

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 3360

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IN THE SENATE OF THE UNITED STATES

MARCH 23 (legislative day, FEBRUARY 22), 1994

Received; read twice and referred to the Committee on Commerce, Science,  
and Transportation

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## AN ACT

To demonstrate ballast water management technologies and practices on vessels, including vessel modification and design, that will prevent aquatic nonindigenous species from being introduced and spread in United States waters.

1        *Be it enacted by the Senate and House of Representa-*  
2        *tives of the United States of America in Congress assembled,*

3        **SECTION 1. SHORT TITLE.**

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

1 **SEC. 2. EVALUATION.**

2 (a) Subsection 1102(a) of Public Law 101-646 (16  
3 U.S.C. 4712(a)) is amended by adding the following new  
4 paragraph at the end:

5 “(4) NATIONAL BALLAST WATER MANAGEMENT  
6 EVALUATION.—

7 “(A) Subject to the availability of appro-  
8 priations, the Task Force shall contract with  
9 the Marine Board of the National Research  
10 Council to identify and evaluate ballast water  
11 management technologies and practices that  
12 prevent the introduction and spread of  
13 nonindigenous species through ballast water  
14 discharged into United States waters.

15 “(B) In conducting the evaluation, the Ma-  
16 rine Board shall consider, at a minimum, bal-  
17 last water management technologies and prac-  
18 tices identified in the study prepared under  
19 paragraph (3).

20 “(C) In conducting the evaluation, the Ma-  
21 rine Board shall identify, at a minimum, ballast  
22 water management technologies and practices  
23 that—

24 “(i) may be retrofitted on existing  
25 vessels or incorporated in new vessel de-  
26 signs;

1           “(ii) are operationally practical;  
2           “(iii) are safe for vessel and crew;  
3           “(iv) are environmentally sound;  
4           “(v) are cost effective;  
5           “(vi) the vessel operator can monitor;  
6           and  
7           “(vii) are effective against a broad  
8           range of nuisance organisms.”.

9           (b) Subsection 1102(c) of Public Law 101–646 (16  
10 U.S.C. 4712(c)) is amended by adding the following new  
11 paragraph at the end:

12           “(3) NATIONAL BALLAST WATER MANAGEMENT  
13 EVALUATION REPORT.—Not later than 1 year after  
14 the date of enactment of the Ballast Water Manage-  
15 ment Act, the Task Force shall submit to the appro-  
16 priate Committees a report on the results of the  
17 evaluation conducted under paragraph (4) of sub-  
18 section (a).”.

19 **SEC. 3. NATIONAL BALLAST WATER MANAGEMENT DEM-**  
20 **ONSTRATION PROGRAM.**

21           (a) Section 1202 of Public Law 101–646 (16 U.S.C.  
22 4722) is amended by—

23           (1) redesignating subsection (k) as subsection  
24           (l); and

25           (2) inserting after subsection (j) the following:

1       “(k) NATIONAL BALLAST WATER MANAGEMENT  
2 DEMONSTRATION PROGRAM.—

3           “(1) AUTHORIZATION.—Following the submis-  
4 sion of the evaluation authorized under section  
5 1102(a)(4) and subject to the availability of appro-  
6 priations under section 1301(e), the Administrator  
7 of the Maritime Administration, in consultation with  
8 the Task Force, shall conduct a national ballast  
9 water management demonstration program to test  
10 and evaluate ballast water management technologies  
11 and practices, including those identified in the eval-  
12 uation authorized under paragraph 1102(a)(4), to  
13 prevent the introduction and spread of  
14 nonindigenous species through ballast water dis-  
15 charged into United States waters.

16           “(2) CRITERIA.—In carrying out the dem-  
17 onstration program authorized under this sub-  
18 section, the Administrator of the Maritime Adminis-  
19 tration shall use vessels that are documented under  
20 chapter 121 of title 46, United States Code, includ-  
21 ing vessels operating on the Great Lakes. Any nec-  
22 essary ballast water management technology instal-  
23 lation or construction on a vessel used in the dem-  
24 onstration program shall be performed by a United  
25 States shipyard or ship repair facility.

1           “(3) AUTHORITIES.—In conducting the dem-  
2           onstration program under this subsection, the Task  
3           Force and the Administrator of the Maritime Ad-  
4           ministration may accept donations of property and  
5           services.”.

6           (b) Subsection 1202(l), as redesignated by this Act,  
7           is amended by adding the following new paragraph at the  
8           end:

9           “(3) Not later than 1 year after the submission  
10          of the evaluation authorized under section  
11          1102(a)(4) and periodically as necessary to report  
12          new findings, the Administrator of the Maritime Ad-  
13          ministration, in consultation with the Task Force,  
14          shall submit to the appropriate Committees a report  
15          on the results of the demonstration program con-  
16          ducted under subsection (k).”.

17   **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

18          Section 1301 of Public Law 101-646 (16 U.S.C.  
19          4741) is amended by adding the following new subsection  
20          at the end:

21          “(e) NATIONAL BALLAST WATER MANAGEMENT  
22          EVALUATION AND DEMONSTRATION PROGRAM.—There  
23          are authorized to be appropriated to the Director and the  
24          Under Secretary \$150,000 for fiscal year 1995 and to the  
25          Administrator of the Maritime Administration \$1,850,000

1 for fiscal year 1996, to remain available until expended,  
2 to carry out the evaluation authorized under section  
3 1102(a)(4) and the demonstration program authorized  
4 under section 1202(k).”.

Passed the House of Representatives March 21,  
1994.

Attest: DONNALD K. ANDERSON,  
*Clerk.*