

110TH CONGRESS
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H. R. 2423

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

IN THE HOUSE OF REPRESENTATIVES

MAY 22, 2007

Mr. LATOURETTE (for himself, Mr. BAKER, Mr. GILCHREST, Mr. EHLERS, and Mrs. MILLER of Michigan) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To provide for the management and treatment of ballast water to prevent the introduction of nonindigenous aquatic species into coastal and inland 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.**

4 This Act may be cited as the “Ballast Water Manage-
5 ment Act of 2007”.

6 **SEC. 2. REFERENCES.**

7 Wherever in this Act an amendment or repeal is ex-
8 pressed in terms of an amendment to or a repeal of a sec-

1 tion or other provision, the reference shall be considered
2 to be made to a section or other provision of the Non-
3 indigenous Aquatic Nuisance Prevention and Control Act
4 of 1990 (16 U.S.C. 4701 et seq.).

5 **SEC. 3. DEFINITIONS.**

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

7 (1) in paragraph (7) by striking “Canandian”
8 and inserting “Canadian”;

9 (2) by striking “and” at the end of paragraph
10 (16);

11 (3) by striking the period at the end of para-
12 graph (17) and inserting a semicolon; and

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

14 “(18) ‘alternative ballast water management
15 method’ means a mechanical, physical, chemical, bio-
16 logical, or other process, technology, procedure, or
17 method of killing, removing, or rendering nonviable
18 organisms in ballast water and associated sediments;

19 “(19) ‘ship pathway’ means a potential mode by
20 which aquatic nuisance species may be transported
21 from one ecosystem to another by a vessel, including
22 carriage in ballast water, carriage in sea chests, or
23 hull fouling;

24 “(20) ‘ballast water capacity’ means the total
25 volumetric capacity of all tanks, spaces, and com-

1 partments on a vessel that are used for carrying,
2 loading, or discharging ballast water, including any
3 multi-use tank, space, or compartment designed to
4 allow carriage of ballast water;

5 “(21) ‘constructed’ means—

6 “(A) a stage of construction of a vessel at
7 which—

8 “(i) the keel is laid;

9 “(ii) construction identifiable with the
10 specific vessel begins; or

11 “(iii) assembly of the vessel has been
12 completed comprising at least 50 metric
13 tons or 1 percent of the estimated mass of
14 all structural material, whichever is less; or

15 “(B) the initiation of a major conversion of
16 the vessel;

17 “(22) ‘major conversion’ means a conversion of
18 a vessel that—

19 “(A) changes its ballast water carrying ca-
20 pacity by 15 percent or greater;

21 “(B) changes the vessel type;

22 “(C) in the determination of the Secretary,
23 is projected to prolong the life of the vessel by
24 10 years or more; or

1 “(D) results in modifications to its ballast
2 water system other than component replace-
3 ment-in-kind; and

4 “(23) ‘sediment’ means matter that has settled
5 out of ballast water within a vessel.”.

6 **SEC. 4. AQUATIC NUISANCE SPECIES IN WATERS OF THE**
7 **UNITED STATES.**

8 (a) **BALLAST WATER MANAGEMENT.**—Section 1101
9 (16 U.S.C. 4711) is amended by striking subsections (a)
10 through (g) and inserting the following:

11 “(a) **NATIONAL REGULATIONS.**—

12 “(1) **IN GENERAL.**—The Secretary shall issue
13 regulations to prevent the introduction and spread of
14 nonindigenous species in waters of the United States
15 by ballast water operations and other operations of
16 vessels equipped with ballast water tanks.

17 “(2) **CONTENT.**—The regulations issued under
18 this subsection shall—

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

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

1 “(C) protect the safety of—

2 “(i) each vessel; and

3 “(ii) the crew and passengers of each
4 vessel;

5 “(D) direct a vessel that is equipped with
6 ballast water tanks, including a vessel that is
7 not carrying ballast water on board, that oper-
8 ates in waters of the United States after oper-
9 ating beyond the exclusive economic zone to—

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

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

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

1 water exchange in preventing and control-
2 ling infestations of aquatic nuisance spe-
3 cies;

4 “(E) direct vessels to carry out manage-
5 ment practices that the Secretary determines to
6 be necessary to reduce the probability of unin-
7 tentional nonindigenous species transfer result-
8 ing from vessel operations other than ballast
9 water discharge;

10 “(F) in order to enable the Secretary to
11 determine compliance with the regulations, pro-
12 vide for the keeping of records that shall be
13 submitted to the Secretary as prescribed by the
14 regulations, and that shall be maintained on
15 board each vessel and made available for in-
16 spection upon request of the Secretary and in
17 a manner consistent with subsections (c) and
18 (d), including—

19 “(i) with respect to each ballast water
20 exchange referred to in subparagraph
21 (D)(ii), reporting on the precise location
22 and thoroughness of the exchange; and

