

104TH CONGRESS  
2D SESSION

# H. R. 3217

To provide for ballast water management to prevent the introduction and spread of nonindigenous species into the waters of the United States, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 29, 1996

Mr. LATOURETTE (for himself, Mr. SAXTON, Ms. LOFGREN, Ms. RIVERS, Ms. KAPTUR, Mr. GILCHREST, Mr. STUPAK, Mr. QUINN, Mr. RAMSTAD, Mr. MILLER of California, Mr. OBERSTAR, Mr. MEEHAN, Mr. FRANKS of New Jersey, Mr. PETRI, Mr. HOKE, Mr. EHLERS, Mr. DINGELL, Mr. ENGLISH of Pennsylvania, and Mrs. MORELLA) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To provide for ballast water management to prevent the introduction and spread of nonindigenous species into the waters of the United States, and for other purposes.

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

3 **SECTION 1. SHORT TITLE; REFERENCES.**

4 (a) IN GENERAL.—This Act may be cited as the “Na-  
5 tional Invasive Species Act of 1996”.

1 (b) REFERENCES.—Whenever in this Act an amend-  
2 ment or repeal is expressed in terms of an amendment  
3 to or repeal of a section or other provision, the reference  
4 shall be considered to be made to a section or other provi-  
5 sion of the Nonindigenous Aquatic Nuisance Prevention  
6 and Control Act of 1990 (16 U.S.C. 4701 et seq.).

7 **SEC. 2. AMENDMENTS TO THE NONINDIGENOUS AQUATIC**  
8 **NUISANCE PREVENTION AND CONTROL ACT**  
9 **OF 1990.**

10 (a) FINDINGS; DEFINITIONS.—

11 (1) FINDINGS.—Section 1002 (16 U.S.C. 4701)  
12 is amended—

13 (A) by striking paragraphs (2) and (3) and  
14 inserting the following new paragraphs:

15 “(2) when environmental conditions are favor-  
16 able, nonindigenous species become established and  
17 may disrupt the aquatic environment and economy  
18 of affected nearshore areas;

19 “(3) the zebra mussel was unintentionally intro-  
20 duced into the Great Lakes and has infested—

21 “(A) waters south of the Great Lakes, into  
22 a good portion of the Mississippi River drain-  
23 age;

24 “(B) waters west of the Great Lakes, into  
25 the Arkansas River in Oklahoma; and

1 “(C) waters east of the Great Lakes, into  
2 the Hudson River and Lake Champlain;”; and

3 (B) in paragraph (4)—

4 (i) by inserting “by the zebra mussel  
5 and ruffe, round goby, and other  
6 nonindigenous species” after “other spe-  
7 cies”;

8 (ii) by striking the period and insert-  
9 ing a semicolon; and

10 (iii) by adding at the end the follow-  
11 ing new paragraphs:

12 “(5) because the zebra mussel was discovered in  
13 Lake Champlain in 1993, an opportunity exists to  
14 act quickly to manage zebra mussels before the in-  
15 festation of, and control costs for, zebra mussels es-  
16 calate;

17 “(6) in 1992, the zebra mussel was discovered  
18 at the northernmost reaches of the Chesapeake Bay  
19 watershed;

20 “(7) the zebra mussel poses an imminent risk  
21 of invasion in the main waters of the Chesapeake  
22 Bay;

23 “(8) since the Chesapeake Bay is the largest re-  
24 cipient of foreign ballast water on the East Coast,

1       there is a risk of further invasions of other  
2       nonindigenous species;

3               “(9) the zebra mussel is only one example of  
4       thousands of nonindigenous species that have be-  
5       come established in the waters of the United States  
6       and may be causing economic and ecological deg-  
7       radation with respect to the natural resources of wa-  
8       ters of the United States;

9               “(10) since the introduction in ballast water  
10      discharges in the early 1980’s of ruffe, small perch-  
11      like fish, ruffe—

12              “(A) have caused severe declines in popu-  
13      lations of other species of fish in Duluth Har-  
14      bor (in Minnesota and Wisconsin);

15              “(B) have spread to Lake Huron; and

16              “(C) are likely to spread quickly to most  
17      other waters in North America if action is not  
18      taken promptly to control their spread;

19              “(11) examples of nonindigenous species that,  
20      as of the date of enactment of the National Invasive  
21      Species Act of 1996, infest coastal waters of the  
22      United States and that have the potential for caus-  
23      ing adverse economic and ecological effects are—

1           “(A) the mitten crab (*Eriochei sinensis*)  
2           that has become established on the Pacific  
3           Coast;

4           “(B) the green crab (*Carcinus maenus*)  
5           that has become established in the coastal wa-  
6           ters of the Atlantic Ocean;

7           “(C) the brown mussel (*Perna perna*) that  
8           has become established along the Gulf of Mex-  
9           ico; and

10          “(D) certain shellfish pathogens;

11          “(12) if preventive management measures are  
12          not taken nationwide to prevent and control uninten-  
13          tionally introduced nonindigenous aquatic species in  
14          a timely manner, further introductions and infesta-  
15          tions of species that are as destructive, or more de-  
16          structive, than the zebra mussel or the ruffe infesta-  
17          tions, may occur;

18          “(13) once introduced into the waters of the  
19          United States, nonindigenous aquatic nuisance spe-  
20          cies are unintentionally transported and introduced  
21          into inland lakes and rivers by recreational boaters,  
22          commercial barge traffic, and a variety of other  
23          pathways; and

24          “(14) resolving the problems associated with  
25          nonindigenous aquatic nuisance species will require

1 the participation and cooperation of the Federal  
2 Government and State governments, and investment  
3 in the development of prevention technologies.”.

