “(i) \$2,000,000 shall be used by the
6 Director of the United States Geological
7 Survey; and

8 “(ii) \$1,000,000 shall be used by the
9 National Oceanic and Atmospheric Admin-
10 istration;

11 “(G) \$500,000, to be used by the National
12 Academy of Sciences to carry out the study
13 under section 1111(d); and

14 “(H) \$5,000,000, to be used by the Na-
15 tional Science Foundation to provide research
16 grants for systematics and taxonomy under sec-
17 tion 1112.”.

18 **TITLE IV—CONFORMING** 19 **AMENDMENTS**

20 **SEC. 401. CONFORMING AMENDMENTS.**

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

23 (1) in section 1101 (16 U.S.C. 4711), by strik-
24 ing the section heading and inserting the following:

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

4 (2) in section 1102 (16 U.S.C. 4712)—

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

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

9 (B) in subsection (b)—

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

11 (ii) by redesignating paragraphs (2)

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

13 tively;

14 (3) in subtitle C (16 U.S.C. 4721 et seq.), by

15 striking the subtitle heading and inserting the fol-

16 lowing:

17 **“Subtitle C—Prevention and Con-**
18 **trol of Aquatic Invasive Species**
19 **Dispersal”;**

20 (4) in section 1201(a) (16 U.S.C. 4721(a)), by

21 striking “Nuisance Species” and inserting “Invasive

22 Species”;

23 (5) in section 1202 (16 U.S.C. 4722), by strik-

24 ing the section heading and inserting the following:

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

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

4 **“SEC. 1204. STATE AQUATIC INVASIVE SPECIES MANAGE-
5 MENT PLANS.”;**

6 and

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

10 (b) **SHORT TITLE.**—

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

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

○