

110TH CONGRESS  
1ST SESSION

# S. 791

To establish a collaborative program to protect the Great Lakes, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

MARCH 7, 2007

Mr. LEVIN (for himself, Mr. VOINOVICH, Ms. STABENOW, Mr. SCHUMER, Mr. COLEMAN, Mrs. CLINTON, and Mr. OBAMA) 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 establish a collaborative program to protect the Great Lakes, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Great Lakes Collaboration Implementation Act of 2007”.

6 (b) TABLE OF CONTENTS.—The table of contents of  
7 this Act is as follows:

Sec. 1. Short title; table of contents.  
Sec. 2. Findings.  
Sec. 3. Definitions.

TITLE I—INVASIVE SPECIES

Subtitle A—Aquatic Invasive Species

PART I—GENERAL PROVISIONS

- Sec. 101. Short title.
- Sec. 102. Findings.
- Sec. 103. Definitions.

PART II—PREVENTION OF INTRODUCTION OF AQUATIC INVASIVE SPECIES  
INTO WATERS OF THE UNITED STATES BY VESSELS

- Sec. 111. Prevention of introduction of aquatic invasive species into waters of the United States by vessels.
- Sec. 112. Armed Services Whole Vessel Management Program.

PART III—PREVENTION OF INTRODUCTION OF AQUATIC INVASIVE SPECIES  
BY OTHER PATHWAYS

- Sec. 121. Priority Pathway Management Program.
- Sec. 122. Screening process for planned importations of live aquatic organisms.

PART IV—EARLY DETECTION; RAPID RESPONSE; CONTROL AND OUTREACH

- Sec. 131. Early detection.
- Sec. 132. Rapid response.
- Sec. 133. Environmental soundness.
- Sec. 134. Information, education, and outreach.

PART V—AQUATIC INVASIVE SPECIES RESEARCH

- Sec. 141. Ecological, pathway, and experimental research.
- Sec. 142. Analysis.
- Sec. 143. Vessel pathway standards research.
- Sec. 144. Graduate education in systematics and taxonomy.

PART VI—COORDINATION

- Sec. 151. Program coordination.
- Sec. 152. International coordination.

PART VII—AUTHORIZATION OF APPROPRIATIONS

- Sec. 155. Authorization of appropriations.

PART VIII—CONFORMING AMENDMENTS

- Sec. 161. Conforming amendments.

Subtitle B—Asian Carp Prevention and Control

- Sec. 171. Addition of species of carp to the list of injurious species that are prohibited from being imported or shipped.
- Sec. 172. Dispersal barriers.

Subtitle C—National Invasive Species Council

- Sec. 181. Definitions.
- Sec. 182. Limitation on Federal actions.
- Sec. 183. National Invasive Species Council.
- Sec. 184. Duties.

- Sec. 185. National Invasive Species Management Plan.
- Sec. 186. Invasive Species Advisory Committee.
- Sec. 187. Budget analysis and summary.
- Sec. 188. Existing executive order.
- Sec. 189. Authorization of appropriations.

#### TITLE II—COASTAL HEALTH

- Sec. 201. Technical assistance.
- Sec. 202. Sewer overflow control grants.
- Sec. 203. Water pollution control revolving loan funds.
- Sec. 204. Allotment of funds.
- Sec. 205. Authorization of appropriations.

#### TITLE III—AREAS OF CONCERN

- Sec. 301. Great Lakes.

#### TITLE IV—TOXIC SUBSTANCES

- Sec. 401. Mercury reduction grants.

#### TITLE V—INDICATORS AND INFORMATION

##### Subtitle A—Research Program

- Sec. 501. Research reauthorizations.
- Sec. 502. Great Lakes Science Center.
- Sec. 503. Center for Sponsor Coastal Ocean Research.
- Sec. 504. Great Lakes Environmental Research Laboratory.

##### Subtitle B—Ocean and Coastal Observation System

- Sec. 511. Definitions.
- Sec. 512. Integrated ocean and coastal observing system.
- Sec. 513. Research, development, and education.
- Sec. 514. Interagency financing.
- Sec. 515. Application with Outer Continental Shelf Lands Act.
- Sec. 516. Authorization of appropriations.
- Sec. 517. Reporting requirement.

##### Subtitle C—Great Lakes Water Quality Indicators and Monitoring

- Sec. 521. Great Lakes water quality indicators and monitoring.

#### TITLE VI—SUSTAINABLE DEVELOPMENT

- Sec. 601. Waterfront restoration and remediation projects.
- Sec. 602. Authority of Secretary to restore and remediate waterfront and related areas.
- Sec. 603. Authorization of appropriations.

#### TITLE VII—COORDINATION AND OVERSIGHT

- Sec. 701. Definitions.
- Sec. 702. Great Lakes Interagency Task Force.
- Sec. 703. Executive Committee.
- Sec. 704. Great Lakes Regional Collaboration.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) the Great Lakes, containing approximately  
4 20 percent of the Earth's fresh surface water, are a  
5 treasure of global significance;

6 (2) the Great Lakes provide drinking water for  
7 millions of people, facilitate commerce, and provide  
8 recreational opportunities for people from across the  
9 United States and around the world;

10 (3) renewed efforts and investments are critical  
11 to aid in meeting the goals and objectives of the  
12 Great Lakes Water Quality Agreement between the  
13 United States and Canada;

14 (4) in a report issued in December 2005, a  
15 group of leading scientists from top institutions in  
16 the Great Lakes area found that—

17 (A) the Great Lakes are on the brink of an  
18 ecologic catastrophe;

19 (B) the primary stressors straining the  
20 health of the Great Lakes are—

21 (i) toxic chemicals;

22 (ii) overloading of human waste and  
23 urban and agricultural runoff;

24 (iii) physical changes to the shorelines  
25 and wetlands;

26 (iv) invasive plant and animal species;

1 (v) changes in water patterns; and

2 (vi) overfishing;

3 (C) the deterioration of the Great Lakes  
4 ecosystem is accelerating dramatically; and

5 (D) if the pattern of deterioration is not  
6 reversed immediately, the damage could be ir-  
7 reparable;

8 (5) as a result of the stressors described in  
9 paragraph (4)(B)—

10 (A) over 1,800 beaches were closed in  
11 2003;

12 (B) Lake Erie has developed a 6,300  
13 square mile dead zone that forms every sum-  
14 mer;

15 (C) zebra mussels, an aquatic invasive spe-  
16 cies, cause \$500,000,000 per year in economic  
17 and environmental damage in the Great Lakes;

18 (D) there is no appreciable natural repro-  
19 duction of lake trout in the lower 4 Great  
20 Lakes; and

21 (E) wildlife habitats have been destroyed,  
22 which has diminished fishing, hunting, and  
23 other outdoor recreation opportunities in the  
24 Great Lakes;

1           (6) because of the patchwork approach to fixing  
2 the problems facing the Great Lakes, the problems  
3 have not only persisted in, but have also gotten  
4 worse in some areas of, the Great Lakes;

5           (7) rather than dealing with 1 problem or loca-  
6 tion of the Great Lakes at a time, a comprehensive  
7 restoration of the system is needed to prevent the  
8 Great Lakes from collapsing;

9           (8) in December 2004, work began on the  
10 Great Lakes Regional Collaboration, a unique part-  
11 nership that was—

12                   (A) formed for the purpose of developing a  
13 strategic action plan for Great Lakes restora-  
14 tion; and

15                   (B) composed of—

16                           (i) key members from the Federal  
17 Government, State and local governments,  
18 and Indian tribes; and

19                           (ii) other stakeholders;

20           (9) over 1,500 people throughout the Great  
21 Lakes region participated in this collaborative proc-  
22 ess, with participants working on 1 or more of the  
23 8 strategy teams that focused on different issues af-  
24 fecting the Great Lakes basin;

1           (10) the recommendations of the Great Lakes  
2           Regional Collaboration, which was released on De-  
3           cember 12, 2005, identify actions to address the  
4           issues affecting the Great Lake basin on the Fed-  
5           eral, State, local, and tribal level; and

6           (11) comprehensive restoration must be adapt-  
7           ive, and ongoing efforts will be required to contin-  
8           ually implement the recommendations of the Great  
9           Lakes Regional Collaboration as the recommenda-  
10          tions relate to buffers, river restoration, wetlands,  
11          emerging toxic pollutants, and other issues affecting  
12          the Great Lakes basin.

13 **SEC. 3. DEFINITIONS.**

14         In this Act:

15           (1) **ADMINISTERING AGENCIES.**—The term “ad-  
16           ministering agencies” means—

17                 (A) the National Oceanic and Atmospheric  
18                 Administration (including the Great Lakes En-  
19                 vironmental Research Laboratory);

20                 (B) the Smithsonian Institution (acting  
21                 through the Smithsonian Environmental Re-  
22                 search Center); and

23                 (C) the United States Geological Survey.

1           (2) ADMINISTRATOR.—The term “Adminis-  
2           trator” means the Administrator of the Environ-  
3           mental Protection Agency.

4           (3) AQUATIC ECOSYSTEM.—The term “aquatic  
5           ecosystem” means a freshwater, marine, or estuarine  
6           environment (including inland waters, riparian  
7           areas, and wetlands) located in the United States.

8           (4) BALLAST WATER.—The term “ballast  
9           water” means any water (with its suspended matter)  
10          used to maintain the trim and stability of a vessel.

11          (5) INVASION.—The term “invasion” means the  
12          introduction and establishment of an invasive species  
13          into an ecosystem beyond the historic range of the  
14          invasive species.

15          (6) INVASIVE SPECIES.—The term “invasive  
16          species” means a species—

17                (A) that is nonnative to the ecosystem  
18                under consideration; and

19                (B) whose introduction causes or may  
20                cause harm to the economy, the environment, or  
21                human health.

22          (7) INVASIVE SPECIES COUNCIL.—The term  
23          “Invasive Species Council” means the council estab-  
24          lished by section 3 of Executive Order No. 13112  
25          (42 U.S.C. 4321 note; relating to invasive species).



1           (8) **PATHWAY.**—The term “pathway” means 1  
2 or more routes by which an invasive species is trans-  
3 ferred from 1 ecosystem to another.

4           (9) **SPECIES.**—The term “species” means any  
5 fundamental category of taxonomic classification or  
6 any viable biological material ranking below a genus  
7 or subgenus.

8           (10) **TASK FORCE.**—The term “Task Force”  
9 means the Aquatic Nuisance Species Task Force es-  
10 tablished by section 1201(a) of the Nonindigenous  
11 Aquatic Nuisance Prevention and Control Act of  
12 1990 (16 U.S.C. 4721(a)).

13           (11) **TYPE APPROVAL.**—The term “type ap-  
14 proval” means an approval procedure under which a  
15 type of system is certified as meeting a standard es-  
16 tablished pursuant to Federal law (including a regu-  
17 lation) for a particular application.

## 18 **TITLE I—INVASIVE SPECIES**

### 19 **Subtitle A—Aquatic Invasive** 20 **Species**

#### 21 **PART I—GENERAL PROVISIONS**

##### 22 **SEC. 101. SHORT TITLE.**

23           This subtitle may be cited as the “National Aquatic  
24 Invasive Species Act of 2007”.

1 **SEC. 102. FINDINGS.**

2 Congress finds that—

3 (1) aquatic invasive species are second only to  
4 habitat destruction as a cause of permanent losses  
5 in biological diversity of aquatic ecosystems of the  
6 United States;

7 (2) aquatic invasive species continue to be in-  
8 troduced into waters of the United States at an un-  
9 acceptable rate;

10 (3) aquatic invasive species damage infrastruc-  
11 ture, disrupt commerce, out compete native species,  
12 reduce biodiversity, and threaten human health;

13 (4) the direct and indirect costs of aquatic  
14 invasive species to the economy of the United States  
15 amount to billions of dollars per year;

16 (5) in the Great Lakes region, approximately  
17 \$3,000,000,000 has been spent in the past 10 years  
18 to mitigate the damage caused by a single invasive  
19 species, the zebra mussel;

20 (6) wetlands suffer compound impacts from—

21 (A) aquatic infestations (such as Hydrilla);

22 and

23 (B) riparian infestations (such as Purple  
24 Loosestrife);

25 (7) prevention of aquatic invasive species is the  
26 most environmentally sound and cost-effective man-

1       agement approach because once established, aquatic  
2       invasive species are costly, and sometimes impossible  
3       to control;

4           (8) to be effective, the prevention, early detec-  
5       tion, and control of and rapid response to aquatic  
6       invasive species should be coordinated regionally, na-  
7       tionally, and internationally;

8           (9) pathway management is the most promising  
9       approach to reducing unplanned introductions of  
10      aquatic invasive species;

11          (10) consistent national screening criteria are  
12      needed to evaluate the potential risk of nonindige-  
13      nous aquatic species;

14          (11) States and regions have—

15           (A) unique vulnerabilities with respect to  
16      aquatic invasive species; and

17           (B) unique means for addressing aquatic  
18      invasive species;

19          (12) to accurately identify and manage high  
20      risk pathways, it is essential to carry out a com-  
21      prehensive research program that—

22           (A) monitors pathways and ecosystems to  
23      detect the establishment and spread of invasive  
24      species;

1 (B) develops and demonstrates effective  
 2 methods for the management and control of  
 3 invasive species; and

4 (C) monitors the success of efforts to pre-  
 5 vent and control invasive species; and

6 (13) it is in the interest of the United States  
 7 to—

8 (A) carry out a comprehensive and thor-  
 9 ough program to research, prevent, manage,  
 10 and control the introduction of aquatic species  
 11 that may become invasive; and

12 (B) to the maximum extent practicable, co-  
 13 ordinate the program described in subpara-  
 14 graph (A) with neighboring nations and other  
 15 programs being carried out globally.

16 **SEC. 1003. DEFINITIONS.**

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

20 **“SEC. 1003. DEFINITIONS.**

21 “In this Act:

22 “(1) ADMINISTRATOR.—The term ‘Adminis-  
 23 trator’ means the Administrator of the Environ-  
 24 mental Protection Agency.

1           “(2) AQUATIC ECOSYSTEM.—The term ‘aquatic  
2 ecosystem’ means a freshwater, marine, or estuarine  
3 environment (including inland waters and wetlands),  
4 located wholly in the United States.

5           “(3) AQUATIC ORGANISM.—

6           “(A) IN GENERAL.—The term ‘aquatic or-  
7 ganism’ means a living animal, plant, fungus,  
8 or microorganism inhabiting or reproducing in  
9 an aquatic ecosystem.

10          “(B) INCLUSIONS.—The term ‘aquatic or-  
11 ganism’ includes—

12           “(i) seeds;

13           “(ii) eggs;

14           “(iii) spores; and

15           “(iv) any other viable biological mate-  
16 rial.

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

20          “(5) BALLAST WATER.—

21          “(A) IN GENERAL.—The term ‘ballast  
22 water’ means—

23           “(i) any water (including matter sus-  
24 pended in the water) taken on board a ves-

1 sel to control trim, list, draught, stability,  
2 or stress of the vessel; and

3 “(ii) any water placed into a ballast  
4 tank during cleaning, maintenance, or any  
5 other operation.

6 “(B) EXCLUSION.—The term ‘ballast  
7 water’ does not include water that, at the time  
8 of discharge of the water—

9 “(i) does not contain any aquatic  
10 invasive species that was taken on board a  
11 vessel; and

12 “(ii) was used for a purpose described  
13 in subparagraph (A)(i).

14 “(6) BEST PERFORMING TREATMENT TECH-  
15 NOLOGY.—The term ‘best performing treatment  
16 technology’ means the ballast water treatment tech-  
17 nology that is, as determined by the Secretary—

18 “(A) the most biologically effective;

19 “(B) the most environmentally sound; and

20 “(C) suitable, available, and economically  
21 practicable.

22 “(7) COASTAL VOYAGE.—The term ‘coastal voy-  
23 age’ means a voyage conducted entirely within the  
24 exclusive economic zone.

1           “(8) DIRECTOR.—The term ‘Director’ means  
2 the Director of the United States Fish and Wildlife  
3 Service.

4           “(9) ENVIRONMENTALLY SOUND.—The term  
5 ‘environmentally sound’, refers to an activity that  
6 prevents or reduces introductions, or controls infes-  
7 tations, of aquatic invasive species in a manner that  
8 minimizes adverse effects on—

9                   “(A) the structure and function of an eco-  
10 system; and

11                   “(B) nontarget organisms and ecosystems.

12           “(10) EXCLUSIVE ECONOMIC ZONE.—The term  
13 ‘exclusive economic zone’ means the area comprised  
14 of—

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

18                   “(B) the equivalent zones of Canada and  
19 Mexico.

20           “(11) EXISTING VESSEL.—The term ‘existing  
21 vessel’ means any vessel that enters service on or be-  
22 fore December 31, 2009.

23           “(12) GREAT LAKES.—The term ‘Great Lakes’  
24 means—

25                   “(A) Lake Erie;

1           “(B) Lake Huron (including Lake Saint  
2 Clair);

3           “(C) Lake Michigan;

4           “(D) Lake Ontario;

5           “(E) Lake Superior;

6           “(F) the connecting channels of those  
7 Lakes, including—

8                 “(i) the Saint Mary’s River;

9                 “(ii) the Saint Clair River;

10                “(iii) the Detroit River;

11                “(iv) the Niagara River; and

12                “(v) the Saint Lawrence River to the  
13 Canadian border; and

14           “(G) any other body of water located with-  
15 in the drainage basin of a Lake, River, or con-  
16 necting channel described in any of subpara-  
17 graphs (A) through (F).

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

22           “(14) IN TRADE.—The term ‘in trade’, with re-  
23 spect to a species, means a species that has a docu-  
24 mented history of repeatedly being commercially im-  
25 ported into the United States during the period be-



1 ginning on January 1, 1990, and ending on January  
2 1, 2007.

3 “(15) INDIAN TRIBE.—The term ‘Indian tribe’  
4 has the meaning given the term in section 4 of the  
5 Indian Self-Determination and Education Assistance  
6 Act (25 U.S.C. 450b).

7 “(16) INTERBASIN WATERWAY.—The term  
8 ‘interbasin waterway’ means a waterway that con-  
9 nects 2 distinct water basins.

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

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

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

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

1           “(21) NEW VESSEL.—The term ‘new vessel’  
2 means any vessel that enters service on or after Jan-  
3 uary 1, 2010.

4           “(22) NONINDIGENOUS SPECIES.—The term  
5 ‘nonindigenous species’ means any species in an eco-  
6 system the range of which exceeds the historic range  
7 of the species in that ecosystem.

8           “(23) ORGANISM TRANSFER.—The term ‘orga-  
9 nism transfer’ means the movement of an organism  
10 of any species from 1 ecosystem to another eco-  
11 system outside the historic range of the species.

12           “(24) PATHWAY.—The term ‘pathway’ means 1  
13 or more vectors by which an invasive species is  
14 transferred from 1 ecosystem to another.

15           “(25) PLANNED IMPORTATION.—The term  
16 ‘planned importation’ means the purposeful move-  
17 ment of 1 or more nonindigenous organisms for use  
18 in the territorial limits of the United States.

19           “(26) REGIONAL PANEL.—The term ‘regional  
20 panel’ means a panel convened in accordance with  
21 section 1203.

22           “(27) SALTWATER FLUSHING.—The term ‘salt-  
23 water flushing’ means the process of—

1           “(A) adding midocean water to a ballast  
2           water tank that contains residual quantities of  
3           ballast water;

4           “(B) mixing the midocean water with the  
5           residual ballast water and sediment in the tank  
6           through the motion of a ship; and

7           “(C) discharging the mixed water so that  
8           the salinity of the resulting residual ballast  
9           water in the tank exceeds 30 parts per thou-  
10          sand.

11          “(28) SECRETARY.—The term ‘Secretary’  
12          means the Secretary of Homeland Security.

13          “(29) SPECIES.—The term ‘species’ means any  
14          fundamental category of taxonomic classification  
15          below the level of genus or subgenus, including a  
16          species, subspecies, or any recognized variety of ani-  
17          mal, plant, fungus, or microorganism.

18          “(30) TASK FORCE.—The term ‘Task Force’  
19          means the Aquatic Nuisance Species Task Force es-  
20          tablished by section 1201(a).

21          “(31) TREATMENT.—The term ‘treatment’  
22          means a mechanical, physical, chemical, biological,  
23          or other process or method of killing, removing, or  
24          rendering inviable organisms.

1           “(32) TYPE APPROVAL.—The term ‘type ap-  
2           proval’ means an approval procedure under which a  
3           type of system is initially certified as meeting a  
4           standard established by law (including a regulation)  
5           for a particular application if the system is operated  
6           correctly.

7           “(33) UNDER SECRETARY.—The term ‘Under  
8           Secretary’ means the Under Secretary of Commerce  
9           for Oceans and Atmosphere.

10           “(34) UNDESIRABLE IMPACT.—The term ‘unde-  
11           sirable impact’ means economic, human health, aes-  
12           thetic, or environmental degradation that is not nec-  
13           essary for, and is not clearly outweighed by, public  
14           health, environmental, or welfare benefits.

15           “(35) WATERS OF THE UNITED STATES.—

16                   “(A) IN GENERAL.—The term ‘waters of  
17                   the United States’ means the navigable waters  
18                   and territorial sea of the United States.

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

1 **PART II—PREVENTION OF INTRODUCTION OF**  
2 **AQUATIC INVASIVE SPECIES INTO WATERS**  
3 **OF THE UNITED STATES BY VESSELS**

4 **SEC. 111. PREVENTION OF INTRODUCTION OF AQUATIC**  
5 **INVASIVE SPECIES INTO WATERS OF THE**  
6 **UNITED STATES BY VESSELS.**

7 (a) IN GENERAL.—Section 1101 of the Nonindige-  
8 nous Aquatic Nuisance Prevention and Control Act of  
9 1990 (16 U.S.C. 4711) is amended to read as follows:

10 **“SEC. 1101. PREVENTION OF INTRODUCTION OF AQUATIC**  
11 **INVASIVE SPECIES INTO WATERS OF THE**  
12 **UNITED STATES BY VESSELS.**

13 **“(a) REQUIREMENTS FOR VESSELS OPERATING IN**  
14 **WATERS OF THE UNITED STATES.—**

15 **“(1) INVASIVE SPECIES MANAGEMENT PLAN.—**

16 **“(A) IN GENERAL.—**Effective beginning on  
17 the date that is 180 days after the issuance of  
18 guidelines pursuant to subparagraph (D) and  
19 promulgation of any regulations under this sec-  
20 tion, each vessel that is designed, constructed,  
21 or adapted with a ballast tank, and any towed  
22 vessel or structure, operating in waters of the  
23 United States shall have in effect, and have  
24 available for inspection, an aquatic invasive spe-  
25 cies management plan.

1           “(B) SPECIFICITY.—The management plan  
2 shall be specific to the vessel (or group of ves-  
3 sels with characteristics similar to that of the  
4 vessel, as determined by the Secretary).

5           “(C) REQUIREMENTS.—The management  
6 plan shall—

7                   “(i) prescribe a safe and effective  
8 means to minimize, with the goal of elimi-  
9 nation, introductions and transfers of  
10 invasive species; and

11                   “(ii) include, at a minimum, such in-  
12 formation as is requested by the Secretary  
13 pursuant to subparagraph (D), including—

14                           “(I) operational requirements to  
15 safely and effectively comply with the  
16 applicable ballast water management  
17 requirements under paragraph (4);

18                           “(II) operational requirements to  
19 safely and effectively carry out any  
20 actions consistent with a rapid re-  
21 sponse contingency strategy required  
22 by States and approved by the Sec-  
23 retary under section 1211;

24                           “(III) at the discretion of the  
25 Secretary, other operational require-

1           ments that are specified in guidelines  
2           adopted by the International Maritime  
3           Organization;

4                   “(IV) a description of all report-  
5           ing requirements and a copy of each  
6           form necessary to meet those require-  
7           ments;

8                   “(V) the position of the officer  
9           responsible for implementation of bal-  
10          last water management and reporting  
11          procedures on board;

12                   “(VI) documents relevant to  
13          aquatic invasive species management  
14          equipment or procedures;

15                   “(VII) a description of the loca-  
16          tion of access points for sampling bal-  
17          last or sediments pursuant to para-  
18          graph (3)(B)(vi);

19                   “(VIII) a description of require-  
20          ments relating to compliance with any  
21          approved rapid response strategy rel-  
22          evant to the voyage of the vessel;

23                   “(IX) a contingency strategy ap-  
24          plicable under section 1211, if appro-  
25          priate; and

1                   “(X) such requirements described  
2                   in subsection (b) as are applicable to  
3                   the vessel.

4                   “(D) GUIDELINES.—Not later than 18  
5                   months after the date of enactment of the Na-  
6                   tional Aquatic Invasive Species Act of 2007, the  
7                   Secretary shall issue final guidelines for the de-  
8                   velopment of invasive species management  
9                   plans, including guidelines that—

10                   “(i) identify types of vessels for which  
11                   plans are required;

12                   “(ii) establish processes for updating  
13                   and revising the plans; and

14                   “(iii) establish criteria for compliance  
15                   with this subsection.

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

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

20                   “(B) permit inspection of the records by  
21                   representatives of the Secretary and of the  
22                   State in which the port is located; and

23                   “(C) transmit records to the National Bal-  
24                   last Information Clearinghouse established  
25                   under section 1102(f).



1 “(3) BEST MANAGEMENT PRACTICES.—

2 “(A) IN GENERAL.—Not later than 18  
3 months after the date of enactment of the Na-  
4 tional Aquatic Invasive Species Act of 2007, the  
5 Secretary shall issue guidelines on best manage-  
6 ment practices to minimize, with the goal of  
7 elimination, and monitor organism transfer by  
8 vessels.

