

107TH CONGRESS
1ST SESSION

H. R. 3558

To protect, conserve, and restore native fish, wildlife, and their natural habitats on Federal lands through cooperative, incentive-based grants to control, mitigate, and eradicate harmful nonnative species, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 20, 2001

Mr. RAHALL (for himself, Mr. GILCREST, and Mr. UNDERWOOD) introduced the following bill; which was referred to the Committee on Resources

A BILL

To protect, conserve, and restore native fish, wildlife, and their natural habitats on Federal lands through cooperative, incentive-based grants to control, mitigate, and eradicate harmful nonnative species, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Species Protection and
5 Conservation of the Environment Act”.

1 **SEC. 2. FINDINGS AND STATEMENT OF PURPOSE.**

2 (a) FINDINGS.—The Congress finds and declares the
3 following:

4 (1) The maintenance of healthy populations of
5 native fish and wildlife species is dependent on the
6 protection, conservation, restoration, and manage-
7 ment of their natural habitats and processes and the
8 greater ecosystem.

9 (2) Harmful nonnative plants, animals, and in-
10 sects are creating significant environmental, eco-
11 nomic, and societal impacts on all 50 States and all
12 of the territories of the United States. Direct and in-
13 direct economic impacts are estimated to be
14 \$137,000,000,000 annually.

15 (3) 46 percent of all listings of endangered spe-
16 cies of animals are impacted by the infestation and
17 proliferation of harmful nonnative species.

18 (4) The distribution and dispersal of harmful
19 nonnative species show no regard for political bound-
20 aries and create a need for an ecologically based ap-
21 proach to protect, conserve, and restore native fish,
22 wildlife, and their natural habitats and processes,
23 and to control, mitigate, and eradicate harmful non-
24 native species on public and private lands and wa-
25 ters.

1 (5) The long-term protection, conservation, and
2 restoration of native fish, wildlife, and their natural
3 habitats and processes will require the coordinated
4 action of Federal, State, and local governments, as
5 well as the contribution and collaboration of non-
6 governmental organizations, owners of land and
7 water rights, commercial interests, and other per-
8 sons.

9 (6) Executive Order 13112 requires Federal
10 agencies to provide for restoration of native species
11 and habitat conditions in ecosystems that have been
12 invaded by harmful nonnative species.

13 (7) Harmful nonnative species have created sig-
14 nificant budgetary demands on public land and
15 water managers, including contributing
16 \$140,000,000 to the operations backlog of the Na-
17 tional Wildlife Refuge System.

18 (8) The capability within the United States to
19 rapidly respond at the Federal level to incipient in-
20 vasions of harmful nonnative species that will have
21 a large impact on native fish, wildlife, and their
22 habitats is undeveloped.

23 (b) PURPOSE.—The purpose of this Act is to encour-
24 age partnerships among public agencies and other inter-
25 ests for the following objectives:

1 (1) To protect, enhance, restore, and manage
2 an appropriate distribution and diversity of native
3 habitats for native fish and wildlife.

4 (2) To promote the development of State as-
5 sessments to establish priorities for controlling
6 harmful nonnative species.

7 (3) To promote greater cooperation among Fed-
8 eral, State, and local land and water managers, and
9 owners of private land, water rights, or other inter-
10 ests to implement ecologically based strategies to
11 eradicate, mitigate, and control harmful nonnative
12 species through a voluntary and incentive-based fi-
13 nancial assistance grant program.

14 (4) To establish a demonstration program using
15 units of the National Wildlife Refuge System as
16 sites to develop, test, evaluate, and monitor new
17 methods and technologies to eradicate, control, and
18 mitigate harmful nonnative species.

19 (5) To establish a rapid response capability to
20 combat incipient harmful nonnative species inva-
21 sions.