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

1 rate of effective compliance with the regu-
2 lations;

3 “(G) provide for sampling procedures to
4 monitor compliance with the regulations;

5 “(H) take into consideration—

6 “(i) vessel types;

7 “(ii) variations in the characteristics
8 of points of origin and receiving water bod-
9 ies;

10 “(iii) variations in the ecological con-
11 ditions of waters and coastal areas of the
12 United States; and

13 “(iv) different operating conditions;

14 “(I) be based on the best scientific infor-
15 mation available;

16 “(J) not require a vessel to deviate from
17 its intended voyage or cause undue delay to the
18 operation of a vessel to which the regulations
19 apply;

20 “(K) provide an exemption from ballast
21 water exchange requirements to passenger ves-
22 sels with operating ballast water systems that
23 are equipped with treatment systems designed
24 to kill aquatic organisms in ballast water, un-
25 less the Secretary determines that such treat-

1 ment systems are less effective than ballast
2 water exchange at reducing the risk of transfers
3 of invasive species in the ballast water of pas-
4 senger vessels;

5 “(L) not apply to crude oil tankers en-
6 gaged in the coastwise trade; and

7 “(M) not apply to a vessel that carries all
8 of its ballast water in permanently sealed tanks
9 in such a manner that the ballast water is not
10 subject to discharge.

11 “(3) EDUCATION AND TECHNICAL ASSISTANCE
12 PROGRAMS.—The Secretary shall carry out edu-
13 cation and technical assistance programs and other
14 measures to encourage compliance with the regula-
15 tions issued under this subsection.

16 “(b) BALLAST WATER MANAGEMENT.—

17 “(1) NATIONAL BALLAST WATER DISCHARGE
18 STANDARDS.—The Secretary shall issue regulations
19 to establish national ballast water discharge stand-
20 ards that limit the number of living organisms con-
21 tained in ballast water discharged from vessels into
22 waters of the United States.

23 “(2) REQUIREMENTS UNDER STANDARDS.—The
24 standards established under paragraph (1) shall re-

1 quire that ballast water discharged from covered ves-
2 sels—

3 “(A) contain fewer than 0.1 living orga-
4 nisms greater than or equal to 50 microns in
5 minimum dimension per cubic meter of dis-
6 charged ballast water;

7 “(B) contain fewer than 0.1 living orga-
8 nisms that are less than 50 microns in min-
9 imum dimension and more than 10 microns in
10 minimum dimension per milliliter of discharged
11 ballast water;

12 “(C) contain concentrations of—

13 “(i) fewer than 1 colony-forming unit
14 of toxicogenic *Vibrio cholera* (serotypes O1
15 and O139) per 100 milliliters of discharged
16 ballast water or fewer than 1 colony-form-
17 ing unit of that microbe per gram of wet
18 weight of zoological samples;

19 “(ii) fewer than 126 colony-forming
20 units of *Escherichia coli* per 100 milliliters
21 of discharged ballast water; and

22 “(iii) fewer than 33 colony-forming
23 units of intestinal enterococci per 100 mil-
24 liliters of discharged ballast water; and

1 “(D) contain concentrations of such addi-
2 tional indicator microbes as may be specified in
3 regulations promulgated by the Secretary that
4 are less than the amount specified in those reg-
5 ulations.

6 “(3) APPLICABILITY OF STANDARDS.—The reg-
7 ulations issued under this subsection shall—

8 “(A) apply to all vessels equipped with bal-
9 last water tanks that enter the waters of the
10 United States after operating beyond the exclu-
11 sive economic zone; and

12 “(B) require that a vessel to which ballast
13 water discharge standards established under
14 this subsection apply comply with such stand-
15 ards, in lieu of requirements under subsection
16 (a)—

17 “(i) in the case of a vessel constructed
18 on or after January 1, 2009, with a ballast
19 water capacity less than 5,000 cubic me-
20 ters, upon completion of such construction;

21 “(ii) in the case of a vessel con-
22 structed on or after January 1, 2012, with
23 a ballast water capacity equal to or greater
24 than 5,000 cubic meters, by not later than
25 upon completion of such construction;

1 “(iii) in the case of a vessel con-
2 structed before January 1, 2009, with a
3 ballast water capacity of 1,500 cubic me-
4 ters of more but not more than 5,000
5 cubic meters, by not later than the earlier
6 of—

7 “(I) January 1, 2014; or

8 “(II) the end of the first
9 drydocking of the vessel after January
10 1, 2009;

11 “(iv) in the case of a vessel con-
12 structed before January 1, 2009, with a
13 ballast water capacity less than 1,500
14 cubic meters or equal to or greater than
15 5,000, cubic meters by not later than the
16 earlier of—

17 “(I) January 1, 2016; or

18 “(II) the end of the first
19 drydocking of the vessel after January
20 1, 2012; or

21 “(v) in the case of a vessel con-
22 structed on or after January 1, 2009, and
23 before January 1, 2012, with a ballast
24 water capacity greater than 5,000 cubic
25 meters, by not later than January 1, 2016.