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

11 “(i) sediment management in trans-  
12 oceanic vessels;

13 “(ii) minimization of ballast water up-  
14 take in areas in which there is a greater  
15 risk of harmful organisms entering ballast  
16 tanks (such as areas with toxic algal  
17 blooms or known outbreaks of aquatic  
18 invasive species);

19 “(iii) avoidance of unnecessary dis-  
20 charge of ballast water in a port that was  
21 taken up in another port;

22 “(iv) to the maximum extent prac-  
23 ticable, collection and the proper disposal  
24 of debris from the cleaning of the hull;

1                   “(v) proper use of anti-fouling coat-  
2                   ing; and

3                   “(vi) provision of sample access ports  
4                   in ballast piping for sampling of ballast in-  
5                   take and discharge.

6                   “(4) BALLAST WATER MANAGEMENT.—

7                   “(A) IN GENERAL.—Effective beginning on  
8                   the date that is 180 days after the Secretary  
9                   promulgates regulations to carry out this sec-  
10                  tion, and except as provided in subparagraph  
11                  (B), each vessel equipped with a ballast water  
12                  tank that enters a United States port shall  
13                  comply with the regulations relating to ballast  
14                  water management.

15                  “(B) EXCEPTIONS.—

16                  “(i) VESSELS OPERATING ENTIRELY  
17                  WITHIN EXCLUSIVE ECONOMIC ZONE.—A  
18                  vessel equipped with a ballast tank, and  
19                  any towed vessel or structure, that oper-  
20                  ates entirely within the exclusive economic  
21                  zone shall not be required to comply with  
22                  the regulations described in subsection  
23                  (b)(2).

24                  “(ii) VESSELS OPERATING IN EN-  
25                  CLOSED AQUATIC ECOSYSTEMS.—

1           “(I) IN GENERAL.—Subject to  
2 subclause (II), an existing vessel  
3 equipped with a ballast tank, and any  
4 towed vessel or structure, that oper-  
5 ates exclusively in the upper 4 Great  
6 Lakes (Lake Superior, Lake Michi-  
7 gan, Lake Huron, and Lake Erie, and  
8 the connecting channels), or in an-  
9 other enclosed aquatic ecosystem shall  
10 not be required to comply with the  
11 regulations described in subsection  
12 (b)(1).

13           “(II) ADDITIONAL ENCLOSED  
14 AQUATIC ECOSYSTEMS.—The Admin-  
15 istrator and the Under Secretary, in  
16 consultation with regional panels of  
17 the Task Force, may determine addi-  
18 tional enclosed aquatic ecosystems in  
19 which the potential for movement of  
20 organisms by natural and anthropo-  
21 genic means is not significantly al-  
22 tered by the movement of the vessels  
23 equipped with ballast tanks.

24           “(b) INVASIVE SPECIES MANAGEMENT REGULA-  
25 TIONS AND CERTIFICATION PROCEDURES.—

1           “(1) REGULATIONS.—Not later than 18 months  
2 after the date of enactment of the National Aquatic  
3 Invasive Species Act of 2007, the Secretary, with the  
4 concurrence of the Administrator and in consultation  
5 with the Task Force, shall promulgate final regula-  
6 tions establishing performance requirements for ves-  
7 sels to reduce, with the goal of elimination, introduc-  
8 tion by the vessels of invasive species to waters of  
9 the United States, including—

10           “(A) ballast water management operations  
11 (including relevant contingency procedures in  
12 instances in which a safety exemption is used  
13 pursuant to subsection (h)); and

14           “(B) management of other vessel path-  
15 ways, including the hull and sea chest of a ves-  
16 sel.

17           “(2) BALLAST WATER EXCHANGE.—The ballast  
18 water exchange regulations promulgated pursuant to  
19 paragraph (1)—

20           “(A) shall apply only to existing vessels;

21           “(B) shall expire not later than December  
22 31, 2011; and

23           “(C) shall include—

24           “(i) a provision for ballast water ex-  
25 change that requires—

1           “(I) at least 1 empty-and-refill  
2 cycle, outside the exclusive economic  
3 zone or in an alternative exchange  
4 area designated by the Secretary, of  
5 each ballast tank that contains ballast  
6 water to be discharged into waters of  
7 the United States; or

8           “(II) for a case in which the  
9 master of a vessel determines that  
10 compliance with the requirement  
11 under subclause (I) is impracticable, a  
12 sufficient number of flow-through ex-  
13 changes of ballast water, outside the  
14 exclusive economic zone or in an alter-  
15 native exchange area designated by  
16 the Secretary, to achieve replacement  
17 of at least 95 percent of ballast water  
18 in ballast tanks of the vessel, as deter-  
19 mined by a certification dye study  
20 conducted or model developed in ac-  
21 cordance with protocols developed  
22 under paragraph (5)(B) and recorded  
23 in the management plan of a vessel  
24 pursuant to subsection  
25 (a)(1)(C)(ii)(I); and

1           “(ii) if a ballast water exchange is not  
2           undertaken pursuant to subsection (h), a  
3           contingency procedure that requires the  
4           master of a vessel to use the best prac-  
5           ticable technology or practice to treat bal-  
6           last discharge.

7           “(3) BALLAST WATER TREATMENT.—

8           “(A) IN GENERAL.—The regulations pro-  
9           mulgated pursuant to paragraph (1) shall re-  
10          quire a vessel to which this section applies to  
11          conduct ballast water treatment beginning on  
12          January 1, 2012, in accordance with this para-  
13          graph before discharging ballast water.

14          “(B) PERFORMANCE STANDARDS.—Sub-  
15          ject to subparagraph (C)(ii), the regulations  
16          shall require that ballast water discharged  
17          shall—

18                  “(i) contain—

19                          “(I) less than 1 living organism  
20                          per 10 cubic meters that is 50 or  
21                          more micrometers in minimum dimen-  
22                          sion;

23                          “(II) less than 1 living organism  
24                          per 10 milliliters that is—

1                   “(aa) less than 50 microm-  
2                   eters in minimum dimension; and

3                   “(bb) more than 10 microm-  
4                   eters in minimum dimension;

5                   “(III) concentrations of indicator  
6                   microbes that are less than—

7                   “(aa)(AA) 1 colony-forming  
8                   unit of toxicogenic *Vibrio cholera*  
9                   (serotypes O1 and O139) per  
10                  100 milliliters; or

11                  “(BB) 1 colony-forming unit  
12                  of that microbe per gram of wet  
13                  weight of zoological samples;

14                  “(bb) 126 colony-forming  
15                  units of *Escherichia coli* per 100  
16                  milliliters; and

17                  “(cc) 33 colony-forming  
18                  units of intestinal enterococci per  
19                  100 milliliters; and

20                  “(IV) concentrations of such ad-  
21                  ditional indicator microbes as may be  
22                  specified in regulations promulgated  
23                  by the Secretary, in consultation with  
24                  the Administrator, that are less than

1 the quantities specified in those regu-  
2 lations; or

3 “(ii) comply with an alternative stand-  
4 ard that is at least as protective as the  
5 standards under clause (i), as determined  
6 by the Secretary.

7 “(C) BEST PERFORMANCE TREATMENT  
8 AVAILABLE.—

9 “(i) IN GENERAL.—Not later than  
10 December 31, 2010, the Secretary, in con-  
11 sultation with the Administrator, based on  
12 technology assessments implemented before  
13 July 31, 2010, shall determine whether  
14 technologies exist that provide for the  
15 achievement of the standards described in  
16 subparagraph (B).

17 “(ii) MODIFICATION OF STAND-  
18 ARDS.—If the Secretary, in consultation  
19 with the Administrator, determines under  
20 clause (i) that no technology exists that  
21 provides for the achievement of the stand-  
22 ards described in subparagraph (B), the  
23 Secretary shall modify the standards to en-  
24 sure consistency with the best performance  
25 treatment available among treatment sys-



1           tems assessed that meet, at a minimum,  
2           the applicable ballast water discharge  
3           standard of the International Maritime Or-  
4           ganization.

5           “(D) RECEPTION FACILITY EXCEPTION.—

6                 “(i) IN GENERAL.—The requirements  
7                 of this paragraph shall not apply to a ves-  
8                 sel that discharges ballast water into a  
9                 land-based or water-based facility for the  
10                reception of ballast water that meets each  
11                applicable standard under clause (ii).

12               “(ii) APPLICABLE STANDARDS.—Not  
13               later than 1 year after the date of enact-  
14               ment of the National Aquatic Invasive Spe-  
15               cies Act of 2007, the Administrator and  
16               the Secretary shall jointly promulgate  
17               standards for—

18                         “(I) the reception of ballast  
19                         water in land-based and water-based  
20                         reception facilities; and

21                         “(II) the disposal or treatment of  
22                         received ballast water in a manner  
23                         that does not damage the environ-  
24                         ment, human health, property, or re-  
25                         sources.

1           “(4) REVIEW AND REVISION.—The Secretary,  
2           in concurrence with the Administrator, shall review  
3           and revise, not less frequently than once every 3  
4           years—

5                   “(A) any determination relating to the de-  
6                   termination under paragraph (3)(C)(i); and

7                   “(B) any modification of a standard under  
8                   paragraph (3)(C)(ii).

9           “(5) CERTIFICATION OF TREATMENTS AND  
10          PRACTICES.—

11                   “(A) IN GENERAL.—Not later than the  
12                   date on which regulations are promulgated pur-  
13                   suant to paragraph (1), the Secretary shall,  
14                   with the concurrence of the Administrator, pro-  
15                   mulgate regulations for—

16                           “(i) the certification of treatments or  
17                           practices the performances of which com-  
18                           ply with the regulations; and

19                           “(ii) on-going enforcement of the ef-  
20                           fective use of the certified treatments or  
21                           practices.

22                   “(B) CERTIFICATION OF BALLAST WATER  
23                   EXCHANGE PROCEDURES.—The certification of  
24                   ballast water exchange procedures in compli-  
25                   ance with the regulations promulgated pursuant

1 to paragraph (2) shall be based on a qualified  
2 type-approval process, including a protocol in-  
3 volving dye studies or models detailing flow dy-  
4 namics of a vessel or class of vessels described  
5 in paragraph (2)(A)(ii) for demonstrating the  
6 number of flow-through exchanges necessary for  
7 such a vessel to meet the percentage purge re-  
8 quirements associated with the flow-through  
9 technique for ballast water exchange.

10 “(C) CERTIFICATION OF ALL OTHER BAL-  
11 LAST WATER DISCHARGE TREATMENTS.—The  
12 certification of treatments in compliance with  
13 the regulations promulgated pursuant to para-  
14 graph (3) shall be based on a qualified type-ap-  
15 proval process that—

16 “(i) is capable of estimating the ex-  
17 tent to which ballast water discharge treat-  
18 ed by a ballast water treatment system is  
19 likely to comply with applicable standards,  
20 including any restrictions relating to—

21 “(I) biological, chemical, or phys-  
22 ical conditions of water taken into bal-  
23 last; and

24 “(II) conditions encountered dur-  
25 ing a voyage;

1           “(ii) is capable of determining the ex-  
2           tent to which a ballast water treatment  
3           method—

4                   “(I) is environmentally sound,  
5                   based on criteria promulgated by the  
6                   Administrator under paragraph  
7                   (8)(A); and

8                   “(II) is safe for vessel and crew;

9                   “(iii) may be used in estimating the  
10                  expected useful life of the ballast water  
11                  treatment system, as determined on the  
12                  basis of voyage patterns and normal use  
13                  conditions;

14                  “(iv) includes a ship-board testing  
15                  component (and may include a shore-based  
16                  testing component);

17                  “(v) provides for appropriate moni-  
18                  toring, as determined by the Adminis-  
19                  trator;

20                  “(vi) provides for revocation by the  
21                  Administrator of approval pending the re-  
22                  sults of the monitoring; and

23                  “(vii) is cost-effective.

24                  “(D) EXPIRATION OF BALLAST WATER EX-  
25                  CHANGE OPTION.—On the date of expiration of

1 the ballast water exchange option under para-  
2 graph (2), the certification process shall apply  
3 to all methods of ballast water management,  
4 treatment, and system design.

5 “(E) REVIEW AND REVISION.—Not less  
6 frequently than once every 3 years, the Sec-  
7 retary, in conjunction with the Administrator,  
8 shall review and, if necessary, revise the certifi-  
9 cation process pursuant to subsection (d)(1).

10 “(F) APPLICATION FOR APPROVAL.—

11 “(i) IN GENERAL.—The Secretary and  
12 the Administrator shall approve an appli-  
13 cation for certification of a ballast water  
14 treatment system only if the application is  
15 in such form and contains such informa-  
16 tion as the Secretary and Administrator  
17 may require.

18 “(ii) APPROVAL AND DISAPPROVAL.—

19 “(I) IN GENERAL.—On receipt of  
20 an application under clause (i)—

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

1                   “(AA) review the appli-  
2                   cation for compliance and  
3                   consistency with environ-  
4                   mental soundness criteria  
5                   promulgated under para-  
6                   graph (8)(A); and

7                   “(BB) approve those  
8                   ballast water treatment sys-  
9                   tems that meet those cri-  
10                  teria; and

11                  “(bb) the Secretary, in con-  
12                  sultation with the Task Force,  
13                  shall, not later than 180 days  
14                  after the date of receipt of the  
15                  application—

16                  “(AA)           determine  
17                  whether the ballast water  
18                  treatment system covered by  
19                  the application meets the re-  
20                  quirements of this sub-  
21                  section, as appropriate;

22                  “(BB) approve or dis-  
23                  approve the application; and

1                   “(CC) provide the ap-  
2                   plicant written notice of ap-  
3                   proval or disapproval.

4                   “(II) LIMITATIONS.—An applica-  
5                   tion approved under subclause (I)  
6                   shall—

7                   “(aa) be qualified with any  
8                   limitations relating to voyage  
9                   pattern, duration, or any other  
10                  characteristic that may affect the  
11                  effectiveness or environmental  
12                  soundness of the ballast water  
13                  treatment system covered by the  
14                  application, as determined by the  
15                  Secretary in consultation with  
16                  the Administrator;

17                  “(bb) be applicable to a spe-  
18                  cific vessel or group of vessels, as  
19                  determined by the Secretary;

20                  “(cc) be valid for the least  
21                  of—

22                   “(AA) the expected use-  
23                   ful life of the ballast water  
24                   treatment system;

25                   “(BB) 10 years; or

1                   “(CC) such period of  
2                   time for which the Secretary  
3                   or Administrator (as appro-  
4                   priate) determines that  
5                   (based on available informa-  
6                   tion, including information  
7                   developed pursuant to para-  
8                   graph (6)(B)(iii)) there ex-  
9                   ists a serious deficiency in  
10                  performance or environ-  
11                  mental soundness of the sys-  
12                  tem relative to anticipated  
13                  performance or environ-  
14                  mental soundness; and

15                  “(dd) be renewed if—

16                  “(AA) the Secretary de-  
17                  termines that the ballast  
18                  water treatment system re-  
19                  mains in compliance with  
20                  applicable standards as of  
21                  the date of application for  
22                  renewal; or

23                  “(BB) the remaining  
24                  useful life of the vessel is  
25                  less than 10 years.



1           “(6) EXPERIMENTAL APPROVAL FOR BALLAST  
2 WATER TREATMENT.—

3           “(A) IN GENERAL.—The owner or operator  
4 of a vessel may submit to the Secretary an ap-  
5 plication to test or evaluate a promising ballast  
6 water treatment technology that—

7           “(i) has the potential to achieve the  
8 standards required under paragraph (3);  
9 and

10           “(ii) is likely to achieve a minimum  
11 performance that is the same as or more  
12 stringent than a standard required under  
13 paragraph (3)(C)(ii), as applicable.

14           “(B) APPROVAL.—The Secretary shall ap-  
15 prove an application under subparagraph (A)  
16 if—

17           “(i) the Secretary and the Adminis-  
18 trator determine that the treatment tech-  
19 nologies have the potential to achieve the  
20 standards required under paragraph (3);  
21 and

22           “(ii) the Administrator determines,  
23 based on independent and peer-reviewed  
24 information provided to the Secretary by  
25 the owner or operator of the vessel or

1 other applicable parties, that the treatment  
2 technologies—

3 “(I) comply with environmental  
4 requirements (including regulations);  
5 and

6 “(II) have the potential to meet  
7 environmental soundness criteria es-  
8 tablished under paragraph (8)(A)(i).

9 “(C) WAIVER.—If the Secretary approves  
10 an application under subparagraph (B), the  
11 Secretary and the Administrator may waive the  
12 requirements under subsection (a)(4)(A) with  
13 respect to the vessel that is subject to the appli-  
14 cation approved.

15 “(D) LIMITATIONS.—

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

21 “(ii) PERIOD OF APPROVAL.—Ap-  
22 proval granted under subparagraph (B)  
23 shall be for the least of—

24 “(I) the expected useful life of  
25 the ballast water treatment system;

1 “(II) a period of 10 years; or

2 “(III) a period ending on the  
3 date that the Secretary and Adminis-  
4 trator (as appropriate) determines  
5 that there exists a serious deficiency  
6 in performance or human safety or  
7 environmental soundness of the sys-  
8 tem relative to anticipated perform-  
9 ance or environmental soundness.

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

19 “(iv) RENEWAL.—An experimental  
20 approval may be renewed in accordance  
21 with paragraph (5)(F)(ii).

22 “(7) INCENTIVES FOR USE OF TREATMENT SYS-  
23 TEMS.—

24 “(A) IN GENERAL.—The Secretary, the  
25 Secretary of Transportation, and the Adminis-

1           trator shall assist owners or operators of vessels  
2           that seek to obtain experimental approval for  
3           installation of ballast water treatment systems,  
4           including through providing guidance on—

5                     “(i) a sampling protocol and test pro-  
6                     gram for cost effective treatment evalua-  
7                     tion;

8                     “(ii) sources of sampling equipment  
9                     and field biological expertise; and

10                    “(iii) examples of shipboard evalua-  
11                    tion studies.

12                    “(B) SELECTION OF TECHNOLOGIES AND  
13                    PRACTICES.—In selecting technologies and  
14                    practices for shipboard demonstration under  
15                    section 1104(b), the Secretary of the Interior  
16                    and the Secretary of Commerce shall give pri-  
17                    ority consideration to technologies and practices  
18                    that have received or are in the process of re-  
19                    ceiving certification under paragraph (5).

20                    “(C) ANNUAL SUMMARIES.—The Secretary  
21                    shall annually summarize, and make available  
22                    to interested parties, all available information  
23                    on the performance of technologies proposed for  
24                    ballast treatment to facilitate the application

1 process for experimental approval for ballast  
2 water treatment under paragraph (6).

3 “(8) ENVIRONMENTAL SOUNDNESS CRITERIA  
4 FOR BALLAST TREATMENTS.—

5 “(A) IN GENERAL.—The Administrator  
6 shall include in criteria promulgated under sec-  
7 tion 1202(k)(1)(A) specific criteria—

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

10 “(ii) to grant environmental sound-  
11 ness exceptions under subparagraph (B).

12 “(B) EXCEPTIONS.—The Secretary and  
13 the Administrator shall submit to Congress a  
14 report on the need for short-term emergency ex-  
15 ceptions to the environmental soundness criteria  
16 promulgated under subparagraph (A).

17 “(c) GREAT LAKES PROGRAM.—

18 “(1) REGULATIONS.—

19 “(A) IN GENERAL.—Until such time as  
20 regulations are promulgated to implement the  
21 amendments made by the National Aquatic  
22 Invasive Species Act of 2007, regulations pro-  
23 mulgated to carry out this Act shall remain in  
24 effect until revised or replaced pursuant to the  
25 National Aquatic Invasive Species Act of 2007.

1           “(B) NO BALLAST ON BOARD.—Not later  
2 than 180 days after the date of enactment of  
3 the National Aquatic Invasive Species Act of  
4 2007, the Secretary shall promulgate regula-  
5 tions to minimize the discharge of invasive spe-  
6 cies from ships that claim no ballast on board,  
7 or that claim to be carrying only unpumpable  
8 quantities of ballast, including, at a minimum,  
9 a requirement that—

10                   “(i) such a ship shall conduct salt-  
11 water flushing of ballast water tanks—

12                           “(I) outside the exclusive eco-  
13 nomic zone; or

14                           “(II) at a designated alternative  
15 exchange site; and

16                   “(ii) before being allowed entry be-  
17 yond the St. Lawrence Seaway, the master  
18 of such a ship shall certify that the ship  
19 has complied with each applicable require-  
20 ment under this subsection.

21           “(C) EARLY TECHNOLOGY.—

22                   “(i) IN GENERAL.—Not later than  
23 180 days after the date of enactment of  
24 the National Aquatic Invasive Species Act  
25 of 2007, the Secretary shall promulgate

1 regulations allowing ships entering the  
2 Great Lakes to use a ballast water treat-  
3 ment technology that is as effective as bal-  
4 last water exchange, as determined by the  
5 Secretary.

6 “(ii) REQUIREMENT.—The regulations  
7 under clause (i) shall include a provision  
8 that a ballast water treatment technology  
9 used for purposes of complying with the  
10 regulations shall be permitted for the  
11 shorter of—

12 “(I) the 10-year period beginning  
13 on the date of initial use of the tech-  
14 nology; and

15 “(II) the life of the ship on which  
16 the technology is used.

17 “(iii) TREATMENT EQUIVALENCY TO  
18 BALLAST WATER EXCHANGE.—For pur-  
19 poses of the regulations under clause (i),  
20 the discharge standard of the International  
21 Maritime Organization shall be considered  
22 to be as effective as ballast water ex-  
23 change.

24 “(2) RELATIONSHIP TO OTHER PROGRAMS.—

25 On implementation of a national mandatory ballast

1 management program that is at least as comprehen-  
2 sive as the Great Lakes program (as determined by  
3 the Secretary, in consultation with the Governors of  
4 Great Lakes States)—

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

8 “(B) the national program shall apply to  
9 such vessels and ballast water.

10 “(3) REVIEW AND REVISION.—

11 “(A) IN GENERAL.—Not later than the  
12 date that is 18 months after the date of enact-  
13 ment of the National Aquatic Invasive Species  
14 Act of 2007, the Secretary shall—

15 “(i) review and revise regulations pro-  
16 mulgated under this section to ensure the  
17 regulations provide the maximum prac-  
18 ticable protection of the Great Lakes eco-  
19 system from introduction by vessels (in-  
20 cluding vessels in the unballasted condi-  
21 tion) of aquatic invasive species; and

22 “(ii) promulgate the revised regula-  
23 tions.

24 “(B) CONTENTS.—The revised regulations  
25 shall include, at a minimum, requirements



1           under subsections (a) and (b) (as amended by  
2           that Act).

3           “(d) PERIODIC REVIEW AND REVISION OF REGULA-  
4 TIONS.—

5           “(1) IN GENERAL.—Not later than 3 years  
6           after the date of enactment of the National Aquatic  
7           Invasive Species Act of 2007, and not less often  
8           than every 3 years thereafter, the Secretary shall  
9           (with the concurrence of the Administrator, based on  
10          recommendations of the Task Force, and informa-  
11          tion collected and analyzed under this title and in  
12          accordance with criteria developed by the Task  
13          Force under paragraph (3))—

14                   “(A) assess the compliance by vessels with  
15                   regulations promulgated under this section;

16                   “(B) assess the effectiveness of the regula-  
17                   tions referred to in subparagraph (A) in reduc-  
18                   ing the introduction and spread of aquatic  
19                   invasive species by vessels; and

20                   “(C) as necessary, on the basis of the best  
21                   scientific information available—

22                           “(i) revise the regulations referred to  
23                           in subparagraph (A); and

24                           “(ii) promulgate additional regula-  
25                           tions.

1           “(2) SPECIAL REVIEW AND REVISION.—Not  
2 later than 90 days after the date on which the Task  
3 Force makes a request to the Secretary for a special  
4 review and revision of the Program, the Secretary  
5 shall (with the concurrence of the Administrator)—

6           “(A) conduct a special review of regula-  
7 tions in accordance with paragraph (1); and

8           “(B) as necessary, in the same manner as  
9 provided under paragraph (1)(C)—

10           “(i) revise those guidelines; or

11           “(ii) promulgate additional regula-  
12 tions.

13           “(3) CRITERIA FOR EFFECTIVENESS.—Not  
14 later than 1 year after the date of enactment of the  
15 National Aquatic Invasive Species Act of 2007, and  
16 every 3 years thereafter, the Task Force shall sub-  
17 mit to the Secretary criteria for determining the  
18 adequacy and effectiveness of all regulations promul-  
19 gated under this section.

20           “(e) SANCTIONS.—

21           “(1) CIVIL PENALTIES.—

22           “(A) IN GENERAL.—Any person that vio-  
23 lates a regulation promulgated under this sec-  
24 tion shall be liable for a civil penalty in an  
25 amount not to exceed \$50,000.

1           “(B) SEPARATE VIOLATIONS.—Each day  
2 of a continuing violation constitutes a separate  
3 violation.

4           “(C) LIABILITY OF VESSELS.—A vessel op-  
5 erated in violation of a regulation promulgated  
6 under this Act shall be liable in rem for any  
7 civil penalty assessed under this subsection for  
8 that violation.

9           “(2) CRIMINAL PENALTIES.—Any person that  
10 knowingly violates the regulations promulgated  
11 under subsection (b) is guilty of a class C felony.

12           “(3) REVOCATION OF CLEARANCE.—On request  
13 of the Secretary, the Secretary of the Treasury shall  
14 withhold or revoke the clearance of a vessel required  
15 by section 4197 of the Revised Statutes (46 U.S.C.  
16 App. 91), if the owner or operator of that vessel is  
17 in violation of the regulations promulgated under  
18 subsection (b).

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

22           “(A) the master of a vessel, acting in good  
23 faith, decides that the exchange of ballast water  
24 will threaten the safety or stability of the vessel  
25 or the crew or passengers of the vessel; and

1 “(B) the vessel complies with—

2 “(i) recordkeeping requirements of  
3 this Act;

4 “(ii) contingency requirements of sec-  
5 tion 1211; and

6 “(iii) reporting requirements of this  
7 Act.

8 “(f) COORDINATION WITH OTHER AGENCIES.—The  
9 Secretary is encouraged to use (with consent) the exper-  
10 tise, facilities, members, or personnel of, appropriate Fed-  
11 eral and State agencies and organizations that have rou-  
12 tine contact with vessels, as determined by the Secretary.