4 (2) DEFINITIONS.—Section 1003 (16 U.S.C.  
5 4702) is amended—

6 (A) in paragraph (3), by striking “assist-  
7 ant Secretary” and inserting “Assistant Sec-  
8 retary”;

9 (B) by redesignating paragraphs (9)  
10 through (15) as paragraphs (12) through (18),  
11 respectively; and

12 (C) by inserting after paragraph (8) the  
13 following:

14 “(9) ‘Great Lakes region’ means the 8 States  
15 that border on the Great Lakes;

16 “(10) ‘Indian tribe’ means any Indian tribe,  
17 band, nation, or other organized group or commu-  
18 nity, including any Alaska Native village or regional  
19 corporation (as defined in or established pursuant to  
20 the Alaska Native Claims Settlement Act (43 U.S.C.  
21 1601 et seq.)) that is recognized as eligible for the  
22 special programs and services provided by the Unit-  
23 ed States to Indians because of their status as Indi-  
24 ans; and

1 “(11) ‘interstate organization’ means an  
2 interjurisdictional entity—

3 “(A) established by—

4 “(i) an interstate compact that is ap-  
5 proved by Congress;

6 “(ii) a Federal statute; or

7 “(iii) a treaty or other international  
8 agreement with respect to which the Unit-  
9 ed States is a party; and

10 “(B)(i) that represents 2 or more—

11 “(I) States or political subdivisions  
12 thereof; or

13 “(II) Indian tribes; or

14 “(ii) that represents—

15 “(I) 1 or more States or political sub-  
16 divisions thereof; and

17 “(II) 1 or more Indian tribes; or

18 “(iii) that represents the Federal Govern-  
19 ment (or any political subdivision thereof) and  
20 1 or more foreign governments (or any political  
21 subdivisions thereof); and

22 “(C) has jurisdiction over, serves as forum  
23 for coordinating, or otherwise has a role or re-  
24 sponsibility for the management of any land, or  
25 other natural resource.”.

1 (b) AQUATIC NUISANCE SPECIES CONTROL PRO-  
2 GRAM.—

3 (1) AMENDMENT TO HEADING.—The subtitle  
4 heading to subtitle B (16 U.S.C. 4711 et seq.) is  
5 amended to read as follows:

6 **“Subtitle B—Prevention of Unin-**  
7 **tentional Introductions of**  
8 **Nonindigenous Aquatic Species”**

9 (2) NONINDIGENOUS AQUATIC NUISANCE SPE-  
10 CIES.—Section 1101 (16 U.S.C. 4711) is amended  
11 to read as follows:

12 **“SEC. 1101. AQUATIC NUISANCE SPECIES IN THE WATERS**  
13 **OF THE UNITED STATES.**

14 “(a) GREAT LAKES GUIDELINES.—

15 “(1) IN GENERAL.—Not later than 6 months  
16 after the date of enactment of this Act, the Sec-  
17 retary shall issue voluntary guidelines to prevent the  
18 introduction and spread of aquatic nuisance species  
19 into the Great Lakes through the exchange of bal-  
20 last water of vessels prior to entering those waters.

21 “(2) CONTENT OF GUIDELINES.—The guide-  
22 lines issued under this subsection shall—

23 “(A) ensure to the maximum extent prac-  
24 ticable that ballast water containing aquatic



1 nuisance species is not discharged into the  
2 Great Lakes;

3 “(B) protect the safety of—

4 “(i) each vessel; and

5 “(ii) the crew and passengers of each  
6 vessel;

7 “(C) take into consideration different ves-  
8 sel operating conditions; and

9 “(D) be based on the best scientific infor-  
10 mation available.

11 “(3) EDUCATION AND TECHNICAL ASSISTANCE  
12 PROGRAMS.—Not later than 1 year after the date of  
13 enactment of this Act, the Secretary shall carry out  
14 education and technical assistance programs and  
15 other measures to encourage compliance with the  
16 guidelines issued under this subsection.

17 “(b) REGULATIONS.—

18 “(1) IN GENERAL.—Not later than 2 years  
19 after the date of enactment of this Act, the Sec-  
20 retary, in consultation with the Task Force, shall  
21 issue regulations to prevent the introduction and  
22 spread of aquatic nuisance species into the Great  
23 Lakes through the ballast water of vessels.

24 “(2) CONTENT OF REGULATIONS.—The regula-  
25 tions issued under this subsection shall—

1           “(A) apply to all vessels that enter a Unit-  
2           ed States port on the Great Lakes after operat-  
3           ing on the waters beyond the exclusive economic  
4           zone;

5           “(B) require a vessel to—

6                 “(i) carry out exchange of ballast  
7                 water on the waters beyond the exclusive  
8                 economic zone prior to entry into any port  
9                 within the Great Lakes;

10                “(ii) carry out an exchange of ballast  
11                water in other waters where the exchange  
12                does not pose a threat of infestation or  
13                spread of aquatic nuisance species in the  
14                Great Lakes and other waters of the Unit-  
15                ed States, as recommended by the Task  
16                Force under section 1102(a)(1); or

17                “(iii) use environmentally sound alter-  
18                native ballast water management methods  
19                if the Secretary determines that such alter-  
20                native methods are as effective as ballast  
21                water exchange in preventing and control-  
22                ling infestations of aquatic nuisance spe-  
23                cies;

24           “(C) not affect or supersede any require-  
25           ments or prohibitions pertaining to the dis-

1 charge of ballast water into waters of the Unit-  
2 ed States under the Federal Water Pollution  
3 Control Act (33 U.S.C. 1251 et seq.);

4 “(D) provide for sampling procedures to  
5 monitor compliance with the requirements of  
6 the regulations;

7 “(E) prohibit the operation of a vessel in  
8 the Great Lakes if the master of the vessel has  
9 not certified to the Secretary or the Secretary’s  
10 designee by not later than the departure of that  
11 vessel from the first lock in the St. Lawrence  
12 Seaway that the vessel has complied with the  
13 requirements of the regulations;

14 “(F) request the Secretary of the Treasury  
15 to withhold or revoke the clearance required by  
16 section 4197 of the Revised Statutes (46 U.S.C.  
17 App. 91) of a vessel, the owner or operator of  
18 which is in violation of the regulations;

19 “(G) protect the safety of—

20 “(i) each vessel; and

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

23 “(H) take into consideration different op-  
24 erating conditions; and

1                   “(I) be based on the best scientific infor-  
2                   mation available.