1 “(4) LIMITATION.—Paragraph (3)(A) does not
2 include a vessel that enters the waters of the United
3 States while engaged in the coastwise trade.

4 “(5) RECEPTION FACILITY EXCEPTION.—

5 “(A) IN GENERAL.—Regulations issued
6 under paragraph (1) shall not apply to ballast
7 water that is discharged from a vessel into a
8 water-based or land-based facility for the recep-
9 tion and disposal or treatment of ballast water
10 that meets standards prescribed by the Sec-
11 retary.

12 “(B) PROMULGATION OF STANDARDS.—
13 Within 1 year after the date of the enactment
14 of the Ballast Water Management Act of 2007,
15 the Secretary shall promulgate standards for—

16 “(i) the reception of ballast water at
17 land-based and water-based reception fa-
18 cilities; and

19 “(ii) the disposal or treatment of such
20 ballast water in a way that does not impair
21 or damage the environment, human health,
22 property, or resources.

23 “(6) REVIEW OF ALTERNATIVE BALLAST
24 WATER MANAGEMENT METHODS.—

1 “(A) REQUIREMENT TO REVIEW.—The
2 Secretary shall periodically review the effective-
3 ness, cost, safety, and availability of—

4 “(i) alternative ballast water manage-
5 ment methods evaluated or demonstrated
6 under the programs established under sec-
7 tion 1104; and

8 “(ii) other alternative ballast water
9 management methods submitted to the
10 Secretary that have been demonstrated on-
11 board vessels and for which there has been
12 a scientific peer review, as determined by
13 the Secretary, of the results of the dem-
14 onstration.

15 “(B) DEADLINES.—The Secretary shall—

16 “(i) complete an initial review of alter-
17 native ballast water management methods
18 under subparagraph (A) within 24 months
19 after the date of the enactment of the Bal-
20 last Water Management Act of 2007; and

21 “(ii) carry out subsequent reviews of
22 alternative ballast water management
23 methods under subparagraph (A) no later
24 than 24 months after the date that the
25 previous review was completed.

1 “(7) DETERMINATION OF AVAILABLE BALLAST
2 WATER MANAGEMENT METHODS.—

3 “(A) IN GENERAL.—Upon completion of
4 each review under paragraph (6), the Secretary
5 shall determine whether one or more alternative
6 ballast water management methods are avail-
7 able to achieve the national ballast water dis-
8 charge standards established under this sub-
9 section consistent with the implementation
10 schedule set forth in paragraph (3)(B). In mak-
11 ing such determination, the Secretary shall con-
12 sider whether the methods are—

13 “(i) cost-effective;

14 “(ii) environmentally sound;

15 “(iii) operationally practical;

16 “(iv) able to be retrofitted on existing
17 vessels or incorporated on new vessels (or
18 both);

19 “(v) safe for the vessel and crew;

20 “(vi) accessible to monitoring; and

21 “(vii) economically achievable.

22 “(B) DISTINCTION AMONG VESSELS.—In
23 making a determination under this paragraph,
24 the Secretary may distinguish among age or

1 ballast water capacity of vessels to which the
2 determination applies.

3 “(C) DELAY IN SCHEDULED APPLICA-
4 TION.—If the Secretary determines under sub-
5 paragraph (A) that compliance with the stand-
6 ards set forth under this subsection in accord-
7 ance with the implementation schedule set forth
8 in paragraph (3)(B) is not feasible for any class
9 of vessels, the Secretary shall—

10 “(i) delay the date on which such
11 standards apply to that class of vessels for
12 a period of not more than 24 months; and

13 “(ii) recommend action to ensure such
14 compliance in accordance with the revised
15 implementation schedule for that class of
16 vessels by the date established under
17 clause (ii).

18 “(D) ACCELERATION OF SCHEDULED AP-
19 PPLICATION.—If the Secretary determines, fol-
20 lowing a review under paragraph (6), that alter-
21 native ballast water management methods are
22 available for a class of vessels to achieve the na-
23 tional ballast water discharge standards estab-
24 lished under this subsection before the dates es-
25 tablished in the implementation schedule set

1 forth in paragraph (3)(B), the Secretary may,
2 for such class of vessels, accelerate the imple-
3 mentation of ballast water management regula-
4 tions under this subsection. If the Secretary ac-
5 celerates the implementation schedule under
6 this subparagraph, the Secretary shall provide
7 notice in the Federal Register not less than 24
8 months before the date on which such acceler-
9 ated implementation schedule goes into effect.