13 “(g) CONSULTATION WITH CANADA, MEXICO, AND  
14 OTHER FOREIGN GOVERNMENTS.—In developing the  
15 guidelines issued and regulations promulgated under this  
16 section, the Secretary is encouraged to consult with the  
17 Government of Canada, the Government of Mexico, and  
18 any other government of a foreign country that the Sec-  
19 retary, in consultation with the Task Force, determines  
20 to be necessary to develop and implement an effective  
21 international program for preventing the unintentional in-  
22 troduction and spread of nonindigenous species.

23 “(h) SAFETY EXEMPTION.—

24 “(1) MASTER DISCRETION.—The Master of a  
25 vessel is not required to conduct a ballast water ex-

1 change if the Master determines that the exchange  
2 would threaten the safety or stability of the vessel,  
3 or the crew or passengers of the vessel, because of  
4 adverse weather, vessel architectural design, equip-  
5 ment failure, or any other extraordinary conditions.

6 “(2) OTHER REQUIREMENTS.—A vessel that  
7 does not exchange ballast water on the high seas  
8 under paragraph (1) shall not discharge ballast  
9 water in any harbor, except in accordance with a  
10 contingency strategy approved by the Secretary (and  
11 included in the invasive species management plan of  
12 the vessel) to reduce the risk of organism transfer  
13 by the discharge (using the best practicable tech-  
14 nology and practices pursuant to regulations promul-  
15 gated under subsection (b)(1)).

16 “(i) NON-DISCRIMINATION.—The Secretary shall en-  
17 sure that vessels registered outside of the United States  
18 do not receive more favorable treatment than vessels reg-  
19 istered in the United States in any case in which the Sec-  
20 retary performs studies, reviews compliance, determines  
21 effectiveness, establishes requirements, or performs any  
22 other responsibilities under this Act.

23 “(j) EFFECT ON OTHER LAW.—Nothing in this sec-  
24 tion or any regulation promulgated under this section su-  
25 persedes or otherwise affects any requirement or prohibi-

1 tion relating to the discharge of ballast water under the  
 2 Federal Water Pollution Control Act (33 U.S.C. 1251 et  
 3 seq.).”.

4 (b) CONFORMING AMENDMENTS.—

5 (1) Section 1102(c)(1) of the Nonindigenous  
 6 Aquatic Nuisance Prevention and Control Act of  
 7 1990 (16 U.S.C. 4712(c)(1)) is amended by striking  
 8 “issued under section 1101(b)” and inserting “pro-  
 9 mulgated under section 1101(e)”.

10 (2) Section 1102(f)(1)(B) of the Nonindigenous  
 11 Aquatic Nuisance Prevention and Control Act of  
 12 1990 (16 U.S.C. 4712(f)(1)(B)) is amended by  
 13 striking “guidelines issued pursuant to section  
 14 1101(e)” and inserting “regulations promulgated  
 15 under section 1101(e)”.

16 **SEC. 112. ARMED SERVICES WHOLE VESSEL MANAGEMENT**  
 17 **PROGRAM.**

18 Section 1103 of the Nonindigenous Aquatic Nuisance  
 19 Prevention and Control Act of 1990 (16 U.S.C. 4713) is  
 20 amended—

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

23 **“SEC. 1103. ARMED SERVICES WHOLE VESSEL MANAGE-**  
 24 **MENT PROGRAM.”;**

25 and

1 (2) in subsection (a)—

2 (A) by striking “Subject to” and inserting  
3 the following:

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

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

6 “(2) TOWED VESSEL MANAGEMENT PRO-  
7 GRAM.—

8 “(A) IN GENERAL.—Subject to operational  
9 conditions, the Secretary of Defense, in con-  
10 sultation with the Secretary and the Task  
11 Force, shall implement a towed vessel manage-  
12 ment program for Department of Defense ves-  
13 sels to minimize the risk of introductions of  
14 aquatic invasive species through hull and asso-  
15 ciated hull aperture transfers by towed vessels.

16 “(B) CURRENT BALLAST PROGRAM.—Ex-  
17 cept as provided in subparagraph (A), this Act  
18 does not affect the ballast program for Depart-  
19 ment of Defense vessels in effect on the date of  
20 enactment of the National Aquatic Invasive  
21 Species Act of 2007.

22 “(3) REPORTS.—Not later than 3 years after  
23 the date of enactment of the National Aquatic  
24 Invasive Species Act of 2007, and every 3 years  
25 thereafter, the Secretary of Defense shall submit to

1 Congress a report that includes a summary and  
2 analysis of the program carried out under this sec-  
3 tion.”.

4 **PART III—PREVENTION OF INTRODUCTION OF**  
5 **AQUATIC INVASIVE SPECIES BY OTHER**  
6 **PATHWAYS**

7 **SEC. 121. PRIORITY PATHWAY MANAGEMENT PROGRAM.**

8 Subtitle C of title I of the Nonindigenous Aquatic  
9 Nuisance Prevention and Control Act of 1990 (16 U.S.C.  
10 4721 et seq.) is amended by adding at the end the fol-  
11 lowing:

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

13 “(a) IDENTIFICATION OF HIGH PRIORITY PATH-  
14 WAYS.—Not later than 2 years after the date of enactment  
15 of the National Aquatic Invasive Species Act of 2007, and  
16 every 3 years thereafter, the Task Force, in coordination  
17 with the National Invasive Species Council and in con-  
18 sultation with representatives of States, industry, and  
19 other interested parties, shall, based on pathway surveys  
20 conducted under this title and other available research re-  
21 lating to the rates of introductions in waters of the United  
22 States—

23 “(1) identify those pathways that pose the high-  
24 est risk for introductions of invasive species, both  
25 nationally and on a region-by-region basis;



1           “(2) develop recommendations for management  
2 strategies for those high-risk pathways;

3           “(3) include in the report to Congress required  
4 under section 1201(f)(2)(B) a description of the  
5 identifications, strategies, and recommendations  
6 based on research collected under this title; and

7           “(4) identify invasive species not yet introduced  
8 into waters of the United States that are likely to  
9 be introduced into waters of the United States un-  
10 less preventative measures are taken.

11       “(b) MANAGEMENT OF HIGH PRIORITY PATH-  
12 WAYS.—Not later than 3 years after the date of enactment  
13 of the National Aquatic Invasive Species Act of 2007, the  
14 Task Force or agencies of jurisdiction shall, to the max-  
15 imum extent practicable, implement the strategies de-  
16 scribed in subsection (a)(2), considering appropriate peri-  
17 odic updates to the strategies.”.

18 **SEC. 122. SCREENING PROCESS FOR PLANNED IMPORTA-**  
19 **TIONS OF LIVE AQUATIC ORGANISMS.**

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

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

3 “(a) PURPOSE.—The purpose of the screening proc-  
4 ess under this section is to prevent the introduction or  
5 establishment of aquatic invasive species, including patho-  
6 gens and parasites of the species, in waters of the United  
7 States and contiguous waters of Canada and Mexico.

8 “(b) CATALOG OF SPECIES IN TRADE.—Not later  
9 than 18 months after the date of enactment of the Na-  
10 tional Aquatic Invasive Species Act of 2007, the Director  
11 of the United States Geological Survey, the Administrator  
12 of the Animal and Plant Health Inspection Service, the  
13 Director of the Smithsonian Environmental Research Cen-  
14 ter, and other Federal agencies with jurisdiction over  
15 planned importations of live organisms, shall—

16 “(1) develop and, as necessary, update a cata-  
17 log of species in trade; and

18 “(2) include the catalog in the information pro-  
19 vided to the public pursuant to section 1102(f).

20 “(c) PLANNED IMPORTATIONS.—Not later than 3  
21 years after the date of enactment of the National Aquatic  
22 Invasive Species Act of 2007, no aquatic organism of a  
23 species that is not in trade shall be imported into the  
24 United States without screening and approval in accord-  
25 ance with this section.

26 “(d) GUIDELINES.—

1           “(1) IN GENERAL.—Not later than 30 months  
2 after the date of enactment of the National Aquatic  
3 Invasive Species Act of 2007, the National Invasive  
4 Species Council, in conjunction with the Task Force  
5 and in consultation with affected regional panels,  
6 States, Indian tribes, and other stakeholders, shall  
7 promulgate guidelines for screening proposed  
8 planned importations of aquatic organisms into the  
9 United States.

10           “(2) CONTENT.—At a minimum, the guidelines  
11 under paragraph (1) shall include guidelines relating  
12 to—

13                   “(A) the minimum information require-  
14 ments for screening determinations under sub-  
15 section (e);

16                   “(B) a simplified notification procedure for  
17 any additional shipment of organisms that may  
18 occur after completion of an initial screening  
19 process and determination under subsection (e);

20                   “(C) application forms; and

21                   “(D) shipping labels.

22           “(3) FACTORS FOR CONSIDERATION.—In devel-  
23 oping guidelines under this section, the National  
24 Invasive Species Council and the Task Force shall  
25 take into consideration—

1           “(A) the likelihood of the spread of the ap-  
2           plicable species by human or natural means;

3           “(B) species that may occur in association  
4           with the species planned for importation, in-  
5           cluding pathogens, parasites, and free-living or-  
6           ganisms;

7           “(C) regional differences in the probability  
8           of invasion and associated impacts;

9           “(D) the difficulty of controlling an estab-  
10          lished population of an aquatic invasive species  
11          in the wild;

12          “(E) the profile established under section  
13          1108(b);

14          “(F) any applicable best available science;

15          “(G) the potential benefits associated with  
16          the species; and

17          “(H) the requirements of international law.

18          “(e) SCREENING.—

19                 “(1) EVALUATION.—

20                         “(A) IN GENERAL.—Not later than 180  
21                         days after the date of publication of the guide-  
22                         lines under subsection (d), each Federal agency  
23                         with authority over an importation into the  
24                         United States of an aquatic organism of a spe-  
25                         cies that is not in trade, as determined in ac-

1 cordance with the catalog under subsection (b),  
2 and that is proposed for importation into the  
3 United States, shall—

4 “(i) promulgate regulations in accord-  
5 ance with the guidelines under subsection  
6 (d); and

7 “(ii) carry out screening in accordance  
8 with this subsection.

9 “(B) REQUIREMENTS.—The head a Fed-  
10 eral agency described in subparagraph (A) or  
11 the Director, as applicable, shall—

12 “(i) prohibit the importation into the  
13 United States of any species described in  
14 clause (i) or (iii) of paragraph (2)(B), un-  
15 less the importation is for the sole purpose  
16 of research conducted in accordance with  
17 section 1202(f)(2);

18 “(ii) restrict, as necessary, the impor-  
19 tation of any species described in sub-  
20 section (2)(B)(ii), unless the importation is  
21 for the sole purpose of research conducted  
22 in accordance with section 1202(f)(2);

23 “(iii) make a determination under this  
24 subsection not later than 180 days after

1 receiving a complete request for permission  
2 to import a aquatic organism; and

3 “(iv) make the results of the screening  
4 process available to the public.

5 “(2) CATEGORIES.—The screening process  
6 under this subsection shall require—

7 “(A) to the maximum extent practicable,  
8 the identification, preferably to the species level  
9 but, at a minimum, to the genus level, of aquat-  
10 ic organisms proposed for importation; and

11 “(B) the designation of—

12 “(i) species with a high or moderate  
13 probability of undesirable impacts to areas  
14 within the United States and contiguous  
15 areas of neighboring countries to which the  
16 species is likely to be spread;

17 “(ii) species with a low or no prob-  
18 ability of undesirable impacts to areas  
19 within the United States and contiguous  
20 areas of neighboring counties to which the  
21 species is likely to be spread; and

22 “(iii) species with respect to which  
23 there is insufficient information to deter-  
24 mine the risk of such undesirable impacts.

25 “(3) DELEGATION AND AUTHORITY.—

1           “(A) IN GENERAL.—If no Federal agency  
2 has the authority described in paragraph  
3 (1)(A), or if the head of such a Federal agency  
4 delegates the screening authority to the Direc-  
5 tor under subparagraph (B), the Director shall  
6 screen the organism.

7           “(B) DELEGATION TO DIRECTOR.—The  
8 head of a Federal agency with the authority de-  
9 scribed in paragraph (1)(A) may delegate to the  
10 Director the authority to carry out the screen-  
11 ing process under this subsection.

12           “(C) UNITED STATES FISH AND WILDLIFE  
13 SERVICE.—

14           “(i) IN GENERAL.—The Director may  
15 restrict or prohibit the importation of an  
16 aquatic organism of a species not in trade  
17 in accordance with the regulations promul-  
18 gated under paragraph (1)(A)(i) if—

19                   “(I) no other Federal agency has  
20 authority to regulate the importation  
21 of the species; or

22                   “(II) the head of a Federal agen-  
23 cy delegates authority to the Director  
24 under subparagraph (B).

1           “(ii) SCREENING REQUIREMENTS.—

2           The Director shall promulgate screening  
3           requirements in accordance with the guide-  
4           lines under subsection (d) to evaluate any  
5           planned importation of an aquatic orga-  
6           nism, including an importation carried out  
7           by a Federal agency, that is not otherwise  
8           subject to Federal authority to permit the  
9           importation.

10          “(D) MULTIPLE JURISDICTION.—

11           “(i) IN GENERAL.—If more than 1  
12           Federal agency has jurisdiction over the  
13           importation of an aquatic organism, the  
14           agencies shall conduct only 1 screening  
15           process in accordance with a memorandum  
16           of understanding described in paragraph  
17           (4).

18           “(ii) CULTURED AQUATIC ORGA-  
19           NISMS.—The Secretary of Agriculture shall  
20           conduct screening of any aquatic organism  
21           imported to be cultured.

22          “(E) AGENCY-INITIATED SCREENING.—At  
23           the discretion of the Federal agency with juris-  
24           diction over the importation of a species not in  
25           trade, the Federal agency may initiate a screen-



1 ing process for a species for which no other per-  
2 son has filed an application for importation.

3 “(4) MEMORANDUM OF UNDERSTANDING.—

4 “(A) IN GENERAL.—The Director shall  
5 enter into a memorandum of understanding  
6 with each Federal agency with the authority to  
7 conduct screening under this subsection.

8 “(B) CONTENTS.—A memorandum of un-  
9 derstanding under subparagraph (A) shall con-  
10 tain, at a minimum—

11 “(i) a description of the relationship  
12 between, and responsibilities of, each Fed-  
13 eral agency, including a process desig-  
14 nating a lead agency in cases in which  
15 multiple agencies have jurisdiction over the  
16 screening of an aquatic species;

17 “(ii) the process by which the Director  
18 will delegate screening duties to, and re-  
19 ceive delegation from, other agencies of ju-  
20 risdiction; and

21 “(iii) the process by which the agency  
22 and the National Invasive Species Council  
23 will coordinate and share information re-  
24 quired for the screening of a species.

25 “(f) REVIEW AND REVISION.—

1           “(1) IN GENERAL.—Not less frequently than  
2           once every 3 years, the National Invasive Species  
3           Council, in conjunction with the Task Force, shall  
4           review and revise, based on research on early detec-  
5           tion and monitoring under section 1106 and other  
6           information, the guidelines, screening, and other ac-  
7           tivities carried out under this section.

8           “(2) REPORT.—Together with the report re-  
9           quired under section 1201(f)(2)(B), the National  
10          Invasive Species Council shall submit to Congress—

11                   “(A) an evaluation of the effectiveness of  
12                   the screening process carried out under sub-  
13                   section (e);

14                   “(B) the consistency of the application of  
15                   the screening process by Federal agencies; and

16                   “(C) recommendations for revisions of the  
17                   screening process.

18          “(g) PROHIBITIONS.—

19                   “(1) IN GENERAL.—Except as otherwise pro-  
20                   vided in this section, it shall be unlawful to import  
21                   an aquatic organism of a species not in trade.

22                   “(2) PENALTIES.—

23                   “(A) CIVIL PENALTY.—Any person that  
24                   violates subsection (c) shall be liable for a civil  
25                   penalty in an amount not to exceed \$50,000.

1           “(B) CRIMINAL PENALTIES.—Any person  
2           that knowingly violates subsection (c) is guilty  
3           of a class C felony.

4           “(h) FEES.—The head of any agency that has juris-  
5           diction over a planned importation of an aquatic species  
6           subject to screening under this section may increase the  
7           amount of any appropriate fee that is charged under an  
8           applicable law (including regulations) to offset the cost of  
9           screening carried out under this section.

10          “(i) EFFECT ON OTHER LAWS.—

11           “(1) IN GENERAL.—Nothing in this section re-  
12           peals, supersedes, or modifies any provision of Fed-  
13           eral or State law relating to the screening process  
14           for aquatic species importation.

15           “(2) MORE PROTECTIVE LAWS.—A State, the  
16           District of Columbia, or a territory of the United  
17           States may adopt an aquatic plant or animal impor-  
18           tation law, regulation, or policy that requires a more  
19           protective screening process for aquatic species im-  
20           portation than the regulations and policies of this  
21           section.”.

1 **PART IV—EARLY DETECTION; RAPID RESPONSE;**  
2 **CONTROL AND OUTREACH**

3 **SEC. 131. EARLY DETECTION.**

4 Subtitle B of the Nonindigenous Aquatic Nuisance  
5 Prevention and Control Act of 1990 (16 U.S.C. 4711 et  
6 seq.) (as amended by section 122) is amended by adding  
7 at the end the following:

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

9 “(a) IN GENERAL.—Not later than 18 months after  
10 the date of enactment of the National Aquatic Invasive  
11 Species Act of 2007, in conjunction with the Council, the  
12 Task Force shall (based on the standard protocol for early  
13 detection surveys developed under this title), promulgate  
14 a set of sampling protocols, a geographic plan, and budget  
15 to support a national system of ecological surveys to rap-  
16 idly detect recently-established aquatic invasive species in  
17 waters of the United States.

18 “(b) CONTENTS.—The protocols, plan, and budget  
19 shall, at a minimum—

20 “(1) address a diversity of aquatic ecosystems  
21 of the United States (including inland and coastal  
22 waters);

23 “(2) encourage State, local, port, and tribal  
24 participation in monitoring;

25 “(3) balance scientific rigor with practicability,  
26 timeliness, and breadth of sampling activity;

1           “(4) considers the pathways and organisms  
2 identified under section 1210;

3           “(5) include a capacity to evaluate the impacts  
4 of permitted importations screened by the processes  
5 established under section 1105; and

6           “(6) include clear lines of communication with  
7 appropriate Federal, State, and regional rapid re-  
8 sponse authorities.

9           “(c) IMPLEMENTATION.—Not later than 3 years after  
10 the date of enactment of the National Aquatic Invasive  
11 Species Act of 2007, the Director of the United States  
12 Geological Survey, the Administrator of the National Oce-  
13 anic and Atmospheric Administration, and the Adminis-  
14 trator (in consultation with the National Invasive Species  
15 Council and in coordination with other agencies and orga-  
16 nizations) shall implement a national system of ecological  
17 surveys that is—

18           “(1) carried out in cooperation with State,  
19 local, port, tribal authorities, and other non-Federal  
20 entities (such as colleges and universities); and

21           “(2) based on the protocols, plan, and budget  
22 published under subsection (a) and any public com-  
23 ment.”.

1 **SEC. 132. RAPID RESPONSE.**

2 Subtitle C of title I of the Nonindigenous Aquatic  
3 Nuisance Prevention and Control Act of 1990 (16 U.S.C.  
4 4721 et seq.) (as amended by section 121) is amended  
5 by adding at the end the following:

6 **“SEC. 1211. RAPID RESPONSE.**

7 “(a) EMERGENCY RAPID RESPONSE FUND.—

8 “(1) ESTABLISHMENT.—There is established in  
9 the Treasury of the United States a revolving fund  
10 to assist States in implementing rapid response  
11 measures for aquatic invasive species, to be known  
12 as the ‘Emergency Rapid Response Fund’ (referred  
13 to in this subsection as the ‘Fund’), consisting of—

14 “(A) such amounts as are appropriated to  
15 the Fund under section 1301(g)(2)(A); and

16 “(B) any interest earned on investment of  
17 amounts in the Fund under paragraph (3).

18 “(2) EXPENDITURES FROM FUND.—

19 “(A) IN GENERAL.—Subject to subpara-  
20 graph (C), on request by the Secretary of the  
21 Interior, the Secretary of the Treasury shall  
22 transfer from the Fund to the Secretary of the  
23 Interior such amounts as the Secretary of the  
24 Interior determines are necessary to provide fi-  
25 nancial assistance to a State or the Federal  
26 rapid response team under subparagraph (B) to

1 assist in implementing rapid response measures  
2 for aquatic invasive species.

3 “(B) STATE ASSISTANCE.—

4 “(i) IN GENERAL.—A State may sub-  
5 mit to the Secretary of the Interior an ap-  
6 plication for emergency response assistance  
7 from the Fund.

8 “(ii) APPROVAL.—If the Secretary of  
9 the Interior approves an application sub-  
10 mitted under clause (i), the Secretary shall  
11 use amounts provided to the Secretary  
12 under subparagraph (A)—

13 “(I) in a case in which a State  
14 has in effect a rapid response contin-  
15 gency strategy that is approved under  
16 subsection (b), to provide emergency  
17 response assistance to the State; and

18 “(II) in a case in which the State  
19 does not have a rapid response contin-  
20 gency strategy approved under sub-  
21 section (b) in effect, to provide emer-  
22 gency response assistance to the Fed-  
23 eral rapid response team established  
24 under subsection (f).

1           “(iii) ADDITIONAL FUNDS.—If addi-  
2           tional amounts are needed for the conduct  
3           of emergency response activities in the  
4           State, the Secretary of the Interior may  
5           provide additional assistance to the State  
6           or Federal rapid response team under this  
7           paragraph.

8           “(C) ADMINISTRATIVE EXPENSES.—An  
9           amount not to exceed 10 percent of the  
10          amounts in the Fund shall be available for each  
11          fiscal year to pay the administrative expenses  
12          necessary to carry out this Act.

13          “(3) INVESTMENT OF AMOUNTS.—

14                 “(A) IN GENERAL.—The Secretary of the  
15                 Treasury shall invest such portion of the Fund  
16                 as is not, in the judgment of the Secretary of  
17                 the Treasury, required to meet current with-  
18                 drawals.

19                 “(B) INTEREST-BEARING OBLIGATIONS.—  
20                 Investments may be made only in interest-bear-  
21                 ing obligations of the United States.

22                 “(C) ACQUISITION OF OBLIGATIONS.—For  
23                 the purpose of investments under subparagraph  
24                 (A), obligations may be acquired—



1                   “(i) on original issue at the issue  
2                   price; or

3                   “(ii) by purchase of outstanding obli-  
4                   gations at the market price.

5                   “(D) SALE OF OBLIGATIONS.—Any obliga-  
6                   tion acquired by the Fund may be sold by the  
7                   Secretary of the Treasury at the market price.

8                   “(E) CREDITS TO FUND.—The interest on,  
9                   and the proceeds from the sale or redemption  
10                  of, any obligations held in the Fund shall be  
11                  credited to and form a part of the Fund.

12                  “(4) TRANSFERS OF AMOUNTS.—

13                  “(A) IN GENERAL.—The amounts required  
14                  to be transferred to the Fund under this section  
15                  shall be transferred at least monthly from the  
16                  general fund of the Treasury to the Fund on  
17                  the basis of estimates made by the Secretary of  
18                  the Treasury.

19                  “(B) ADJUSTMENTS.—Proper adjustment  
20                  shall be made in amounts subsequently trans-  
21                  ferred to the extent prior estimates were in ex-  
22                  cess of or less than the amounts required to be  
23                  transferred.

24                  “(b) STATE RAPID RESPONSE CONTINGENCY STRAT-  
25                  EGIES.—The Task Force, in consultation with the Na-

1 tional Invasive Species Council, shall approve a rapid re-  
2 sponse contingency strategy of a State if the strategy—

3 “(1) identifies all key governmental and non-  
4 governmental partners to be involved in carrying out  
5 the strategy;

6 “(2) clearly designates the authorities and re-  
7 sponsibilities of each partner, including the authority  
8 of any State or government of an Indian tribe to dis-  
9 tribute emergency funds;

10 “(3) specifies criteria for rapid response meas-  
11 ures, including a diagnostic system that—

12 “(A) distinguishes cases in which rapid re-  
13 sponse has a likelihood of success and cases in  
14 which rapid response has no likelihood of suc-  
15 cess;

16 “(B) distinguishes rapid response meas-  
17 ures from ongoing management and control of  
18 established populations of aquatic invasive spe-  
19 cies; and

20 “(C) distinguishes instances in which the  
21 rate and probability of organism dispersal is  
22 significantly altered by vessel movements;

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

1           “(5) provides for a monitoring capability to as-  
2       sess—

3           “(A) the extent of infestations; and

4           “(B) the effectiveness of rapid response ef-  
5       forts;

6           “(6) to the maximum extent practicable, is inte-  
7       grated into the State aquatic invasive species man-  
8       agement plan approved under section 1204;

9           “(7) to the maximum extent practicable, in-  
10      cludes rapid response tools that meet environmental  
11      criteria developed under subsection (f)(4);

12          “(8) includes a public education and outreach  
13      component directed at—

14          “(A) potential pathways for spread of  
15      aquatic invasive species; and

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

19          “(9) to the extent that the strategy involves  
20      vessels, conforms with guidelines issued by the Sec-  
21      retary under subsection (d)(2).