3                   “(3) ADDITIONAL REGULATIONS.—In addition  
4                   to promulgating regulations under paragraph (1),  
5                   the Secretary, in consultation with the Task Force,  
6                   shall, not later than 2 years after November 4,  
7                   1992, issue regulations to prevent the introduction  
8                   and spread of aquatic nuisance species into the  
9                   Great Lakes through ballast water carried on vessels  
10                  that enter a United States port on the Hudson River  
11                  north of the George Washington Bridge.

12                  “(c) VOLUNTARY NATIONAL GUIDELINES.—

13                  “(1) IN GENERAL.—Not later than 1 year after  
14                  the date of enactment of the National Invasive Spe-  
15                  cies Act of 1996, the Secretary shall issue voluntary  
16                  guidelines to prevent the unintentional introduction  
17                  and spread of nonindigenous species in waters of the  
18                  United States by ballast water operations and other  
19                  operations of vessels (as determined by the Sec-  
20                  retary).

21                  “(2) CONTENT OF GUIDELINES.—The voluntary  
22                  guidelines issued under this subsection shall—

23                         “(A) ensure to the maximum extent prac-  
24                         ticable that aquatic nuisance species are not

1 discharged into the waters of the United States  
2 from vessels;

3 “(B) apply to all vessels that operate in  
4 waters of the United States;

5 “(C) direct a vessel that is carrying ballast  
6 water into the waters of the United States after  
7 operating beyond the exclusive economic zone  
8 to—

9 “(i) carry out the exchange of ballast  
10 water of the vessel in waters beyond the  
11 exclusive economic zone;

12 “(ii) exchange the ballast water of the  
13 vessel in other waters where the exchange  
14 does not pose a threat of infestation or  
15 spread of nonindigenous species in the wa-  
16 ters of the United States, as recommended  
17 by the Task Force under section  
18 1102(a)(1); or

19 “(iii) use environmentally sound alter-  
20 native ballast water management methods,  
21 including modification of the vessel ballast  
22 tanks and intake systems, if the Secretary  
23 determines that such alternative methods  
24 are at least as effective as ballast water ex-

1 change in preventing and controlling infes-  
2 tations of aquatic nuisance species;

3 “(D) direct vessels to carry out manage-  
4 ment practices that the Secretary determines to  
5 be necessary to reduce the probability of unin-  
6 tentional nonindigenous species transfer result-  
7 ing from—

8 “(i) ship operations other than ballast  
9 discharge; and

10 “(ii) ballasting practices of vessels  
11 that enter waters of the United States with  
12 no ballast on board;

13 “(E) provide for recordkeeping that shall  
14 be maintained on board each vessel and made  
15 available for inspection, upon request of the  
16 Secretary and in a matter consistent with sub-  
17 section (h), in order to enable the Secretary to  
18 determine compliance with the guidelines, in-  
19 cluding—

20 “(i) with respect to each ballast water  
21 exchange referred to in clause (ii), report-  
22 ing on the precise location and thorough-  
23 ness of the exchange; and

24 “(ii) any other information that the  
25 Secretary considers necessary to assess the

1 rate of effective compliance with the guide-  
2 lines;

3 “(F) provide for sampling procedures to  
4 monitor compliance with the guidelines;

5 “(G) protect the safety of—

6 “(i) each vessel; and

7 “(ii) the crew and passengers of each  
8 vessel;

9 “(H) take into consideration—

10 “(i) variations in the characteristics of  
11 point of origin and receiving water bodies;

12 “(ii) variations in the ecological condi-  
13 tions of waters and coastal areas of the  
14 United States; and

15 “(iii) different operating conditions;  
16 and

17 “(I) be based on the best scientific infor-  
18 mation available.

19 “(d) PERIODIC REVIEW AND REVISION.—

20 “(1) IN GENERAL.—Not later than 3 years  
21 after the date of enactment of the National Invasive  
22 Species Act of 1996, and not less frequently than  
23 every 3 years thereafter, the Secretary shall, in ac-  
24 cordance with criteria developed by the Task Force  
25 under paragraph (3)—

1           “(A) assess the compliance by vessels with  
2           the voluntary guidelines issued under this sec-  
3           tion and the regulations promulgated under this  
4           Act;

5           “(B) establish the rate of compliance that  
6           is based on the assessment under subparagraph  
7           (A);

8           “(C) assess the effectiveness of the vol-  
9           untary guidelines and regulations referred to in  
10          subparagraph (A) in reducing the introduction  
11          and spread of aquatic nuisance species by ves-  
12          sels; and

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

15                 “(i) revise and reissue the guidelines  
16                 and regulations referred to in paragraph  
17                 (1); and

18                 “(ii) promulgate additional regulations  
19                 pursuant to subsection (e)(1).

20          “(2) SPECIAL REVIEW AND REVISION.—Not  
21          later than 90 days after the Task Force makes a re-  
22          quest to the Secretary for a special review and revi-  
23          sion for coastal and inland waterways designated by  
24          the Task Force, the Secretary shall—



1           “(A) conduct a special review of guidelines  
 2           and regulations applicable to those waterways  
 3           in accordance with the review procedures under  
 4           paragraph (1); and

5           “(B) as necessary, in the same manner as  
 6           provided under paragraph (1)(D)—

7                   “(i) revise and reissue those guide-  
 8                   lines; and

9                   “(ii) promulgate additional regula-  
 10                  tions.