10 “(8) REVIEW OF STANDARDS.—The Secretary
11 shall from time to time review and may, if appro-
12 priate, revise standards established under this sub-
13 section following notice and the opportunity for sub-
14 mission of comments.

15 “(9) EXISTING EQUIPMENT.—Any covered ves-
16 sel that has installed an alternative ballast water
17 management method onboard that meets standards
18 established under this section, as in effect at the
19 time of such installation, shall not be subject to any
20 different ballast water management standard under
21 this subsection until the earlier of—

22 “(A) the end of the useful life of the ves-
23 sel; or

1 “(B) the end of the useful life of the in-
2 stalled alternative ballast water management
3 method equipment.

4 “(10) CONTENT OF REGULATIONS.—Regula-
5 tions promulgated under this section shall—

6 “(A) require covered vessels to carry out
7 management practices that the Secretary deter-
8 mines to be necessary to reduce the probability
9 of unintentional nonindigenous species transfer
10 resulting from vessel operations other than bal-
11 last water discharge;

12 “(B) provide for appropriate means, as de-
13 termined by the Secretary, for determining
14 compliance with any standard established under
15 this subsection;

16 “(C) in order to enable the Secretary to
17 determine compliance with the regulations, pro-
18 vide for the keeping of records that shall be
19 submitted to the Secretary, as prescribed by the
20 regulations, and that shall be maintained on
21 board each vessel and made available for in-
22 spection, upon request of the Secretary and in
23 a manner consistent with subsections (c) and
24 (d) of this section, including any information
25 that the Secretary considers necessary to assess

1 the rate of effective compliance with the regula-
2 tions;

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

5 “(E) take into consideration—

6 “(i) vessel age; and

7 “(ii) vessel ballast water capacity; and

8 “(F) be based on the best scientific infor-
9 mation, as determined by the Secretary.

10 “(11) DEFINITION.—For purposes of this sub-
11 section, the term ‘covered vessel’ means any vessel to
12 which standards established under this subsection
13 apply under paragraph (3).

14 “(c) VESSEL BALLAST WATER MANAGEMENT
15 PLAN.—

16 “(1) IN GENERAL.—The operator of a vessel
17 that is equipped with ballast water tanks and that
18 enters the waters of the United States after oper-
19 ating beyond the exclusive economic zone shall con-
20 duct all ballast water management operations of that
21 vessel in accordance with a ballast water manage-
22 ment plan designed to minimize the discharge of
23 aquatic nuisance species that—

24 “(A) meets the requirements prescribed by
25 the Secretary by regulation; and

1 “(B) is approved by the Secretary.

2 “(2) APPROVAL CRITERIA.—

3 “(A) IN GENERAL.—The Secretary may
4 not approve a ballast water management plan
5 unless the Secretary determines that the plan—

6 “(i) describes in detail the actions to
7 be taken to implement the ballast water
8 management requirements established
9 under this section;

10 “(ii) describes in detail the procedures
11 to be used for disposal of sediment at sea
12 and on shore in accordance with the re-
13 quirements of this section;

14 “(iii) describes in detail safety proce-
15 dures for the vessel and crew associated
16 with ballast water management;

17 “(iv) designates the officer on board
18 the vessel in charge of ensuring that the
19 plan is properly implemented;

20 “(v) contains the reporting require-
21 ments for vessels established under this
22 section and a copy of each form necessary
23 to meet those requirements; and

24 “(vi) meets all other requirements
25 prescribed by the Secretary.

1 “(B) FOREIGN VESSELS.—The Secretary
2 may approve a ballast water management plan
3 for a foreign vessel (as defined in section
4 110(12) of title 46, United States Code) on the
5 basis of a certificate of compliance with the cri-
6 teria described in subparagraph (A) issued by
7 the vessel’s country of registration in accord-
8 ance with regulations promulgated by the Sec-
9 retary.

10 “(3) COPY OF PLAN ON BOARD VESSEL.—A
11 copy of the vessel ballast water management plan
12 shall—

13 “(A) be maintained on board at all times;
14 and

15 “(B) be made readily available for inspec-
16 tion, upon request by the Secretary.

17 “(d) VESSEL BALLAST WATER RECORD BOOK.—

18 “(1) IN GENERAL.—The operator of a vessel
19 that is equipped with ballast water tanks and that
20 enters the waters of the United States after oper-
21 ating beyond the exclusive economic zone shall main-
22 tain a ballast water record book in English on board
23 the vessel in which—

24 “(A) each operation involving ballast water
25 or sediment discharge is fully recorded without

1 delay, in accordance with regulations promul-
2 gated by the Secretary;

3 “(B) each such operation is described in
4 detail, including the location and circumstances
5 of, and the reason for, the operation; and

6 “(C) the exact nature and circumstances of
7 any situation under which any operation was
8 conducted under an exception set forth in sub-
9 section (k) is described.

