

104TH CONGRESS  
2D SESSION

# H. R. 4283

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

SEPTEMBER 28, 1996

Mr. LATOURETTE 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

SEPTEMBER 28, 1996

The Committees on Transportation and Infrastructure and Resources discharged; considered and passed

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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(a) (16 U.S.C.  
12 4701(a)) 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, may  
17 compete with or prey upon native species of plants,  
18 fish, and wildlife, may carry diseases or parasites  
19 that affect native species, and may disrupt the  
20 aquatic environment and economy of affected near-  
21 shore areas;

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

1           “(A) waters south of the Great Lakes, into  
2           a good portion of the Mississippi River drain-  
3           age;

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

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

8           (B) in paragraph (4)—

9           (i) by inserting “by the zebra mussel  
10           and ruffe, round goby, and other non-  
11           indigenous species” after “other species”;  
12           and

13           (ii) by striking “and” at the end;

14           (C) in paragraph (5), by striking the pe-  
15           riod and inserting a semicolon; and

16           (D) by adding at the end the following new  
17           paragraphs:

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

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

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

1 there is a risk of further invasions of other non-  
2 indigenous species;

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

9 “(10) since their introduction in the early  
10 1980’s in ballast water discharges, ruffe—

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

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

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

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

23 “(A) the mitten crab (*Eriocheir sinensis*)  
24 that has become established on the Pacific  
25 Coast;

1           “(B) the green crab (*Carcinus maenas*)  
2           that has become established in the coastal wa-  
3           ters of the Atlantic Ocean;

4           “(C) the brown mussel (*Perna perna*) that  
5           has become established along the Gulf of Mex-  
6           ico; and

7           “(D) certain shellfish pathogens;

8           “(12) many aquatic nuisance vegetation species,  
9           such as Eurasian watermilfoil, hydrilla, water hya-  
10          cinth, and water chestnut, have been introduced to  
11          waters of the United States from other parts of the  
12          world causing or having a potential to cause adverse  
13          environmental, ecological, and economic effects;

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

21          “(14) once introduced into waters of the United  
22          States, aquatic nuisance species are unintentionally  
23          transported and introduced into inland lakes and  
24          rivers by recreational boaters, commercial barge  
25          traffic, and a variety of other pathways; and

1           “(15) resolving the problems associated with  
2           aquatic nuisance species will require the participa-  
3           tion and cooperation of the Federal Government and  
4           State governments, and investment in the develop-  
5           ment of prevention technologies.”.

6           (2) DEFINITIONS.—Section 1003 (16 U.S.C.  
7           4702) is amended—

8                   (A) by striking paragraph (1) and redesignig-  
9                   nating paragraphs (2) through (8) as para-  
10                   graphs (1) through (7), respectively;

11                   (B) in paragraph (2), as redesignated by  
12                   subparagraph (A) of this paragraph, by striking  
13                   “assistant Secretary” and inserting “Assistant  
14                   Secretary”;

15                   (C) by redesignating paragraphs (9)  
16                   through (15) as paragraphs (11) through (17),  
17                   respectively; and

18                   (D) by inserting after paragraph (7), as  
19                   redesignated by subparagraph (A) of this para-  
20                   graph, the following:

21                   “(8) ‘Great Lakes region’ means the 8 States  
22                   that border on the Great Lakes;

23                   “(9) ‘Indian tribe’ means any Indian tribe,  
24                   band, nation, or other organized group or commu-  
25                   nity, including any Alaska Native village or regional

1 corporation (as defined in or established pursuant to  
2 the Alaska Native Claims Settlement Act (43 U.S.C.  
3 1601 et seq.)) that is recognized as eligible for the  
4 special programs and services provided by the Unit-  
5 ed States to Indians because of their status as Indi-  
6 ans;

7 “(10) ‘interstate organization’ means an en-  
8 tity—

9 “(A) established by—

10 “(i) an interstate compact that is ap-  
11 proved by Congress;

12 “(ii) a Federal statute; or

13 “(iii) a treaty or other internation-  
14 al agreement with respect to which the  
15 United States is a party; and

16 “(B)(i) that represents 2 or more—

17 “(I) States or political subdivisions  
18 thereof; or

19 “(II) Indian tribes; or

20 “(ii) that represents—

21 “(I) 1 or more States or political sub-  
22 divisions thereof; and

23 “(II) 1 or more Indian tribes; or

24 “(iii) that represents the Federal Govern-  
25 ment and 1 or more foreign governments; and

1           “(C) has jurisdiction over, serves as forum  
2           for coordinating, or otherwise has a role or re-  
3           sponsibility for the management of, any land or  
4           other natural resource;”.

5           (b) AQUATIC NUISANCE SPECIES CONTROL PRO-  
6           GRAM.—

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

10          **“Subtitle B—Prevention of Unin-**  
11          **tentional Introductions of Non-**  
12          **indigenous Aquatic Species”.**

13           (2) AQUATIC NUISANCE SPECIES.—Section  
14           1101 (16 U.S.C. 4711) is amended to read as fol-  
15           lows:

16          **“SEC. 1101. AQUATIC NUISANCE SPECIES IN WATERS OF**  
17          **THE UNITED STATES.**

18           “(a) GREAT LAKES GUIDELINES.—

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



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

3           “(A) ensure to the maximum extent prac-  
4 ticable that ballast water containing aquatic  
5 nuisance species is not discharged into the  
6 Great Lakes;

7           “(B) protect the safety of—

8           “(i) each vessel; and

9           “(ii) the crew and passengers of each  
10 vessel;

11           “(C) take into consideration different ves-  
12 sel operating conditions; and

13           “(D) be based on the best scientific infor-  
14 mation available.