11           “(3) CRITERIA FOR EFFECTIVENESS.—Not  
 12           later than 18 months after the date of enactment of  
 13           the National Invasive Species Act of 1996, the Task  
 14           Force shall submit to the Secretary criteria for de-  
 15           termining the adequacy and effectiveness of the vol-  
 16           untary guidelines issued under subsection (c).

17           “(e) AUTHORITY OF SECRETARY.—

18                   “(1) GENERAL REGULATIONS.—If, on the basis  
 19                   of a periodic review conducted under paragraph (1)  
 20                   of subsection (d) or a special review conducted under  
 21                   paragraph (2) of that subsection, the Secretary de-  
 22                   termines that—

23                           “(A) the rate of effective compliance (as  
 24                           determined by the Secretary) with the guide-

1 lines issued pursuant to subsection (c) is inad-  
2 equate; or

3 “(B) the reporting by vessels pursuant to  
4 those guidelines is not adequate for the Sec-  
5 retary to assess the compliance with those  
6 guidelines and provide a rate of compliance of  
7 vessels, including the assessment of the rate of  
8 compliance of vessels under subsection (d)(2),  
9 the Secretary shall promulgate regulations that meet  
10 the requirements of paragraph (2).

11 “(2) REQUIREMENTS FOR REGULATIONS.—The  
12 regulations promulgated by the Secretary under  
13 paragraph (1)—

14 “(A) shall—

15 “(i) make mandatory the require-  
16 ments included in the voluntary guidelines  
17 issued under subsection (c);

18 “(ii) provide for the enforcement of  
19 the regulations; and

20 “(B) may be regional in scope.

21 “(3) REVOCATION OF CLEARANCE.—The regu-  
22 lations promulgated under this subsection shall re-  
23 quest the Secretary of the Treasury to withhold or  
24 revoke the clearance of a vessel required by section  
25 4197 of the Revised Statutes (46 U.S.C. App. 91),

1 if the owner or operator of that vessel is in violation  
2 of the regulations.

3 “(f) CIVIL PENALTIES.—Any person who violates a  
4 regulation promulgated under subsection (e) shall be liable  
5 for a civil penalty in an amount not to exceed \$25,000.  
6 Each day of a continuing violation constitutes a separate  
7 violation. A vessel operated in violation of the regulations  
8 is liable in rem for any civil penalty assessed under this  
9 subsection for that violation.

10 “(g) CRIMINAL PENALTIES.—Any person who know-  
11 ingly violates the regulations promulgated under sub-  
12 section (e) is guilty of a class C violation.

13 “(h) COORDINATION WITH OTHER AGENCIES.—To  
14 the maximum extent practicable, in carrying out the pro-  
15 grams under this section, the Secretary shall arrange to  
16 use the expertise, facilities, members, or personnel of es-  
17 tablished agencies and organizations that have routine  
18 contact with vessels, including the Animal and Plant  
19 Health Inspection Service of the Department of Agri-  
20 culture, port administrations, and ship pilots’ associations.

21 “(i) CONSULTATION WITH CANADA, MEXICO, AND  
22 OTHER FOREIGN GOVERNMENTS.—In developing the  
23 guidelines issued, and regulations promulgated, under this  
24 section, the Secretary is encouraged to consult with the  
25 Government of Canada, the Government of Mexico, and

1 any other government of a foreign country that the Sec-  
 2 retary, in consultation with the Task Force, determines  
 3 to be necessary to develop and implement an effective  
 4 international program for preventing the unintentional in-  
 5 troduction and spread of nonindigenous species in the wa-  
 6 ters of North America (as defined by the Secretary).

7 “(j) INTERNATIONAL COOPERATION.—The Sec-  
 8 retary, in cooperation with the International Maritime Or-  
 9 ganization of the United Nations and the Commission on  
 10 Environmental Cooperation established pursuant to the  
 11 North American Free Trade Agreement, is encouraged to  
 12 enter into negotiations with the governments of foreign  
 13 countries to develop and implement an effective inter-  
 14 national program for preventing the unintentional intro-  
 15 duction and spread of nonindigenous species in the waters  
 16 of North America (as defined by the Secretary).”.

17 (c) NATIONAL BALLAST WATER MANAGEMENT IN-  
 18 FORMATION.—Section 1102 (16 U.S.C. 4712) is amend-  
 19 ed—

20 (1) by striking the section heading and insert-  
 21 ing the following new section heading:

22 **“SEC. 1102. NATIONAL BALLAST WATER MANAGEMENT IN-**  
 23 **FORMATION.”;**

24 (2) in subsection (a)—

1 (A) in paragraphs (1) and (2), by inserting  
 2 “, in cooperation with the Secretary,” before  
 3 “shall conduct” each place it appears;

4 (B) in paragraph (2), by inserting “Lake  
 5 Champlain and other” after “economic uses  
 6 of”; and

7 (C) by striking subsection (b) and insert-  
 8 ing the following:

9 “(b) ECOLOGICAL AND BALLAST DISCHARGE SUR-  
 10 VEYS.—

11 “(1) ECOLOGICAL SURVEYS.—

12 “(A) IN GENERAL.—The Task Force, in  
 13 cooperation with the Secretary, shall conduct  
 14 ecological surveys of the Chesapeake Bay, San  
 15 Francisco Bay, Honolulu Harbor, Prince Wil-  
 16 liam Sound, and other waters that the Task  
 17 Force determines—

18 “(i) to be highly susceptible to inva-  
 19 sion by aquatic nuisance species resulting  
 20 from ballast water operations and other  
 21 operations of vessels; and

22 “(ii) to require further study.

23 “(B) REQUIREMENTS FOR SURVEYS.—In  
 24 conducting the surveys under this paragraph,

the Task Force shall, with respect to each such survey—

“(i) examine the attributes and patterns of invasions of aquatic nuisance species; and

“(ii) provide an estimate of the effectiveness of ballast water management and other vessel management guidelines issued, and regulations promulgated, under this subtitle in abating invasions of aquatic nuisance species in the waters that are the subject of the survey.