10 “(2) AVAILABILITY.—The ballast water record
11 book—

12 “(A) shall be made readily available for in-
13 spection, upon request by the Secretary; and

14 “(B) notwithstanding paragraph (1), may
15 be kept on the towing vessel in the case of an
16 unmanned vessel under tow.

17 “(3) RETENTION PERIOD.—The ballast water
18 record book shall be retained—

19 “(A) on board the vessel for a period of 2
20 years after the date on which the last entry in
21 the book is made; and

22 “(B) under the control of the vessel’s
23 owner for an additional period of 3 years.

1 “(4) REGULATIONS.—The Secretary shall issue
2 regulations to carry out this subsection that shall re-
3 quire, at a minimum, that—

4 “(A) each entry in the ballast water record
5 book be signed and dated by the officer in
6 charge of the ballast water operation recorded;

7 “(B) each completed page in the ballast
8 water record book be signed and dated by the
9 master of the vessel; and

10 “(C) the owner or operator of the vessel
11 transmit such information to the Secretary re-
12 garding the ballast operations of the vessel as
13 the Secretary may require.

14 “(5) ALTERNATIVE MEANS OF RECORD-
15 KEEPING.—The Secretary shall provide by regula-
16 tion for alternative methods of recordkeeping, in-
17 cluding electronic recordkeeping, to comply with the
18 requirements of this subsection.

19 “(e) SEDIMENT MANAGEMENT.—

20 “(1) IN GENERAL.—The operator of a vessel
21 that is equipped with ballast water tanks and that
22 enters the waters of the United States after oper-
23 ating beyond the exclusive economic zone may not
24 remove or dispose of sediment from spaces designed
25 to carry ballast water except—

1 “(A) in accordance with this subsection
2 and the ballast water management plan re-
3 quired under subsection (c); and

4 “(B) more than 200 nautical miles from
5 the nearest point of land or into a reception fa-
6 cility that meets the requirements of paragraph
7 (3).

8 “(2) DESIGN REQUIREMENTS.—

9 “(A) NEW VESSELS.—After December 31,
10 2008, it shall be unlawful to construct a vessel
11 in the United States that is equipped with bal-
12 last water tanks unless that vessel is designed
13 and constructed, in accordance with regulations
14 prescribed under subparagraph (C), in a man-
15 ner that—

16 “(i) minimizes the uptake and entrap-
17 ment of sediment in such tanks;

18 “(ii) facilitates removal of sediment
19 from such tanks; and

20 “(iii) provides for safe access for sedi-
21 ment removal and sampling.

22 “(B) EXISTING VESSELS.—Every vessel
23 that is equipped with ballast water tanks and
24 that enters the waters of the United States
25 after operating beyond the exclusive economic

1 zone that was constructed before January 1,
2 2009, shall be modified before January 1, 2009,
3 to the extent determined by the Secretary to be
4 practicable and in accordance with regulations
5 under subparagraph (C), to achieve the objec-
6 tives described in clauses (i), (ii), and (iii) of
7 subparagraph (A).

8 “(C) REGULATIONS.—The Secretary shall
9 promulgate regulations establishing design and
10 construction standards to achieve the objectives
11 of subparagraph (A) and providing guidance for
12 modifications under subparagraph (B). The
13 Secretary shall incorporate the standards and
14 guidance in the regulations governing the bal-
15 last water management plan.

16 “(3) SEDIMENT RECEPTION FACILITIES.—

17 “(A) STANDARDS.—The Secretary, in con-
18 sultation with the Administrator of the Envi-
19 ronmental Protection Agency, shall promulgate
20 regulations governing facilities for the reception
21 of vessel sediment from ballast water tanks,
22 that provide for the disposal of such sediment
23 in a way that does not impair or damage the
24 environment, human health, or property or re-
25 sources of the disposal area.

1 “(B) DESIGNATION.—The Secretary, in
2 consultation with the Administrator of the En-
3 vironmental Protection Agency, shall designate
4 facilities for the reception of vessel sediment
5 that meet the requirements of the regulations
6 promulgated under subparagraph (A) at ports
7 and terminals where ballast water tanks are
8 cleaned or repaired.

9 “(f) SANCTIONS.—

10 “(1) CIVIL PENALTIES.—Any person who vio-
11 lates a regulation promulgated under this section
12 shall be liable for a civil penalty in an amount not
13 to exceed \$25,000. Each day of a continuing viola-
14 tion constitutes a separate violation. A vessel oper-
15 ated in violation of the regulations is liable in rem
16 for any civil penalty assessed under this subsection
17 for that violation.

18 “(2) CRIMINAL PENALTIES.—Any person who
19 knowingly violates the regulations promulgated
20 under this section is guilty of a class C felony.