15           “(b) REGULATIONS.—

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

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

24           “(A) apply to all vessels equipped with bal-  
25 last water tanks that enter a United States port

1 on the Great Lakes after operating on the wa-  
2 ters beyond the exclusive economic zone;

3 “(B) require a vessel to—

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

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

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

22 “(C) not affect or supersede any require-  
23 ments or prohibitions pertaining to the dis-  
24 charge of ballast water into waters of the

1 United States under the Federal Water Pollu-  
2 tion Control Act (33 U.S.C. 1251 et seq.);

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

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

13 “(F) protect the safety of—

14 “(i) each vessel; and

15 “(ii) the crew and passengers of each  
16 vessel;

17 “(G) take into consideration different oper-  
18 ating conditions; and

19 “(H) be based on the best scientific infor-  
20 mation available.

21 “(3) ADDITIONAL REGULATIONS.—In addition  
22 to promulgating regulations under paragraph (1),  
23 the Secretary, in consultation with the Task Force,  
24 shall, not later than November 4, 1994, issue regula-  
25 tions to prevent the introduction and spread of

1       aquatic nuisance species into the Great Lakes  
2       through ballast water carried on vessels that enter  
3       a United States port on the Hudson River north of  
4       the George Washington Bridge.

5               “(4) EDUCATION AND TECHNICAL ASSISTANCE  
6       PROGRAMS.—The Secretary may carry out education  
7       and technical assistance programs and other meas-  
8       ures to promote compliance with the regulations is-  
9       sued under this subsection.

10              “(c) VOLUNTARY NATIONAL GUIDELINES.—

11                   “(1) IN GENERAL.—Not later than 1 year after  
12       the date of enactment of the National Invasive Spe-  
13       cies Act of 1996, and after providing notice and an  
14       opportunity for public comment, the Secretary shall  
15       issue voluntary guidelines to prevent the introduc-  
16       tion and spread of nonindigenous species in waters  
17       of the United States by ballast water operations and  
18       other operations of vessels equipped with ballast  
19       water tanks.

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

22                           “(A) ensure to the maximum extent prac-  
23       ticable that aquatic nuisance species are not  
24       discharged into waters of the United States  
25       from vessels;

1           “(B) apply to all vessels equipped with bal-  
2 last water tanks that operate in waters of the  
3 United States;

4           “(C) protect the safety of—

5                 “(i) each vessel; and

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

8           “(D) direct a vessel that is carrying ballast  
9 water into waters of the United States after op-  
10 erating beyond the exclusive economic zone to—

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

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

21                 “(iii) use environmentally sound alter-  
22 native ballast water management methods,  
23 including modification of the vessel ballast  
24 water tanks and intake systems, if the Sec-  
25 retary determines that such alternative

1 methods are at least as effective as ballast  
2 water exchange in preventing and control-  
3 ling infestations of aquatic nuisance spe-  
4 cies;

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

10 “(i) ship operations other than ballast  
11 water discharge; and

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

15 “(F) provide for the keeping of records  
16 that shall be submitted to the Secretary, as pre-  
17 scribed by the guidelines, and that shall be  
18 maintained on board each vessel and made  
19 available for inspection, upon request of the  
20 Secretary and in a manner consistent with sub-  
21 section (i), in order to enable the Secretary to  
22 determine compliance with the guidelines, in-  
23 cluding—

24 “(i) with respect to each ballast water  
25 exchange referred to in clause (ii), report-

1 ing on the precise location and thorough-  
2 ness of the exchange; and

3 “(ii) any other information that the  
4 Secretary considers necessary to assess the  
5 rate of effective compliance with the guide-  
6 lines;

7 “(G) provide for sampling procedures to  
8 monitor compliance with the guidelines;

9 “(H) take into consideration—

10 “(i) vessel types;

11 “(ii) variations in the characteristics  
12 of point of origin and receiving water bod-  
13 ies;

14 “(iii) variations in the ecological con-  
15 ditions of waters and coastal areas of the  
16 United States; and

17 “(iv) different operating conditions;

18 “(I) be based on the best scientific infor-  
19 mation available;

20 “(J) not affect or supersede any require-  
21 ments or prohibitions pertaining to the  
22 discharge of ballast water into waters of the  
23 United States under the Federal Water Pollu-  
24 tion Control Act (33 U.S.C. 1251 et seq.); and

1           “(K) provide an exemption from ballast  
2           water exchange requirements to passenger ves-  
3           sels with operating ballast water systems that  
4           are equipped with treatment systems designed  
5           to kill aquatic organisms in ballast water, un-  
6           less the Secretary determines that such treat-  
7           ment systems are less effective than ballast  
8           water exchange at reducing the risk of transfers  
9           of invasive species in the ballast water of pas-  
10          senger vessels; and

11           “(L) not apply to crude oil tankers en-  
12          gaged in the coastwise trade.

13           “(3) EDUCATION AND TECHNICAL ASSISTANCE  
14          PROGRAMS.—Not later than 1 year after the date of  
15          enactment of the National Invasive Species Act of  
16          1996, the Secretary shall carry out education and  
17          technical assistance programs and other measures to  
18          encourage compliance with the guidelines issued  
19          under this subsection.

20           “(d) REPORT TO CONGRESS.—Not sooner than 24  
21          months after the date of issuance of guidelines pursuant  
22          to subsection (c) and not later than 30 months after such  
23          date, and after consultation with interested and affected  
24          persons, the Secretary shall prepare and submit to Con-



1 gress a report containing the information required pursu-  
2 ant to paragraphs (1) and (2) of subsection (e).