“(2) BALLAST DISCHARGE SURVEYS.—

“(A) IN GENERAL.—The Secretary, in cooperation with the Task Force, shall conduct surveys of ballast discharge rates and practices in the waters referred to in paragraph (1)(A) on the basis of the criteria under clauses (i) and (ii) of such paragraph.

“(B) REQUIREMENTS FOR SURVEYS.—In conducting the surveys under this paragraph, the Secretary shall—

“(i) examine the rate of, and trends in, ballast water discharge in the waters that are the subject of the survey; and

1                   “(ii) assess the effectiveness of vol-  
2                   untary guidelines issued, and regulations  
3                   promulgated, under this subtitle in altering  
4                   ballast discharge practices to reduce the  
5                   probability of accidental introductions of  
6                   aquatic nuisance species.

7           “(c) GRANT TO CHESAPEAKE RESEARCH CONSOR-  
8   TIUM.—For each of fiscal years 1997 through 2002, the  
9   Secretary of the Smithsonian Institution shall award a  
10   grant in an amount equal to \$750,000 to the Chesapeake  
11   Research Consortium to fund aquatic nuisance species  
12   prevention and control research in the Chesapeake Bay  
13   through competitive grants to universities and research in-  
14   stitutions.

15           “(d) NATIONAL BALLAST INFORMATION CLEARING-  
16   HOUSE.—

17                   “(1) IN GENERAL.—The Secretary of the  
18           Smithsonian Institution, acting through the Smith-  
19           sonian Environmental Research Center, shall develop  
20           and maintain, in consultation with the Task Force,  
21           a clearinghouse of national data concerning—

22                           “(A) ballasting practices;

23                           “(B) compliance with the guidelines issued  
24                   pursuant to section 1101(c); and

1                   “(C) any other information obtained by the  
2                   Task Force under subsection (b).

3                   “(2) REPORT.—The head of the Smithsonian  
4                   Environmental Research Center shall prepare and  
5                   submit to the Secretary of the Smithsonian Institu-  
6                   tion, on a biannual basis, a report that synthesizes  
7                   and analyzes the data referred to in paragraph (1)  
8                   relating to—

9                   “(A) ballast water delivery and manage-  
10                  ment; and

11                  “(B) invasions of aquatic nuisance species  
12                  resulting from ballast water.”.

13                  (d) NAVAL BALLAST WATER PROGRAM; BALLAST  
14                  WATER MANAGEMENT DEMONSTRATION PROGRAM.—  
15                  Subtitle B (16 U.S.C. 4701 et seq.) is amended by adding  
16                  at the end the following new sections:

17                  **“SEC. 1103. NAVAL BALLAST WATER PROGRAM.**

18                  “Subject to operational conditions, the Chief of Naval  
19                  Operations of the Department of the Navy, in consultation  
20                  with the Secretary, the Task Force, and the International  
21                  Maritime Organization, shall implement a ballast water  
22                  management program for the seagoing fleet of the Navy  
23                  to limit the risk of invasion by nonindigenous species re-  
24                  sulting from releases of ballast water.



1 **“SEC. 1104. BALLAST WATER MANAGEMENT DEMONSTRATION PROGRAM.**  
2

3 “(a) TECHNOLOGIES AND PRACTICES DEFINED.—

4 For purposes of this section, the term ‘technologies and  
5 practices’ means those technologies and practices that—

6 “(1) may be retrofitted—

7 “(A) on existing vessels or incorporated in  
8 new vessel designs; and

9 “(B) on existing land-based ballast water  
10 treatment facilities;

11 “(2) may be designed into new water treatment  
12 facilities;

13 “(3) are operationally practical;

14 “(4) are safe for a vessel and crew;

15 “(5) are environmentally sound;

16 “(6) are cost-effective;

17 “(7) a vessel operator is capable of monitoring;

18 and

19 “(8) are effective against a broad range of  
20 aquatic nuisance species.

21 “(b) DEMONSTRATION PROGRAM.—

22 “(1) IN GENERAL.—During the 18-month pe-  
23 riod beginning on the date that funds are made  
24 available by appropriations pursuant to section  
25 1301(e), the Secretary of the Interior, in cooperation  
26 with the Secretary, shall conduct a ballast water

1 management demonstration program to demonstrate  
2 technologies and practices to prevent aquatic  
3 nonindigenous species from being introduced into  
4 and spread through ballast water in the Great Lakes  
5 and other waters of the United States.

6 “(2) UNITED STATES SHIPYARDS AND SHIP RE-  
7 PAIR FACILITIES.—The installation and construction  
8 of the technologies and practices used in the dem-  
9 onstration program conducted under this subsection  
10 shall be performed in a United States shipyard or  
11 ship repair facility.

12 “(3) VESSEL SELECTION.—In demonstrating  
13 technologies and practices on vessels under this sub-  
14 section, the Secretary the Interior, shall—

15 “(A) use only vessels that—

16 “(i) have ballast systems conducive to  
17 testing aboard-vessel or land-based tech-  
18 nologies and practices applicable to a sig-  
19 nificant number of merchant vessels;

20 “(ii) are predominantly owned by citi-  
21 zens of the United States (as determined  
22 by the Secretary of the Interior); and

23 “(iii) are—

24 “(I) publicly or privately owned;

25 and

1 “(II) in active use for trade or  
2 other cargo shipment purposes during  
3 the demonstration; and

4 “(B) seek to use a variety of vessel types,  
5 including vessels that—

6 “(i) call on ports in the United States  
7 and on the Great Lakes; and

8 “(ii) are operated along the other  
9 major coasts of the United States and in-  
10 land waterways, including the Prince Wil-  
11 liam Sound, San Francisco Bay, and  
12 Chesapeake Bay.