21 “(3) REFUSAL OR REVOCATION OF CLEAR-
22 ANCE.—Except as provided in subsection (g), upon
23 request of the Secretary, the Secretary of the Treas-
24 ury shall withhold or revoke the clearance of a vessel
25 required by section 60105 of title 46, United States

1 Code, if the owner or operator of that vessel is in
2 violation of the regulations issued under this section.

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

6 “(A) the master of a vessel, acting in good
7 faith, decides that the exchange of ballast water
8 will threaten the safety or stability of the vessel,
9 its crew, or its passengers; and

10 “(B) the recordkeeping and reporting re-
11 quirements of this chapter are complied with.

12 “(g) DETENTION OF VESSELS.—

13 “(1) IN GENERAL.—If any owner, agent, mas-
14 ter, officer, or person in charge of a vessel is liable
15 for a penalty under this subsection, or if reasonable
16 cause exists to believe that the owner, agent, master,
17 officer, or person in charge may be subject to a pen-
18 alty under this subsection, the Secretary may, with
19 respect to such vessel, refuse or revoke any clearance
20 required by section 60105 of title 46, United States
21 Code.

22 “(2) CLEARANCE UPON FILING OF BOND OR
23 OTHER SURETY.—The Secretary may require the fil-
24 ing of a bond or other surety as a condition of

1 granting clearance refused or revoked under this
2 subsection.”.

3 (b) CONFORMING AMENDMENTS.—

4 (1) Section 1101(i) (16 U.S.C. 4711(i)) is
5 amended by striking “guidelines issued and”.

6 (2) Section 1101(k) (16 U.S.C. 4711(k)) is
7 amended—

8 (A) in paragraph (1)—

9 (i) by striking “(1) MASTER DISCRE-
10 TION.—”; and

11 (ii) by inserting “required under this
12 section” after “ballast water exchange”;

13 and

14 (B) by striking paragraphs (2) and (3).

15 **SEC. 5. NATIONAL BALLAST WATER MANAGEMENT INFOR-**
16 **MATION.**

17 Section 1102 (16 U.S.C. 4712) is amended—

18 (1) by adding at the end the following:

19 “(g) ALTERNATIVE SHIP PATHWAY SURVEY.—

20 “(1) IN GENERAL.—The Secretary, in consulta-
21 tion with the Under Secretary, shall examine poten-
22 tial ship pathways, other than the release of ballast
23 water, by which aquatic nuisance species may be in-
24 troduced into the waters of the United States.

1 “(2) REPORT.—Not later than 18 months after
2 the date of enactment of the Ballast Water Manage-
3 ment Act of 2007, the Secretary shall submit to the
4 Committee on Transportation and Infrastructure of
5 the House of Representatives and the Committee on
6 Commerce, Science, and Transportation of the Sen-
7 ate a report on the results of the survey under this
8 subsection.

9 “(h) BALLAST WATER SURVEYS.—

10 “(1) IN GENERAL.—The Secretary, in consulta-
11 tion with the Under Secretary, shall conduct the fol-
12 lowing ballast water surveys:

13 “(A) A survey of the number of living or-
14 ganisms in untreated ballast water of a rep-
15 resentative number of vessels, as determined by
16 the Secretary.

17 “(B) A survey of the number of living or-
18 ganisms in the ballast water of a representative
19 number of vessels, as determined by the Sec-
20 retary, that has been exchanged on the high
21 seas.

22 “(C) Surveys of the number of living orga-
23 nisms in the ballast water of vessels that have
24 installed alternative ballast water management

1 methods under the evaluation program estab-
2 lished under section 1104.

3 “(2) REPORTS.—The Secretary shall submit to
4 the Committee on Transportation and Infrastructure
5 of the House of Representatives and the Committee
6 on Commerce, Science, and Transportation of the
7 Senate—

8 “(A) a report on the results of the surveys
9 under subparagraphs (A) and (B) of paragraph
10 (1) by not later than 18 months after the date
11 of the enactment of the Ballast Water Manage-
12 ment Act of 2007; and

13 “(B) a report on the results of the surveys
14 required under subparagraph (C) of paragraph
15 (1) upon completion of each demonstration con-
16 cerned.”;

17 (2) in subsection (b)(1)(B)(ii) by striking
18 “guidelines issued and”;

19 (3) in subsection (b)(2)(B)(ii) by striking “vol-
20 untary guidelines issued, and”;

21 (4) in subsection (c)(1) by striking “section
22 1101(b)” and inserting “section 1101(a)”;

23 (5) in subsection (f)(1)(B) by striking “guide-
24 lines issued pursuant to section 1101(c)” and insert-
25 ing “regulations issued pursuant to section 1101”.