3 “(e) PERIODIC REVIEW AND REVISION.—

4 “(1) IN GENERAL.—Not later than 3 years  
5 after the date of issuance of guidelines pursuant to  
6 subsection (e), and not less frequently than every 3  
7 years thereafter, the Secretary shall, in accordance  
8 with criteria developed by the Task Force under  
9 paragraph (3)—

10 “(A) assess the compliance by vessels with  
11 the voluntary guidelines issued under subsection  
12 (e) and the regulations promulgated under this  
13 Act;

14 “(B) establish the rate of compliance that  
15 is based on the assessment under subparagraph  
16 (A);

17 “(C) assess the effectiveness of the vol-  
18 untary guidelines and regulations referred to in  
19 subparagraph (A) in reducing the introduction  
20 and spread of aquatic nuisance species by ves-  
21 sels; and

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

24 “(i) revise the guidelines and regula-  
25 tions referred to in subparagraph (A);

1                   “(ii) promulgate additional regulations  
2                   pursuant to subsection (f)(1); or

3                   “(iii) carry out each of clauses (i) and  
4                   (ii).

5                   “(2) SPECIAL REVIEW AND REVISION.—Not  
6                   later than 90 days after the Task Force makes a re-  
7                   quest to the Secretary for a special review and revi-  
8                   sion for coastal and inland waterways designated by  
9                   the Task Force, the Secretary shall—

10                   “(A) conduct a special review of guidelines  
11                   and regulations applicable to those waterways  
12                   in accordance with the review procedures under  
13                   paragraph (1); and

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

16                   “(i) revise those guidelines;

17                   “(ii) promulgate additional regulations  
18                   pursuant to subsection (f)(1); or

19                   “(iii) carry out each of clauses (i) and  
20                   (ii).

21                   “(3) CRITERIA FOR EFFECTIVENESS.—Not  
22                   later than 18 months after the date of enactment of  
23                   the National Invasive Species Act of 1996, the Task  
24                   Force shall submit to the Secretary criteria for de-

1 terminating the adequacy and effectiveness of the vol-  
2 untary guidelines issued under subsection (c).

3 “(f) AUTHORITY OF SECRETARY.—

4 “(1) GENERAL REGULATIONS.—If, on the basis  
5 of a periodic review conducted under subsection  
6 (e)(1) or a special review conducted under sub-  
7 section (e)(2), the Secretary determines that—

8 “(A) the rate of effective compliance (as  
9 determined by the Secretary) with the guide-  
10 lines issued pursuant to subsection (c) is inad-  
11 equate; or

12 “(B) the reporting by vessels pursuant to  
13 those guidelines is not adequate for the Sec-  
14 retary to assess the compliance with those  
15 guidelines and provide a rate of compliance of  
16 vessels, including the assessment of the rate of  
17 compliance of vessels under subsection (e)(2),

18 the Secretary shall promptly promulgate regulations  
19 that meet the requirements of paragraph (2).

20 “(2) REQUIREMENTS FOR REGULATIONS.—The  
21 regulations promulgated by the Secretary under  
22 paragraph (1)—

23 “(A) shall—

24 “(i) not be promulgated sooner than  
25 180 days following the issuance of the re-

1 port to Congress submitted pursuant to  
2 subsection (d);

3 “(ii) make mandatory the require-  
4 ments included in the voluntary guidelines  
5 issued under subsection (c); and

6 “(iii) provide for the enforcement of  
7 the regulations; and

8 “(B) may be regional in scope.

9 “(3) INTERNATIONAL REGULATIONS.—The Sec-  
10 retary shall revise regulations promulgated under  
11 this subsection to the extent required to make such  
12 regulations consistent with the treatment of a par-  
13 ticular matter in any international agreement,  
14 agreed to by the United States, governing manage-  
15 ment of the transfer of nonindigenous aquatic spe-  
16 cies by vessel.

17 “(g) SANCTIONS.—

18 “(1) CIVIL PENALTIES.—Any person who vio-  
19 lates a regulation promulgated under subsection (b)  
20 or (f) shall be liable for a civil penalty in an amount  
21 not to exceed \$25,000. Each day of a continuing vio-  
22 lation constitutes a separate violation. A vessel oper-  
23 ated in violation of the regulations is liable in rem  
24 for any civil penalty assessed under this subsection  
25 for that violation.

1           “(2) CRIMINAL PENALTIES.—Any person who  
2 knowingly violates the regulations promulgated  
3 under subsection (b) or (f) is guilty of a class C fel-  
4 ony.

5           “(3) REVOCATION OF CLEARANCE.—Upon re-  
6 quest of the Secretary, the Secretary of the Treasury  
7 shall withhold or revoke the clearance of a vessel re-  
8 quired by section 4197 of the Revised Statutes (46  
9 U.S.C. App. 91), if the owner or operator of that  
10 vessel is in violation of the regulations issued under  
11 subsection (b) or (f).

12           “(4) EXCEPTION TO SANCTIONS.—This sub-  
13 section does not apply to a failure to exchange bal-  
14 last water if—

15           “(A) the master of a vessel, acting in good  
16 faith, decides that the exchange of ballast water  
17 will threaten the safety or stability of the vessel,  
18 its crew, or its passengers; and

19           “(B) the recordkeeping and reporting re-  
20 quirements of the Act are complied with.

21           “(h) COORDINATION WITH OTHER AGENCIES.—In  
22 carrying out the programs under this section, the Sec-  
23 retary is encouraged to use, to the maximum extent prac-  
24 ticable, the expertise, facilities, members, or personnel of  
25 established agencies and organizations that have routine

1 contact with vessels, including the Animal and Plant  
2 Health Inspection Service of the Department of Agri-  
3 culture, the National Cargo Bureau, port administrations,  
4 and ship pilots' associations.

5       “(i) CONSULTATION WITH CANADA, MEXICO, AND  
6 OTHER FOREIGN GOVERNMENTS.—In developing the  
7 guidelines issued and regulations promulgated under this  
8 section, the Secretary is encouraged to consult with the  
9 Government of Canada, the Government of Mexico, and  
10 any other government of a foreign country that the Sec-  
11 retary, in consultation with the Task Force, determines  
12 to be necessary to develop and implement an effective  
13 international program for preventing the unintentional in-  
14 troduction and spread of nonindigenous species.

