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Subtitle C—Prevention and Control of Aquatic Nuisance Species Dispersal

**SEC. 1201. ESTABLISHMENT OF TASK FORCE.**

(a) **TASK FORCE.**—There is hereby established an “Aquatic NuisanceSpecies Task Force”.

(b) **MEMBERSHIP.**—Membership of the Task Force shall consist of—

- (1) the Director;
- (2) the Under Secretary;
- (3) the Administrator of the Environmental Protection Agency;
- (4) the Commandant of the United States Coast Guard;
- (5) the Assistant Secretary;
- (6) the Secretary of Agriculture; and
- (7) the head of any other Federal agency that the chairpersons designated under subsection (d) deem appropriate.

(c) **EX OFFICIO MEMBERS.**—The chairpersons designated under subsection (d) shall invite representatives of the Great Lakes Commission, the Lake Champlain Basin Program, the Chesapeake Bay Program, the San Francisco Bay-Delta Estuary Program and State agencies and other governmental entities to participate as ex officio members of the Task Force.

(d) **CHAIRPERSONS.**—The Director and the Under Secretary shall serve as co-chairpersons of the Task Force and shall be jointly responsible, and are authorized to undertake such activities as may be necessary, for carrying out this subtitle in consultation and cooperation with the other members of the Task Force.

(e) **MEMORANDUM OF UNDERSTANDING.**—Within six months of the date of enactment of this Act, the Director and the Under Secretary shall develop a memorandum of understanding that describes the role of each in jointly carrying out this subtitle.

(f) **COORDINATION.**—Each Task Force member shall coordinate any action to carry out this subtitle with any such action by other members of the Task Force, and regional, State and local entities.

**SEC. 1202. AQUATIC NUISANCE SPECIES PROGRAM.**

(a) **IN GENERAL.**—The Task Force shall develop and implement a program for waters of the United States to prevent introduction and dispersal of aquatic nuisance species; to monitor, control and study such species; and to disseminate related information.

(b) **CONTENT.**—The program developed under subsection (a) shall— (1) identify the goals, priorities, and approaches for aquatic nuisance species prevention, monitoring, control, education and research to be conducted or funded by the Federal Government; (2) describe the specific prevention, monitoring, control, education and research activities to be conducted by each Task Force member; (3) coordinate aquatic nuisance species programs and activities of Task Force members and affected State agencies; (4) describe the role of each Task Force member in implementing the elements of the program as set forth in this subtitle; (5) include recommendations for funding to implement elements of the program; and (6) develop a demonstration program of prevention, monitoring, control, education and research for the zebra mussel, to be implemented in the Great Lakes and any other waters infested, or likely to become infested in the near future, by the zebra mussel.

(c) PREVENTION.—(1) IN GENERAL.—The Task Force shall establish and implement measures, within the program developed under subsection (a), to minimize the risk of introduction of aquatic nuisance species to waters of the United States, including— (A) identification of pathways by which aquatic organisms are introduced to waters of the United States; (B) assessment of the risk that an aquatic organism carried by an identified pathway may become an aquatic nuisance species; and (C) evaluation of whether measures to prevent introductions of aquatic nuisance species are effective and environmentally sound.

(2) IMPLEMENTATION.—Whenever the Task Force determines that there is a substantial risk of unintentional introduction of an aquatic nuisance species by an identified pathway and that the adverse consequences of such an introduction are likely to be substantial, the Task Force shall, acting through the appropriate federal agency, and after an opportunity for public comment, carry out cooperative, environmentally sound efforts with regional, State and local entities to minimize the risk of such an introduction. (d) MONITORING.—The Task Force shall establish and implement monitoring measures, within the program developed under subsection (a), to— (1) detect unintentional introductions of aquatic nuisance species; (2) determine the dispersal of aquatic nuisance species after introduction; and (3) provide for the early detection and prevention of infestations of aquatic nuisance species in unaffected drainage basins. (e) CONTROL.— (1) IN GENERAL.—The Task Force may develop cooperative efforts, within the program established under subsection (a), to control established aquatic nuisance species to minimize the risk of harm to the environment and the public health and welfare. For purposes of this Act, control efforts include eradication of infestations, reductions of populations, development of means of adapting human activities and public facilities to accommodate infestations, and prevention of the spread of aquatic nuisance species from infested areas. Such control efforts shall be developed in consultation with affected Federal agencies, States, Indian Tribes, local governments, interjurisdictional organizations, and other appropriate entities. Control actions authorized by this section shall be based on the best available scientific information and shall be conducted in an environmentally sound manner.

(2) DECISIONS.—The Task Force or any other affected agency or entity may recommend that the Task Force initiate a control effort. In determining whether a control program is warranted, the Task Force shall evaluate the need for control (including the projected consequences of no control and less than full control); the technical and biological feasibility and cost-effectiveness of alternative control strategies and actions; whether the benefits of control, including costs avoided, exceed the costs of the program; the risk of harm to non-target organisms and ecosystems, public health and welfare; and such other considerations the Task Force determines appropriate. The Task Force shall also determine the nature and extent of control of target aquatic nuisance species that is feasible and desirable.

(3) PROGRAMS.—If the Task Force determines in accordance with paragraph (2) that control of an aquatic nuisance species is warranted, the Task Force shall develop a proposed control program to achieve the target level of control. A notice summarizing the proposed action and soliciting comments shall be published in the Federal Register, in major newspapers in the region affected, and in principal trade publications of the industries affected. Within 180 days of proposing a control program, and after consultation with affected governmental and other appropriate entities and taking into consideration other comments received, the Task Force shall complete development of the proposed control program. (f) RESEARCH.— (1) PRIORITIES.—The Task Force shall, within the program developed under subsection (a), conduct research concerning— (A) the environmental and economic risks and impacts associated with the introduction of aquatic nuisance species into the waters of the United States; (B) the principal pathways by which aquatic nuisance species are introduced and dispersed; (C) possible methods for the prevention, monitoring and control of aquatic nuisance species; and (D) the assessment of the effectiveness of prevention, monitoring and control methods.(2) PROTOCOL.—Within 90 days of the date of enactment of this Act, the Task Force shall establish and follow a protocol to ensure that research activities carried out under this subtitle do not result in the introduction of aquatic nuisance species to

waters of the United States. (3) GRANTS FOR RESEARCH.—The Task Force shall allocate funds authorized under this Act for competitive research grants to study all aspects of aquatic nuisance species, which shall be administered through the National Sea Grant College Program and the Cooperative Fishery and Wildlife Research Units. Grants shall be conditioned to ensure that any recipient (g) TECHNICAL ASSISTANCE.—The Task Force shall, within the program developed under subsection (a), provide technical assistance to State and local governments and persons to minimize the environmental, public health, and safety risks associated with aquatic nuisance species, including an early warning system for advance notice of possible infestations and appropriate responses. (h) EDUCATION.—The Task Force shall, with the program developed under subsection (a), establish and implement educational programs through Sea Grant Marine Advisory Services and any other available resources that it determines to be appropriate to inform the general public, State governments, governments of political subdivisions of States, and industrial and recreational users of aquatic resources in connection with matters concerning the identification of aquatic nuisance species, and control methods for such species, including the prevention of the further distribution of such species.