1 **SEC. 6. BALLAST WATER MANAGEMENT EVALUATION AND**
2 **DEMONSTRATION PROGRAM.**

3 Section 1104 (16 U.S.C. 4714) is amended—

4 (1) by striking the section heading and insert-
5 ing the following:

6 **“SEC. 1104. ALTERNATIVE BALLAST WATER MANAGEMENT**
7 **METHOD EVALUATION AND DEMONSTRATION**
8 **PROGRAMS.”;**

9 (2) by striking subsection (a);

10 (3) by redesignating subsection (b) as sub-
11 section (a);

12 (4) by redesignating subsection (c) as sub-
13 section (d);

14 (5) in subsection (a), as so redesignated—

15 (A) by striking so much as precedes para-
16 graph (2) and inserting the following:

17 **“(a) SHIPBOARD TECHNOLOGY EVALUATION PRO-**
18 **GRAM.—**

19 **“(1) IN GENERAL.—**The Secretary shall estab-
20 lish a Shipboard Technology Evaluation Program to
21 evaluate alternative ballast water management meth-
22 ods aboard vessels to prevent aquatic nuisance spe-
23 cies from being introduced into and spread through
24 discharges of ballast water in waters of the United
25 States.”; and

1 (B) in paragraph (2) by striking “of the
2 technologies and practices used in the dem-
3 onstration program” and inserting “of alter-
4 native ballast water management methods used
5 in the program”;

6 (6) in subsection (a)(3), as so redesignated, by
7 striking “technologies and practices” and all that
8 follows through “shall—” and inserting “alternative
9 ballast water management methods on vessels under
10 this subsection, the Secretary shall—”;

11 (7) in subsection (a)(3)(A), as so redesignated,
12 by striking clause (i) and redesignating clauses (ii)
13 and (iii) in order as clauses (i) and (ii);

14 (8) by amending subsection (a)(3)(A)(i), as so
15 redesignated, to read as follows:

16 “(i) have ballast water systems condu-
17 cive to testing aboard the vessel; and”;

18 (9) by amending subsection (a)(3)(C), as so re-
19 designating, to read as follows:

20 “(C) seek to use a variety of vessel types.”;

21 (10) by amending subsection (a)(4), as so re-
22 designating, to read as follows:

23 “(4) SELECTION OF ALTERNATIVE BALLAST
24 WATER MANAGEMENT METHODS.—In order for an
25 alternative ballast water management method to be

1 eligible to be installed on vessels for evaluation
2 under this section, such method must be, at a min-
3 imum—

4 “(A) determined by the Secretary to have
5 the demonstrated potential to reduce the num-
6 ber of organisms greater than or equal to 50
7 microns in minimum dimension in discharged
8 ballast water to fewer than 10 living organisms
9 per cubic meter of water;

10 “(B) cost-effective;

11 “(C) environmentally sound;

12 “(D) operationally practical;

13 “(E) able to be retrofitted on existing ves-
14 sels or incorporated in new vessel design (or
15 both);

16 “(F) safe for a vessel and crew; and

17 “(G) accessible to monitoring.”;

18 (11) in subsection (a), as so redesignated, by
19 adding at the end the following:

20 “(6) EXEMPTION FROM REGULATIONS.—Any
21 vessel that participates in the program under this
22 subsection shall be exempt from ballast water ex-
23 change requirements or applicable ballast water dis-
24 charge standards under section 1101 during—

1 “(A) the period during which the vessel ac-
2 tively participates in and successfully meets the
3 requirements of the program, as determined by
4 the Secretary; and

5 “(B) the period of the useful life of the
6 vessel or the useful life of the installed alter-
7 native ballast water management method,
8 whichever is shorter,

9 if the installed alternative ballast water management
10 method continues to operate satisfactorily, as deter-
11 mined by the Secretary, and the technology and pro-
12 cedures comprising the method have no significant
13 adverse effect on the environment or risk to the ves-
14 sel or human health.

15 “(7) AUTHORITY OF SECRETARY TO REVIEW
16 AND REVISE CRITERIA.—The Secretary may review
17 and revise the criteria described in paragraph (4)(A)
18 to require alternative ballast water management
19 methods to meet a more stringent ballast water dis-
20 charge standard, including standards promulgated
21 under section 1101(b)(2), before being eligible for
22 installation aboard vessels under the program.”;

23 (12) by inserting after subsection (a), as so re-
24 designated, the following:

1 “(b) SHIPBOARD TECHNOLOGY DEMONSTRATION
2 PROGRAM.—

3 “(1) IN GENERAL.—The Under Secretary, with
4 the concurrence of and in cooperation with the Sec-
5 retary, shall conduct a program to demonstrate al-
6 ternative ballast water management methods evalu-
7 ated aboard vessels under subsection (a) to prevent
8 aquatic nuisance species from being introduced into
9 and spread through ballast water in waters of the
10 United States.

11 “(2) LOCATION.—The installation and con-
12 struction of alternative ballast water management
13 methods used in the demonstration program under
14 this subsection shall be performed in the United
15 States.