15       “(j) INTERNATIONAL COOPERATION.—The Sec-  
16 retary, in cooperation with the International Maritime Or-  
17 ganization of the United Nations and the Commission on  
18 Environmental Cooperation established pursuant to the  
19 North American Free Trade Agreement, is encouraged to  
20 enter into negotiations with the governments of foreign  
21 countries to develop and implement an effective inter-  
22 national program for preventing the unintentional intro-  
23 duction and spread of nonindigenous species.

24       “(k) SAFETY EXEMPTION.—

1           “(1) MASTER DISCRETION.—The master of a  
2 vessel is not required to conduct a ballast water ex-  
3 change if the master decides that the exchange  
4 would threaten the safety or stability of the vessel,  
5 its crew, or its passengers because of adverse weath-  
6 er, vessel architectural design, equipment failure, or  
7 any other extraordinary conditions.

8           “(2) OTHER REQUIREMENTS.—(A) IN GEN-  
9 ERAL.—Except as provided in subparagraph (B), a  
10 vessel that does not exchange ballast water on the  
11 high seas under paragraph (1) shall not be restricted  
12 from discharging ballast water in any harbor.

13           “(B) GREAT LAKES.—Subparagraph (A) shall  
14 not apply in a case in which a vessel is subject to  
15 the regulations issued by the Secretary under sub-  
16 section (b).

17           “(3) CRUDE OIL TANKER BALLAST FACILITY  
18 STUDY.—(A) Within 60 days of the date of enact-  
19 ment of this Act, the Secretary of the department in  
20 which the Coast Guard is operating, in consultation  
21 with the Under Secretary of Commerce for Oceans  
22 and Atmosphere, affected shoreside ballast water fa-  
23 cility operators, affected crude oil tanker operators,  
24 and interested parties, shall initiate a study of the  
25 effectiveness of existing shoreside ballast water fa-

1 facilities used by crude oil tankers in the coastwise  
2 trade off Alaska in preventing the introduction of  
3 nonindigenous aquatic species into the waters off  
4 Alaska, as well as the cost and feasibility of modify-  
5 ing such facilities to improve such effectiveness.

6 “(B) The study required under subparagraph  
7 (A) shall be submitted to the Congress by no later  
8 than October 1, 1997.

9 “(I) NON-DISCRIMINATION.—The Secretary shall en-  
10 sure that vessels registered outside of the United States  
11 do not receive more favorable treatment than vessels reg-  
12 istered in the United States when the Secretary performs  
13 studies, reviews compliance, determines effectiveness, es-  
14 tablishes requirements, or performs any other responsibil-  
15 ities under this Act.”.

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

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

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

23 (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”;

7 (3) by striking subsection (b) and inserting the  
8 following:

9 “(b) ECOLOGICAL AND BALLAST WATER DISCHARGE  
10 SURVEYS.—

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, and Honolulu Harbor and, as  
16 necessary, of other estuaries of national signifi-  
17 cance and other waters that the Task Force de-  
18 termines—

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

23 “(ii) to require further study.

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

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

3 “(i) examine the attributes and pat-  
4 terns of invasions of aquatic nuisance spe-  
5 cies; and

6 “(ii) provide an estimate of the effec-  
7 tiveness of ballast water management and  
8 other vessel management guidelines issued  
9 and regulations promulgated under this  
10 subtitle in abating invasions of aquatic nui-  
11 sance species in the waters that are the  
12 subject of the survey.

13 “(2) BALLAST WATER DISCHARGE SURVEYS.—

14 “(A) IN GENERAL.—The Secretary, in co-  
15 operation with the Task Force, shall conduct  
16 surveys of ballast water discharge rates and  
17 practices in the waters referred to in paragraph  
18 (1)(A) on the basis of the criteria under clauses  
19 (i) and (ii) of such paragraph.

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

23 “(i) examine the rate of, and trends  
24 in, ballast water discharge in the waters  
25 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 water discharge practices to reduce  
5                   the probability of accidental introductions  
6                   of aquatic nuisance species.

7                   “(3) COLUMBIA RIVER.—The Secretary, in co-  
8                   operation with the Task Force and academic institu-  
9                   tions in each of the States affected, shall conduct an  
10                  ecological and ballast water discharge survey of the  
11                  Columbia River system consistent with the require-  
12                  ments of paragraphs (1) and (2).”; and

13                  (4) by adding at the end the following new sub-  
14                  sections:

15                  “(e) REGIONAL RESEARCH GRANTS.—Out of  
16                  amounts appropriated to carry out this subsection for a  
17                  fiscal year, the Under Secretary shall may—

18                         “(1) make available not to exceed \$750,000 to  
19                         fund research on aquatic nuisance species prevention  
20                         and control in the Chesapeake Bay through grants,  
21                         to be competitively awarded and subject to peer re-  
22                         view, to universities and research institutions;

23                         “(2) make available not to exceed \$500,000 to  
24                         fund research on aquatic nuisance species prevention  
25                         and control in the Gulf of Mexico through grants, to

1 be competitively awarded and subject to peer review,  
2 to universities and research institutions;

3 “(3) make available not to exceed \$500,000 to  
4 fund research on aquatic nuisance species prevention  
5 and control for the Pacific Coast through grants, to  
6 be competitively awarded and subject to peer review,  
7 to universities and research institutions;

8 “(4) make available not to exceed \$500,000 to  
9 fund research on aquatic nuisance species prevention  
10 and control for the Atlantic Coast through grants, to  
11 be competitively awarded and subject to peer review,  
12 to universities and research institutions; and

13 “(5) make available not to exceed \$750,000 to  
14 fund research on aquatic nuisance species prevention  
15 and control in the San Francisco Bay-Delta Estuary  
16 through grants, to be competitively awarded and  
17 subject to peer review, to universities and research  
18 institutions.