22 **SEC. 3. DEFINITIONS.**

23 For the purposes of this Act:

24 (1) **APPROPRIATE COMMITTEES.**—The term
25 “appropriate Committees” means the Committee on

1 Resources of the House of Representatives and the
2 Committee on Environment and Public Works of the
3 Senate.

4 (2) BIOREGION.—The term “bioregion”—

5 (A) means a continuous natural area, such
6 as a watershed or river system, semiarid pla-
7 teau or basin, mountain range, grassland, forest
8 tract, or other natural area, that unites—

9 (i) common ecosystems that share
10 similar species or natural communities;

11 and

12 (ii) ecological processes and functions;

13 and

14 (B) includes such an area that extends
15 across the borders of municipalities, counties,
16 States, or countries.

17 (3) CAPACITY BUILDING.—The term “capacity
18 building” means the process of increasing the ad-
19 ministrative, technical, scientific, and other capabili-
20 ties of local, regional, or State entities to combat,
21 manage, or eradicate harmful nonnative species.

22 (4) CONTROL.—The term “control” means, as
23 appropriate, eradicating, suppressing, reducing, or
24 managing harmful nonnative species populations,
25 preventing the spread of harmful nonnative species

1 from areas where they are present, and taking steps
2 to restore native species and habitats to reduce the
3 effects of harmful nonnative species.

4 (5) COUNCIL.—The term the “Council” means
5 the National Invasive Species Council created by Ex-
6 ecutive Order 13112 of February 3, 1999.

7 (6) DIRECTOR.—The term “Director” means
8 the Director of the United States Fish and Wildlife
9 Service.

10 (7) ENVIRONMENTAL SOUNDNESS.—The term
11 “environmental soundness” means the extent of in-
12 clusion of methods, efforts, actions, or programs to
13 prevent or control infestations of harmful nonnative
14 species, that—

15 (A) minimize adverse impacts to the struc-
16 ture and function of an ecosystem and adverse
17 effects on nontarget species and ecosystems;
18 and

19 (B) emphasize integrated management
20 techniques and nonchemical measures.

21 (8) FEDERAL LANDS.—The term “Federal
22 lands” means all lands and waters that are owned
23 and administered by the Department of the Interior
24 or National Forest Service or are held in trust by
25 the Federal Government for an Indian tribe.

1 (9) HARMFUL NONNATIVE SPECIES.—The term
2 “harmful nonnative species” means, with respect to
3 a particular ecosystem in a particular region, any
4 species, including its seeds, eggs, spores, or other bi-
5 ological material capable of propagating that species,
6 that is not native to that ecosystem and has a de-
7 monstrable or potentially demonstrable negative en-
8 vironmental or economic impact in that region.

9 (10) INDIAN TRIBE.—The term “Indian tribe”
10 has the meaning given that term in section 4 of the
11 Indian Self-Determination and Education Assistance
12 Act (25 U.S.C. 450b).

13 (11) NATIONAL MANAGEMENT PLAN.—The
14 term “National Management Plan” means the man-
15 agement plan prepared by the National Invasive
16 Species Council dated January 18, 2001, and enti-
17 tled “Meeting the Invasive Species Challenge”.

18 (12) SECRETARY.—The term “Secretary”
19 means the Secretary of the Interior.

20 (13) STATE.—The term “State” means each of
21 the several States of the United States, the District
22 of Columbia, the Commonwealth of Puerto Rico, the
23 Virgin Islands, Guam, American Samoa, the Com-
24 monwealth of the Northern Mariana Islands, any

1 other territory or possession of the United States,
2 and any Indian tribe.

3 (14) STATE ASSESSMENT.—The term “State
4 assessment” means an assessment by a State of—

5 (A) the needs to restore, manage, or en-
6 hance native fish or wildlife and their natural
7 habitats and processes in the State through
8 control of harmful nonnative species; and

9 (B) priorities for actions to address such
10 needs.