22      “(c) REGIONAL RAPID RESPONSE CONTINGENCY  
23      STRATEGIES.—The Task Force, with the concurrence of  
24      the National Invasive Species Council and in consultation  
25      with the regional panels of the Task Force established

1 under section 1203, shall encourage the development of  
2 regional rapid response contingency strategies that—

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

5 “(2) are approved by—

6 “(A) the Secretary; and

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

9 “(d) MODEL RAPID RESPONSE CONTINGENCY  
10 STRATEGIES.—Not later than 18 months after the date  
11 of enactment of the National Aquatic Invasive Species Act  
12 of 2007—

13 “(1) the Task Force, with the concurrence of  
14 the National Invasive Species Council and the re-  
15 gional panels of the Task Force established under  
16 section 1203, shall develop—

17 “(A) a model State rapid response contin-  
18 gency strategy (including rapid assessment ca-  
19 pability) for aquatic invasive species that meets,  
20 to the maximum extent practicable, the require-  
21 ments of paragraphs (1) through (9) of sub-  
22 section (b); and

23 “(B) a model regional rapid response con-  
24 tingency strategy (including rapid assessment  
25 capability) for aquatic invasive species; and

1           “(2) the Secretary, in concurrence with the  
2 Task Force and the regional panels of the Task  
3 Force, shall issue guidelines that describe vessel-re-  
4 lated requirements that may be used in a rapid re-  
5 sponse contingency strategy approved under this sec-  
6 tion.

7           “(e) COST SHARING.—

8           “(1) STATE RAPID RESPONSE CONTINGENCY  
9 STRATEGIES.—The Federal share of the cost of ac-  
10 tivities carried out under a State rapid response con-  
11 tingency strategy approved under subsection (b)  
12 shall be not less than 50 percent.

13           “(2) REGIONAL RAPID RESPONSE CONTINGENCY  
14 STRATEGIES.—The Federal share of the cost of ac-  
15 tivities carried out under a regional rapid response  
16 contingency strategy approved under subsection (c)  
17 shall be not less than 75 percent.

18           “(3) FORM OF NON-FEDERAL SHARE.—The  
19 non-Federal share required under paragraph (1) or  
20 (2) may be in the form of in-kind contributions.

21           “(f) FEDERAL RAPID RESPONSE TEAMS.—

22           “(1) ESTABLISHMENT OF TEAMS.—Not later  
23 than 1 year after the date of enactment of the Na-  
24 tional Aquatic Invasive Species Act of 2007, the Na-  
25 tional Invasive Species Council, in coordination with

1 the Task Force and the heads of appropriate Fed-  
2 eral agencies, shall establish a Federal rapid re-  
3 sponse team for each of the 10 Federal regions that  
4 comprise the Standard Federal Regional Boundary  
5 System.

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

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

11 “(B) carry out, or assist in carrying out,  
12 rapid responses for newly detected aquatic  
13 invasive species on non-Federal land at the re-  
14 quest of a State, Indian tribe, or group of  
15 States or Indian tribes;

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

18 “(D) provide central sources of informa-  
19 tion for rapid responders;

20 “(E) maintain a list of researchers and  
21 rapid response volunteers; and

22 “(F) in carrying out any rapid response  
23 activity with respect to an aquatic noxious weed  
24 listed under section 412(f) of the Plant Protec-  
25 tion Act (7 U.S.C. 7712(f)), include representa-

1           tives of the Animal and Plant Health Inspection  
2           Service.

3           “(3) CRITERIA FOR IDENTIFYING CASES OF  
4           RAPID RESPONSE WARRANTING FEDERAL ASSIST-  
5           ANCE.—Not later than 1 year after the date of en-  
6           actment of the National Aquatic Invasive Species  
7           Act of 2007, the Task Force, with the concurrence  
8           of the National Invasive Species Council, shall de-  
9           velop criteria to identify cases warranting Federal  
10          assistance for rapid assessment and response under  
11          this subsection, including indicative criteria relating  
12          to, at a minimum—

13                 “(A) the extent to which infestations of  
14                 aquatic invasive species may be managed suc-  
15                 cessfully by rapid response;

16                 “(B) the extent to which rapid response ef-  
17                 forts may differ from ongoing management and  
18                 control; and

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

22                         “(i) biodiversity of native aquatic or-  
23                         ganisms;

24                         “(ii) habitats of native fish and wild-  
25                         life; or

1 “(iii) human health.

2 “(4) ENVIRONMENTAL CRITERIA.—Not later  
3 than 1 year after the date of enactment of the Na-  
4 tional Aquatic Invasive Species Act of 2007, the Ad-  
5 ministrator, in consultation with the National  
6 Invasive Species Council, the Secretary of Transpor-  
7 tation, the Task Force (including regional panels of  
8 the Task Force established under section 1203), the  
9 Director, and the Director of the National Marine  
10 Fisheries Service, shall develop environmental cri-  
11 teria to minimize nontarget environmental impacts  
12 of rapid responses carried out pursuant to this sec-  
13 tion.”.

14 **SEC. 133. ENVIRONMENTAL SOUNDNESS.**

15 Section 1202 of the Nonindigenous Aquatic Nuisance  
16 Prevention and Control Act of 1990 (16 U.S.C. 4722) is  
17 amended—

18 (1) by redesignating subsections (j) and (k) as  
19 subsections (l) and (m), respectively; and

20 (2) by inserting after subsection (i) the fol-  
21 lowing:

22 “(j) IMPROVEMENT OF TREATMENT METHODS FOR  
23 AQUATIC INVASIVE SPECIES.—

24 “(1) CRITERIA TO EVALUATE ENVIRONMENTAL  
25 SOUNDNESS OF TREATMENT METHODS.—



1           “(A) IN GENERAL.—Not later than 1 year  
2 after the date of enactment of the National  
3 Aquatic Invasive Species Act of 2007, the Ad-  
4 ministrator, in consultation with the Secretary,  
5 the National Invasive Species Council, and the  
6 Task Force (including any regional panels of  
7 the Task Force) shall promulgate criteria to  
8 evaluate the treatment methods described in  
9 subparagraph (B) for the purpose of ensuring  
10 that the treatment methods pose no significant  
11 threat of adverse effect on human health, public  
12 safety, or the environment (including air quality  
13 and the aquatic environment) that is acute,  
14 chronic, cumulative, or collective.

15           “(B) TREATMENT METHODS.—The treat-  
16 ment methods referred to in subparagraph (A)  
17 are all mechanical, physical, chemical, biologi-  
18 cal, and other treatment methods used in bodies  
19 of water of the United States (regardless of  
20 whether the bodies of water are navigable and  
21 regardless of the origin of the waters), to pre-  
22 vent, treat, or respond to the introduction of  
23 aquatic invasive species.

1           “(C) CONSULTATION.—In carrying out  
2 subparagraph (A), the Administrator shall con-  
3 sult with—

4           “(i) the Secretary of Transportation;

5           “(ii) the Task Force (including the re-  
6 gional panels of the Task Force established  
7 under section 1203);

8           “(iii) the Director;

9           “(iv) the Assistant Secretary;

10           “(v) the Director of the National Ma-  
11 rine Fisheries Service; and

12           “(vi) relevant State agencies.

13           “(2) PUBLICATION OF INFORMATION ON ENVI-  
14 RONMENTALLY SOUND TREATMENT METHODS.—The  
15 Administrator, in consultation with the National  
16 Invasive Species Council, shall publish (not later  
17 than 1 year after the date of enactment of the Na-  
18 tional Aquatic Invasive Species Act of 2007) and up-  
19 date annually—

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

23           “(B) accompanying research that supports  
24 the environmental soundness of each approved  
25 treatment method; and

1           “(C) explicit guidelines under which each  
2           treatment method can be used in an environ-  
3           mentally sound manner.

4           “(3) REPORTS.—The National Invasive Species  
5           Council and Task Force shall include the informa-  
6           tion described in paragraph (2) in the reports sub-  
7           mitted under section 1201(f)(2)(B).”.

8   **SEC. 134. INFORMATION, EDUCATION, AND OUTREACH.**

9           Section 1202(h) of the Nonindigenous Aquatic Nui-  
10          sance Prevention and Control Act of 1990 (16 U.S.C.  
11          4722(h)) is amended—

12           (1) by striking “(h) **EDUCATION.**—The Task  
13          Force” and inserting the following:

14          “(h) **INFORMATION, EDUCATION, AND OUTREACH.**—

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

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

17          “(2) **ACTIVITIES.**—

18           “(A) **IN GENERAL.**—The programs carried  
19          out under paragraph (1) shall include the ac-  
20          tivities described in this paragraph.

21          “(B) **PUBLIC OUTREACH.**—

22           “(i) **PUBLIC WARNINGS.**—Not later  
23          than 180 days after the date of enactment  
24          of the National Aquatic Invasive Species  
25          Act of 2007, each Federal officer of an

1 agency that provides Federal funds to  
2 States for building or maintaining public  
3 access points to United States water bodies  
4 shall amend the guidelines of the agency,  
5 in consultation with relevant State agen-  
6 cies, to encourage the posting of regionally-  
7 specific public warnings or other suitable  
8 informational and educational materials at  
9 the access points regarding—

10 “(I) the danger of spread of  
11 aquatic invasive species through the  
12 transport of recreational watercraft;  
13 and

14 “(II) methods for removing orga-  
15 nisms prior to transporting a  
16 watercraft.

17 “(ii) CLEANING OF WATERCRAFT AT  
18 MARINAS.—Not later than 1 year after the  
19 date of enactment of the National Aquatic  
20 Invasive Species Act of 2007, the Under  
21 Secretary and the Director (in cooperation  
22 with the Task Force and in consultation  
23 with the States, relevant industry groups,  
24 and Indian tribes) shall develop an edu-  
25 cation, outreach, and training program di-

1                   rected toward marinas and marina opera-  
2                   tors regarding—

3                   “(I) checking watercraft for live  
4                   organisms;

5                   “(II) removing live organisms  
6                   from the watercraft before the  
7                   watercraft are commercially or  
8                   recreationally trailered;

9                   “(III) encouraging regular hull  
10                  cleaning and maintenance, avoiding  
11                  in-water hull cleaning; and

12                  “(IV) other activities, as identi-  
13                  fied by the Secretary.

14                  “(iii) PROPER DISPOSAL OF NON-  
15                  INDIGENOUS LIVE AQUATIC ORGANISMS IN  
16                  TRADE.—The Task Force shall—

17                  “(I) not later than 1 year after  
18                  the date of enactment of the National  
19                  Aquatic Invasive Species Act of 2007,  
20                  develop (in consultation with industry  
21                  and other affected parties) guidelines  
22                  for proper disposal of live nonindige-  
23                  nous aquatic organisms in trade; and

1                   “(II) use the guidelines in appro-  
2                   priate public information and out-  
3                   reach efforts.

4                   “(C) 100TH MERIDIAN PROGRAM.—

5                   “(i) IN GENERAL.—Not later than 1  
6                   year after the date of enactment of the  
7                   National Aquatic Invasive Species Act of  
8                   2007, the Task Force shall expand the in-  
9                   formation and education program directed  
10                  at recreational boaters in States from  
11                  which watercraft are transported westward  
12                  across the 100th meridian.

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

15                  “(I) survey owners of watercraft  
16                  transported westward across the  
17                  100th meridian to determine the  
18                  States of origin of most such owners;

19                  “(II) provide information directly  
20                  to watercraft owners concerning the  
21                  importance of cleaning watercraft car-  
22                  rying live organisms before trans-  
23                  porting the watercraft; and

24                  “(III) support education and in-  
25                  formation programs of the States of

1                   origin to ensure that the State pro-  
2                   grams address westward spread.

3                   “(D) INFORMATION AND EDUCATION PRO-  
4                   GRAM BY NATIONAL PARK SERVICE.—The Sec-  
5                   retary of the Interior, acting through the Direc-  
6                   tor of the National Park Service, shall develop  
7                   a program to provide public outreach and other  
8                   educational activities to prevent the spread of  
9                   aquatic invasive species by recreational  
10                  watercraft in parkland or through events spon-  
11                  sored by the National Park Service.

12                  “(3) OUTREACH TO INDUSTRY.—The Task  
13                  Force, in conjunction with the National Invasive  
14                  Species Council, shall carry out activities to inform  
15                  and promote voluntary cooperation and regulatory  
16                  compliance by members of the national and inter-  
17                  national maritime, horticultural, aquarium, aqua-  
18                  culture, pet trade, and other appropriate industries  
19                  with screening, monitoring, and control of the trans-  
20                  portation of aquatic invasive species.

21                  “(4) PUBLIC ACCESS TO MONITORING INFORMA-  
22                  TION.—The Task Force, the National Invasive Spe-  
23                  cies Council, and other relevant agencies, shall main-  
24                  tain information on the Internet regarding—

1           “(A) the best approaches for the public  
2           and private interests to use in assisting with  
3           national early detection and monitoring of  
4           aquatic invasive species in waters of the United  
5           States;

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

8           “(C) approved State Management Plans  
9           under section 1204(a) and Rapid Response  
10          Contingency Strategies under subsections (b)  
11          and (c) of section 1211; and

12          “(D) the list of potential invaders under  
13          section 1201(a)(4).”.

14   **PART V—AQUATIC INVASIVE SPECIES RESEARCH**

15   **SEC. 141. ECOLOGICAL, PATHWAY, AND EXPERIMENTAL RE-**  
16                                   **SEARCH.**

17          (a) IN GENERAL.—Subtitle B of the Nonindigenous  
18   Aquatic Nuisance Prevention and Control Act of 1990 (16  
19   U.S.C. 4711 et seq.) (as amended by section 131) is  
20   amended by adding at the end the following:

21   **“SEC. 1107. ECOLOGICAL, PATHWAY, AND EXPERIMENTAL**  
22                                   **RESEARCH.**

23          “(a) DEFINITION OF ADMINISTERING AGENCIES.—

24                  “(1) IN GENERAL.—In this section and section  
25          1108, the term ‘administering agencies’ means—



1           “(A) the Smithsonian Environmental Re-  
2           search Center;

3           “(B) the United States Geological Survey;  
4           and

5           “(C) the National Oceanic and Atmos-  
6           pheric Administration (including the Great  
7           Lakes Environmental Research Laboratory).

8           “(2) MEMORANDUM OF UNDERSTANDING.—The  
9           administering agencies shall enter into an agreement  
10          regarding implementation of this subtitle.

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

13                 “(A) the Task Force;

14                 “(B) the Environmental Protection Agen-  
15                 cy;

16                 “(C) the United States Fish and Wildlife  
17                 Service; and

18                 “(D) other appropriate Federal and State  
19                 agencies.

20          “(4) COOPERATION.—In carrying out this sec-  
21          tion, the administering agencies shall contract, as  
22          appropriate, or otherwise cooperate with academic  
23          researchers.

24          “(b) PROGRAM.—The administering agencies shall  
25          develop (not later than 18 months after the date of enact-

1 ment of the National Aquatic Invasive Species Act of  
2 2007) and conduct a marine and freshwater research pro-  
3 gram (including ecological and pathway surveys and ex-  
4 perimentation) to assess rates of, patterns of, and condi-  
5 tions surrounding introductions of nonindigenous aquatic  
6 species in aquatic ecosystems.

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

10 “(1) providing information for—

11 “(A) early detection and rapid response ef-  
12 forts; and

13 “(B) relevant policy questions; and

14 “(2) assessing the effectiveness of implemented  
15 policies (including any standard) to prevent the in-  
16 troduction and spread of aquatic invasive species.

17 “(d) PROTOCOL DEVELOPMENT.—The administering  
18 agencies shall—

19 “(1) establish standardized protocols for con-  
20 ducting surveys that are integrated and produce  
21 comparable data, and, as practicable, build on exist-  
22 ing protocols and data collection methods (including  
23 surveys required under subsection (b)), including—

24 “(A) protocols to support early detection  
25 surveys of nonindigenous aquatic species con-

1           ducted by Federal, State, or local agencies in-  
2           volved in the management of invasive species,  
3           including surveys carried out pursuant to sec-  
4           tion 1106;

5           “(B) protocols to support comprehensive  
6           ecological surveys conducted under this section  
7           for purposes of research and analysis of rates  
8           and patterns of invasions; and

9           “(C) protocols to support pathway surveys;  
10          “(2) recommend a standardized approach for  
11          classifying species;

12          “(3) when proposing protocols, consider rec-  
13          ommendations made at the workshop conducted  
14          under subsection (h);

15          “(4) subject the protocols to peer review;

16          “(5) complete the protocols not later than 1  
17          year after the date of enactment of the National  
18          Aquatic Invasive Species Act of 2007;

19          “(6) revise protocols as necessary; and

20          “(7) disseminate the protocols to the Task  
21          Force and other Federal, State, and local stake-  
22          holders.

23          “(e) ECOLOGICAL AND PATHWAY SURVEY REQUIRE-  
24          MENTS.—

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

4                   “(A) document baseline ecological informa-  
5           tion of the aquatic ecosystem, including—

6                           “(i) to the maximum extent prac-  
7                           ticable, a comprehensive inventory of na-  
8                           tive species, nonindigenous species, and  
9                           species of unknown origin, present in the  
10                          ecosystem; and

11                           “(ii) the chemical and physical charac-  
12                           teristics of water and underlying substrate  
13                           in the ecosystem;

14                          “(B) in the case of nonindigenous species,  
15           gather information to assist in identifying—

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

17                           “(ii) the environmental requirements  
18                           and tolerances of the species;

19                           “(iii) the native ecosystems of the spe-  
20                           cies; and

21                           “(iv) the history of the species spread  
22                           from the native ecosystems of the species;

23                          “(C) track the establishment of nonindige-  
24           nous species, including information about the  
25           estimated population of nonindigenous orga-

1 nisms to allow an analysis of the probable date  
2 of introduction of the species; and

3 “(D) identify the likely pathway of entry of  
4 nonindigenous species.

5 “(2) MINIMUM REQUIREMENTS.—Each pathway  
6 survey conducted under this section shall, at a min-  
7 imum—

8 “(A) identify which nonindigenous aquatic  
9 species are being introduced, or have the poten-  
10 tial to be introduced, through the pathways  
11 under consideration;

12 “(B) determine the rate of organism intro-  
13 duction through the pathways under consider-  
14 ation; and

15 “(C) determine the practices that contrib-  
16 uted to or could contribute to the introduction  
17 of nonindigenous aquatic species through the  
18 pathways under consideration.

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

20 “(1) REQUIRED SITES.—The administering  
21 agencies shall designate the number and location of  
22 survey sites necessary to carry out marine and fresh-  
23 water research required under this section.

1           “(2) EMPHASIS.—In carrying out paragraph  
2           (1) and subsection (g), the administering agencies  
3           shall give particular consideration to—

4                   “(A) the geographic diversity of sites; and

5                   “(B) the diversity of human uses and bio-  
6           logical characteristics of sites.

7           “(g) COMPETITIVE GRANT PROGRAM.—

8                   “(1) IN GENERAL.—In order to assist in car-  
9           rying out subsections (b) and (i), the administering  
10          agencies (acting through the National Oceanic and  
11          Atmospheric Administration) shall administer a pro-  
12          gram to award grants to academic institutions, State  
13          agencies, and other appropriate groups.

14                  “(2) ADMINISTRATION.—The program required  
15          under this section shall be competitive, peer-re-  
16          viewed, and merit-based.

17                  “(h) WORKSHOP.—Not later than 120 days after the  
18          date of enactment of the National Aquatic Invasive Spe-  
19          cies Act of 2007, to assist in the development of the proto-  
20          cols and design for the surveys under this section, the ad-  
21          ministering agencies shall—

22                   “(1) convene a workshop among researchers  
23          from Federal and State agencies and academic insti-  
24          tutions to obtain recommendations for the develop-  
25          ment of the protocols and surveys; and

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

3           “(i) EXPERIMENTATION.—The administering agen-  
4           cies shall conduct (at existing field stations and such other  
5           sites as may be appropriate) coordinated experiments on  
6           a range of taxonomic groups to identify—

7           “(1) the relationship between the introduction  
8           and establishment of nonindigenous aquatic species;  
9           and

10           “(2) the circumstances necessary for the species  
11           to survive and thrive.

12           “(j) NATIONAL PATHWAYS AND ECOLOGICAL SUR-  
13           VEYS DATABASE.—

14           “(1) IN GENERAL.—The United States Geologi-  
15           cal Survey shall develop, maintain, and update, in  
16           consultation and cooperation with the Smithsonian  
17           Environmental Research Center and the National  
18           Oceanic and Atmospheric Administration, a central  
19           national database of information concerning infor-  
20           mation collected under section 1107(b).

21           “(2) REQUIREMENT.—The United States Geo-  
22           logical Survey shall—

23           “(A) make the database widely available to  
24           the public;

1           “(B) update the database not less often  
2 than once every 90 days;

3           “(C) coordinate the database with existing  
4 databases collecting similar information; and

5           “(D) to the maximum extent practicable,  
6 format the databases in a manner such that the  
7 data is useful for researchers and Federal and  
8 State employees managing relevant invasive  
9 species programs.”.

10       (b) VESSEL PATHWAY SURVEYS.—Section  
11 1102(b)(2)(B) of Nonindigenous Aquatic Nuisance Pre-  
12 vention and Control Act of 1990 (16 U.S.C.  
13 4712(b)(2)(B)) is amended by striking clause (ii) and in-  
14 serting the following:

15           “(ii) examine other potential modes  
16 for the introduction of nonindigenous  
17 aquatic species by vessel, including hull  
18 fouling.”.

19 **SEC. 142. ANALYSIS.**

20       (a) IN GENERAL.—Subtitle B of the Nonindigenous  
21 Aquatic Nuisance Prevention and Control Act of 1990 (16  
22 U.S.C. 4711 et seq.) (as amended by section 141(a)) is  
23 amended by adding at the end the following:

24 **“SEC. 1108. ANALYSIS.**

25       “(a) INVASION ANALYSIS.—



1           “(1) IN GENERAL.—Not later than 3 years  
2 after the date of enactment of the National Aquatic  
3 Invasive Species Act of 2007, and annually there-  
4 after, the administering agencies shall analyze data  
5 collected under section 1107 and other relevant re-  
6 search, for the purpose of preventing the introduc-  
7 tion of, detecting, and eradicating invasive species  
8 by—

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

11           “(B) providing information for relevant  
12 policy questions; and

13           “(C) assessing the effectiveness of imple-  
14 mented policies to prevent the introduction and  
15 spread of invasive species.

16           “(2) CONTENTS.—The analysis required under  
17 paragraph (1) shall include, with respect to aquatic  
18 invasive species—

19           “(A) an analysis of pathways to—

20           “(i) identify, and characterize as  
21 high-, medium-, or low-risk, regional and  
22 national pathways for the introduction of  
23 nonindigenous aquatic species into aquatic  
24 ecosystems;

1                   “(ii) identify new and expanding path-  
2                   ways through which nonindigenous aquatic  
3                   species may be introduced into aquatic eco-  
4                   systems;

5                   “(iii) identify handling practices that  
6                   contribute to the introduction of species in  
7                   pathways; and

8                   “(iv) assess the risk that species cur-  
9                   rently used in commerce pose for introduc-  
10                  tion into aquatic ecosystems;

11                  “(B) include patterns and rates of invasion  
12                  and susceptibility to invasion of various types of  
13                  bodies of water;

14                  “(C) consider the ways in which the risk of  
15                  establishment of an aquatic invasive species  
16                  through a pathway is related to the identity and  
17                  number of organisms transported;

18                  “(D) consider rates of spread and numbers  
19                  and types of pathways of spread of new popu-  
20                  lations of the aquatic invasive species and esti-  
21                  mate the potential for the spread and distribu-  
22                  tion of newly introduced invasive species based  
23                  on the environmental requirements and histor-  
24                  ical distribution of the species;

1           “(E) document factors that influence the  
2 vulnerability of an ecosystem to invasion by a  
3 nonindigenous aquatic species;

4           “(F) include a description of the potential  
5 for, and impacts of, pathway management pro-  
6 grams on invasion rates;

7           “(G) provide recommendations for im-  
8 provements on the effectiveness of pathway  
9 management;

10           “(H) to the extent practicable, determine  
11 the level of reduction in live organisms of var-  
12 ious taxonomic groups required to reduce to an  
13 acceptable level the risk of establishment to re-  
14 ceiving aquatic ecosystems; and

15           “(I) evaluate the effectiveness of manage-  
16 ment actions (including any standard) at reduc-  
17 ing species introductions and establishment.

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

21           “(b) RESEARCH TO ASSESS THE POTENTIAL OF THE  
22 ESTABLISHMENT OF INTRODUCED SPECIES.—

23           “(1) IN GENERAL.—Not later than 2 years  
24 after the date of enactment of the National Aquatic  
25 Invasive Species Act of 2007, the administering

1 agencies shall develop, conduct peer review of, and  
2 submit to the Task Force a profile of the general  
3 characteristics of invasive species, in order to—

4 “(A) predict, to the extent practicable,  
5 whether a species planned for importation is  
6 likely to invade a particular aquatic ecosystem  
7 if introduced; and

8 “(B) support the development of the  
9 screening process authorized under section  
10 1105.

11 “(2) RESEARCH.—In developing the profile, the  
12 administering agencies shall analyze the research  
13 conducted under section 1107 and other research as  
14 necessary to determine—

15 “(A) characteristics of general species and  
16 ecosystems (taking into account the opportunity  
17 for introduction into any ecosystem); and

18 “(B) circumstances that may lead to estab-  
19 lishment of a nonindigenous aquatic organism.

20 “(3) RECOMMENDATIONS.—Based on the pro-  
21 file, the administering agencies shall develop and  
22 submit to the Task Force, for inclusion in the report  
23 to Congress developed under section 1201(f)(2)(B),  
24 recommendations concerning which planned importa-

1           tion of nonindigenous aquatic organisms warrant re-  
2           striction under section 1105.

3   **“SEC. 1109. DISSEMINATION.**

4           “(a) IN GENERAL.—The National Invasive Species  
5   Council, in coordination with the Task Force, and the ad-  
6   ministering agencies shall disseminate the information col-  
7   lected under this Act to Federal, State, and local entities  
8   (including relevant policymakers and private researchers  
9   with responsibility over or interest in aquatic invasive spe-  
10   cies).

11          “(b) REPORTS.—The National Invasive Species  
12   Council shall—

13               “(1) not later than 3 years after the date of en-  
14   actment of the National Aquatic Invasive Species  
15   Act of 2007, submit to Congress a report that de-  
16   scribes the actions and findings carried out under  
17   this Act; and

18               “(2) at least once every 3 years thereafter or  
19   more often as necessary, update the report.

