

109TH CONGRESS  
2D SESSION

# S. 4096

To require the Secretary of the Army to operate and maintain as a system the Chicago sanitary and ship canal dispersal barriers to prevent the spread of aquatic invasive species into the Great Lakes, and to determine the feasibility of a dispersal barrier project at the Lake Champlain Canal, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

DECEMBER 6, 2006

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

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## A BILL

To require the Secretary of the Army to operate and maintain as a system the Chicago sanitary and ship canal dispersal barriers to prevent the spread of aquatic invasive species into the Great Lakes, and to determine the feasibility of a dispersal barrier project at the Lake Champlain Canal, 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.**

4 This Act may be cited as the “Barrier Project Con-  
5 solidation and Construction Act of 2006”.

1 **SEC. 2. CONSOLIDATION OF BARRIER PROJECTS.**

2 (a) IN GENERAL.—The Chicago Sanitary and Ship  
3 Canal Dispersal Barrier Project (referred to in this Act  
4 as “Barrier I”) (as in existence on the date of enactment  
5 of this Act), constructed as a demonstration project under  
6 section 1202(i)(3) of the Nonindigenous Aquatic Nuisance  
7 Prevention and Control Act of 1990 (16 U.S.C.  
8 4722(i)(3)), and the project relating to the Chicago Sani-  
9 tary and Ship Canal Dispersal Barrier, as authorized by  
10 section 345 of the District of Columbia Appropriations  
11 Act, 2005 (Public Law 108–335; 118 Stat. 1352) (re-  
12 ferred to in this Act as “Barrier II”), shall be considered  
13 to constitute a single project to prevent the spread of  
14 aquatic nuisance species.

15 (b) ACTIVITIES RELATING TO BARRIER I AND BAR-  
16 RIER II.—

17 (1) DUTIES OF SECRETARY OF THE ARMY.—

18 The Secretary of the Army (referred to in this Act  
19 as the “Secretary”) shall, at full Federal expense—

20 (A) upgrade and make permanent Barrier  
21 I;

22 (B) construct Barrier II, notwithstanding  
23 the project cooperation agreement with the  
24 State of Illinois dated June 14, 2005;

25 (C) operate and maintain Barrier I and  
26 Barrier II as a system to optimize effectiveness;

1           (D) conduct, in consultation with appro-  
2           priate Federal, State, local, and nongovern-  
3           mental entities, a study of a full range of op-  
4           tions and technologies for reducing impacts of  
5           hazards that may reduce the efficacy of the  
6           Barriers; and

7           (E) provide to each State a credit in an  
8           amount equal to the amount of funds contrib-  
9           uted by the State toward Barrier II.

10          (2) APPLICATION OF CREDIT.—A State may  
11          apply a credit received under paragraph (1)(E) to  
12          any cost-sharing responsibility for an existing or fu-  
13          ture Federal project with the Corps of Engineers in  
14          the State.

15          (c) FEASIBILITY STUDY.—The Secretary, in con-  
16          sultation with appropriate Federal, State, local, and non-  
17          governmental entities, shall conduct a feasibility study, at  
18          full Federal expense, of the range of options and tech-  
19          nologies available to prevent the spread of aquatic nui-  
20          sance species between the Great Lakes and Mississippi  
21          River Basins through the Chicago Sanitary and Ship  
22          Canal and other aquatic pathways.

23          (d) CONFORMING AMENDMENT.—Section 345 of the  
24          District of Columbia Appropriations Act, 2005 (Public

1 Law 108–335; 118 Stat. 1352) is amended to read as fol-  
2 lows:

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

9 **SEC. 3. LAKE CHAMPLAIN CANAL STUDY, VERMONT AND**  
10 **NEW YORK.**

11 (a) **DISPERSAL BARRIER PROJECT.**—The Secretary  
12 shall determine, at full Federal expense, the feasibility of  
13 a dispersal barrier project at the Lake Champlain Canal.

14 (b) **CONSTRUCTION, MAINTENANCE, AND OPER-**  
15 **ATION.**—If the Secretary determines that the project de-  
16 scribed in subsection (a) is feasible, the Secretary shall  
17 construct, maintain, and operate a dispersal barrier at the  
18 Lake Champlain Canal at full Federal expense.

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