11 **SEC. 4. STATE NATIVE SPECIES PROTECTION ASSESSMENT**
12 **GRANT PROGRAM.**

13 (a) ESTABLISHMENT.—The Secretary, in consulta-
14 tion with the Council, may provide grants to States to fa-
15 cilitate local capacity building among individual, local,
16 State, and Federal land and owners of water rights
17 through the development of a State assessment that iden-
18 tifies priorities for restoration, management, or enhance-
19 ment of native fish or wildlife and their natural habitats
20 and processes through control of harmful nonnative spe-
21 cies.

22 (b) FUNCTIONS OF THE DIRECTOR.—The Director
23 shall—

24 (1) solicit applications for grants under this
25 section;

1 (2) administer such grants; and

2 (3) in consultation with the Council—

3 (A) provide technical and scientific advice
4 to the States receiving grants under this sec-
5 tion; and

6 (B) review State assessments submitted
7 under this section, and approve any of those
8 State assessments that comply with the require-
9 ments of subsection (d).

10 (c) FEDERAL SHARE.—The Federal share of the cost
11 of activities carried out with a grant under this section
12 shall be 75 percent.

13 (d) STATE ASSESSMENT REQUIREMENTS.—A State
14 assessment developed with a grant under this section
15 must—

16 (1) identify harmful nonnative species that
17 occur in the State within or across political bound-
18 aries, that must be controlled to conserve and pro-
19 tect native fish, wildlife, and their habitats;

20 (2) identify mechanisms to increase capacity
21 building in a State or across State lines to conserve
22 and protect native fish, wildlife, or their habitats,
23 and control harmful nonnative species within the
24 State;

1 (3) incorporate the guidelines of the National
2 Management Plan;

3 (4) incorporate or be consistent with relevant
4 State plans that have been developed in whole or in
5 part for the conservation of fish, wildlife, and their
6 habitats; and

7 (5) where practicable, identify bioregions within
8 and across the boundaries of the State that are con-
9 ducive to implementing a regional or ecological strat-
10 egy to control harmful nonnative species.

11 (e) REVIEW AND APPROVAL OF ASSESSMENTS.—

12 (1) SUBMISSION.—The terms of each grant
13 under this section shall require that within two years
14 after the award of the grant, the grantee shall sub-
15 mit a completed State assessment to the Director for
16 evaluation.

17 (2) REVIEW AND APPROVAL.—The Director, in
18 consultation with the Council, shall—

19 (A) review each complete State assessment
20 submitted under this section (including each as-
21 sessment submitted under subsection (f)); and

22 (B)(i) approve each such assessment if it
23 satisfies the requirements of subsection (d); or

24 (ii) disapprove such an assessment if it
25 does not satisfy those requirements.

1 (3) ASSESSMENTS DEEMED APPROVED.—A
2 State assessment submitted under this section is
3 deemed to have been approved by the Secretary
4 upon the expiration of the 60-day period beginning
5 on the date it is submitted by the State, if the Sec-
6 retary does not approve or disapprove the assess-
7 ment before the end of that period.

8 (4) STATEMENT OF REASONS FOR DIS-
9 APPROVAL.—The Secretary shall transmit to a State
10 a statement of the reasons the Secretary dis-
11 approved an assessment submitted by the State
12 under this section, by not later than 30 days after
13 the date of that disapproval.

14 (f) SUBMISSION AND APPROVAL OF EXISTING STATE
15 PLANS OR ASSESSMENTS.—A State may submit to the Di-
16 rector for approval as a State assessment under this sec-
17 tion, for purposes of section 5, a State plan or assessment
18 in existence on the date of the enactment of this Act.

19 **SEC. 5. ALDO LEOPOLD NATIVE HERITAGE GRANT PRO-**
20 **GRAM.**

21 (a) IN GENERAL.—The Secretary may provide a
22 grant to any eligible applicant to carry out a qualified
23 project in accordance with this section. Such program
24 shall be known as the “Aldo Leopold Native Heritage
25 Grant Program”.

1 (b) FUNCTIONS OF THE SECRETARY.—

2 (1) IN GENERAL.—The Secretary shall—

3 (A) solicit, receive, review, evaluate, and
4 approve applications for grants under this sec-
5 tion;

6 (B) consult with the Council on the
7 projects proposed for grants under this section,
8 including regarding the priority of proposed
9 projects for such grants; and

10 (C) consult the Council regarding the de-
11 velopment of the database and standard data
12 formats required under subsection (1).