20          “(c) RESPONSE STRATEGY.—To enable Federal,  
21   State, and local entities having responsibility for respond-  
22   ing to the introduction of potentially harmful nonindige-  
23   nous aquatic species to better and more rapidly respond  
24   to those introductions, the National Invasive Species  
25   Council, in coordination with the Task Force, the admin-

1 istering agencies, and other appropriate Federal and State  
2 agencies, shall implement a national strategy for the shar-  
3 ing of information collected under this Act with those enti-  
4 ties.

5 “(d) **PATHWAY PRACTICES.**—The National Invasive  
6 Species Council, in coordination with the Task Force, and  
7 the administering agencies shall disseminate information  
8 to, and develop an ongoing educational program for, path-  
9 way users (including vendors and customers) to inform  
10 those users about means by which users can prevent the  
11 intentional or unintentional introduction of nonindigenous  
12 aquatic species into aquatic ecosystems.

13 **“SEC. 1110. TECHNOLOGY DEVELOPMENT, DEMONSTRATION,  
14 AND VERIFICATION.**

15 “(a) **ENVIRONMENTALLY SOUND TECHNOLOGY DE-  
16 VELOPMENT, DEMONSTRATION, AND VERIFICATION.**—

17 “(1) **IN GENERAL.**—Not later than 1 year after  
18 the date of enactment of the National Aquatic  
19 Invasive Species Act of 2007, the Administrator, in  
20 consultation with the Army Corps of Engineers and  
21 the administering agencies, shall develop and imple-  
22 ment a grant program to fund research, develop-  
23 ment, demonstration, and verification of environ-  
24 mentally sound cost-effective technologies and meth-  
25 ods to control and eradicate aquatic invasive species.

1           “(2) PURPOSES.—Proposals funded under this  
2 program shall—

3           “(A) provide funds to support on-going ef-  
4 ferts of Federal, State, or local officials to con-  
5 trol and eradicate aquatic invasive species in an  
6 environmentally sound manner;

7           “(B) increase the number of environ-  
8 mentally sound technologies or methods Fed-  
9 eral, State, or local officials may use to control  
10 or eradicate aquatic invasive species;

11           “(C) provide for the demonstration or dis-  
12 semination of the technologies or methods to  
13 potential end-users; and

14           “(D) verify that any technology or practice  
15 meets any appropriate criteria developed for ef-  
16 fectiveness and environmental soundness that  
17 are established by the Administrator.

18           “(3) PREFERENCE.—In making grants under  
19 this subsection, the Administrator shall give pref-  
20 erence to proposals that meet criteria developed for  
21 environmental soundness that are established by the  
22 Administrator.

23           “(4) MERIT REVIEW.—Grants awarded through  
24 this subsection shall be awarded through a competi-  
25 tive, peer-reviewed process and shall be merit-based.

1           “(5) REPORT.—Not later than 3 years after the  
2           date of enactment of the National Aquatic Invasive  
3           Species Act of 2007, the Administrator shall submit  
4           to Congress a report on the program conducted  
5           under this subsection, including findings and rec-  
6           ommendations of the Secretary with respect to tech-  
7           nologies and methods described in paragraph (1).

8           “(b) DISPERSAL BARRIER RESEARCH PROGRAM.—  
9           Not later than 1 year after the date of enactment of the  
10          National Aquatic Invasive Species Act of 2007, the Assist-  
11          ant Secretary, in conjunction with the Director and other  
12          appropriate Federal agencies and academic researchers,  
13          shall establish a research, development, and demonstration  
14          program—

15                 “(1) to study environmentally sound methods  
16                 and technologies to reduce dispersal of aquatic  
17                 invasive species through interbasin waterways; and

18                 “(2) to assess the potential for using those  
19                 methods and technologies in other waterways.”.

20          (b) EXPANSION OF VESSEL PATHWAY TECHNOLOGY  
21          DEMONSTRATION PROGRAM.—Section 1104(b) of the  
22          Nonindigenous Aquatic Nuisance Prevention and Control  
23          Act of 1990 (16 U.S.C. 4714(b)) is amended—

24                 (1) by redesignating paragraphs (4) and (5) as  
25                 paragraphs (7) and (8), respectively; and



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

3           “(4) ADDITIONAL PURPOSES.—The Secretary  
4           of the Interior and the Secretary of Commerce may  
5           demonstrate and verify technologies under this sub-  
6           section to monitor and control pathways of organism  
7           transport on vessels other than through ballast  
8           water.

9           “(5) PRIORITY.—In making grants under this  
10          subsection, the Secretary of the Interior and the  
11          Secretary of Commerce shall give priority to tech-  
12          nologies that meet criteria established in any testing  
13          protocol developed under the Environmental Tech-  
14          nology Verification program of the Administrator.

15          “(6) WORKSHOP.—The Secretary of the Inte-  
16          rior and the Secretary of Commerce shall—

17                 “(A) hold an annual workshop to encour-  
18                 age the exchange of information between and  
19                 among—

20                         “(i) principal investigators for which  
21                         funds are made available under this sub-  
22                         section; and

23                         “(ii) researchers conducting research  
24                         directly relating to vessel pathway tech-  
25                         nology development; and

1                   “(B) make the results of the proceedings  
2                   widely available to the public.”.

3 **SEC. 143. VESSEL PATHWAY STANDARDS RESEARCH.**

4           Subtitle B of the Nonindigenous Aquatic Nuisance  
5 Prevention and Control Act of 1990 (16 U.S.C. 4711 et  
6 seq.) (as amended by section 142(a)) is amended by add-  
7 ing at the end the following:

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

9           “(a) RESEARCH PROGRAM.—

10                   “(1) IN GENERAL.—The Secretary and the Ad-  
11 ministrator (in coordination with the National Ocea-  
12 nic and Atmospheric Administration, the Task  
13 Force, and other appropriate Federal agencies and  
14 academic researchers) shall develop and conduct a  
15 coordinated research program to support the estab-  
16 lishment and implementation of standards to prevent  
17 the introduction and spread of aquatic invasive spe-  
18 cies by vessels.

19                   “(2) COMPONENTS.—The research program  
20 shall include programs to—

21                           “(A) characterize physical, chemical, and  
22 biological harbor conditions relevant to ballast  
23 discharge into waters of the United States to  
24 provide information for the design and imple-

1           mentation of vessel vector control technologies  
2           and practices;

3           “(B) develop testing protocols for deter-  
4           mining the effectiveness of vector monitoring  
5           and control technologies and practices;

6           “(C) research and demonstrate methods  
7           for mitigating the spread of aquatic invasive  
8           species by coastal voyages, including the explo-  
9           ration of the effectiveness of alternative ex-  
10          change zones in the near coastal areas and  
11          other methods proposed to reduce the transfers  
12          of organisms;

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

17          “(E) evaluate the effectiveness and resid-  
18          ual risk and environmental impacts associated  
19          with any standard established with respect to a  
20          ship pathway through experimental research.

21          “(b) PERFORMANCE TEST.—Not later than 1 year  
22          after the date of enactment of the National Aquatic  
23          Invasive Species Act of 2007, the Secretary, in conjunc-  
24          tion with the National Institute of Standards and Tech-  
25          nology and the Maritime Administration, shall design a

1 performance test for ballast water exchange (such as a dye  
2 study) to measure the effectiveness of ballast water ex-  
3 change.

4 “(c) NATIONAL ACADEMY OF SCIENCES STUDY.—

5 “(1) IN GENERAL.—The Secretary shall enter  
6 into an agreement with the National Academy of  
7 Sciences under which the Academy shall—

8 “(A) identify the relative risk of transfer of  
9 various taxonomic groups of invasive species by  
10 different vessel modes;

11 “(B)(i) assess the extent to which a ballast  
12 water standard that virtually eliminates the risk  
13 of introduction of invasive species by ballast  
14 water may relate to the risk of introductions by  
15 all vessel modes; and

16 “(ii) explain the degree of uncertainty in  
17 such an assessment; and

18 “(C)(i) recommend methods for reducing  
19 the transfers of invasive species by vessels by  
20 addressing all parts and systems of vessels and  
21 all related modes of transport of invasive orga-  
22 nisms; and

23 “(ii) identify the research, development,  
24 and demonstration needed to improve the infor-

1           mation base to support those methods, includ-  
2           ing economic information.

3           “(2) REPORT.—Not later than 2 years after the  
4           date of enactment of the National Aquatic Invasive  
5           Species Act of 2007, the Secretary shall submit to  
6           Congress a report that describes the results of the  
7           study under paragraph (1).

8           “(3) IMPLEMENTATION OF RECOMMENDA-  
9           TIONS.—Not later than the later of the date that is  
10          1 year after the date of submission of the report  
11          under paragraph (2) or the date that is 3 years after  
12          the date of enactment of the National Aquatic  
13          Invasive Species Act of 2007, the Task Force, in  
14          conjunction with the Administrator, administering  
15          agencies, and other appropriate Federal agencies,  
16          shall submit to the Secretary a report that describes  
17          recommendations for—

18                 “(A) a vessel pathway treatment standard  
19                 that incorporates all potential modes of transfer  
20                 by vessel; and

21                 “(B) methods for type approval and accu-  
22                 rate monitoring of treatment performance that  
23                 are simple and streamlined and follow estab-  
24                 lished protocols.

25          “(d) WORKING GROUP.—

1           “(1) IN GENERAL.—Not later than 2 years  
2 after the date of issuance by the Secretary of any  
3 standard relating to the introduction by vessels of  
4 invasive species, the Secretary shall convene a work-  
5 ing group (including the Administrator, the admin-  
6 istering agencies, and other appropriate Federal and  
7 State agencies and academic researchers) to evaluate  
8 the effectiveness of that standard and accompanying  
9 implementation protocols.

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

12           “(A) reviewing the effectiveness of the  
13 standard in reducing the establishment of  
14 invasive species in aquatic ecosystems, taking  
15 into consideration the data collected under sec-  
16 tion 1107; and

17           “(B) submitting recommendations to the  
18 Secretary (who shall make the recommenda-  
19 tions widely available to the public) for the revi-  
20 sion of the standard and type approval process  
21 in order to ensure—

22           “(i) effectiveness in reducing introduc-  
23 tions of invasive species; and

24           “(ii) the effectiveness of accurate  
25 shipboard monitoring of treatment per-

1                   formance in a simple and streamlined man-  
2                   ner.”.

3 **SEC. 144. GRADUATE EDUCATION IN SYSTEMATICS AND**  
4                   **TAXONOMY.**

5           Subtitle B of the Nonindigenous Aquatic Nuisance  
6 Prevention and Control Act of 1990 (16 U.S.C. 4711 et  
7 seq.) (as amended by section 143) is amended by adding  
8 at the end the following:

9 **“SEC. 1112. RESEARCH IN SYSTEMATICS AND TAXONOMY.**

10           “(a) IN GENERAL.—The National Science Founda-  
11 tion shall establish a program to award grants to research-  
12 ers at institutions of higher education and museums to  
13 carry out research in systematics and taxonomy.

14           “(b) PURPOSES.—The purposes of the program  
15 are—

16                   “(1) to encourage scientists to pursue careers  
17 in systematics and taxonomy to ensure a continuing  
18 knowledge base in those disciplines;

19                   “(2) to ensure that there will be adequate ex-  
20 pertise in systematics and taxonomy to meet Fed-  
21 eral, State, and local needs to identify invasive spe-  
22 cies;

23                   “(3) to develop that expertise throughout the  
24 United States with an emphasis on regional diver-  
25 sity; and

1           “(4) to draw on existing expertise in system-  
2           atics and taxonomy at institutions of higher edu-  
3           cation and museums to train the next generation of  
4           systematists and taxonomists.

5           “(c) ADMINISTRATION.—

6           “(1) MERIT REVIEW.—Grants awarded through  
7           this section shall be awarded through a competitive,  
8           peer-reviewed process and shall be merit-based.

9           “(2) PREFERENCES.—In making grants under  
10          this section, the National Science Foundation shall  
11          provide a preference for—

12                 “(A) projects in a diverse set of ecosystems  
13                 and geographic locations;

14                 “(B) if applicable, projects that are inte-  
15                 grated with the Long Term Ecological Research  
16                 Network created by the National Science Foun-  
17                 dation;

18                 “(C) projects that include student partici-  
19                 pation; and

20                 “(D) projects carried out by institutions of  
21                 higher education and museums that actively  
22                 train students to become experts in systematics  
23                 and taxonomy.”.



**PART VI—COORDINATION****2 SEC. 151. PROGRAM COORDINATION.**

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

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

8 (2) by redesignating paragraph (7) as para-  
9 graph (12); and

10 (3) by inserting after paragraph (6) the fol-  
11 lowing:

12 “(7) the Director of the United States Geologi-  
13 cal Survey;

14 “(8) the Director of the Smithsonian Environ-  
15 mental Research Center;

16 “(9) the Secretary of State;

17 “(10) the Secretary of Transportation;

18 “(11) the Secretary of Homeland Security;  
19 and”.

20 (b) COORDINATION WITH NATIONAL INVASIVE SPE-  
21 CIES COUNCIL.—Section 1201(f) of the Nonindigenous  
22 Aquatic Nuisance Prevention and Control Act of 1990 (16  
23 U.S.C. 4721(f)) is amended—

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

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

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

4           “(2) NATIONAL INVASIVE SPECIES COUNCIL.—  
5 The National Invasive Species Council shall—

6                   “(A) coordinate and cooperate with the  
7 Task Force in carrying out the duties of the  
8 National Invasive Species Council relating to  
9 aquatic invasive species;

10                   “(B) not later than 2 years after the date  
11 of enactment of the National Aquatic Invasive  
12 Species Act of 2007, and every 3 years there-  
13 after, submit to Congress a report that summa-  
14 rizes the status of the conduct of activities au-  
15 thorized by and required under this Act; and

16                   “(C) establish any regional panels or task  
17 forces in coordination with the regional panels  
18 of the Task Force convened under section  
19 1203.”.

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

24           “(3) RECOMMENDATIONS FOR LISTS.—

1           “(A) IN GENERAL.—The Task Force shall  
2           annually recommend to Federal agencies of ju-  
3           risdiction such additions of aquatic invasive  
4           species as the Task Force determines to be ap-  
5           propriate for inclusion on—

6                   “(i) any list of species of wildlife cov-  
7                   ered by section 42 of title 18, United  
8                   States Code (including regulations); or

9                   “(ii) any list of noxious weeds under  
10                  the Plant Protection Act (7 U.S.C. 7701 et  
11                  seq.) (including regulations promulgated  
12                  under that Act contained in part 360 of  
13                  title 7, Code of Federal Regulations (or  
14                  any successor regulations)).

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

19           (d) REGIONAL COORDINATION.—Section 1203 of the  
20           Nonindigenous Aquatic Nuisance Prevention and Control  
21           Act of 1990 (16 U.S.C. 4723) is amended by adding at  
22           the end the following:

23                   “(d) ANNUAL INTER-REGIONAL MEETING.—The  
24           Task Force shall annually convene all regional panels es-  
25           tablished pursuant to this Act for the purpose of informa-

1 tion transfer between and among panels, and between the  
2 panels and the Task Force, regarding aquatic invasive  
3 species management.

4 “(e) ORGANIZATIONS.—

5 “(1) IN GENERAL.—An interstate organization  
6 that has a Federal charter authorized by law or ex-  
7 ecutive order for purposes of fisheries or natural re-  
8 source management may develop and implement—

9 “(A) regional aquatic invasive species man-  
10 agement plans; and

11 “(B) rapid response activities that are—

12 “(i) requested by the Governors of the  
13 member States of the organization; and

14 “(ii) consistent with any relevant  
15 State aquatic invasive species management  
16 plans.

17 “(2) FUNDS.—The interstate organization may  
18 receive funds under this Act to implement activities  
19 under the regional aquatic invasive species manage-  
20 ment plan of the organization.”.

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

25 (1) in paragraph (2)—

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

5 “(i) rapid assessment and response  
6 contingency strategies under section 1211;

7 “(ii) early detection strategies under  
8 section 1211(b)(4);

9 “(iii) aquatic plant control programs  
10 conducted pursuant to other laws; and

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

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

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

16 “(5) GUIDELINES.—

17 “(A) IN GENERAL.—Not later than 1 year  
18 after the date of enactment of the National  
19 Aquatic Invasive Species Act of 2007, the Task  
20 Force shall amend the guidelines of the Task  
21 Force for the development of plans under this  
22 subsection, including guidelines for reporting  
23 progress in implementing the plans, to encour-  
24 age consistency in implementation of and re-  
25 porting under those plans.

1           “(B) GUIDELINES.—The guidelines pub-  
2           lished under subparagraph (A) shall include, for  
3           the purpose of paragraph (2)(A), guidelines  
4           concerning—

5                   “(i) rapid response contingency strate-  
6                   gies under section 1211;

7                   “(ii) early detection strategies under  
8                   section 1211(b)(4);

9                   “(iii) aquatic plant control programs  
10                  conducted pursuant to other laws;

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

13                  “(v) the review and revision of re-  
14                  quirements of this subsection and the re-  
15                  approval process under this subsection.

16           “(6) RELATIONSHIP TO OTHER PLANS.—

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

23                   “(B) ENFORCEMENT.—Funds provided to  
24                   States for implementation of plans pursuant to  
25                   section 1204 may be used by States to enforce

1 requirements relating to aquatic invasive species  
2 under the Plant Protection Act (7 U.S.C. 7701  
3 et seq.) (including regulations promulgated  
4 under that Act contained in part 360 of title 7,  
5 Code of Federal Regulations (or any successor  
6 regulations)).

7 “(7) ELIGIBILITY OF EXISTING PLANS.—A plan  
8 approved under this section as of the day imme-  
9 diately before the date of enactment of the National  
10 Aquatic Invasive Species Act of 2007 shall be eligi-  
11 ble to receive a grant awarded under this section.

12 “(8) REVIEW AND REVISION.—

13 “(A) IN GENERAL.—Each State shall peri-  
14 odically review and, as necessary, revise the  
15 management plan of the State in accordance  
16 with guidelines of the Task Force.

17 “(B) UPDATE OF EXISTING PLANS.—A  
18 plan approved under this section as of the day  
19 immediately before the date of enactment of the  
20 National Aquatic Invasive Species Act of 2007  
21 shall be updated after the date of enactment of  
22 the National Aquatic Invasive Species Act of  
23 2007 to conform to the guidelines published  
24 under paragraph (5).

1           “(9) OTHER STATE MANAGEMENT PLANS.—In  
 2 addition to the management plans required under  
 3 this subsection, the Director shall encourage each  
 4 State to develop and implement new, and expand ex-  
 5 isting, State management plans to improve State ac-  
 6 tions to prevent and control aquatic invasive spe-  
 7 cies.”.

8           (f) GRANT PROGRAM.—Section 1204(b)(1) of the  
 9 Nonindigenous Aquatic Nuisance Prevention and Control  
 10 Act of 1990 (16 U.S.C. 4724(b)(1)) is amended by strik-  
 11 ing “subsection (a) for the implementation of those  
 12 plans.” and inserting the following: “subsection (a)—

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

17                   “(B) to implement those plans.”.

18 **SEC. 152. INTERNATIONAL COORDINATION.**

19           (a) IN GENERAL.—Subtitle E of the Nonindigenous  
 20 Aquatic Nuisance Prevention and Control Act of 1990 (16  
 21 U.S.C. 4751 et seq.) is amended—

22                   (1) by striking the subtitle heading and insert-  
 23 ing the following:

24                   **“Subtitle E—Administration”;**

25                   and



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

2 **“SEC. 1402. INTERNATIONAL COORDINATION.**

3 “(a) IN GENERAL.—The Task Force, the National  
4 Invasive Species Council, and the Secretary of State shall,  
5 to the maximum extent practicable, ensure that inter-  
6 national efforts to prevent, detect, monitor, assess, and  
7 control aquatic invasive species (including through the  
8 International Maritime Organization, the International  
9 Convention on the Exploration of the Sea, the Global  
10 Invasive Species Program, and other appropriate pro-  
11 grams) are coordinated with policies of the United States  
12 established by this Act.

13 “(b) COORDINATION WITH NEIGHBORING COUN-  
14 TRIES.—

15 “(1) IN GENERAL.—The Task Force, in con-  
16 sultation with the Secretary of State, shall include in  
17 the report required by section 1202(m) a description  
18 of the means by which international agreements and  
19 regulations with countries that share a border with  
20 the United States will be implemented and enforced  
21 by Federal agencies (including a clarification of the  
22 roles and responsibilities of those agencies).

23 “(2) NEGOTIATIONS.—As soon as practicable  
24 after the date of enactment of the National Aquatic

1 Invasive Species Act of 2007, the Secretary of State  
2 may enter into negotiations with—

3 “(A) Canada to issue a request that the  
4 International Joint Commission, not later than  
5 18 months after the date of enactment of that  
6 Act, review, research, conduct hearings on, and  
7 submit to the parties represented on the Inter-  
8 national Joint Commission a report that de-  
9 scribes the success of current policies of govern-  
10 ments in the United States and Canada having  
11 jurisdiction over the Great Lakes in antici-  
12 pating and preventing biological invasions of  
13 the aquatic ecosystem in the Great Lakes, in-  
14 cluding—

15 “(i) an analysis of current Federal,  
16 State or Provincial, local, and international  
17 laws, enforcement practices, and agree-  
18 ments;

19 “(ii) an analysis of prevention efforts  
20 relating to all likely pathways for biological  
21 invasions of the aquatic ecosystem in the  
22 Great Lakes; and

23 “(iii) recommendations of the Inter-  
24 national Joint Commission for means by  
25 which to improve and harmonize the poli-

1                   cies and enforcement practices referred to  
2                   in clause (i); and

3                   “(B) Mexico, to ensure coordination of ef-  
4                   forts of the United States with efforts of Mex-  
5                   ico to manage invasive species established in the  
6                   United States-Mexico border region.

7 **“SEC. 1403. TREATMENT OF NATIONAL INVASIVE SPECIES**  
8                   **COUNCIL.**

9                   “The National Invasive Species Council shall con-  
10                  tinue regardless of the termination of section 3 of Execu-  
11                  tive Order No. 13112 (42 U.S.C. 4321 note; relating to  
12                  invasive species).”.

13 **PART VII—AUTHORIZATION OF APPROPRIATIONS**  
14 **SEC. 155. AUTHORIZATION OF APPROPRIATIONS.**

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

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

19                  “(a) IN GENERAL.—Except as otherwise provided in  
20                  this section, there are authorized to be appropriated such  
21                  sums as are necessary to carry out this Act for each of  
22                  fiscal years 2008 through 2012.

23                  “(b) TASK FORCE AND AQUATIC INVASIVE SPECIES  
24                  PROGRAM.—There are authorized to be appropriated for  
25                  each of fiscal years 2008 through 2012—

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

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

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

8           “(C) \$1,000,000 shall be used by the Na-  
9 tional Invasive Species Council;

10          “(2) \$30,000,000, to provide grants under sec-  
11 tion 1204(b);

12          “(3) \$3,000,000, to provide assistance to the  
13 regional panels of the Task Force; and

14          “(4) \$1,000,000, to be used by the Director to  
15 carry out section 1105(g).

16          “(c) INTERNATIONAL COORDINATION.—There is au-  
17 thorized to be appropriated to the Department of State  
18 to carry out section 1403 \$1,000,000 for each of fiscal  
19 years 2008 through 2012.

20          “(d) PREVENTION OF INTRODUCTION BY VESSELS  
21 OF AQUATIC INVASIVE SPECIES INTO WATERS OF THE  
22 UNITED STATES.—There are authorized to be appro-  
23 priated for each of fiscal years 2008 through 2012—

24          “(1) \$6,000,000, to be used by the Secretary to  
25 carry out section 1101;

1           “(2) \$2,500,000, to be used by the Adminis-  
2           trator to carry out section 1101; and

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

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

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

9           “(e) PREVENTION OF THE INTRODUCTION BY NON-  
10          VESSEL PATHWAYS OF AQUATIC INVASIVE SPECIES INTO  
11          WATERS OF THE UNITED STATES.—There are authorized  
12          to be appropriated for each of fiscal years 2008 through  
13          2012—

14                   “(1) \$5,000,000, to carry out the priority path-  
15          way management program under section 1210, of  
16          which—

17                           “(A) \$2,000,000 shall be used by the Na-  
18                   tional Oceanic and Atmospheric Administration;  
19                   and

20                           “(B) \$3,000,000 shall be used by the Di-  
21                   rector;

22                   “(2) \$1,000,000, to be used by the National  
23          Invasive Species Council to establish screening  
24          guidelines under section 1105(d); and

1           “(3) \$3,500,000, to be used by the Director to  
2           promulgate and implement screening requirements  
3           under section 1105(e).

4           “(f) EARLY DETECTION AND MONITORING.—There  
5           is authorized to be appropriated, to carry out early detec-  
6           tion, monitoring, and survey planning and implementation  
7           under section 1106, \$2,000,000 for each of fiscal years  
8           2008 and 2009 and \$10,000,000 for each of fiscal years  
9           2010 through 2012, of which—

10           “(1) for each of fiscal years 2008 and 2009—

11                   “(A) \$1,000,000 shall be used by the Na-  
12                   tional Oceanic and Atmospheric Administration;  
13                   and

14                   “(B) \$1,000,000 shall be used by the Di-  
15                   rector; and

16           “(2) for each of fiscal years 2010 through  
17           2012—

18                   “(A) \$5,000,000 shall be used by the Na-  
19                   tional Oceanic and Atmospheric Administration;  
20                   and

21                   “(B) \$5,000,000 shall be used by the Di-  
22                   rector.

23           “(g) CONTAINMENT AND CONTROL.—

1           “(1) DISPERSAL BARRIERS.—There are author-  
2 ized to be appropriated for each of fiscal years 2008  
3 through 2012—

4           “(A) such sums as are necessary to carry  
5 out section 1202(j)(1); and

6           “(B) \$2,150,000, to be used by the Direc-  
7 tor to carry out the monitoring program under  
8 section 1202(j)(2).