19 “(f) NATIONAL BALLAST INFORMATION CLEARING-  
20 HOUSE.—

21 “(1) IN GENERAL.—The Secretary shall develop  
22 and maintain, in consultation and cooperation with  
23 the Task Force and the Smithsonian Institution  
24 (acting through the Smithsonian Environmental Re-

1 search Center), a clearinghouse of national data con-  
 2 cerning—

3 “(A) ballasting practices;

4 “(B) compliance with the guidelines issued  
 5 pursuant to section 1101(e); and

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

8 “(2) REPORT.—In consultation and cooperation  
 9 with the Task Force and the Smithsonian Institu-  
 10 tion (acting through the Smithsonian Environmental  
 11 Research Center), the Secretary shall prepare and  
 12 submit to the Task Force and the Congress, on a bi-  
 13 annual basis, a report that synthesizes and analyzes  
 14 the data referred to in paragraph (1) relating to—

15 “(A) ballast water delivery and manage-  
 16 ment; and

17 “(B) invasions of aquatic nuisance species  
 18 resulting from ballast water.”.

19 (d) ARMED SERVICES BALLAST WATER PROGRAM;

20 BALLAST WATER MANAGEMENT DEMONSTRATION PRO-

21 GRAM.—Subtitle B (16 U.S.C. 4701 et seq.) is amended

22 by adding at the end the following new sections:

23 **“SEC. 1103. ARMED SERVICES BALLAST WATER PROGRAMS.**

24 “(a) DEPARTMENT OF DEFENSE VESSELS.—Subject

25 to operational conditions, the Secretary of Defense, in con-

1 sultation with the Secretary, the Task Force, and the  
2 International Maritime Organization, shall implement a  
3 ballast water management program for seagoing vessels  
4 of the Department of Defense to minimize the risk of in-  
5 troduction of nonindigenous species from releases of bal-  
6 last water.

7 “(b) COAST GUARD VESSELS.—Subject to oper-  
8 ational conditions, the Secretary, in consultation with the  
9 Task Force and the International Maritime Organization,  
10 shall implement a ballast water management program for  
11 seagoing vessels of the Coast Guard to minimize the risk  
12 of introduction of nonindigenous species from releases of  
13 ballast water.

14 **“SEC. 1104. BALLAST WATER MANAGEMENT DEMONSTRATION PROGRAM.**  
15

16 “(a) TECHNOLOGIES AND PRACTICES DEFINED.—  
17 For purposes of this section, the term ‘technologies and  
18 practices’ means those technologies and practices that—

19 “(1) may be retrofitted—

20 “(A) on existing vessels or incorporated in  
21 new vessel designs; and

22 “(B) on existing land-based ballast water  
23 treatment facilities;

24 “(2) may be designed into new water treatment  
25 facilities;

1           “(3) are operationally practical;

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

3           “(5) are environmentally sound;

4           “(6) are cost-effective;

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

6           and

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

9           “(b) DEMONSTRATION PROGRAM.—

10           “(1) IN GENERAL.—During the 18-month pe-  
11           riod beginning on the date that funds are made  
12           available by appropriations pursuant to section  
13           1301(e), the Secretary of the Interior and the Sec-  
14           retary of Commerce, with the concurrence of and in  
15           cooperation with the Secretary, shall conduct a bal-  
16           last water management demonstration program to  
17           demonstrate technologies and practices to prevent  
18           aquatic nonindigenous species from being introduced  
19           into and spread through ballast water in the Great  
20           Lakes and other waters of the United States.

21           “(2) LOCATION.—The installation and con-  
22           struction of the technologies and practices used in  
23           the demonstration program conducted under this  
24           subsection shall be performed in the United States.

1           “(3) VESSEL SELECTION.—In demonstrating  
2 technologies and practices on vessels under this sub-  
3 section, the Secretary of the Interior and the Sec-  
4 retary of Commerce, shall—

5           “(A) use only vessels that—

6           “(i) are approved by the Secretary;

7           “(ii) have ballast water systems con-  
8 ducive to testing aboard-vessel or land-  
9 based technologies and practices applicable  
10 to a significant number of merchant ves-  
11 sels; and

12           “(iii) are—

13           “(I) publicly or privately owned;

14           and

15           “(II) in active use for trade or  
16 other cargo shipment purposes during  
17 the demonstration;

18           “(B) select vessels for participation in the  
19 program by giving priority consideration—

20           “(i) first, to vessels documented under  
21 chapter 121 of title 46, United States  
22 Code;

23           “(ii) second, to vessels that are a ma-  
24 jority owned by citizens of the United



1 States, as determined by the Secretary;  
2 and

3 “(iii) third, to any other vessels that  
4 regularly call on ports in the United  
5 States; and

6 “(C) seek to use a variety of vessel types,  
7 including vessels that—

8 “(i) call on ports in the United States  
9 and on the Great Lakes; and

10 “(ii) are operated along major coasts  
11 of the United States and inland waterways,  
12 including the San Francisco Bay and  
13 Chesapeake Bay.

14 “(4) SELECTION OF TECHNOLOGIES AND PRAC-  
15 TICES.—In selecting technologies and practices for  
16 demonstration under this subsection, the Secretary  
17 of the Interior and the Secretary of Commerce shall  
18 give priority consideration to technologies and prac-  
19 tices identified as promising by the National Re-  
20 search Council Marine Board of the National Acad-  
21 emy of Sciences in its report on ships’ ballast water  
22 operations issued in July 1996.

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 and the

1 Secretary of Commerce shall prepare and submit a  
2 report to the Congress on the demonstration pro-  
3 gram conducted pursuant to this section. The report  
4 shall include findings and recommendations of the  
5 Secretary of the Interior and the Secretary of Com-  
6 merce concerning technologies and practices.