13 (2) ADVICE.—To obtain advice regarding pro-
14 posed grants under this section, including advice on
15 the scientific merit, technical merit, and feasibility of
16 a proposed grant, the Secretary shall consult with—

17 (A) persons with scientific expertise in con-
18 trolling harmful nonnative species;

19 (B) representatives of State agencies, in-
20 cluding fish and wildlife conservation and man-
21 agement agencies, local or regional government
22 agencies, and nongovernmental organizations
23 with expertise in native fish, wildlife, or their
24 habitats and their restoration; and

1 (C) agricultural interests, fishing interests,
2 and other users of resources affected by harm-
3 ful nonnative species.

4 (3) DELEGATION OF AUTHORITY.—The Sec-
5 retary may delegate to another Federal instrumen-
6 tality the authority of the Secretary under this sec-
7 tion, other than the authority to approve applica-
8 tions for grants and make grants.

9 (c) FUNCTIONS OF THE COUNCIL.—The Council
10 shall—

11 (1) consult with the Secretary to create addi-
12 tional criteria and guidelines for Leopold Native
13 Heritage Grants;

14 (2) consult with the Secretary regarding wheth-
15 er proposed projects are qualified projects; and

16 (3) carry out functions relating to monitoring
17 grant projects under subsection (1).

18 (d) ELIGIBLE APPLICANT.—To be an eligible appli-
19 cant under this section, an applicant must be—

20 (1) a State; or

21 (2) a local government or private person.

22 (e) QUALIFIED PROJECT.—

23 (1) IN GENERAL.—To be a qualified project
24 under this section, a project must meet the following
25 requirements:

1 (A) The objectives of the project must
2 include—

3 (i) providing for the science-based res-
4 toration, management, or enhancement of
5 native fish or wildlife or the natural habi-
6 tats and processes thereof;

7 (ii) controlling harmful nonnative spe-
8 cies on the lands or waters on which it is
9 conducted and maximizing benefits to the
10 environment;

11 (iii) addressing the pathways by which
12 the harmful nonnative species migrates to
13 or from the lands on which the project is
14 carried out; and

15 (iv) having no negative impact on the
16 bioregion in which it is carried out and
17 being technically feasible.

18 (B) The project must include a monitoring
19 plan that is consistent with standards for moni-
20 toring developed under subsection (l).

21 (C) There must be satisfactory assurance
22 from the non-Federal interests participating in
23 the project that the non-Federal interests will
24 have adequate personnel, funding, and author-

1 ity to ensure local cooperation and properly
2 maintain the project.

3 (D) The project must be carried out in a
4 State with a State assessment approved under
5 section 4, and must implement activities identi-
6 fied in the assessment for restoration, manage-
7 ment, or enhancement of native fish or wildlife
8 and their natural habitats and processes
9 through control of harmful nonnative species.

10 (E) The project must be conducted in
11 partnership with a Federal agency.

12 (F) The project must be conducted on
13 lands or waters under the control of the eligible
14 applicant applying for a grant under this sec-
15 tion, and on adjacent Federal lands or waters
16 administered by the Federal agency referred to
17 in subparagraph (E), that are—

18 (i) administered for the long-term
19 conservation of such lands and waters and
20 the native fish and wildlife dependent
21 thereon;

22 (ii) managed to prevent the future re-
23 introduction or dispersal of harmful non-
24 native species; or

1 (iii) managed as a bioregion in which
2 there is a project being carried out that
3 addresses infestation sources of harmful
4 nonnative species that would otherwise re-
5 infest the lands or waters.