9           “(2) RAPID RESPONSE.—There are authorized  
10 to be appropriated for each of fiscal years 2008  
11 through 2012—

12           “(A) \$25,000,000, to the Emergency  
13 Rapid Response Fund established under section  
14 1211(a), to remain available until expended;

15           “(B) \$1,000,000, to be used by the Na-  
16 tional Invasive Species Council in developing  
17 the State and regional rapid response contin-  
18 gency strategy under section 1211; and

19           “(C) \$1,500,000, to be used for Federal  
20 rapid response teams under section 1211(f), of  
21 which—

22           “(i) \$500,000 shall be used by the  
23 National Oceanic and Atmospheric Admin-  
24 istration; and

1                   “(ii) \$1,000,000 shall be used by the  
2                   Director.

3                   “(3) ENVIRONMENTAL SOUNDNESS.—There is  
4                   authorized to be appropriated for establishment  
5                   under section 1202(k) of criteria for the improve-  
6                   ment of treatment methods for aquatic invasive spe-  
7                   cies \$600,000 for each of fiscal years 2008 through  
8                   2012.

9                   “(h) INFORMATION, EDUCATION AND OUTREACH.—  
10                  There are authorized to be appropriated for each of fiscal  
11                  years 2008 through 2012—

12                   “(1) \$500,000, to be used by the Secretary of  
13                   the Interior to carry out the information and edu-  
14                   cation program under section 1202(h)(2)(D);

15                   “(2) \$750,000, to be used by the Director in  
16                   carrying out the 100th meridian program under sec-  
17                   tion 1202(h)(2)(C);

18                   “(3) \$2,000,000, to be used to carry out infor-  
19                   mational and educational activities of the Task  
20                   Force under section 1202(h), of which—

21                   “(A) \$1,000,000 shall be used by the Na-  
22                   tional Oceanic and Atmospheric Administration;  
23                   and

24                   “(B) \$1,000,000 shall be used by the Di-  
25                   rector; and



1           “(4) \$500,000, to be used by the National Oce-  
2           anic and Atmospheric Administration to carry out  
3           section 1202(h)(2)(B)(ii).

4           “(i) RESEARCH.—

5           “(1) ECOLOGICAL AND PATHWAY RESEARCH  
6           AND ANALYSIS.—There are authorized to be appro-  
7           priated for each of fiscal years 2008 through 2012—

8           “(A) \$17,000,000, to be used by the Na-  
9           tional Oceanic and Atmospheric Administration  
10           to carry out sections 1107 and 1108, of which  
11           \$13,000,000 shall be used to carry out the  
12           grant program under section 1107(g));

13           “(B) \$4,000,000, to be used by the Smith-  
14           sonian Environmental Research Center to carry  
15           out sections 1107 and 1108;

16           “(C) \$4,500,000, to be used by the United  
17           States Geological Survey to carry out sections  
18           1107 and 1108, of which \$500,000 shall be  
19           used to develop, maintain, and update the data-  
20           base required under section 1107(j)); and

21           “(D) \$1,650,000, to be used by the Great  
22           Lakes Environmental Research Laboratory to  
23           carry out the demonstration program under sec-  
24           tion 1202(i).

1           “(2) DISSEMINATION.—There is authorized to  
2 be appropriated to provide for the dissemination of  
3 information by the National Invasive Species Council  
4 under section 1109 \$500,000 for each of fiscal years  
5 2008 through 2012.

6           “(3) TECHNOLOGY DEVELOPMENT, DEM-  
7 ONSTRATION, AND VERIFICATION.—There are au-  
8 thorized to be appropriated for each of fiscal years  
9 2008 through 2012—

10           “(A) \$2,500,000, to be used by the Admin-  
11 istrator for the purposes of environmental  
12 soundness screening and improvement under  
13 section 1110(a);

14           “(B) \$1,000,000, to be used by the Assist-  
15 ant Secretary to carry out the program under  
16 section 1110(b); and

17           “(C) \$7,500,000, to carry out vessel path-  
18 way technology development under sections  
19 1104 and 1301(e).

20           “(4) VESSEL PATHWAY STANDARDS RE-  
21 SEARCH.—There are authorized to be appro-  
22 priated—

23           “(A) for each of fiscal years 2008 through  
24 2012, \$3,000,000, to be used for research in  
25 support of vessels pathway standards and tech-

1 nology evaluation under section 1111(a) of  
2 which—

3 “(i) \$1,500,000 shall be used by the  
4 Administrator; and

5 “(ii) \$2,000,000 shall be used by the  
6 Secretary of the Coast Guard;

7 “(B) for each of fiscal years 2008 through  
8 2010, \$500,000, to be used by the Coast Guard  
9 to carry out the performance test required  
10 under section 1111(b); and

11 “(C) for fiscal year 2008, \$500,000, to be  
12 used by the Secretary of the Coast Guard to  
13 enter into an agreement with the National  
14 Academy of Sciences to carry out the study re-  
15 quired under section 1111(c).

16 “(5) RESEARCH IN SYSTEMATICS AND TAX-  
17 ONOMY.—There is authorized to be appropriated for  
18 the National Science Foundation to provide research  
19 grants for systematics and taxonomy under section  
20 1112 \$2,500,000 for each of fiscal years 2008  
21 through 2012.”.

## 22 **PART VIII—CONFORMING AMENDMENTS**

### 23 **SEC. 161. CONFORMING AMENDMENTS.**

24 (a) IN GENERAL.—The Nonindigenous Aquatic Nui-  
25 sance Prevention and Control Act of 1990 is amended—

1 (1) in section 1102 (16 U.S.C. 4712)—

2 (A) in subsection (a), by striking the sub-  
3 section heading and inserting the following:

4 “(a) STUDIES ON INTRODUCTION OF AQUATIC  
5 INVASIVE SPECIES BY VESSELS.—”; and

6 (B) in subsection (b)—

7 (i) by striking paragraph (1); and

8 (ii) by redesignating paragraphs (2)

9 and (3) as paragraphs (1) and (2), respec-  
10 tively;

11 (2) in subtitle C (16 U.S.C. 4721 et seq.), by  
12 striking the subtitle heading and inserting the fol-  
13 lowing:

14 **“Subtitle C—Prevention and Con-  
15 trol of Aquatic Invasive Species  
16 Dispersal”;**

17 (3) in section 1201(a) (16 U.S.C. 4721(a)), by  
18 striking “Nuisance Species” and inserting “Invasive  
19 Species”;

20 (4) in section 1202 (16 U.S.C. 4722), by strik-  
21 ing the section heading and inserting the following:

22 **“SEC. 1202. AQUATIC INVASIVE SPECIES PROGRAM.”;**

23 (5) in section 1204 (16 U.S.C. 4724), by strik-  
24 ing the section heading and inserting the following:

1 **“SEC. 1204. STATE AQUATIC INVASIVE SPECIES MANAGE-**  
 2 **MENT PLANS.”;**

3 and

4 (6) by striking “aquatic nuisance species” each  
 5 place it appears and inserting “aquatic invasive spe-  
 6 cies”.

7 (b) **SHORT TITLE.—**

8 (1) Section 1001 of the Nonindigenous Aquatic  
 9 Nuisance Prevention and Control Act of 1990 (16  
 10 U.S.C. 4701) is amended by striking “Nonindige-  
 11 nous Aquatic Nuisance” and inserting “Nonindige-  
 12 nous Aquatic Invasive Species”.

13 (2) **REFERENCES.—**Any reference in a law,  
 14 map, regulation, document, paper, or other record of  
 15 the United States to the Nonindigenous Aquatic  
 16 Nuisance Prevention and Control Act of 1990 shall  
 17 be deemed to be a reference to the Nonindigenous  
 18 Aquatic Invasive Species Prevention and Control Act  
 19 of 1990.

20 **Subtitle B—Asian Carp Prevention**  
 21 **and Control**

22 **SEC. 171. ADDITION OF SPECIES OF CARP TO THE LIST OF**  
 23 **INJURIOUS SPECIES THAT ARE PROHIBITED**  
 24 **FROM BEING IMPORTED OR SHIPPED.**

25 Section 42(a)(1) of title 18, United States Code, is  
 26 amended by inserting after “*Dreissena polymorpha*,” the

1 following: “of the black carp of the species  
2 *Mylopharyngodon piceus*; of the bighead carp of the spe-  
3 cies *Hypophthalmichthys nobilis*; of the silver carp of the  
4 species *Hypophthalmichthys molitrix*; of the largescale sil-  
5 ver carp of the species *Hypophthalmichthys harmandi*”.

6 **SEC. 172. DISPERSAL BARRIERS.**

7 Section 1202 of the Nonindigenous Aquatic Nuisance  
8 Prevention and Control Act of 1990 (16 U.S.C. 4722) (as  
9 amended by section 133) is amended—

10 (1) in subsection (i)(3)(C), by striking “, to  
11 carry out this paragraph, \$750,000” and inserting  
12 “such sums as are necessary to carry out this para-  
13 graph”; and

14 (2) by inserting after subsection (j) the fol-  
15 lowing:

16 “(k) NATIONAL DISPERSAL BARRIER PROGRAM.—

17 “(1) CHICAGO RIVER SHIP AND SANITARY  
18 CANAL DISPERSAL BARRIER PROJECT.—

19 “(A) EXISTING BARRIER.—The Assistant  
20 Secretary shall upgrade and make permanent,  
21 at full Federal expense, the existing Chicago  
22 sanitary and ship canal dispersal barrier in Chi-  
23 cago, Illinois, constructed as a demonstration  
24 project under subsection (i)(3).

1           “(B) NEW BARRIER.—Notwithstanding the  
2 project cooperation agreement with the State of  
3 Illinois dated November 21, 2003, the Secretary  
4 shall construct, at full Federal expense, the  
5 Chicago sanitary and ship canal dispersal bar-  
6 rier authorized by section 345 of the District of  
7 Columbia Appropriations Act, 2005 (Public  
8 Law 108–335; 118 Stat. 1352).

9           “(C) OPERATION AND MAINTENANCE.—  
10 The Chicago sanitary and ship canal dispersal  
11 barriers described in subparagraphs (A) and  
12 (B) shall be operated and maintained as a sys-  
13 tem by the Corps of Engineers, at full Federal  
14 expense, in such a manner as the Chief Engi-  
15 neer determines optimizes the effectiveness of  
16 the barriers.

17           “(D) CREDIT.—

18           “(i) IN GENERAL.—The Assistant  
19 Secretary shall provide to each State a  
20 credit in an amount equal to the amount  
21 of funds contributed by the State toward  
22 the authorized dispersal barriers described  
23 in subparagraphs (A) and (B).

24           “(ii) USE OF CREDIT.—A State may  
25 apply a credit received under clause (i) to

1 any existing or future project of the Corps  
2 of Engineers in that State.

3 “(E) FEASIBILITY STUDY OF CHICAGO  
4 RIVER SHIP AND SANITARY CANAL.—

5 “(i) IN GENERAL.—Not later than 3  
6 years after the date of enactment of the  
7 Great Lakes Collaboration Implementation  
8 Act of 2007, the Assistant Secretary, in  
9 consultation with appropriate Federal,  
10 State, local, and non-governmental entities,  
11 shall conduct a feasibility study of the full  
12 range of options available to prevent the  
13 spread of aquatic invasive species through  
14 the Chicago River Ship and Sanitary Canal  
15 dispersal barrier.

16 “(ii) MATTERS TO BE STUDIED.—The  
17 study shall—

18 “(I) provide recommendations  
19 concerning additional measures and  
20 long-term measures necessary to im-  
21 prove the performance of the Chicago  
22 River Ship and Sanitary Canal dis-  
23 persal barrier; and

24 “(II) examine methods and meas-  
25 ures necessary to achieve—



1                   “(aa) 100 percent efficacy of  
2                   the barrier with respect to aquat-  
3                   ic invasive species of fish; and

4                   “(bb) maximum efficacy of  
5                   the barrier with respect to other  
6                   taxa of aquatic invasive species.

7                   “(2) MONITORING PROGRAM.—

8                   “(A) ESTABLISHMENT.—Not later than 1  
9                   year after the date of enactment of the Great  
10                  Lakes Collaboration Implementation Act of  
11                  2007, the Secretary of the Interior shall estab-  
12                  lish an interbasin and intrabasin monitoring  
13                  program.

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

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

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

20                                 “(II) the Lake Champlain Canal;

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

23                                 “(IV) major river systems (such  
24                                 as the Mississippi River), as rec-  
25                                 ommended by regional panels con-

1                   vened under section 1203, in which  
2                   interbasin transfers of aquatic  
3                   invasive species have been shown to  
4                   pose a significant threat to fish and  
5                   wildlife resources;

6                   “(ii) assess the efficacy of dispersal  
7                   barriers and other measures in preventing  
8                   the spread of aquatic invasive species  
9                   through the waterways; and

10                  “(iii) identify waterways suitable for  
11                  dispersal barrier demonstration projects, in  
12                  addition to the waterways at which dis-  
13                  persal barrier demonstration projects were  
14                  carried out before the date of enactment of  
15                  the Great Lakes Collaboration Implemen-  
16                  tation Act of 2007.

17                  “(C) REPORTS.—The Secretary of the In-  
18                  terior shall issue biennial reports describing the  
19                  findings of the monitoring program.

20                  “(3) PREVENTION AND MITIGATION PLANS FOR  
21                  CORPS PROJECTS.—In developing projects involving  
22                  interbasin waterways or other hydrologic alterations  
23                  that could create pathways for aquatic invasive spe-  
24                  cies, the Assistant Secretary shall develop adequate

1 prevention and mitigation plans for controlling the  
2 dispersal of the aquatic invasive species.

3 “(4) TECHNICAL ASSISTANCE.—The Adminis-  
4 trator of the National Oceanic and Atmospheric Ad-  
5 ministration, acting through the Great Lakes Envi-  
6 ronmental Research Laboratory, shall provide tech-  
7 nical assistance to appropriate entities to assist in  
8 the research conducted under this subsection.

9 “(5) ADDITIONAL WATERWAYS.—The Assistant  
10 Secretary, with the concurrence of the Adminis-  
11 trator, and other relevant Federal agencies, shall—

12 “(A) identify additional waterways suitable  
13 for the construction of new dispersal barriers  
14 (based on the monitoring program established  
15 under paragraph (2));

16 “(B) determine the feasibility of a dis-  
17 persal barrier project at the Lake Champlain  
18 Canal and in the Upper Mississippi River and,  
19 if feasible, establish a plan for a dispersal bar-  
20 rier at the Lake Champlain Canal and in the  
21 Upper Mississippi River; and

22 “(C) construct, maintain, and operate such  
23 dispersal barriers as necessary.

24 “(6) REPORTS.—Not later than 3 years after  
25 the date of enactment of the Great Lakes Collabora-

1 tion Implementation Act of 2007, the Assistant Sec-  
 2 retary and the Director shall jointly submit to Con-  
 3 gress a report that describes—

4 “(A) the efficacy of the Chicago River Ship  
 5 and Sanitary Canal dispersal barrier project;  
 6 and

7 “(B) a plan to provide for additional dis-  
 8 persal barrier demonstration projects and re-  
 9 lated research projects.”.

## 10 **Subtitle C—National Invasive** 11 **Species Council**

### 12 **SEC. 181. DEFINITIONS.**

13 In this subtitle:

14 (1) COUNCIL.—The term “Council” means the  
 15 National Invasive Species Council established by sec-  
 16 tion 183(a).

17 (2) INVASIVE SPECIES.—The term “invasive  
 18 species” means a species—

19 (A) that is nonnative to an ecosystem; and

20 (B) the introduction of which to that eco-  
 21 system causes or may cause harm to the envi-  
 22 ronment, the economy, or human health.

23 (3) NATIONAL MANAGEMENT PLAN.—The term  
 24 “National Management Plan” means the National

1 Invasive Species Management Plan developed by the  
2 Council under section 185(a).

3 (4) SPECIES.—The term “species” means a cat-  
4 egory of taxonomic classification that—

5 (A) ranks below a genus or subgenus; and

6 (B) consists of related organisms capable  
7 of interbreeding.

8 **SEC. 182. LIMITATION ON FEDERAL ACTIONS.**

9 (a) IN GENERAL.—No Federal agency may author-  
10 ize, fund, or carry out any action that would likely cause  
11 or promote the introduction or spread of an invasive spe-  
12 cies in the United States or any other location, unless the  
13 head of the Federal agency, at the sole discretion of the  
14 head of the agency and in accordance with guidelines de-  
15 veloped under subsection (b), determines that—

16 (1) the benefits of the action under consider-  
17 ation clearly outweigh the potential harm to the en-  
18 vironment, the economy, and human health caused  
19 by the introduction or spread of the invasive species;  
20 and

21 (2) all feasible and practical measures to mini-  
22 mize risk of harm to the environment, the economy,  
23 and human health will be taken in carrying out the  
24 action.

1 (b) GUIDELINES.—The Council on Environmental  
2 Quality, in conjunction with the Council, shall develop  
3 guidelines for Federal agencies to use in analyzing actions  
4 under subsection (a).

5 **SEC. 183. NATIONAL INVASIVE SPECIES COUNCIL.**

6 (a) ESTABLISHMENT.—

7 (1) IN GENERAL.—There is established, as an  
8 independent entity in the executive branch, the Na-  
9 tional Invasive Species Council.

10 (2) DUTIES.—The Council shall provide leader-  
11 ship and coordination among Federal agencies and  
12 between the Federal Government and State and  
13 local governments, with respect to efforts—

14 (A) to minimize the environmental, eco-  
15 nomic, and human health effects caused by  
16 invasive species; and

17 (B) to reduce the threat of further inva-  
18 sions of invasive species.

19 (b) MEMBERSHIP.—

20 (1) IN GENERAL.—The Council shall consist  
21 of—

22 (A) the Secretary of the Interior;

23 (B) the Secretary of Agriculture;

24 (C) the Secretary of Commerce;

25 (D) the Secretary of State;

- 1 (E) the Secretary of the Treasury;  
2 (F) the Secretary of Defense;  
3 (G) the Secretary of Transportation;  
4 (H) the Secretary of Health and Human  
5 Services;  
6 (I) the Administrator;  
7 (J) the Administrator of the United States  
8 Agency for International Development; and  
9 (K) such additional members as are ap-  
10 pointed under paragraph (2).

11 (2) ADDITIONAL MEMBERS.—With the concur-  
12 rence of a majority of the members of the Council,  
13 the chairperson of the Council may appoint addi-  
14 tional members to the Council from among individ-  
15 uals who are officers or employees of the Federal  
16 Government with significant responsibilities con-  
17 cerning invasive species.

18 (c) CHAIRPERSON.—

19 (1) INITIAL CHAIRPERSON.—The Secretary of  
20 the Interior shall serve as chairperson of the Council  
21 for the 3-year period beginning on the date of enact-  
22 ment of this Act.

23 (2) SUBSEQUENT CHAIRPERSONS.—After the  
24 initial 3-year period described in paragraph (1), the

1 chairperson shall rotate every 3 years among the fol-  
2 lowing members, in the following order:

3 (A) The Secretary of Agriculture.

4 (B) The Secretary of Commerce.

5 (C) The Secretary of the Interior.

6 (d) MEETINGS.—The Council shall meet at the call  
7 of the chairperson, but not less often than semiannually.

8 (e) EXECUTIVE DIRECTOR.—

9 (1) APPOINTMENT.—The President shall ap-  
10 point the Executive Director of the Council, by and  
11 with the advice and consent of the Senate.

12 (2) CONSULTATION.—Before appointing an in-  
13 dividual under paragraph (1), the President shall  
14 consult with—

15 (A) the Secretary of the Interior;

16 (B) the Secretary of Agriculture; and

17 (C) the Secretary of Commerce.

18 (3) QUALIFICATIONS.—An individual appointed  
19 as Executive Director of the Council shall have—

20 (A) legal or scientific experience and train-  
21 ing in the area of natural resources, ecology, or  
22 agriculture; and

23 (B) experience in dealing with public policy  
24 matters concerning aquatic and terrestrial  
25 invasive species.



1           (4) **TERM.**—The Executive Director of the  
2 Council shall serve for a term of 6 years.

3           (5) **COMPENSATION.**—The Executive Director  
4 shall be paid at the maximum rate of basic pay pre-  
5 scribed for level GS–15 of the General Schedule.

6 **SEC. 184. DUTIES.**

7           (a) **IN GENERAL.**—The Council shall ensure that the  
8 efforts of Federal agencies concerning invasive species are  
9 coordinated, effective, complementary, and cost-efficient.

10          (b) **DUTIES.**—To carry out subsection (a), the Coun-  
11 cil shall—

12           (1) coordinate with other organizations address-  
13 ing invasive species (such as the Federal Interagency  
14 Committee for the Management of Noxious and Ex-  
15 otic Weeds, the Aquatic Nuisance Species Task  
16 Force established under section 1201 of the Non-  
17 indigenous Aquatic Nuisance Prevention and Control  
18 Act of 1990 (16 U.S.C. 4721), regional panels es-  
19 tablished under that Act, and the White House Of-  
20 fice of Science and Technology Policy) to implement  
21 the National Management Plan;

22           (2) develop recommendations for international  
23 cooperation between the Federal Government, State  
24 governments, and foreign countries on tools, policies,  
25 and methods to prevent the introduction and export

1 of invasive species into and from, respectively, the  
2 United States;

3 (3) develop guidelines for Federal agency ef-  
4 forts to ensure that Federal programs concerning  
5 invasive species, including outreach programs, are  
6 coordinated with State, local, and tribal govern-  
7 ments;

8 (4) develop, in consultation with the Council on  
9 Environmental Quality and in accordance with the  
10 National Environmental Policy Act of 1969 (42  
11 U.S.C. 4321 et seq.), guidance for Federal agencies  
12 on prevention, control, and eradication of invasive  
13 species;

14 (5) establish and maintain a publicly accessible,  
15 coordinated, up-to-date information sharing system  
16 on invasive species that—

17 (A) allows the access to and exchange of  
18 information among Federal agencies and the  
19 public; and

20 (B) uses the Internet to the maximum ex-  
21 tent practicable;

22 (6) ensure that Federal agencies implement the  
23 plans, programs, and policies adopted by the Council  
24 in the National Management Plan through appro-  
25 priate actions, including working in cooperation with

1 Federal agencies on development of budgets for the  
2 annual submission by the President to Congress of  
3 the budget of the Federal Government under section  
4 1105 of title 31, United States Code;

5 (7)(A) evaluate Federal programs that are like-  
6 ly to cause or promote the introduction or spread of  
7 invasive species in the United States; and

8 (B) recommend actions Federal agencies can  
9 take to minimize the risk of introductions or further  
10 spread of invasive species; and

11 (8) develop and submit to the appropriate com-  
12 mittees of Congress and the Director of the Office  
13 of Management and Budget an annual list of prior-  
14 ities, ranked in high, medium, and low categories, of  
15 Federal efforts and programs in prevention, eradi-  
16 cation, control, and monitoring of, and research and  
17 outreach concerning, invasive species.

18 **SEC. 185. NATIONAL INVASIVE SPECIES MANAGEMENT**

19 **PLAN.**

20 (a) DEVELOPMENT.—

21 (1) IN GENERAL.—The Council shall develop a  
22 National Invasive Species Management Plan that de-  
23 tails and recommends performance-oriented goals  
24 and specific measures of success for carrying out ac-

1 activities by Federal agencies relating to invasive spe-  
2 cies.

3 (2) DEVELOPMENT PROCESS.—The National  
4 Management Plan shall be developed through a pub-  
5 lic process and in consultation with Federal agen-  
6 cies, appropriate State and local entities, and other  
7 appropriate stakeholders.

8 (3) CONTENTS.—The National Management  
9 Plan shall include recommendations of effective,  
10 cost-efficient, environmentally sound, and science-  
11 based approaches for—

12 (A) preventing the introduction of invasive  
13 species, including approaches for identifying  
14 pathways by which invasive species are intro-  
15 duced and for minimizing the risk of introduc-  
16 tions via those pathways, which recommended  
17 approaches shall provide for—

18 (i) a process to evaluate risks associ-  
19 ated with the introduction and spread of  
20 invasive species; and

21 (ii) a coordinated and systematic risk-  
22 based process to identify, monitor, and  
23 interdict pathways that may be involved in  
24 the introduction of invasive species;

- 1 (B) cooperating with other countries to in-  
2 crease their capacity—
- 3 (i) to control invasive species; and  
4 (ii) to prevent the spread of invasive  
5 species across international borders;
- 6 (C) rapidly detecting and responding to in-  
7 cipient invasions of invasive species;
- 8 (D) managing new and established popu-  
9 lations of invasive species by—
- 10 (i) eradicating the invasive species; or  
11 (ii) controlling the spread of the  
12 invasive species;
- 13 (E) accurately and reliably monitoring new  
14 and established populations of invasive species;
- 15 (F) restoring native species and habitat  
16 conditions in ecosystems that have been invaded  
17 by invasive species;
- 18 (G) conducting research on the matters re-  
19 ferred to in subparagraphs (A) through (F);
- 20 (H) evaluating and documenting the ef-  
21 fects of invasive species on the environment, the  
22 economy, and human health;
- 23 (I) developing technologies to prevent the  
24 introduction and provide for the management of  
25 invasive species; and

1           (J) promoting public education on invasive  
2 species and the means to address invasive spe-  
3 cies.

4           (4) IDENTIFICATION OF NEEDED RE-  
5 SOURCES.—The National Management Plan shall  
6 identify the personnel, other resources, and addi-  
7 tional levels of coordination needed to achieve the  
8 goals included in the National Management Plan.

9           (b) EXISTING PLAN.—The National Invasive Species  
10 Management Plan of the Invasive Species Council adopted  
11 in 2001 shall be treated as the National Management Plan  
12 required under subsection (a) until the date of issuance  
13 of the National Management Plan under subsection (c)(1).