16 “(3) VESSEL ELIGIBILITY.—Vessels eligible to
17 participate in the demonstration program under this
18 subsection shall consist only of vessels that have
19 been accepted into and are actively participating in
20 the Shipboard Technology Evaluation Program
21 under subsection (a).

22 “(4) GRANTS.—

23 “(A) IN GENERAL.—The Under Secretary
24 shall establish a grant program to provide fund-
25 ing for acquiring, installing, and operating al-

1 ternative ballast water management methods
2 aboard vessels participating in the program
3 under this subsection.

4 “(B) MATCHING REQUIREMENTS.—The
5 amount of Federal funds used for any dem-
6 onstration project under this subsection—

7 “(i) shall not exceed \$1,000,000; and

8 “(ii) shall not exceed 50 percent of
9 the total cost of such project.

10 “(c) ALTERNATIVE SHIP PATHWAY PROGRAM.—

11 “(1) IN GENERAL.—The Under Secretary, with
12 the concurrence of and in cooperation with the Sec-
13 retary, shall conduct a program to demonstrate and
14 verify technologies and practices to monitor and con-
15 trol the introduction of aquatic invasive species by
16 ship pathways other than the release of ballast
17 water.

18 “(2) SELECTION OF METHODS.—The Under
19 Secretary may not select technologies and practices
20 for demonstration or verification under paragraph
21 (1) unless such technologies and practices, in the de-
22 termination of the Under Secretary, in consultation
23 with the Secretary, meet the criteria outlined in sub-
24 paragraphs (B) through (G) of subsection (a)(4).

1 “(3) LOCATION.—The installation and con-
2 struction of technologies and practices for dem-
3 onstration and verification under this subsection
4 shall be performed in the United States.”; and

5 (13) in subsection (d), as so redesignated, by
6 striking “Secretary of the Interior” each place it ap-
7 pears and inserting “Secretary, in consultation with
8 the Under Secretary,”.

9 **SEC. 7. PROGRAM TO SUPPORT THE SETTING AND IMPLE-**
10 **MENTATION OF STANDARDS.**

11 Subtitle B of title I (16 U.S.C. 4711) is amended
12 by adding at the end the following:

13 **“SEC. 1105. PROGRAM TO SUPPORT THE SETTING AND IM-**
14 **PLEMENTATION OF STANDARDS.**

15 “(a) IN GENERAL.—The Secretary, in coordination
16 with the Under Secretary, the Task Force, and other ap-
17 propriate Federal agencies, shall carry out a coordinated
18 program to support the promulgation and implementation
19 of standards under section 1101 to prevent the introduc-
20 tion and spread of aquatic invasive species by vessels.

21 “(b) PROGRAM COMPONENTS.—The program under
22 this section shall, at a minimum—

23 “(1) characterize physical, chemical, and bio-
24 logical conditions at ballast water discharge locations
25 in waters of the United States, to inform the design

1 and implementation of vessel vector control tech-
2 nologies and practices;

3 “(2) develop testing protocols for determining
4 the effectiveness of vessel vector monitoring and con-
5 trol technologies and practices;

6 “(3) demonstrate methods for mitigating the
7 spread of invasive species by coastal voyages, includ-
8 ing exploring the effectiveness of alternative ex-
9 change zones in the near coastal areas and other
10 methods proposed to reduce transfers of organisms;

11 “(4) verify the practical effectiveness of any
12 process for approving a type of alternative ballast
13 water management method as meeting standards es-
14 tablished under section 1101, to ensure that the
15 process produces repeatable and accurate assess-
16 ments of treatment effectiveness; and

17 “(5) evaluate the effectiveness and residual risk
18 and environmental impacts associated with any
19 standard established with respect to ship path-
20 ways.”.

21 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

22 Subsection 1301(a) (16 U.S.C. 4741(a)) is amend-
23 ed—

24 (1) in the matter preceding paragraph (1) by
25 striking “develop and”; and

1 (2) by striking paragraphs (1) through (5) and
2 inserting the following:

3 “(1) \$4,660,000 to the Secretary for each of
4 the fiscal years 2008 through 2013 to carry out sec-
5 tion 1101;

6 “(2) \$500,000 to the Secretary for each of fis-
7 cal years 2008 through 2013 to carry out section
8 1102(f);

9 “(3) \$6,000,000 to the Under Secretary for
10 each of fiscal years 2008 through 2013 to carry out
11 paragraph (4) of section 1104(b);

12 “(4) \$1,500,000 to the Under Secretary for
13 each of fiscal years 2008 through 2013 to carry out
14 section 1104(c); and

15 “(5) for each of fiscal years 2008 through 2013
16 to carry out section 1105—

17 “(A) \$1,500,000 to the Secretary; and

18 “(B) \$1,500,000 to the Under Secretary.”.

○