6 (2) OTHER FACTORS FOR SELECTION OF
7 PROJECTS.—The Secretary shall also consider pro-
8 posed projects for grants under this section (subject
9 to paragraph (1)) based on the following factors:

10 (A) The extent to which the project would
11 aid the conservation of species that are listed,
12 or are candidates for listing, as threatened spe-
13 cies and endangered species under the Endan-
14 gered Species Act of 1973 (16 U.S.C. 1531 et
15 seq.).

16 (B) Whether the project will encourage in-
17 creased coordination and cooperation among
18 one or more Federal agencies and State or local
19 government agencies or nongovernmental or
20 other private entities.

21 (C) Whether the project fosters public-pri-
22 vate partnerships and uses Federal resources to
23 encourage increased private sector involvement,
24 including consideration of the amount of private

1 funds or in-kind contributions for a native fish,
2 wildlife, and habitat conservation activity.

3 (D) Whether the project occurs within an
4 area in a bioregion in which there is a program
5 being carried out that addresses infestation
6 sources of nonnative species that would other-
7 wise reinfest the area.

8 (f) PRIORITY FOR INNOVATIVE TECHNOLOGY.—In
9 selecting qualified projects for grants under this section,
10 the Secretary shall give priority consideration to a quali-
11 fied project if the project includes pilot testing or a dem-
12 onstration of an innovative technology having the potential
13 for improved cost-effectiveness in native fish, wildlife, and
14 habitat conservation or restoration.

15 (g) DISTRIBUTION OF AWARDS.—In making grants
16 under this section the Secretary shall seek to ensure—

17 (1) a balance of smaller and larger projects
18 conducted with grants under this section; and

19 (2) an equitable geographic distribution of
20 projects carried out with grants under this section,
21 among all States within which such projects are pro-
22 posed to be conducted.

23 (h) GRANT DURATION.—

24 (1) IN GENERAL.—Each grant under this sec-
25 tion shall be to provide funding for the Federal

1 share of the cost of the project carried out with the
2 grant for up to 2 fiscal years.

3 (2) RENEWAL.—If the Secretary finds that a
4 project is making satisfactory progress, the Sec-
5 retary may renew a grant under this section for the
6 project for an additional 2 fiscal years.

7 (i) REPORTING REQUIREMENT.—

8 (1) IN GENERAL.—A grantee under this section
9 shall report annually to the Secretary.

10 (2) REPORT CONTENTS.—Each report under
11 this subsection shall include the following informa-
12 tion with respect to each grant covered by the re-
13 port:

14 (A) The information described in subpara-
15 graphs (B), (C), (D), and (G) of subsection
16 (m)(2).

17 (B) Specific information on the methods
18 and techniques used to conserve or restore na-
19 tive fish, wildlife, or their habitats in the grant
20 area.

21 (C) Specific information on the methods
22 and techniques used to control harmful non-
23 native species in the grant area.

24 (D) Photo documentation of the grant area
25 from before, during, and after the grant.

1 (E) A detailed report of the funding for
2 the grant and the expenditures made.

3 (F) A plan for continued monitoring of the
4 grant area, after the grant is completed, with
5 funding from a source or sources other than of
6 grants under this section.

7 (j) COST SHARING.—

8 (1) FEDERAL SHARE.—Except as provided in
9 paragraphs (2), (3), (4), and (5), the Federal share
10 of the cost of a project carried out with a grant
11 under this section shall not exceed 75 percent of
12 such cost.

13 (2) INNOVATIVE TECHNOLOGY COSTS.—The
14 Federal share of the incremental additional cost of
15 including in such a project pilot testing or a dem-
16 onstration of an innovative technology described in
17 subsection (f) shall be 85 percent.

18 (3) PROJECTS ON FEDERAL LANDS OR WA-
19 TERS.—The Federal share of the cost of the portion
20 of a project funded with a grant under this section
21 that is carried out on Federal lands or waters, in-
22 cluding the cost of acquisition by the Federal Gov-
23 ernment of inholdings within Federal lands or wa-
24 ters for use for such a project, shall be 100 percent.