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

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

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

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

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

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

1 (e) AMENDMENTS TO SUBTITLE C.—

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

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

8 (2) TASK FORCE.—Section 1201 (16 U.S.C.  
9 4721) is amended—

10 (A) in subsection (b)—

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

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

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

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

18 (B) in subsection (c), by inserting “the  
19 Chesapeake Bay Program, the San Francisco  
20 Bay-Delta Estuary Program,” before “and  
21 State agencies”.

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

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

1 (B) in subsection (i)—  
2 (i) in paragraph (1)—  
3 (I) by striking “(1) IN GEN-  
4 ERAL.—The Task Force” and insert-  
5 ing the following:  
6 “(1) ZEBRA MUSSEL.—  
7 “(A) IN GENERAL.—The Task Force”;  
8 (II) by striking “(A) research”  
9 and inserting the following:  
10 “(i) research”;  
11 (III) by striking “(B) tracking”  
12 and inserting the following:  
13 “(ii) tracking”;  
14 (IV) by striking “(C) develop-  
15 ment” and inserting the following:  
16 “(iii) development”; and  
17 (V) by striking “(D) provision”  
18 and inserting the following:  
19 “(iv) provision”;  
20 (ii) in paragraph (2), by striking “(2)  
21 PUBLIC FACILITY RESEARCH AND DEVEL-  
22 OPMENT.—” and inserting the following:  
23 “(B) PUBLIC FACILITY RESEARCH AND  
24 DEVELOPMENT.—”;

1 (iii) in subparagraph (B) of para-  
2 graph (1), as so redesignated, by striking  
3 the first sentence and inserting the follow-  
4 ing: “The Assistant Secretary, in consulta-  
5 tion with the Task Force, shall develop a  
6 program of research, technology develop-  
7 ment, and demonstration for the environ-  
8 mentally sound control of zebra mussels in  
9 and around public facilities.”;

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

13 “(C) VOLUNTARY GUIDELINES.—Not later  
14 than 1 year after the date of enactment of this  
15 subparagraph, the Task Force shall develop and  
16 submit to the Secretary voluntary guidelines for  
17 controlling the spread of the zebra mussel and,  
18 if appropriate, other aquatic nuisance species  
19 through recreational activities, including boat-  
20 ing and fishing. Not later than 4 months after  
21 the date of such submission, and after provid-  
22 ing notice and an opportunity for public com-  
23 ment, the Secretary shall issue voluntary guide-  
24 lines that are based on the guidelines developed

1 by the Task Force under this subparagraph.”;  
2 and

3 (v) by adding at the end the following  
4 new paragraphs:

5 “(2) DISPERSAL CONTAINMENT ANALYSIS.—

6 “(A) RESEARCH.—The Administrator of  
7 the Environmental Protection Agency, in co-  
8 operation with the National Science Foundation  
9 and the Task Force, shall provide research  
10 grants on a competitive basis for projects  
11 that—

12 “(i) identify environmentally sound  
13 methods for controlling the dispersal of  
14 aquatic nuisance species, such as the zebra  
15 mussel; and

16 “(ii) adhere to research protocols de-  
17 veloped pursuant to subsection (f)(2).

18 “(B) AUTHORIZATION OF APPROPRIA-  
19 TIONS.—There are authorized to be appro-  
20 priated to the Environmental Protection Agency  
21 to carry out this paragraph, \$500,000.

22 “(3) DISPERSAL BARRIER DEMONSTRATION.—

23 “(A) IN GENERAL.—The Assistant Sec-  
24 retary, in consultation with the Task Force,  
25 shall investigate and identify environmentally

1 sound methods for preventing and reducing the  
2 dispersal of aquatic nuisance species between  
3 the Great Lakes-Saint Lawrence drainage and  
4 the Mississippi River drainage through the Chi-  
5 cago River Ship and Sanitary Canal, including  
6 any of those methods that could be incorporated  
7 into the operation or construction of the lock  
8 system of the Chicago River Ship and Sanitary  
9 Canal.

10 “(B) REPORT.—Not later than 18 months  
11 after the date of enactment of this paragraph,  
12 the Assistant Secretary shall issue a report to  
13 the Congress that includes recommendations  
14 concerning—

15 “(i) which of the methods that are  
16 identified under the study conducted under  
17 this paragraph are most promising with re-  
18 spect to preventing and reducing the dis-  
19 persal of aquatic nuisance species; and

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

1           “(C) AUTHORIZATION OF APPROPRIA-  
2           TIONS.—There are authorized to be appro-  
3           priated to the Department of the Army, to  
4           carry out this paragraph, \$750,000.

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

12          “(5) TECHNICAL ASSISTANCE.—The Great  
13          Lakes Environmental Research Laboratory of the  
14          National Oceanic and Atmospheric Administration  
15          shall provide technical assistance to appropriate enti-  
16          ties to assist in the research conducted pursuant to  
17          this subsection.”.

18          (4) IMPLEMENTATION.—Section 1202(j)(1) (16  
19          U.S.C. 4722(j)(1)) is amended by striking “Not  
20          later than 18 months after the date of the enact-  
21          ment of this Act, the Director” and inserting “The  
22          Director, the Secretary,”.