14           (c) ISSUANCE AND UPDATING OF NATIONAL MAN-  
15 AGEMENT PLAN.—The Council shall—

16           (1) not later than December 31, 2007, issue the  
17 National Management Plan;

18           (2) not later than December 31, 2009, and bi-  
19 ennially thereafter, update the National Manage-  
20 ment Plan; and

21           (3) concurrently with the process of updating  
22 the National Management Plan, evaluate and report  
23 to Congress on success in achieving the goals in-  
24 cluded in the National Management Plan.

1 (d) AGENCY REPORTS.—Not later than 18 months  
2 after the date of issuance of any update of the National  
3 Management Plan that recommends action by a Federal  
4 agency, the head of the Federal agency shall submit to  
5 Congress a report that—

6 (1) describes each of the recommended actions  
7 that the agency has not taken; and

8 (2) provides an explanation of why the action is  
9 not feasible.

10 **SEC. 186. INVASIVE SPECIES ADVISORY COMMITTEE.**

11 (a) ESTABLISHMENT.—

12 (1) IN GENERAL.—The Council shall maintain  
13 an advisory committee, to be known as the “Invasive  
14 Species Advisory Committee”, to provide information  
15 and advice for consideration by the Council.

16 (2) ORGANIZATION, FUNCTIONS, AND AUTHORI-  
17 TIES.—Except as otherwise provided in this section,  
18 the advisory committee shall be organized, perform  
19 the functions, and have the authorities specified in  
20 the charter for the advisory committee signed by the  
21 Secretary of the Interior on October 30, 2001.

22 (b) APPOINTMENT.—Members of the advisory com-  
23 mittee shall be appointed by the chairperson of the Coun-  
24 cil, after consultation with the other members of the Coun-  
25 cil, from among individuals representing stakeholders with

1 respect to Federal programs for minimizing the environ-  
2 mental, economic, and human health impacts caused by  
3 invasive species.

4 (c) FUNCTIONS.—In addition to the functions speci-  
5 fied in the charter referred to in subsection (a), the advi-  
6 sory committee shall recommend to the Council plans and  
7 actions at the regional, State, local, tribal, and ecosystem-  
8 based levels to achieve the goals of the National Manage-  
9 ment Plan.

10 (d) CONTINUING OPERATION OF EXISTING COM-  
11 MITTEE.—Any advisory committee appointed before the  
12 date of enactment of this Act in accordance with the char-  
13 ter referred to in subsection (a)(2) may continue in effect  
14 under this section.

15 **SEC. 187. BUDGET ANALYSIS AND SUMMARY.**

16 Not later than March 31, 2008, and March 31 of  
17 each year thereafter, the Director of the Office of Manage-  
18 ment and Budget shall prepare, and submit to Congress  
19 and the Council, a budget analysis and summary of all  
20 Federal programs relating to invasive species.

21 **SEC. 188. EXISTING EXECUTIVE ORDER.**

22 Executive Order No. 13112, dated February 3, 1999  
23 (42 U.S.C. 4321 note; relating to invasive species), shall  
24 be of no effect.



1 **SEC. 189. AUTHORIZATION OF APPROPRIATIONS.**

2       There is authorized to be appropriated to carry out  
3 this subtitle \$2,000,000 for each of fiscal years 2008  
4 through 2010.

5       **TITLE II—COASTAL HEALTH**

6 **SEC. 201. TECHNICAL ASSISTANCE.**

7       (a) TECHNICAL ASSISTANCE FOR RURAL AND SMALL  
8 TREATMENT WORKS.—Section 104(b) of the Federal  
9 Water Pollution Control Act (33 U.S.C. 1254(b)) is  
10 amended—

11           (1) by redesignating paragraphs (1) through  
12           (7) as subparagraphs (A) through (G), respectively,  
13           and indenting the subparagraphs appropriately;

14           (2) by striking “(b) In carrying out” and in-  
15           serting the following:

16           “(b) AUTHORIZED ACTIVITIES.—

17           “(1) IN GENERAL.—In carrying out”;

18           (3) in paragraph (1) (as designated by para-  
19           graph (2))—

20           (A) by striking “paragraph (1) of sub-  
21           section (a)” each place it appears and inserting  
22           “subsection (a)(1)”;

23           (B) in subparagraph (C) (as redesignated  
24           by paragraph (1)), by striking “of this section”;

1 (C) in subparagraph (F) (as redesignated  
2 by paragraph (1)), by striking “thereof; and”  
3 and inserting “of the effects;”;

4 (D) in subparagraph (G) (as redesignated  
5 by paragraph (1)), by striking the period at the  
6 end and inserting “; and”; and

7 (E) by adding at the end the following:

8 “(H) make grants to nonprofit organiza-  
9 tions—

10 “(i) to provide technical assistance to  
11 rural and small municipalities for the pur-  
12 pose of assisting, in consultation with the  
13 State in which the assistance is provided,  
14 the municipalities in the planning, develop-  
15 ment, and acquisition of financing for  
16 wastewater infrastructure assistance;

17 “(ii) to capitalize revolving loan funds  
18 for the purpose of providing loans, in con-  
19 sultation with the State in which the as-  
20 sistance is provided and in accordance with  
21 paragraph (2), to rural and small munici-  
22 palities for—

23 “(I) predevelopment costs associ-  
24 ated with wastewater infrastructure  
25 projects; and

1                   “(II) short-term costs incurred  
2                   for the replacement of equipment that  
3                   is not part of a regular operation or  
4                   maintenance activity for an existing  
5                   wastewater system;

6                   “(iii) to provide technical assistance  
7                   and training for rural and small publicly-  
8                   owned treatment works and decentralized  
9                   wastewater treatment systems to enable  
10                  the treatment works and systems to—

11                               “(I) protect water quality; and

12                               “(II) achieve and maintain com-  
13                               pliance with the requirements of this  
14                               Act; and

15                   “(iv) to disseminate information to  
16                   rural and small municipalities and municipali-  
17                   ties that meet the affordability criteria  
18                   established by the State in which the mu-  
19                   nicipality is located under section 603(i)(2)  
20                   with respect to planning, design, construc-  
21                   tion, and operation of publicly-owned treat-  
22                   ment works and decentralized wastewater  
23                   treatment systems.”; and

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

25                   “(2) LOAN CONDITIONS.—

1           “(A) IN GENERAL.—A loan provided under  
2 paragraph (1)(H)(ii) shall—

3           “(i) be provided at a below-market in-  
4 terest rate;

5           “(ii) be provided in an amount not to  
6 exceed \$100,000; and

7           “(iii) extend for a term of not more  
8 than 10 years.

9           “(B) REPAYMENT.—Repayment of a loan  
10 provided under paragraph (1)(H)(ii) shall be  
11 credited to the water pollution control revolving  
12 loan fund of the appropriate State under sec-  
13 tion 603.”.

14       (b) AUTHORIZATION OF APPROPRIATIONS.—Section  
15 104(u) of the Federal Water Pollution Control Act (33  
16 U.S.C. 1254(u)) is amended—

17           (1) by striking “(u) There is authorized to be  
18 appropriated (1) not” and inserting the following:

19           “(u) AUTHORIZATION OF APPROPRIATIONS.—There  
20 are authorized to be appropriated—

21           “(1) not”;

22           (2) in paragraph (1), by striking “provisions;  
23 (2) not” and inserting the following: “provisions;

24           “(2) not”;

1           (3) in paragraph (2), by striking “subsection  
2           (g)(1); (3) not” and inserting the following: “sub-  
3           section (g)(1);

4           “(3) not”;

5           (4) in paragraph (3), by striking “subsection  
6           (g)(2); (4) not” and inserting the following: “sub-  
7           section (g)(2);

8           “(4) not”;

9           (5) in paragraph (4), by striking “subsection  
10          (p); (5) not” and inserting the following: “subsection  
11          (p);

12          “(5) not”;

13          (6) in paragraph (5), by striking “subsection  
14          (r); and (6) not” and inserting the following: “sub-  
15          section (r);

16          “(6) not”;

17          (7) in paragraph (6), by striking the period at  
18          the end and inserting “; and”; and

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

20                 “(7) for each of fiscal years 2008 through  
21                 2012, not more than \$75,000,000 to carry out sub-  
22                 paragraphs (C) and (H) of subsection (b)(1), of  
23                 which, during any fiscal year—

24                         “(A) not less than 20 percent shall be used  
25                         to carry out subsection (b)(1)(H); and

1                   “(B) not more than  $\frac{1}{3}$  of the amount used  
2                   under subparagraph (A) shall be used to carry  
3                   out subsection (b)(1)(H)(ii).”.

4           (c) COMPETITIVE PROCEDURES FOR AWARDING  
5 GRANTS.—Section 104 of the Federal Water Pollution  
6 Control Act (33 U.S.C. 1254) is amended by adding at  
7 the end the following:

8           “(w) COMPETITIVE PROCEDURES FOR AWARDING  
9 GRANTS.—The Administrator shall establish procedures  
10 that promote competition and openness, to the maximum  
11 extent practicable, in the award of grants to nonprofit pri-  
12 vate agencies, institutions, and organizations under this  
13 section.”.

14 **SEC. 202. SEWER OVERFLOW CONTROL GRANTS.**

15           Section 221 of the Federal Water Pollution Control  
16 Act (33 U.S.C. 1301) is amended by striking subsection  
17 (c) and inserting the following:

18           “(c) DEFINITION OF FINANCIALLY DISTRESSED  
19 COMMUNITY.—A financially distressed community re-  
20 ferred to in subsection (b) is a community that meets the  
21 affordability criteria established by the State in which the  
22 community is located under section 603(i)(2).”.

1 **SEC. 203. WATER POLLUTION CONTROL REVOLVING LOAN**  
2 **FUNDS.**

3 (a) **EXTENDED PAYMENT PERIOD.**—Section  
4 603(d)(1) of the Federal Water Pollution Control Act (33  
5 U.S.C. 1383(d)(1)) is amended—

6 (1) in subparagraph (A), by striking “20  
7 years;” and inserting the following: “the lesser of—

8 “(i) the design life of the project to be  
9 financed using the proceeds of the loan; or

10 “(ii) 30 years;”; and

11 (2) in subparagraph (B), by striking “not later  
12 than 20 years after project completion” and insert-  
13 ing “on the expiration of the term of the loan”.

14 (b) **TECHNICAL AND PLANNING ASSISTANCE FOR**  
15 **SMALL SYSTEMS.**—Section 603(d) of the Federal Water  
16 Pollution Control Act (33 U.S.C. 1383(d)) is amended—

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

19 (2) in paragraph (7), by striking the period at  
20 the end and inserting “; and”; and

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

22 “(8) with respect to municipalities and inter-  
23 municipal, interstate, and State agencies seeking as-  
24 sistance under this title that serve a population of  
25 20,000 or fewer, to provide to owners and operators  
26 of small treatment works, in an amount not to ex-

1       ceed 2 percent of the amount of total grant awards  
2       made under this title—

3               “(A) technical and planning assistance;

4               and

5               “(B) assistance relating to—

6                       “(i) financial management;

7                       “(ii) user fee analysis;

8                       “(iii) budgeting;

9                       “(iv) capital improvement planning;

10                      “(v) facility operation and mainte-  
11                      nance;

12                      “(vi) repair schedules; and

13                      “(vii) other activities to improve  
14                      wastewater treatment plant management  
15                      and operations.”.

16       (c) ADDITIONAL SUBSIDIZATION.—Section 603 of the  
17       Federal Water Pollution Control Act (33 U.S.C. 1383) is  
18       amended by adding at the end the following:

19               “(i) ADDITIONAL SUBSIDIZATION.—

20                      “(1) IN GENERAL.—In any case in which a  
21                      State provides assistance to a municipality or an  
22                      intermunicipal, interstate, or State agency under  
23                      subsection (d), the State may provide additional sub-  
24                      sidization, including forgiveness of principal and  
25                      negative interest loans—



1 “(A) to benefit a municipality that—

2 “(i) meets the affordability criteria of  
3 the State established under paragraph (2);

4 or

5 “(ii) does not meet the criteria estab-  
6 lished under paragraph (2), if the munici-  
7 pality—

8 “(I) seeks additional subsidiza-  
9 tion to benefit individual ratepayers in  
10 the residential user rate class;

11 “(II) demonstrates to the State  
12 that the ratepayers described in sub-  
13 clause (I) will experience a significant  
14 hardship on the increase in rates re-  
15 quired to finance the project or activ-  
16 ity for which the assistance is sought;  
17 and

18 “(III) ensures, as part of an  
19 agreement between the State and the  
20 recipient, that the additional sub-  
21 sidization provided under this para-  
22 graph will be directed to those rate-  
23 payers through a user charge rate sys-  
24 tem (or another appropriate method);  
25 and

1           “(B) to implement alternative processes,  
2 materials, and techniques (including non-  
3 structural protection of surface waters, new or  
4 improved methods of waste treatment, and pol-  
5 lutant trading) that may result in cost savings  
6 or increased environmental benefit when com-  
7 pared to standard processes, materials, and  
8 techniques.

9           “(2) AFFORDABILITY CRITERIA.—

10           “(A) ESTABLISHMENT.—

11           “(i) IN GENERAL.—Not later than  
12 September 30, 2007, after providing notice  
13 and an opportunity for public comment, a  
14 State shall establish affordability criteria  
15 to assist the State in identifying munici-  
16 palities that would experience a significant  
17 hardship on the increase in rates required  
18 to finance a project or activity that is eligi-  
19 ble for assistance under subsection (c)(1) if  
20 additional subsidization under paragraph  
21 (1) is not provided.

22           “(ii) FACTORS FOR CONSIDER-  
23 ATION.—In establishing criteria under  
24 clause (i), a State shall take into consider-  
25 ation—

1 “(I) income data;  
2 “(II) population trends; and  
3 “(III) any other data the State  
4 determines to be relevant.

5 “(B) EXISTING CRITERIA.—If a State has  
6 established, after providing notice and an op-  
7 portunity for public comment, criteria in ac-  
8 cordance with subparagraph (A) before the date  
9 of enactment of this subsection, the criteria  
10 shall be considered to be affordability criteria  
11 established under that subparagraph.

12 “(C) INFORMATION TO ASSIST STATES.—  
13 The Administrator may publish information to  
14 assist States in establishing affordability cri-  
15 teria under subparagraph (A).

16 “(3) PRIORITY.—In providing assistance under  
17 this subsection, a State may give priority to any  
18 owner or operator of a project or activity that—

19 “(A) is eligible to receive funding under  
20 subsection (c)(1); and

21 “(B) is located in a municipality that  
22 meets the affordability criteria established  
23 under paragraph (2).

24 “(4) SET-ASIDE.—

1           “(A) IN GENERAL.—For any fiscal year  
2 during which more than \$1,400,000,000 is  
3 made available to the Administrator to carry  
4 out this title, a State shall provide additional  
5 subsidization under this subsection in the  
6 amount described in subparagraph (B) to enti-  
7 ties described in paragraph (1) for projects and  
8 activities identified in the intended use plan of  
9 the State under section 606(c) on receipt of an  
10 application for additional subsidization.

11           “(B) AMOUNT.—The amount referred to in  
12 subparagraph (A) is an amount not less than  
13 25 percent of the difference between—

14           “(i) the total amount that would have  
15 been allotted to the State under section  
16 604 during the appropriate fiscal year, if  
17 the amount made available to the Adminis-  
18 trator to carry out this title during that  
19 fiscal year was equal to \$1,400,000,000;  
20 and

21           “(ii) the total amount allotted to the  
22 State under section 604 for that fiscal  
23 year.

24           “(5) LIMITATION.—The total amount of addi-  
25 tional subsidization provided by a State under this

1 subsection shall not exceed 30 percent of the total  
2 amount of capitalization grants received by the State  
3 under this title for fiscal years beginning after Sep-  
4 tember 30, 2006.”.

5 **SEC. 204. ALLOTMENT OF FUNDS.**

6 (a) IN GENERAL.—Section 604 of the Federal Water  
7 Pollution Control Act (33 U.S.C. 1384) is amended by  
8 striking subsection (a) and inserting the following:

9 “(a) ALLOTMENTS.—

10 “(1) FISCAL YEARS 2008 AND 2009.—Amounts  
11 made available to carry out this title for fiscal years  
12 2008 and 2009 shall be allotted by the Adminis-  
13 trator in accordance with the formula used to cal-  
14 culate allotments for fiscal year 2007.

15 “(2) FISCAL YEAR 2010 AND THEREAFTER.—  
16 Amounts made available to carry out this title for  
17 fiscal year 2010 and each fiscal year thereafter shall  
18 be allotted by the Administrator during each fiscal  
19 year—

20 “(A) for amounts up to \$1,350,000,000, in  
21 accordance with the formula used to calculate  
22 allotments for fiscal year 2007; and

23 “(B) for any amount in excess of  
24 \$1,350,000,000, in accordance with the formula

1 developed by the Administrator under sub-  
2 section (d).”.

3 (b) PLANNING ASSISTANCE.—Section 604(b) of the  
4 Federal Water Pollution Control Act (33 U.S.C. 1384(b))  
5 is amended by striking “1 percent” and inserting “2 per-  
6 cent”.

7 (c) FORMULA.—Section 604 of the Federal Water  
8 Pollution Control Act (33 U.S.C. 1384) is amended by  
9 adding at the end the following:

10 “(d) FORMULA BASED ON WATER QUALITY  
11 NEEDS.—Not later than September 30, 2007, after pro-  
12 viding notice and an opportunity for public comment, the  
13 Administrator shall publish an allotment formula for pur-  
14 poses of subsection (a)(2)(B) based on water quality  
15 needs, to be determined by the Administrator in accord-  
16 ance with the most recent survey of needs developed by  
17 the Administrator under section 516.”.

18 **SEC. 205. AUTHORIZATION OF APPROPRIATIONS.**

19 Section 607 of the Federal Water Pollution Control  
20 Act (33 U.S.C. 1387) is amended to read as follows:

21 **“SEC. 607. AUTHORIZATION OF APPROPRIATIONS.**

22 “There are authorized to be appropriated to carry out  
23 this title—

24 “(1) \$2,000,000,000 for fiscal year 2008;

25 “(2) \$3,000,000,000 for fiscal year 2009;

- 1           “(3) \$4,000,000,000 for fiscal year 2010;  
 2           “(4) \$5,000,000,000 for fiscal year 2011; and  
 3           “(5) \$6,000,000,000 for fiscal year 2012.”.

## 4   **TITLE III—AREAS OF CONCERN**

### 5   **SEC. 301. GREAT LAKES.**

6           (a) REMEDIATION OF SEDIMENT CONTAMINATION IN  
 7 AREAS OF CONCERN.—Section 118(c)(12)(H) of the Fed-  
 8 eral Water Pollution Control Act (33 U.S.C.  
 9 1268(c)(12)(H)) is amended by striking clause (i) and in-  
 10 serting the following:

11                   “(i) IN GENERAL.—In addition to  
 12                   other amounts authorized to be appro-  
 13                   priated to carry out this section, there is  
 14                   authorized to be appropriated to carry out  
 15                   this paragraph \$150,000,000 for each of  
 16                   fiscal years 2008 through 2011.”.

17           (b) NON-FEDERAL SHARE.—Section 118(c)(12) of  
 18 the Federal Water Pollution Control Act (33 U.S.C.  
 19 1268(c)(12)) is amended—

20                   (1) in subparagraph (E), by adding at the end  
 21                   the following:

22                           “(v) PAYMENT AND RETENTION OF  
 23                           NON-FEDERAL SHARE.—The non-Federal  
 24                           sponsor for a project under this paragraph  
 25                           may pay to the Administrator, for reten-

1           tion and use by the Administrator in car-  
2           rying out the project, the non-Federal  
3           share of the cost of the project.”;

4           (2) by redesignating subparagraph (H) (as  
5           amended by subsection (a)) as subparagraph (I);  
6           and

7           (3) by inserting after subparagraph (G) the fol-  
8           lowing:

9                   “(H) ADVANCE PAYMENT AND REIM-  
10                   BURSEMENT OF COSTS.—The Administrator,  
11                   acting through the Program Office, may enter  
12                   into an agreement with a non-Federal sponsor  
13                   to carry out a project under this paragraph  
14                   under which the non-Federal sponsor may, as  
15                   appropriate—

16                           “(i) pay in advance the non-Federal  
17                           share of the cost of the project; and

18                           “(ii) receive from the Administrator  
19                           reimbursement for amounts (other than  
20                           the non-Federal share) expended by the  
21                           non-Federal sponsor for the project.”.



1     **TITLE IV—TOXIC SUBSTANCES**

2     **SEC. 401. MERCURY REDUCTION GRANTS.**

3             Section 118(c) of the Federal Water Pollution Con-  
4     trol Act (33 U.S.C. 1268(c)) is amended by adding at the  
5     end the following:

6                     “(14) MERCURY REDUCTION GRANTS.—

7                             “(A) IN GENERAL.—The Program Office  
8                     shall provide grants to Great Lakes States and  
9                     Indian tribes in Great Lakes States to carry  
10                     out projects—

11                                     “(i) to reduce the quantity of mercury  
12                                     in the Great Lakes; and

13                                     “(ii) to identify emerging contami-  
14                                     nants in the Great Lakes.

15                             “(B) APPLICATION.—Each Great Lake  
16                     State or Indian tribe that seeks a grant under  
17                     this paragraph shall submit an application to  
18                     the Program Office at such time, in such man-  
19                     ner, and accompanied by or containing any in-  
20                     formation that the Program Office may require.

21                             “(C) AUTHORIZATION OF APPROPRIA-  
22                                     TIONS.—There is authorized to be appropriated  
23                                     to carry out this paragraph \$10,000,000 for  
24                                     each of fiscal years 2008 through 2012.”.

1           **TITLE V—INDICATORS AND**  
2                           **INFORMATION**  
3           **Subtitle A—Research Program**

4   **SEC. 501. RESEARCH REAUTHORIZATIONS.**

5           Section 118 of the Federal Water Pollution Control  
6 Act (33 U.S.C. 1268) is amended—

7                   (1) in subsection (d)—

8                           (A) by striking paragraph (2);

9                           (B) by redesignating paragraphs (3)  
10 through (7) as paragraphs (2) through (6), re-  
11 spectively; and

12                           (C) in paragraph (5) (as redesignated by  
13 subparagraph (B)), by striking “which address  
14 priority issues and current needs relating to the  
15 Great Lakes” and inserting “in accordance with  
16 the joint research and monitoring plan under  
17 subsection (e)”; and

18                   (2) by striking subsection (e) and inserting the  
19 following:

20                   “(e) RESEARCH AND MANAGEMENT COORDINA-  
21 TION.—

22                           “(1) JOINT PLAN.—

23                                   “(A) IN GENERAL.—Not later than Sep-  
24 tember 30 of each year, the Program Office,  
25 the Research Office, and the Great Lakes

1 Science Center shall prepare and submit to the  
2 Executive Committee of the Regional Collabora-  
3 tion a joint research and monitoring plan for  
4 the fiscal year that begins in the following cal-  
5 endar year.

6 “(B) COLLABORATION.—The Program Of-  
7 fice, the Research Office, and the Great Lakes  
8 Science Center shall consult with other appro-  
9 priate Federal and State agencies, academic in-  
10 stitutions, and other groups conducting Great  
11 Lakes research and monitoring in preparing the  
12 plan described in subparagraph (A).

13 “(C) SUBMISSION TO CONGRESS.—The  
14 President shall include the plan described in  
15 subparagraph (A) in the annual budget of the  
16 United States Government submitted to Con-  
17 gress by the President.

18 “(2) CONTENTS OF PLAN.—Each plan prepared  
19 under paragraph (1) shall—

20 “(A) identify all proposed research dedi-  
21 cated to activities carried out under the Great  
22 Lakes Water Quality Agreement and any other  
23 applicable agreements and amendments;

24 “(B) include the assessment of the Re-  
25 gional Collaboration of priorities for research

1           needed to fulfill the terms of those agreements;  
2           and

3           “(C) identify all proposed research that  
4           may be used to develop a comprehensive envi-  
5           ronmental data base for the Great Lakes Sys-  
6           tem and establish priorities for development of  
7           the data base.”.

8   **SEC. 502. GREAT LAKES SCIENCE CENTER.**

9           There are authorized to be appropriated to the Direc-  
10          tor of the United States Geological Survey, for use by the  
11          Great Lakes Science Center, to carry out research activi-  
12          ties that advance scientific knowledge and provide sci-  
13          entific information for restoring, enhancing, managing,  
14          and protecting the living marine resources and habitats  
15          in the Great Lakes basin ecosystem \$25,000,000 for each  
16          of fiscal years 2008 through 2012.

17   **SEC. 503. CENTER FOR SPONSOR COASTAL OCEAN RE-**  
18                           **SEARCH.**

19          There is authorized to be appropriated to the Direc-  
20          tor of the Center for Sponsored Coastal Ocean Research  
21          of the National Oceanic and Atmospheric Administration,  
22          for use by the Center, to carry out a program to provide  
23          grants to academic institutions, State agencies, and other  
24          appropriate groups to carry out activities, in accordance  
25          with the joint research and monitoring plan developed

1 under section 118(e) of the Federal Water Pollution Con-  
 2 trol Act (33 U.S.C. 1268(e)), that advance scientific  
 3 knowledge and provide scientific information for restoring,  
 4 enhancing, managing, and protecting the living marine re-  
 5 sources and habitats in the Great Lakes basin ecosystem  
 6 \$25,000,000 for each of fiscal years 2008 through 2012.

7 **SEC. 504. GREAT LAKES ENVIRONMENTAL RESEARCH LAB-**  
 8 **ORATORY.**

9 Section 118 of the Federal Water Pollution Control  
 10 Act (33 U.S.C. 1268) is amended by striking subsection  
 11 (h) and inserting the following:

12 “(h) **AUTHORIZATIONS OF APPROPRIATIONS.**—There  
 13 are authorized to be appropriated to carry out this section  
 14 \$105,000,000 for each of fiscal years 2008 through  
 15 2012, of which, for each fiscal year—

16 “(1) \$40,000,000 shall be made available to the  
 17 Program Office; and

18 “(2) \$15,000,000 shall be made available to the  
 19 Great Lakes Environmental Research Laboratory.”.