1 (4) APPLICATION TO NON-FEDERAL SHARE.—

2 The Secretary—

3 (A) shall apply to the non-Federal share of
4 the cost of a project carried out with a grant
5 under this section the fair market value of all
6 lands, easements, rights-of-way, and relocations
7 provided for the project by non-Federal inter-
8 ests; and

9 (B) may apply to the non-Federal share of
10 such costs services or any other form of in-kind
11 contribution to the project made by non-Federal
12 interests that the Secretary determines to be an
13 appropriate contribution equivalent to the mon-
14 etary amount required for the non-Federal
15 share of the activity.

16 (5) OPERATION AND MAINTENANCE.—The non-
17 Federal interests for a project carried out with a
18 grant under this section shall be responsible for all
19 costs associated with operating, maintaining, replac-
20 ing, repairing, rehabilitating, and monitoring the
21 project on non-Federal lands and waters.

22 (6) DERIVATION OF NON-FEDERAL SHARE.—
23 The non-Federal share of the cost of a project car-
24 ried out with a grant under this section may not be

1 derived from a Federal grant program or other Fed-
2 eral funds.

3 (k) COOPERATION OF NON-FEDERAL INTERESTS.—

4 The Secretary may not make a grant under this section
5 for a project on Federal lands before a non-Federal inter-
6 est has entered into a written agreement with the Sec-
7 retary under which the non-Federal interest agrees to—

8 (1) provide for the project all non-Federal
9 lands, easements, rights-of-way, and relocations re-
10 quired for the project, and any other elements the
11 Secretary determines to be an appropriate contribu-
12 tion under subsection (j)(4); and

13 (2) provide for all operation, maintenance, re-
14 placement, rehabilitation, and monitoring for the
15 project on non-Federal lands and waters.

16 (l) MONITORING OF GRANT PROJECTS.—

17 (1) REQUIREMENTS.—The Council, in consulta-
18 tion with the Secretary, shall develop requirements
19 for the monitoring to be carried out by a grantee
20 after the completion of a project with a grant under
21 this section to ensure that short-term and long-term
22 conservation goals of the project are achieved.

23 (2) DATABASE OF GRANT PROJECT INFORMA-
24 TION.—The Council shall develop and maintain an
25 appropriate database of information concerning

1 projects carried out with grants under this sub-
2 section, including information on project techniques,
3 project completion, monitoring data, and other rel-
4 evant information.

5 (3) MONITORING DATA FORMATS.—The Council
6 shall develop standard data formats for monitoring
7 projects, along with requirements for types of data
8 collected and frequency of monitoring.

9 (4) COORDINATION OF DATA.—The Council
10 shall compile information that pertains to grants
11 from other Federal, State, and local sources and
12 that meets the quality control requirements and data
13 standards established under this subsection.

14 (5) USE OF EXISTING PROGRAMS.—The Council
15 shall use existing programs within the Federal Gov-
16 ernment to create and maintain the database re-
17 quired under this subsection.

18 (6) PUBLIC AVAILABILITY.—The Council shall
19 make the information collected and maintained
20 under this subsection available to the public.

21 (m) REPORTING.—

22 (1) IN GENERAL.—The Secretary shall, by not
23 later than 2 years after the date of the enactment
24 of this Act and every 2 years thereafter, report to

1 the appropriate Committees on the implementation
2 of this Act.

3 (2) CONTENTS OF REPORT.—A report under
4 paragraph (1) shall include a biennial assessment
5 of—

6 (A) the number of States that have devel-
7 oped a State assessment with a grant under
8 section 4;

9 (B) data on the number of acres of native
10 fish and wildlife habitat restored, protected, or
11 enhanced under this Act, including descriptions
12 of, and partners involved with, grants selected,
13 in progress, and completed under this Act that
14 comprise those acres by Federal, State, and
15 local agencies and other entities;

16 (C) trends in the population size and dis-
17 tribution of native species in the grant areas,
18 and in adjacent areas as defined by the Sec-
19 retary;