13 “(4) SELECTION OF TECHNOLOGIES AND PRAC-  
14 TICES.—If a report on a study on ships’ ballast op-  
15 erations conducted by the National Research Council  
16 Marine Board of the National Academy of Sciences  
17 is available at the time that the Secretary of the In-  
18 terior selects technologies and practices for dem-  
19 onstration under this subsection, the Secretary of  
20 the Interior shall, in making such selections, give  
21 priority to any technologies and practices identified  
22 as promising by the Board in such report.

23 “(5) REPORT.—Not later than 3 years after the  
24 date of enactment of the National Invasive Species  
25 Act of 1996, the Secretary of the Interior shall pre-

1       pare and submit a report to Congress on the dem-  
 2       onstration program conducted pursuant to this sec-  
 3       tion. The report shall include findings and rec-  
 4       ommendations of the Secretary of the Interior con-  
 5       cerning technologies and practices.

6       “(c) AUTHORITIES; CONSULTATION AND COOPERA-  
 7       TION WITH INTERNATIONAL MARITIME ORGANIZATION  
 8       AND TASK FORCE.

9               “(1) AUTHORITIES.—In conducting the dem-  
 10       onstration program under subsection (b), the Sec-  
 11       retary of the Interior may—

12               “(A) enter into cooperative agreements  
 13       with appropriate officials of other agencies of  
 14       the Federal Government, agencies of States and  
 15       political subdivisions thereof, and private enti-  
 16       ties;

17               “(B) accept funds, facilities, equipment, or  
 18       personnel from other Federal agencies; and

19               “(C) accept donations of property and  
 20       services.

21       “(2) CONSULTATION AND COOPERATION.—The  
 22       Secretary of the Interior shall consult and cooperate  
 23       with the International Maritime Organization and  
 24       the Task Force in carrying out this section.”.

25       (e) AMENDMENTS TO SUBTITLE C.—

1 (1) SUBTITLE HEADING.—The subtitle heading  
2 to subtitle C (16 U.S.C. 4721 et seq.) is amended  
3 to read as follows:

4 **“Subtitle C—Prevention and Con-**  
5 **trol of Aquatic Nuisance Species**  
6 **Dispersal”**

7 (2) TASK FORCE.—Section 1201 (16 U.S.C.  
8 4721) is amended—

9 (A) in subsection (b)—

10 (i) by striking “and” at the end of  
11 paragraph (5);

12 (ii) by redesignating paragraph (6) as  
13 paragraph (7); and

14 (iii) by inserting after paragraph (5)  
15 the following new paragraph:

16 “(6) the Secretary of Agriculture; and”; and

17 (B) in subsection (c), by inserting “, the  
18 Lake Champlain Basin Program, the Chesapeake Bay Program,” before “and State agencies”.

21 (3) RESEARCH PROGRAM.—Section 1202 (16  
22 U.S.C. 4722) is amended—

23 (A) in subsection (f)(1)(A), by inserting  
24 “and impacts” after “economic risks”; and

25 (B) in subsection (i)—

1 (i) in paragraph (1)—

2 (I) by striking “(1) IN GEN-  
3 ERAL.—The Task Force” and insert-  
4 ing the following:

5 “(1) ZEBRA MUSSEL.—

6 “(A) IN GENERAL.—The Task Force”;

7 (II) by striking “(A) research”  
8 and inserting the following:

9 “(i) research”;

10 (III) by striking “(B) tracking”  
11 and inserting the following:

12 “(ii) tracking”;

13 (IV) by striking “(C) develop-  
14 ment” and inserting the following:

15 “(iii) development”; and

16 (V) by striking “(D) provision”  
17 and inserting the following:

18 “(iv) provision”;

19 (ii) in paragraph (2), by striking “(2)

20 PUBLIC FACILITY RESEARCH AND DEVEL-  
21 OPMENT.—” and inserting the following:

22 “(B) PUBLIC FACILITY RESEARCH AND  
23 DEVELOPMENT.—”;

24 (iii) in subparagraph (B) of para-  
25 graph (1), as so redesignated, by striking

1 the first sentence and inserting the follow-  
2 ing: “The Assistant Secretary, in consulta-  
3 tion with the Task Force, shall develop a  
4 program of research, technology develop-  
5 ment, and demonstration for the environ-  
6 mentally sound control of zebra mussels in  
7 and around public facilities.”;

8 (iv) in paragraph (1), by adding after  
9 subparagraph (B), as so redesignated, the  
10 following new subparagraph:

11 “(C) VOLUNTARY GUIDELINES.—Not later  
12 than 1 year after the date of enactment of this  
13 subparagraph, the Task Force shall develop and  
14 submit to the Secretary for issuance by the Sec-  
15 retary, voluntary guidelines for controlling the  
16 spread of the zebra mussel through recreational  
17 activities, including boating and fishing. Not  
18 later than the date specified in the preceding  
19 sentence, the Secretary shall issue voluntary  
20 guidelines that incorporate the guidelines devel-  
21 oped by the Task Force under this subpara-  
22 graph.”; and

23 (v) by adding at the end the following  
24 new paragraphs:

25 “(2) DISPERSAL CONTAINMENT ANALYSIS.—

1           “(A) RESEARCH.—The Administrator of  
2           the Environmental Protection Agency, in co-  
3           operation with the National Science Foundation  
4           and the Task Force, shall provide research  
5           grants on a competitive basis for projects  
6           that—

7                   “(i) identify environmentally sound  
8                   methods for controlling the dispersal and  
9                   spread of aggressively invading species,  
10                  such as the zebra mussel; and

11                  “(ii) adhere to research protocols de-  
12                  veloped pursuant to section 1202(f)(2).

13           “(B) AUTHORIZATION OF APPROPRIA-  
14           TIONS.—There are authorized to be appro-  
15           priated to the Environmental Protection Agency  
16           to carry out this paragraph, \$500,000.