20 **Subtitle B—Ocean and Coastal**  
 21 **Observation System**

22 **SEC. 511. DEFINITIONS.**

23 In this subtitle:

24 (1) **COUNCIL.**—The term “Council” means the  
 25 National Ocean Research Leadership Council.

1           (2) GREAT LAKE.—The term “Great Lake”  
2 means—

3           (A) Lake Erie;

4           (B) Lake Huron (including Lake Saint  
5 Clair);

6           (C) Lake Michigan;

7           (D) Lake Ontario;

8           (E) Lake Superior; and

9           (F) the connecting channels of those  
10 Lakes, including—

11           (i) the Saint Marys River;

12           (ii) the Saint Clair River;

13           (iii) the Detroit River;

14           (iv) the Niagara River; and

15           (v) the Saint Lawrence River to the  
16 Canadian border.

17           (3) OBSERVING SYSTEM.—The term “observing  
18 system” means the integrated coastal, ocean, and  
19 Great Lakes observing system to be established by  
20 the Committee under section 512(a).

21           (4) INTERAGENCY PROGRAM OFFICE.—The  
22 term “interagency program office” means the office  
23 established under section 512(d).

1 **SEC. 512. INTEGRATED OCEAN AND COASTAL OBSERVING**  
2 **SYSTEM.**

3 (a) ESTABLISHMENT.—

4 (1) IN GENERAL.—The President, acting  
5 through the Council, shall establish and maintain an  
6 integrated system of ocean and coastal observations,  
7 data communication and management, analysis,  
8 modeling, research, education, and outreach de-  
9 signed to provide data and information for the time-  
10 ly detection and prediction of changes occurring in  
11 the ocean, coastal, and Great Lakes environment  
12 that impact the social, economic, and ecological sys-  
13 tems of the United States.

14 (2) PURPOSES.—The observing system shall  
15 provide for long-term, continuous, and quality-con-  
16 trolled observations of the coasts, oceans, and Great  
17 Lakes so as to—

18 (A) improve the health of the coasts,  
19 oceans, and Great Lakes of the United States;

20 (B) protect human lives and livelihoods  
21 from hazards, including tsunamis, hurricanes,  
22 coastal erosion, and fluctuating Great Lakes  
23 water levels;

24 (C) understand the effects of human activi-  
25 ties and natural variability on the state of the

1 coasts, oceans, and Great Lakes and the socio-  
2 economic well-being of the United States;

3 (D) provide for the sustainable use, protec-  
4 tion, and enjoyment of ocean, coastal, and  
5 Great Lakes resources;

6 (E) provide information that can support  
7 the eventual implementation and refinement of  
8 ecosystem-based management;

9 (F) supply critical information to marine-  
10 related businesses, including aquaculture and  
11 fisheries; and

12 (G) support research and development to—

13 (i) ensure continuous improvement to  
14 ocean, coastal, and Great Lakes observa-  
15 tion measurements; and

16 (ii) enhance understanding of the  
17 ocean, coastal, and Great Lakes resources  
18 of the United States.

19 (b) SYSTEM ELEMENTS.—To carry out the purposes  
20 of this subtitle, the observing system shall consist of—

21 (1) a national program to fulfill national obser-  
22 vation priorities, including the ocean contribution of  
23 the United States to the Global Earth Observation  
24 System of Systems and the Global Ocean Observing  
25 System;



1           (2) a network of regional associations to man-  
2           age the regional ocean and coastal observing and in-  
3           formation programs that collect, measure, and dis-  
4           seminate data and information products to meet re-  
5           gional needs;

6           (3) a data management and dissemination sys-  
7           tem for the timely integration and dissemination of  
8           data and information products from the national  
9           and regional systems;

10          (4) a research and development program con-  
11          ducted under the guidance of the Council; and

12          (5) an outreach, education, and training pro-  
13          gram that augments existing programs, including  
14          the National Sea Grant College Program, the Cen-  
15          ters for Ocean Sciences Education Excellence pro-  
16          gram, and the National Estuarine Research Reserve  
17          System, to ensure the use of the data and informa-  
18          tion for—

19                 (A) improving public education and aware-  
20                 ness of the oceans of the United States; and

21                 (B) building the technical expertise re-  
22                 quired to operate and improve the observing  
23                 system.

24          (c) COUNCIL FUNCTIONS.—In carrying out this sec-  
25          tion, the Council shall—

1           (1) serve as the oversight body for the design  
2           and implementation of all aspects of the observing  
3           system;

4           (2) adopt plans, budgets, and standards that  
5           are developed and maintained by the interagency  
6           program office in consultation with the regional as-  
7           sociations;

8           (3) coordinate the observing system with other  
9           earth observing activities, including the Global  
10          Ocean Observing System and the Global Earth Ob-  
11          serving System of Systems;

12          (4) coordinate and administer programs of re-  
13          search, development, education, and outreach to—

14                 (A) support improvements to, and the op-  
15                 eration of, an integrated ocean and coastal ob-  
16                 serving system; and

17                 (B) advance the understanding of the  
18                 oceans;

19          (5) establish pilot projects to develop technology  
20          and methods for advancing the development of the  
21          observing system;

22          (6) provide, as appropriate, support for and  
23          representation on United States delegations to inter-  
24          national meetings on ocean and coastal observing  
25          programs; and

1           (7) in consultation with the Secretary of State,  
2           coordinate relevant Federal activities with those of  
3           other nations.

4           (d) INTERAGENCY PROGRAM OFFICE.—

5           (1) IN GENERAL.—The Council shall establish  
6           an interagency program office to be known as “Oce-  
7           anUS”.

8           (2) RESPONSIBILITIES.—The interagency pro-  
9           gram office shall be responsible for program plan-  
10          ning and coordination of the observing system.

11          (3) REQUIREMENTS.—The interagency program  
12          office shall—

13                (A) prepare annual and long-term plans  
14                for consideration by the Council for the design  
15                and implementation of the observing system  
16                that promote collaboration among Federal  
17                agencies and regional associations in developing  
18                the global and national observing systems, in-  
19                cluding identification and refinement of a core  
20                set of variables to be measured by all systems;

21                (B) coordinate the development of agency  
22                priorities and budgets for implementation of the  
23                observing system, including budgets for the re-  
24                gional associations;

1 (C) establish and refine standards and pro-  
2 tocols for data management and communica-  
3 tions, including quality standards, in consulta-  
4 tion with participating Federal agencies and re-  
5 gional associations;

6 (D) develop a process for the certification  
7 and periodic review and recertification of the re-  
8 gional associations;

9 (E) establish an external technical com-  
10 mittee to provide biennial review of the observ-  
11 ing system; and

12 (F) provide for opportunities to partner or  
13 contract with private sector companies in de-  
14 ploying ocean observation system elements.

15 (e) LEAD FEDERAL AGENCY.—

16 (1) IN GENERAL.—The National Oceanic and  
17 Atmospheric Administration shall be the lead Fed-  
18 eral agency for implementation and operation of the  
19 observing system.

20 (2) REQUIREMENTS.—Based on the plans pre-  
21 pared by the interagency program office and adopted  
22 by the Council, the Administrator of the National  
23 Oceanic and Atmospheric Administration shall—

24 (A) coordinate implementation, operation,  
25 and improvement of the observing system;

1 (B) establish efficient and effective admin-  
2 istrative procedures for allocation of funds  
3 among Federal agencies and regional associa-  
4 tions in a timely manner and according to the  
5 budget adopted by the Council;

6 (C) implement and maintain appropriate  
7 elements of the observing system;

8 (D) provide for the migration of scientific  
9 and technological advances from research and  
10 development to operational deployment;

11 (E) integrate and extend existing programs  
12 and pilot projects into the operational observa-  
13 tion system;

14 (F) certify regional associations that meet  
15 the requirements of subsection (f); and

16 (G) integrate the capabilities of the Na-  
17 tional Coastal Data Development Center and  
18 the Coastal Services Center of the National  
19 Oceanic and Atmospheric Administration, and  
20 other appropriate centers, into the observing  
21 system to assimilate, manage, disseminate, and  
22 archive data from regional observation systems  
23 and other observation systems.

24 (f) REGIONAL ASSOCIATIONS OF OCEAN AND COAST-  
25 AL OBSERVING SYSTEMS.—

1           (1) IN GENERAL.—The Administrator of the  
2 National Oceanic and Atmospheric Administration  
3 may certify 1 or more regional associations to be re-  
4 sponsible for the development and operation of re-  
5 gional ocean and coastal observing systems to meet  
6 the information needs of user groups in the region  
7 while adhering to national standards.

8           (2) REQUIREMENTS.—To be certifiable by the  
9 Administrator, a regional association shall—

10           (A) demonstrate an organizational struc-  
11 ture capable of supporting and integrating all  
12 aspects of ocean and coastal observing and in-  
13 formation programs within a region;

14           (B) operate under a strategic operations  
15 and business plan that details the operation and  
16 support of regional ocean and coastal observing  
17 systems in accordance with the standards estab-  
18 lished by the Council;

19           (C) provide information products for mul-  
20 tiple users in the region;

21           (D) work with governmental entities and  
22 programs at all levels within the region to pro-  
23 vide timely warnings and outreach to protect  
24 the public; and

1           (E) meet certification standards developed  
2           by the interagency program office in conjunc-  
3           tion with the regional associations and approved  
4           by the Council.

5           (g) PROHIBITION ON LOBBYING.—Nothing in this  
6 subtitle authorizes a regional association to engage in lob-  
7 bying activities (as defined in section 3 of the Lobbying  
8 Disclosure Act of 1995 (2 U.S.C. 1602)).

9           (h) CIVIL LIABILITY.—For purposes of section  
10 1346(b)(1) and chapter 171 of title 28, United States  
11 Code, the Suits in Admiralty Act (46 U.S.C. App. 741  
12 et seq.), and the Public Vessels Act (46 U.S.C. App. 781  
13 et seq.)—

14           (1) any regional ocean and coastal observing  
15 system that is a designated part of a regional asso-  
16 ciation certified under this section shall, in carrying  
17 out the purposes of this subtitle, be considered to be  
18 part of the National Oceanic and Atmospheric Ad-  
19 ministration; and

20           (2) any employee of that system, while acting  
21 within the scope of the employment of the employee,  
22 carrying out those purposes, shall be considered to  
23 be an employee of the Government.

1 **SEC. 513. RESEARCH, DEVELOPMENT, AND EDUCATION.**

2 The Council shall establish programs for research,  
3 development, education, and outreach for the ocean and  
4 coastal observing system, including projects under the Na-  
5 tional Oceanographic Partnership Program, consisting  
6 of—

7 (1) basic research to advance knowledge of  
8 ocean and coastal systems and ensure continued im-  
9 provement of operational products, including related  
10 infrastructure and observing technology;

11 (2) focused research projects to improve under-  
12 standing of the relationship between the coasts and  
13 oceans and human activities;

14 (3) large-scale computing resources and re-  
15 search to advance modeling of ocean and coastal  
16 processes; and

17 (4) a coordinated effort to build public edu-  
18 cation and awareness of the ocean and coastal envi-  
19 ronment and functions that integrates ongoing ac-  
20 tivities, including the National Sea Grant College  
21 Program, the Centers for Ocean Sciences Education  
22 Excellence, and the National Estuarine Research  
23 Reserve System.

24 **SEC. 514. INTERAGENCY FINANCING.**

25 (a) IN GENERAL.—The departments and agencies  
26 represented on the Council may participate in interagency



1 financing and share, transfer, receive, obligate, and ex-  
2 pend funds appropriated to any member of the Council  
3 to carry out any administrative or programmatic project  
4 or activity under this subtitle or under the National  
5 Oceanographic Partnership Program, including support  
6 for the interagency program office, a common infrastruc-  
7 ture, and system integration for a ocean and coastal ob-  
8 serving system.

9 (b) TRANSFER OF FUNDS.—Funds may be trans-  
10 ferred among the departments and agencies described in  
11 subsection (a) through an appropriate instrument that  
12 specifies the goods, services, or space being acquired from  
13 another Council member and the costs of the same.

14 **SEC. 515. APPLICATION WITH OUTER CONTINENTAL SHELF**  
15 **LANDS ACT.**

16 Nothing in this subtitle supersedes, or limits the au-  
17 thority of the Secretary of the Interior under, the Outer  
18 Continental Shelf Lands Act (43 U.S.C. 1331 et seq.).

19 **SEC. 516. AUTHORIZATION OF APPROPRIATIONS.**

20 (a) IN GENERAL.—There is authorized to be appro-  
21 priated to the National Oceanic and Atmospheric Adminis-  
22 tration to carry out the observing system under section  
23 512 and the research and development program under sec-  
24 tion 513 (including financial assistance to the interagency  
25 program office, the regional associations for the implemen-

1 tation of regional ocean and coastal observing systems,  
2 and the departments and agencies represented on the  
3 Council) \$150,000,000 for each of fiscal years 2008  
4 through 2012, to remain available until expended.

5 (b) ALLOCATION OF FUNDS.—At least 50 percent of  
6 the funds appropriated to carry out the observing system  
7 under section 512 shall be allocated to the regional asso-  
8 ciations certified under section 512(f) to carry out regional  
9 ocean and coastal observing systems.

10 **SEC. 517. REPORTING REQUIREMENT.**

11 (a) IN GENERAL.—Not later than March 31, 2011,  
12 the President, acting through the Council, shall submit to  
13 Congress a report on the programs established under sec-  
14 tions 512 and 513.

15 (b) REQUIREMENTS.—The report shall include—

16 (1) a description of activities carried out under  
17 the programs;

18 (2) an evaluation of the effectiveness of the pro-  
19 grams; and

20 (3) recommendations concerning reauthoriza-  
21 tion of the programs and funding levels for the pro-  
22 grams in succeeding fiscal years.

1 **Subtitle C—Great Lakes Water**  
 2 **Quality Indicators and Monitoring**

3 **SEC. 521. GREAT LAKES WATER QUALITY INDICATORS AND**  
 4 **MONITORING.**

5 Section 118(c)(1) of the Federal Water Pollution  
 6 Control Act (33 U.S.C. 1268(c)(1)) is amended by strik-  
 7 ing subparagraph (B) and inserting the following:

8 “(B)(i) not later than 2 years after the  
 9 date of enactment of this clause, in cooperation  
 10 with Canada and appropriate Federal agencies  
 11 (including the United States Geological Survey,  
 12 the National Oceanic and Atmospheric Admin-  
 13 istration, and the United States Fish and Wild-  
 14 life Service), develop and implement a set of  
 15 science-based indicators of water quality and re-  
 16 lated environmental factors in the Great Lakes,  
 17 including, at a minimum, measures of toxic pol-  
 18 lutants that have accumulated in the Great  
 19 Lakes for a substantial period of time, as deter-  
 20 mined by the Program Office;

21 “(ii) not later than 4 years after the date  
 22 of enactment of this clause—

23 “(I) establish a Federal network for  
 24 the regular monitoring of, and collection of  
 25 data throughout, the Great Lakes basin

1 with respect to the indicators described in  
2 clause (i); and

3 “(II) collect an initial set of bench-  
4 mark data from the network; and

5 “(iii) not later than 2 years after the date  
6 of collection of the data described in clause  
7 (ii)(II), and biennially thereafter, in addition to  
8 the report required under paragraph (10), sub-  
9 mit to Congress, and make available to the pub-  
10 lic, a report that—

11 “(I) describes the water quality and  
12 related environmental factors of the Great  
13 Lakes (including any changes in those fac-  
14 tors), including a description of ways in  
15 which the factors relate to restoration pri-  
16 orities provided by the Great Lakes Re-  
17 gional Collaboration Executive Committee,  
18 as determined through the regular moni-  
19 toring of indicators under clause (ii)(I) for  
20 the period covered by the report; and

21 “(II) identifies any emerging problems  
22 in the water quality or related environ-  
23 mental factors of the Great Lakes;”.

1                   **TITLE VI—SUSTAINABLE**  
2                   **DEVELOPMENT**

3 **SEC. 601. WATERFRONT RESTORATION AND REMEDIATION**  
4                   **PROJECTS.**

5           (a) DEFINITIONS.—In this section:

6               (1) RELATED AREA.—The term “related area”  
7           means land—

8                       (A) located adjacent to, or in close prox-  
9                       imity of, a waterfront area; and

10                      (B) that impacts or influences a waterfront  
11                      area or an aquatic habitat.

12               (2) SECRETARY.—The term “Secretary” means  
13           the Secretary of Commerce, acting through the  
14           Under Secretary for Oceans and Atmosphere.

15               (3) WATERFRONT AREA.—The term “water-  
16           front area” means a site located adjacent to a lake,  
17           river, stream, wetland, or floodplain of the United  
18           States.

19           (b) APPLICATION.—An individual or entity that seeks  
20   to receive assistance under this section shall submit to the  
21   Secretary an application for the assistance in such form,  
22   by such time, and containing such information as the Sec-  
23   retary may require.

24           (c) JUSTIFICATION AND PURPOSE.—

1           (1) JUSTIFICATION.—The Secretary may pro-  
2           vide assistance to eligible recipients in financing a  
3           restoration or remediation project only if the Sec-  
4           retary finds that the proposed project addresses con-  
5           cerns relating to—

6                   (A) public health;

7                   (B) public safety;

8                   (C) environmental improvements; or

9                   (D) economic improvements.

10          (2) PURPOSE.—An eligible recipient of assist-  
11          ance may use assistance made available under this  
12          section to complete a restoration or remediation  
13          project for the purpose of—

14                   (A) improving the surrounding ecosystem;

15          or

16                   (B) preparing land for redevelopment by

17          Federal, State, or local agencies, or private en-

18          tities.

19          (d) COST SHARING.—

20                  (1) GENERAL ASSISTANCE.—

21                   (A) IN GENERAL.—Except as otherwise

22          provided in this subsection, the Federal share of

23          the cost of carrying out a restoration or remedi-

24          ation project under this section shall not exceed

25          65 percent, as determined by the Secretary.

1           (B) INNOVATIVE TECHNOLOGY.—The Fed-  
2           eral share of the cost of carrying out a restora-  
3           tion or remediation project under this section  
4           that involves conducting a pilot project to test  
5           a demonstration or innovative technology shall  
6           not exceed 85 percent, as determined by the  
7           Secretary.

8           (2) OPERATION AND MAINTENANCE.—The non-  
9           Federal share of operation and maintenance costs  
10          for a restoration or remediation project under this  
11          section shall be 100 percent.

12          (3) CREDIT FOR WORK-IN-KIND CONSIDER-  
13          ATIONS.—In determining the amount of a contribu-  
14          tion made by a non-Federal interest under this sec-  
15          tion, the non-Federal interest shall receive credit  
16          equal to 100 percent of the value of any land, ease-  
17          ments, rights-of-way, and relocations, and the rea-  
18          sonable cost of services, studies, and supplies, con-  
19          tributed toward the non-Federal share of project  
20          costs.

21          (4) LIABILITY OF FEDERAL GOVERNMENT.—  
22          The eligible recipient shall hold the United States  
23          harmless from any claim or damage that may arise  
24          from carrying out the restoration or remediation  
25          project under this section, except any claim or dam-

1       age that may arise from the negligence of the Fed-  
2       eral Government or a contractor of the Federal Gov-  
3       ernment.

4       (e) FUNDING LIMITATION PER PROJECT.—Of the  
5       funds provided under this section, not more than  
6       \$5,000,000 may be allocated for an individual restoration  
7       or rehabilitation project.

8       **SEC. 602. AUTHORITY OF SECRETARY TO RESTORE AND RE-**  
9                           **MEDIATE WATERFRONT AND RELATED**  
10                          **AREAS.**

11       The Secretary, in consultation with appropriate Fed-  
12       eral, State, and local agencies, is authorized to restore and  
13       remediate waterfront and related areas, including site  
14       characterization, planning, design, construction, and mon-  
15       itoring.

16       **SEC. 603. AUTHORIZATION OF APPROPRIATIONS.**

17       There is authorized to be appropriated to the Sec-  
18       retary to carry out this title \$50,000,000 for fiscal year  
19       2008 and each subsequent fiscal year.

20       **TITLE VII—COORDINATION AND**  
21                           **OVERSIGHT**

22       **SEC. 701. DEFINITIONS.**

23       In this title:



1           (1) COLLABORATION.—The term “Collabora-  
2           tion” means the Great Lakes Regional Collaboration  
3           established by section 704(a).

4           (2) EXECUTIVE COMMITTEE.—The term “Exec-  
5           utive Committee” means the Great Lakes Regional  
6           Collaboration Executive Committee established by  
7           section 703(a).

8           (3) EXECUTIVE ORDER.—The term “Executive  
9           Order” means Executive Order 13340 (33 U.S.C.  
10          1268 note; relating to establishment of Great Lakes  
11          Interagency Task Force and promotion of regional  
12          collaboration of national significance for Great  
13          Lakes).

14          (4) GREAT LAKE.—The term “Great Lake”  
15          means—

16                (A) Lake Erie;

17                (B) Lake Huron (including Lake Saint  
18                Clair);

19                (C) Lake Michigan;

20                (D) Lake Ontario;

21                (E) Lake Superior; and

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

24                    (i) the Saint Marys River;

25                    (ii) the Saint Clair River;

- 1 (iii) the Detroit River;  
2 (iv) the Niagara River; and  
3 (v) the Saint Lawrence River to the  
4 Canadian border.

5 (5) GREAT LAKES CITY.—The term “Great  
6 Lakes city” means a city located in the watershed  
7 basin of a Great Lake.

8 (6) GREAT LAKES TRIBE.—The term “Great  
9 Lakes Tribe” means any Indian tribe, band, village,  
10 nation, or other organized group or community in  
11 the watershed basin of a Great Lake that is recog-  
12 nized by the Bureau of Indian Affairs as eligible for  
13 the special programs and services provided by the  
14 United States to Indians because of their status as  
15 Indians.

16 (7) SAINT LAWRENCE CITY.—The term “Saint  
17 Lawrence city” means a city located in the water-  
18 shed basin of the Saint Lawrence River.

19 (8) TASK FORCE.—The term “Task Force”  
20 means the Great Lakes Interagency Task Force es-  
21 tablished by section 702(a).

22 **SEC. 702. GREAT LAKES INTERAGENCY TASK FORCE.**

23 (a) INTERAGENCY COORDINATION.—The Great  
24 Lakes Interagency Task Force, as established by the Ex-  
25 ecutive Order for administrative purposes, is established

1 as a task force within the Environmental Protection Agen-  
2 cy.

3 (b) DUTIES.—In addition to the duties described in  
4 the Executive Order, the Task Force shall—

5 (1) ensure that implementation of programs  
6 and projects under the authority of Task Force  
7 members is coordinated, effective, and cost-efficient;

8 (2) work in cooperation with Federal agencies  
9 on the development of budgets and financial plans  
10 regarding the Great Lakes for inclusion in annual  
11 submissions by the President to Congress of the  
12 budget of the United States; and

13 (3) submit to Congress a biennial report that  
14 describes the projects and activities carried out by  
15 the Collaboration during the 2-year period covered  
16 by the report, including a description of—

17 (A) any actions that Federal agencies can  
18 take to address the biennial restoration goals;

19 (B) Federal expenditures to meet the res-  
20 toration goals and the amount of non-Federal  
21 funding leveraged by those Federal expendi-  
22 tures; and

23 (C) the indicators and monitoring used to  
24 determine whether the goals will be met.

1 **SEC. 703. EXECUTIVE COMMITTEE.**

2 (a) IN GENERAL.—There is established a Great  
3 Lakes Regional Collaboration Executive Committee.

4 (b) COMPOSITION.—The Executive Committee shall  
5 be composed of—

6 (1) the Chairperson of the Task Force;

7 (2) a representative of the Governors of the  
8 Great Lakes States, as agreed upon by the Gov-  
9 ernors;

10 (3) a representative of the Great Lakes cities  
11 and Saint Lawrence cities, as agreed upon by the  
12 majority of mayors of those cities; and

13 (4) a designated representative for the Great  
14 Lakes Tribes, as agreed upon by those Tribes.

15 (c) DUTIES.—The Executive Committee shall—

16 (1) hold semiannual public meetings to discuss  
17 Great Lakes restoration goals and progress;

18 (2) receive input and consider recommendations  
19 from interested parties, including nongovernmental  
20 organizations, industry, and academia, with respect  
21 to proposed recommendations of the Executive Com-  
22 mittee for restoration of the Great Lakes; and

23 (3) submit to Congress and the Task Force a  
24 biennial report that includes—

25 (A) an analysis of progress in—

1 (i) carrying out restoration of the  
2 Great Lakes; and

3 (ii) meeting the goals and rec-  
4 ommendations in the restoration and pro-  
5 tection strategy developed by the Great  
6 Lakes Regional Collaboration and under  
7 this Act; and

8 (B) recommendations on future priorities  
9 and actions with respect to that restoration.

10 (d) SUBCOMMITTEES.—The members of the Execu-  
11 tive Committee may designate representatives to work as  
12 1 or more subcommittees to provide staff support and oth-  
13 erwise assist in carrying out responsibilities of the Execu-  
14 tive Committee relating to the Collaboration.

15 **SEC. 704. GREAT LAKES REGIONAL COLLABORATION.**

16 (a) IN GENERAL.—There is established the Great  
17 Lakes Regional Collaboration.

18 (b) COMPOSITION.—The Collaboration shall be com-  
19 posed of—

20 (1) the members of the Executive Committee;  
21 and

22 (2) each other individual and entity that noti-  
23 fies the Executive Committee, in writing, of the de-  
24 sire and intent of the individual or entity to partici-  
25 pate in the Collaboration.

1 (c) DUTIES.—The Collaboration shall—

2 (1) develop and maintain as current a restora-  
3 tion and protection strategy to provide information  
4 for use in future Great Lakes program implementa-  
5 tion and funding decisions;

6 (2) serve as a forum for addressing near-term  
7 regional issues relating to ecosystem restoration and  
8 protection of the Great Lakes; and

9 (3) establish an oversight forum to coordinate  
10 and enhance implementation of Great Lakes pro-  
11 grams.

○