20 (D) trends in the population size and dis-
21 tribution of harmful nonnative species in the
22 grant areas, and in the adjacent areas as de-
23 fined by the Secretary;

1 (E) an estimate of the long-term success of
2 varying conservation techniques used in car-
3 rying out grants under this section;

4 (F) an annual assessment of the status of
5 projects carried out with grants under this sec-
6 tion, including an accounting of expenditures by
7 Federal, State, regional, and local government
8 agencies and other entities to carry out such
9 projects;

10 (G) a review of the environmental sound-
11 ness of the projects carried out with grants
12 under this section;

13 (H) a review of efforts made to maintain
14 an appropriate database of grants under this
15 section;

16 (I) a review of the measures taken to pro-
17 vide the information described in subparagraphs
18 (B) through (E) and (G) to persons with re-
19 sponsibility for assisting in the conservation of
20 native fish and wildlife and their habitats; and

21 (J) a review of the geographical distribu-
22 tion of Federal money, matching funds, and in-
23 kind contributions for projects carried out with
24 grants under this section.

1 **SEC. 6. REFUGE SYSTEM DEMONSTRATION PROJECTS.**

2 (a) IN GENERAL.—The Secretary, acting through the
3 Director, shall carry out demonstration projects to pro-
4 mote ecologically based strategies to control harmful non-
5 native species, that—

6 (1) use the National Wildlife Refuge System
7 and adjacent lands and waters;

8 (2) promote ecologically based strategies that
9 address the operational backlog attributed to non-
10 native species affecting the National Wildlife Refuge
11 System;

12 (3) encourage the development of cooperative
13 partnerships with other Federal, State, regional,
14 local, or private owners of land or water rights adja-
15 cent to a National Wildlife Refuge or Waterfowl
16 Management Unit, to identify opportunities for
17 harmful nonnative species control projects; and

18 (4) includes pilot testing or a demonstration of
19 an innovative technology or method having the po-
20 tential for improved cost-effectiveness in native fish,
21 wildlife, and habitat conservation or restoration.

22 (b) PROJECT IDENTIFICATION DEVELOPMENT.—The
23 Secretary shall—

24 (1) carry out under this section those projects
25 that the Secretary determines, in consultation with
26 the Director, most effectively demonstrate harmful

1 nonnative species control in cooperation with sur-
2 rounding public or private lands or waters; and

3 (2) develop the projects to be carried out under
4 this section within 12 months after the date of en-
5 actment of this Act.

6 (c) SIZE OF PROJECTS.—The projects carried out
7 should contribute to achieving a balance of smaller and
8 larger projects.

9 (d) GEOGRAPHIC DISTRIBUTION.—The Secretary
10 shall, to the maximum extent practicable, seek to ensure
11 a geographic distribution of projects under this section,
12 among all States within which such projects are proposed
13 to be conducted.

14 (e) MONITORING REQUIREMENTS.—The Secretary,
15 through the Director, shall monitor projects carried out
16 under this section in accordance with the requirements de-
17 veloped under section 5(l).

18 (f) REPORTING.—The Secretary shall report to the
19 appropriate Committees regarding projects carried out
20 under this section—

21 (1) in accordance with the requirements that
22 apply to reports under section 5(m); and

23 (2) through the Director.

1 **SEC. 7. CREATION OF A RAPID RESPONSE CAPABILITY TO**
2 **HARMFUL NONNATIVE SPECIES.**

3 (a) **ESTABLISHMENT.**—The Secretary may provide fi-
4 nancial assistance to enable a rapid response to outbreaks
5 of harmful nonnative species that are at a stage at which
6 rapid eradication or control is possible, and ensure eradi-
7 cation or immediate control of the harmful nonnative spe-
8 cies.