23          (5) REGIONAL COORDINATION.—Section 1203  
24          (16 U.S.C. 4723) is amended—



1 (A) by striking the section heading and in-  
2 serting the following:

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

4 (B) in subsection (a)—

5 (i) by striking “(a) IN GENERAL.—  
6 Not” and inserting the following:

7 “(a) GREAT LAKES PANEL.—

8 “(1) IN GENERAL.—Not”;

9 (ii) by striking “(1) identify” and in-  
10 serting the following:

11 “(A) identify”;

12 (iii) by striking “(2) make” and in-  
13 serting the following:

14 “(B) make”;

15 (iv) by striking “(3) assist” and in-  
16 serting the following:

17 “(C) assist”;

18 (v) by striking “(4) coordinate” and  
19 inserting the following:

20 “(D) coordinate”;

21 (vi) by striking “(5) provide” and in-  
22 serting the following:

23 “(E) provide”;

24 (vii) by striking “(6) submit” and in-  
25 serting the following:

1 “(F) submit”;

2 (viii) in paragraph (1), as so redesign-  
3 nated—

4 (I) in the matter preceding sub-  
5 paragraph (A), by inserting “region”  
6 before “representatives”; and

7 (II) in subparagraphs (A)  
8 through (F), by striking “Great  
9 Lakes” each place it appears and in-  
10 serting “Great Lakes region”;

11 (C) by striking “(b) CONSULTATION.—The  
12 Task Force” and inserting the following:

13 “(2) CONSULTATION.—The Task Force”;

14 (D) by striking “(c) CANADIAN PARTICIPA-  
15 TION.—The panel” and inserting the following:

16 “(3) CANADIAN PARTICIPATION.—The panel”;

17 (E) in paragraphs (2) and (3) of sub-  
18 section (a), as so redesignated, by striking “this  
19 section” and inserting “this subsection”; and

20 (F) by adding at the end the following new  
21 subsections:

22 “(b) WESTERN REGIONAL PANEL.—Not later than  
23 30 days after the date of enactment of the National  
24 Invasive Species Act of 1996, the Task Force shall request  
25 a Western regional panel, comprised of Western region

1 representatives from Federal, State, and local agencies  
2 and from private environmental and commercial interests,  
3 to—

4           “(1) identify priorities for the Western region  
5 with respect to aquatic nuisance species;

6           “(2) make recommendations to the Task Force  
7 regarding an education, monitoring (including in-  
8 spection), prevention, and control program to pre-  
9 vent the spread of the zebra mussel west of the  
10 100th Meridian pursuant to section 1202(i) of this  
11 Act;

12           “(3) coordinate, where possible, other aquatic  
13 nuisance species program activities in the Western  
14 region that are not conducted pursuant to this Act;

15           “(4) develop an emergency response strategy  
16 for Federal, State, and local entities for stemming  
17 new invasions of aquatic nuisance species in the re-  
18 gion;

19           “(5) provide advice to public and private indi-  
20 viduals and entities concerning methods of prevent-  
21 ing and controlling aquatic nuisance species infesta-  
22 tions; and

23           “(6) submit annually a report to the Task  
24 Force describing activities within the Western region

1 related to aquatic nuisance species prevention, re-  
2 search, and control.

3 “(c) ADDITIONAL REGIONAL PANELS.—The Task  
4 Force shall—

5 “(1) encourage the development and use of re-  
6 gional panels and other similar entities in regions in  
7 addition to the Great Lakes and Western regions  
8 (including providing financial assistance for the de-  
9 velopment and use of such entities) to carry out,  
10 with respect to those regions, activities that are  
11 similar to the activities described in subsections (a)  
12 and (b); and

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

16 (6) STATE OR INTERSTATE WATERSHED  
17 AQUATIC NUISANCE SPECIES MANAGEMENT PLAN.—

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

19 (A) in subsection (a)—

20 (i) by striking the subsection designa-  
21 tion and heading and inserting the follow-  
22 ing:

23 “(a) STATE OR INTERSTATE INVASIVE SPECIES  
24 MANAGEMENT PLANS.—”;

25 (ii) in paragraph (1)—

1 (I) by striking the matter preced-  
2 ing subparagraph (A) and inserting  
3 the following:

4 “(1) IN GENERAL.—After providing notice and  
5 opportunity for public comment, the Governor of  
6 each State may prepare and submit, or the Gov-  
7 ernors of the States and the governments of the In-  
8 dian tribes involved in an interstate organization,  
9 may jointly prepare and submit—”;

10 (II) in subparagraph (A), by  
11 striking “technical and financial as-  
12 sistance” and inserting “technical, en-  
13 forcement, or financial assistance (or  
14 any combination thereof)”; and

15 (III) in subparagraphs (A) and  
16 (B), by inserting “or within the inter-  
17 state region involved” after “within  
18 the State” each place it appears;

19 (iii) in paragraph (2)—

20 (I) in subparagraph (B), by  
21 striking “and” at the end of the sub-  
22 paragraph;

23 (II) by redesignating subpara-  
24 graph (C) as subparagraph (D);

1 (III) by inserting after subpara-  
2 graph (B) the following:

3 “(C) identify any authority that the State  
4 (or any State or Indian tribe involved in the  
5 interstate organization) does not have at the  
6 time of the development of the plan that may  
7 be necessary for the State (or any State or In-  
8 dian tribe involved in the interstate organiza-  
9 tion) to protect public health, property, and the  
10 environment from harm by aquatic nuisance  
11 species; and”;

12 (IV) in subparagraph (D), as so  
13 redesignated, by inserting “, and ena-  
14 bling legislation” before the period;

15 (iv) in paragraph (3)—

16 (I) in subparagraph (A)—

17 (aa) by inserting “or inter-  
18 state organization” after “the  
19 State”; and

20 (bb) by inserting “Indian  
21 tribes,” after “local governments  
22 and regional entities,”; and

23 (II) in subparagraph (B), by in-  
24 serting “or the appropriate official of

1 an interstate organization” after “a  
2 State”; and

3 (v) in paragraph (4), by inserting “or  
4 the interstate organization” after “the  
5 Governor”;

6 (B) in subsection (b)(1)—

7 (i) by striking “or the Assistant Sec-  
8 retary, as appropriate under subsection  
9 (a),”; and

10 (ii) by striking “approved manage-  
11 ment plans” and inserting “management  
12 plans approved under subsection (a)”; and

13 (C) by adding at the end the following new  
14 subsection:

15 “(c) ENFORCEMENT ASSISTANCE.—Upon request of  
16 a State or Indian tribe, the Director or the Under Sec-  
17 retary, to the extent allowable by law and in a manner  
18 consistent with section 141 of title 14, United States  
19 Code, may provide assistance to a State or Indian tribe  
20 in enforcing an approved State or interstate invasive spe-  
21 cies management plan.”.

