

S 363

Ballast Water Management Act of 2005

Congress: 109 (2005–2007, Ended)

Chamber: Senate

Policy Area: Environmental Protection

Introduced: Feb 10, 2005

Current Status: Placed on Senate Legislative Calendar under General Orders. Calendar No. 291.

Latest Action: Placed on Senate Legislative Calendar under General Orders. Calendar No. 291. (Nov 16, 2005)

Official Text: <https://www.congress.gov/bill/109th-congress/senate-bill/363>

Sponsor

Name: Sen. Inouye, Daniel K. [D-HI]

Party: Democratic • **State:** HI • **Chamber:** Senate

Cosponsors (5 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Akaka, Daniel K. [D-HI]	D · HI		Feb 10, 2005
Sen. Lautenberg, Frank R. [D-NJ]	D · NJ		Feb 10, 2005
Sen. Stevens, Ted [R-AK]	R · AK		Feb 10, 2005
Sen. Sarbanes, Paul S. [D-MD]	D · MD		Feb 15, 2005
Sen. Cantwell, Maria [D-WA]	D · WA		Mar 1, 2005

Committee Activity

Committee	Chamber	Activity	Date
Commerce, Science, and Transportation Committee	Senate	Reported By	Nov 17, 2005

Subjects & Policy Tags

Policy Area:

Environmental Protection

Related Bills

No related bills are listed.

Ballast Water Management Act of 2005 - (Sec. 3) Amends the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (the Act) to revise certain aquatic invasive species prevention requirements to: (1) apply them to U.S. vessels that are designed, constructed, or adapted to carry ballast water and to foreign vessels that are en route to, or have departed from, a U.S. port or place; and (2) implement a ballast water management program (including standards for ballast water exchange and treatment and for sediment management) for vessels of the armed forces that is consistent with the requirements of this Act and at least as stringent as the requirements of the Clean Water Act. Authorizes the Secretary of the department in which the Coast Guard is operating to promulgate alternative measures for managing ballast water for certain small recreational vessels.

Prohibits an operator of a vessel from uptaking or discharging ballast water or sediment, except in specified circumstances, from a U.S. vessel operating in U.S. or non-U.S. waters. Requires an operator of a vessel to conduct all its ballast water management operations in accordance with a ballast water management plan designed to minimize the discharge of aquatic invasive species that meets the requirements prescribed and approved by the Secretary.

Requires a vessel to conduct ballast water treatment before discharging ballast water so that the discharged water will contain no more than a specified level of living organisms or microbes. Prohibits an operator of a vessel, until the vessel is required to conduct such treatment, from discharging ballast water except after: (1) conducting ballast water exchange in a manner that results in an efficiency of at least 95% volumetric exchange of the ballast water for each ballast water tank; (2) using ballast water treatment that meets the performance standards of this Act; or (3) using an environmentally-sound alternative ballast water treatment that is at least as effective as the ballast water exchange required under this Act in preventing and controlling infestation of aquatic invasive species. Sets forth certain limits for the conduct of ballast water exchange, uptake and discharge of ballast water, and removal or disposal of sediment by a vessel.

Sets forth certain certification procedures with respect to vessel ballast water management plans and equipment used for ballast water and sediment management.

Sets forth both civil and criminal penalties for violations of this Act.

Urges the Secretary to negotiate with foreign countries to develop and implement an international program for preventing the unintentional introduction and spread of nonindigenous species.

Requires the Secretary to provide support for the federal ballast water demonstration project, including grants for research and development of innovative technologies for the management, treatment, and disposal of ballast water and sediment, for ballast water exchange, and for other vessel vectors of aquatic invasive species such as hull-fouling. Authorizes appropriations for FY2006-FY2010.

Declares that federal ballast water exchange and ballast water treatment standards contained in this Act shall supersede state or local laws that are inconsistent with such federal standards.

Provides for the judicial review of regulations promulgated under this Act by the Secretary or the Administrator of the National Oceanic and Atmospheric Administration (NOAA).

Repeals armed services ballast water programs.

Changes "aquatic nuisance" references to "aquatic invasive species" under the Act.

(Sec. 4) Authorizes appropriations for FY2006-FY2010 for the prevention of unintentional introductions of nonindigenous aquatic invasive species in U.S. waters.

(Sec. 5) Directs the Commandant of the Coast Guard to report to Congress on: (1) vessel-related vectors of harmful aquatic organisms and pathogens other than ballast water and sediment, including vessel hulls and equipment, and from vessels equipped with ballast tanks that carry no ballast water on board; and (2) an assessment of the adverse impacts of ballast water operations from foreign vessels on U.S. waters, including recommendations for addressing ballast water operations of such vessels.

Directs the Coast Guard to develop best practices standards and procedures to reduce the introduction of invasive species into, and within, the United States from vessels.

Actions Timeline

- **Nov 16, 2005:** Committee on Commerce, Science, and Transportation. Reported by Senator Stevens with an amendment in the nature of a substitute. With written report No. 109-181.
- **Nov 16, 2005:** Committee on Commerce, Science, and Transportation. Reported by Senator Stevens with an amendment in the nature of a substitute. With written report No. 109-181.
- **Nov 16, 2005:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 291.
- **Jul 21, 2005:** Committee on Commerce, Science, and Transportation. Ordered to be reported with an amendment in the nature of a substitute favorably.
- **Feb 10, 2005:** Introduced in Senate
- **Feb 10, 2005:** Sponsor introductory remarks on measure. (CR S1298-1299)
- **Feb 10, 2005:** Read twice and referred to the Committee on Commerce, Science, and Transportation. (text of measure as introduced: CR S1299-1303)