9 (b) **REQUIREMENTS FOR ASSISTANCE.**—The Sec-
10 retary shall provide assistance under this section, at the
11 request of the Governor of a State, to local and State
12 agencies or nongovernmental entities for the eradication
13 of an immediate harmful nonnative species threat in the
14 State only if—

15 (1) there is a demonstrated need for the assist-
16 ance;

17 (2) the harmful nonnative species has not
18 spread beyond an area to be determined by the Sec-
19 retary;

20 (3) the harmful nonnative species is considered
21 to be an immediate threat to native fish, wildlife, or
22 their habitats, as determined by the Secretary; and

23 (4) the proposed response to such threat—

24 (A) is technically feasible;

1 (B) has no negative impact of the ecologi-
2 cal function of the region in which it would
3 occur; and

4 (C) is environmentally sound.

5 (c) AMOUNT OF FINANCIAL ASSISTANCE.—The Sec-
6 retary shall determine the amount of financial assistance
7 to be given with respect to an outbreak of a harmful non-
8 native species, in consultation with the Council and subject
9 to the availability of appropriations.

10 (d) COST SHARE.—The Federal share of the cost of
11 any activity carried out with assistance under this section
12 shall not exceed 80 percent.

13 (e) CONSULTATION.—The Secretary shall award as-
14 sistance under this section in consultation with the Coun-
15 cil.

16 (f) MONITORING AND REPORTING.—The Secretary
17 shall—

18 (1) require that persons receiving assistance
19 under this section report on activities carried out
20 with such assistance in the same manner as grantees
21 under section 5; and

22 (2) monitor and report on activities carried out
23 with assistance under this section in accordance with
24 the requirements that apply with respect to activities
25 carried out with assistance under section 5.

1 **SEC. 8. RELATIONSHIP TO OTHER AUTHORITIES.**

2 Nothing in this Act affects authorities, responsibil-
3 ities, obligations, or powers of the Secretary to acquire
4 lands or waters or interests therein under any other stat-
5 ute.

6 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

7 (a) STATE NATIVE SPECIES PROTECTION ASSESS-
8 MENT GRANT PROGRAM.—There are authorized to be ap-
9 propriated to the Secretary to carry out section 4—

10 (1) \$20,000,000 for fiscal year 2003, of
11 which—

12 (A) \$15,000,000 shall be used by the Di-
13 rector to provide the grants; and

14 (B) \$5,000,000 shall be used to provide
15 technical assistance to States awarded grants;
16 and

17 (2) such sums as may be necessary for each of
18 fiscal years 2004 through 2008.

19 Amounts appropriated under this subsection that are not
20 used for grants under section 4 may be used for grants
21 under section 5.

22 (b) ALDO LEOPOLD NATIVE HERITAGE GRANTS.—
23 There are authorized to be appropriated to the Secretary
24 to carry out section 5—

25 (1) \$50,000,000 for fiscal year 2003; and

1 (2) such sums as may be necessary for each of
2 fiscal years 2004 through 2008.

3 (c) REFUGE SYSTEM DEMONSTRATION PROJECTS.—

4 There are authorized to be appropriated to the Secretary
5 to carry out section 6—

6 (1) \$10,000,000 for fiscal year 2003; and

7 (2) such sums as may be necessary for each of
8 fiscal years 2004 through 2008.

9 (d) RAPID RESPONSE ASSISTANCE.—There are au-
10 thorized to be appropriated to the Secretary to carry out
11 section 7—

12 (1) \$10,000,000 for fiscal year 2003; and

13 (2) such sums as may be necessary for each of
14 fiscal years 2004 through 2008.

15 (e) MONITORING.—There is authorized to be appro-
16 priated to the Secretary to support the Council in its ac-
17 quisition, maintenance, and management of monitoring
18 data on grant projects carried out under this Act,
19 \$3,000,000 for each of fiscal years 2003 through 2008.

20 (f) CONTINUING AVAILABILITY.—Amounts appro-
21 priated under this Act shall remain available until ex-
22 pendent.

23 (g) ADMINISTRATIVE EXPENSES OF SECRETARY.—

24 Of amounts available each fiscal year to carry out this Act,
25 the Secretary may expend not more than 5 percent to pay

1 the administrative expenses necessary to carry out this
2 Act.

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