17           “(3) DISPERSAL BARRIER DEMONSTRATION.—

18                   “(A) IN GENERAL.—The Assistant Sec-  
19                   retary, in consultation with the Task Force,  
20                   shall investigate and identify environmentally  
21                   sound methods for preventing and reducing the  
22                   dispersal of nonindigenous nuisance aquatic  
23                   species between the Great Lakes-Saint Law-  
24                   rence drainage and the Mississippi River drain-  
25                   age through the Chicago River Ship and Sani-



1           tary Canal, including any of those methods that  
2           could be incorporated into the operation or con-  
3           struction of the lock system of the Chicago  
4           River Ship and Sanitary Canal.

5           “(B) REPORT.—Not later than 18 months  
6           after the date of enactment of this paragraph,  
7           the Assistant Secretary shall issue a report to  
8           the Congress that includes recommendations  
9           concerning—

10           “(i) which of the methods that are  
11           identified under the study conducted under  
12           this paragraph are most promising with re-  
13           spect to preventing and reducing the dis-  
14           persal of nonindigenous nuisance aquatic  
15           species; and

16           “(ii) ways to incorporate those meth-  
17           ods into ongoing operations of the United  
18           States Army Corps of Engineers that are  
19           conducted at the Chicago River Ship and  
20           Sanitary Canal.

21           “(C) AUTHORIZATION OF APPROPRIA-  
22           TIONS.—There are authorized to be appro-  
23           priated to the Department of the Army, to  
24           carry out this paragraph, \$750,000.

1           “(4) CONTRIBUTIONS.—To the extent allowable  
 2           by law, in carrying out the studies under paragraphs  
 3           (2) and (3), the Administrator of the Environmental  
 4           Protection Agency and the Secretary of the Army  
 5           may enter into an agreement with an interested  
 6           party under which that party provides in kind or  
 7           monetary contributions for the study.

8           “(5) TECHNICAL ASSISTANCE.—The Great  
 9           Lakes Environmental Research Laboratory of the  
 10          National Oceanic and Atmospheric Administration  
 11          shall provide technical assistance to the Lake Cham-  
 12          plain Research Consortium to assist in the research  
 13          conducted by that consortium pursuant to this sub-  
 14          section.”.

15          (4) IMPLEMENTATION.—Section 1202(j) (16  
 16          U.S.C. 4722(j)) is amended—

17                 (A) in paragraph (1), by striking “Not  
 18                 later than 18 months after the date of the en-  
 19                 actment of this Act, the Director” and inserting  
 20                 “The Director, the Secretary,”; and

21                 (B) by adding at the end the following new  
 22                 paragraph:

23                 “(3) ENFORCEMENT ASSISTANCE.—To the ex-  
 24                 tent allowable by law, and in a manner consistent  
 25                 with section 141 of title 14, United States Code, the

1 Director, the Secretary, and the Under Secretary  
 2 may provide enforcement assistance pursuant to a  
 3 management plan that is approved by the Director,  
 4 the Secretary, or the Under Secretary for the control  
 5 of nonindigenous aquatic nuisance species upon re-  
 6 quest of a State or Indian tribe.”.

7 (5) REGIONAL COORDINATION.—Section 1203  
 8 (16 U.S.C. 4723) is amended—

9 (A) by striking the section heading and in-  
 10 serting the following new section heading:

11 **“SEC. 1203. REGIONAL COORDINATION.”;**

12 (B) in the matter preceding paragraph (1),  
 13 by inserting “region” before “representatives”;

14 (C) in paragraphs (1) through (6), by  
 15 striking “Great Lakes” each place it appears  
 16 and inserting “Great Lakes region”; and

17 (D) by adding at the end the following new  
 18 subsection:

19 “(d) REGIONAL PANELS.—The Task Force shall—

20 “(1) encourage the development and use of re-  
 21 gional panels and other similar entities in regions  
 22 other than the Great Lakes to carry out, with re-  
 23 spect to those regions, activities that are similar to  
 24 the activities described in subsection (a); and

1 “(2) cooperate with regional panels and similar  
 2 entities that carry out the activities described in  
 3 paragraph (1).”.

4 (6) STATE OR INTERSTATE WATERSHED  
 5 AQUATIC NUISANCE SPECIES MANAGEMENT PLAN.—

6 Section 1204 (16 U.S.C. 4724) is amended—

7 (A) in subsection (a)—

8 (i) by striking the heading and insert-  
 9 ing the following:

10 “(a) STATE OR INTERSTATE INVASIVE SPECIES  
 11 MANAGEMENT PLANS.—”;

12 (ii) in paragraph (1)—

13 (I) by striking the matter preced-  
 14 ing subparagraph (A) and inserting  
 15 the following:

16 “(1) IN GENERAL.—After providing notice and  
 17 opportunity for public comment, the Governor of  
 18 each State may prepare and submit, or the Gov-  
 19 ernors of the States and the governments of the In-  
 20 dian tribes involved in an interstate organization,  
 21 may jointly prepare and submit—”;

22 (II) in subparagraph (A), by  
 23 striking “technical and financial as-  
 24 sistance” and inserting “technical, en-

1                   forcement, or financial assistance (or  
2                   any combination thereof)”; and

3                   (III) in subparagraphs (A) and  
4                   (B), by inserting “or within the inter-  
5                   state region involved” after “within  
6                   the State” each place it appears;

7                   (iii) in paragraph (2)—

8                   (I) in subparagraph (B), by  
9                   striking “and” at the end of the sub-  
10                  paragraph;

11                  (II) by redesignating subpara-  
12                  graph (C) as subparagraph (D);

13                  (III) by inserting after subpara-  
14                  graph (B) the following:

15                  “(C) identify any new authority that the  
16                  State (or any State or Indian tribe involved in  
17                  the interstate organization) does not have at  
18                  the time of the development of the plan that  
19                  may be necessary for the State (or any State or  
20                  Indian tribe involved in the interstate organiza-  
21                  tion) to protect public health, property, and the  
22                  environment from harm by aquatic nuisance  
23                  species; and”;

1 (IV) in subparagraph (D), as re-  
2 designated, by inserting “, and ena-  
3 bling legislation” before the period;

4 (iv) in paragraph (3)—

5 (I) in subparagraph (A)—

6 (aa) by inserting “or inter-  
7 state organization” after “the  
8 State”; and

9 (bb) by inserting “Indian  
10 tribes,” after “local govern-  
11 ments,”; and

12 (II) in subparagraph (B), by in-  
13 serting “or the appropriate official of  
14 an interstate organization” after “a  
15 State”; and

16 (v) in paragraph (4), by inserting “or  
17 the interstate organization” after “the  
18 Governor”; and

19 (B) in subsection (b)(1)—

20 (i) by striking “or the Assistant Sec-  
21 retary, as appropriate under subsection (a)  
22 of this section,”; and

23 (ii) by striking “approved manage-  
24 ment plans” and inserting “management  
25 plans approved under subsection (a)”.

1 (f) AUTHORIZATIONS OF APPROPRIATIONS.—Section  
2 1301 (16 U.S.C. 4741) is amended—

3 (1) in subsection (a)—

4 (A) by striking “and” at the end of para-  
5 graph (2);

6 (B) by striking paragraph (3) and insert-  
7 ing the following;

8 “(3) \$3,000,000 for each of the fiscal years  
9 1997 through 2002 to the department in which the  
10 Coast Guard is operating to carry out section  
11 1101;”;

12 (C) by adding at the end the following new  
13 paragraphs:

14 “(4) for each of fiscal years 1997 through  
15 2002, to carry out paragraphs (1) and (2) of section  
16 1102(b)—

17 “(A) \$1,000,000 to the Department of the  
18 Interior, to be used by the Director; and

19 “(B) \$1,000,000 to the Department of  
20 Commerce, to be used by the Under Secretary;  
21 and

22 “(5) for each of fiscal years 1997 through  
23 2002, \$1,250,000 to the Smithsonian Institution, of  
24 which—

1           “(A) \$750,000 shall be used to carry out  
2           section 1102(c); and

3           “(B) \$500,000 shall be used to carry out  
4           section 1102(d).”;

5           (2) in subsection (b)—

6           (A) in the matter preceding paragraph (1),  
7           by striking “1991, 1992, 1993, 1994, and  
8           1995” and inserting “1997 through 2002”; and

9           (B) by striking paragraphs (1) through (7)  
10          and inserting the following:

11          “(1) \$6,000,000 to the Department of the Inte-  
12          rior, to be used by the Director to carry out sections  
13          1202 and 1209;

14          “(2) \$2,000,000 to the Department of Com-  
15          merce, to be used by the Under Secretary to carry  
16          out section 1202;

17          “(3) \$1,500,000 to fund aquatic nuisance spe-  
18          cies prevention and control research under section  
19          1202(i) at the Great Lakes Environmental Research  
20          Laboratory of the National Oceanic and Atmos-  
21          pheric Administration and the Lake Champlain Re-  
22          search Consortium, of which \$500,000 shall be used  
23          by the Lake Champlain Research Consortium;



1           “(4) \$5,000,000 for competitive grants for uni-  
2           versity research on aquatic nuisance species under  
3           section 1202(f)(3) as follows:

4                   “(A) \$4,000,000 to fund grants under sec-  
5                   tion 206 of the National Sea Grant College  
6                   Program Act (33 U.S.C. 1121 et seq.) and  
7                   grants to colleges for the benefit of agriculture  
8                   and the mechanic arts referred to in the first  
9                   section of the Act of August 30, 1890 (26 Stat.  
10                  417, chapter 841; 7 U.S.C. 322); and

11                  “(B) \$1,000,000 to fund grants through  
12                  the Cooperative Fisheries and Wildlife Research  
13                  Unit Program of the United States Fish and  
14                  Wildlife Service;

15                  “(5) \$200,000 to fund aquatic nuisance species  
16                  prevention and control activities of the Great lakes  
17                  Commission; and

18                  “(6) \$3,000,000 to the Assistant Secretary to  
19                  carry out section 1202(i)(1)(B).”;

20                  (3) by striking subsection (c) and inserting the  
21                  following:

22                  “(c) GRANTS FOR STATE MANAGEMENT PRO-  
23                  GRAMS.—There are authorized to be appropriated for each  
24                  of fiscal years 1997 through 2001 \$4,000,000 to the De-  
25                  partment of the Interior, to be used by the Director.”; and

1           (4) by adding at the end the following new sub-  
2       section:

3       “(e) BALLAST WATER MANAGEMENT DEMONSTRA-  
4       TION PROGRAM.—There are authorized to be appropriated  
5       to the Department of the Interior \$2,000,000 to carry out  
6       section 1104.”.

7       **SEC. 3. STATUTORY CONSTRUCTION.**

8       Nothing in this Act or the amendments made by this  
9       Act is intended to affect the authorities and responsibil-  
10      ities of the Great Lakes Fishery Commission established  
11      under article II of the Convention on Great Lakes Fish-  
12      eries between the United States of America and Canada,  
13      signed at Washington on September 10, 1954 (hereafter  
14      in this section referred to as the “Convention”), including  
15      the authorities and responsibilities of the Great Lakes  
16      Fishery Commission—

17           (1) for developing and implementing a com-  
18      prehensive program for eradicating or minimizing  
19      populations of sea lamprey in the Great Lakes wa-  
20      tershed; and

21           (2) carrying out the duties of the Commission  
22      specified in the Convention (including any amend-  
23      ment thereto) and the Great Lakes Fishery Act of  
24      1956 (16 U.S.C. 931 et seq.).

○