22 (f) AUTHORIZATIONS OF APPROPRIATIONS.—Section  
23 1301 (16 U.S.C. 4741) is amended—

24 (1) in subsection (a)—

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

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

5 “(3) to the Secretary to carry out section  
6 1101—

7 “(A) \$2,000,000 for each of fiscal years  
8 1997 and 1998; and

9 “(B) \$3,000,000 for each of fiscal years  
10 1999 through 2002;”; and

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

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

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

18 “(B) \$1,000,000 to the Secretary; and

19 “(5) for each of fiscal years 1997 through  
20 2002—

21 “(A) \$3,000,000, which shall be made  
22 available from funds otherwise authorized to be  
23 appropriated if such funds are so authorized, to  
24 the Under Secretary to carry out section  
25 1102(e); and



1           “(B) \$500,000 to the Secretary to carry  
2 out section 1102(f).”;

3           (2) in subsection (b)—

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

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

9           “(1) \$6,000,000 to the Department of the Inte-  
10 rior, to be used by the Director to carry out sections  
11 1202 and 1209;

12           “(2) \$1,000,000 to the Department of Com-  
13 merce, to be used by the Under Secretary to carry  
14 out section 1202;

15           “(3) \$1,625,000, which shall be made available  
16 from funds otherwise authorized to be appropriated  
17 if such funds are so authorized, to fund aquatic nui-  
18 sance species prevention and control research under  
19 section 1202(i) at the Great Lakes Environmental  
20 Research Laboratory of the National Oceanic and  
21 Atmospheric Administration, of which \$500,000  
22 shall be made available for grants, to be competi-  
23 tively awarded and subject to peer review, for re-  
24 search relating to Lake Champlain;

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) \$2,800,000, which shall be made  
5                   available from funds otherwise authorized to be  
6                   appropriated if such funds are so authorized, to  
7                   fund grants under section 205 of the National  
8                   Sea Grant College Program Act (33 U.S.C.  
9                   1124);

10                   “(B) \$1,200,000 to fund grants to colleges  
11                   for the benefit of agriculture and the mechanic  
12                   arts referred to in the first section of the Act  
13                   of August 30, 1890 (26 Stat. 417, chapter 841;  
14                   7 U.S.C. 322); and

15                   “(C) \$1,000,000 to fund grants through  
16                   the Cooperative Fisheries and Wildlife Research  
17                   Unit Program of the United States Fish and  
18                   Wildlife Service;

19           “(5) \$3,000,000 to the Department of the  
20           Army, to be used by the Assistant Secretary to carry  
21           out section 1202(i)(1)(B); and

22           “(6) \$300,000 to the Department of the Inte-  
23           rior, to be used by the Director to fund regional  
24           panels and similar entities under section 1203, of

1       which \$100,000 shall be used to fund activities of  
2       the Great Lakes Commission.”;

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

5       “(c) GRANTS FOR STATE MANAGEMENT PRO-  
6 GRAMS.—There are authorized to be appropriated for each  
7 of fiscal years 1997 through 2002 \$4,000,000 to the De-  
8 partment of the Interior, to be used by the Director for  
9 making grants under section 1204, of which \$1,500,000  
10 shall be used by the Director, in consultation with the As-  
11 sistant Secretary, for management of aquatic nuisance  
12 vegetation species.”; and

13           (4) by adding at the end the following new sub-  
14       sections:

15       “(e) BALLAST WATER MANAGEMENT DEMONSTRA-  
16 TION PROGRAM.—There are authorized to be appropriated  
17 \$2,500,000 to carry out section 1104.

18       “(f) RESEARCH.—There are authorized to be appro-  
19 priated to the Director \$1,000,000 to carry out research  
20 on the prevention, monitoring, and control of aquatic nui-  
21 sance species in Narragansett Bay, Rhode Island. The  
22 funds shall be made available for use by the Department  
23 of Environmental Management of the State of Rhode Is-  
24 land.”.

1 (g) REFERENCES TO APPROPRIATE COMMITTEES.—  
2 The Act (16 U.S.C. 4701 et seq.) is amended by striking  
3 “appropriate Committees” each place it appears and in-  
4 serting “Congress”.

5 (h) TECHNICAL CORRECTIONS.—Public Law 101-  
6 646 (16 U.S.C. 4701 et seq.) is amended—

7 (1) in titles I, II, and IV, by striking the  
8 quotation marks at the beginning of any title, sub-  
9 title, section, subsection, paragraph, subparagraph,  
10 clause, subclause, or undesignated provision;

11 (2) at the end of titles II and IV, by striking  
12 the closing quotation marks and the final period;  
13 and

14 (3) in section 1003—

15 (A) by striking each single opening  
16 quotation mark and inserting double opening  
17 quotation marks; and

18 (B) by striking each single closing  
19 quotation mark and inserting double closing  
20 quotations marks.

21 **SEC. 3. STATUTORY CONSTRUCTION.**

22 Nothing in this Act or the amendments made by this  
23 Act is intended to affect the authorities and responsibil-  
24 ities of the Great Lakes Fishery Commission established  
25 under article II of the Convention on Great Lakes Fish-

1 eries between the United States of America and Canada,  
2 signed at Washington on September 10, 1954 (hereafter  
3 in this section referred to as the “Convention”), including  
4 the authorities and responsibilities of the Great Lakes  
5 Fishery Commission—

6           (1) for developing and implementing a com-  
7 prehensive program for eradicating or minimizing  
8 populations of sea lamprey in the Great Lakes wa-  
9 tershed; and

10           (2) carrying out the duties of the Commission  
11 specified in the Convention (including any amend-  
12 ment thereto) and the Great Lakes Fishery Act of  
13 1956 (16 U.S.C. 931 et seq.).

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