

108TH CONGRESS
1ST SESSION

H. R. 2310

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

IN THE HOUSE OF REPRESENTATIVES

JUNE 3, 2003

Mr. RAHALL (for himself, Ms. BORDALLO, Mr. ACEVEDO-VILÁ, Mr. GEORGE MILLER of California, Ms. LEE, Mr. CASE, Mr. GRIJALVA, Mr. RODRIGUEZ, Mr. MARKEY, Mr. FALEOMAVAEGA, Mr. UDALL of Colorado, Ms. SLAUGHTER, Mr. PALLONE, Mr. INSLEE, Mr. BLUMENAUER, Mr. ABERCROMBIE, Mr. NADLER, and Mr. KIND) 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 and non-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. PURPOSE.**

2 The purpose of this Act is to encourage partnerships
3 among public agencies, Indian tribes, and other interests
4 for the following objectives:

5 (1) To protect, enhance, restore, and manage a
6 diversity of habitats for native fish and wildlife
7 through control of harmful nonnative species.

8 (2) To promote the development of voluntary
9 State assessments to establish priorities for control-
10 ling harmful nonnative species.

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

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

21 (5) To establish a National Invasive Species
22 Council.

23 **SEC. 3. DEFINITIONS.**

24 For the purposes of this Act:

25 (1) APPROPRIATE COMMITTEES.—The term
26 “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) CONTROL.—The term “control” means, as
5 appropriate, eradicating, suppressing, reducing, or
6 managing harmful nonnative species from areas
7 where they are present; taking steps to detect early
8 infestations on at-risk native habitats; and restoring
9 native species and habitats to reduce the effects of
10 harmful nonnative species.

11 (3) COUNCIL.—The term “Council” means the
12 National Invasive Species Council established by sec-
13 tion 6(a).

14 (4) ENVIRONMENTAL SOUNDNESS.—The term
15 “environmental soundness” means the extent of in-
16 clusion of methods, efforts, actions, or programs to
17 prevent or control infestations of harmful nonnative
18 species, that—

19 (A) minimize adverse impacts to the struc-
20 ture and function of an ecosystem and adverse
21 effects on nontarget species and ecosystems;
22 and

23 (B) emphasize integrated management
24 techniques.

6 (6) HARMFUL NONNATIVE SPECIES.—The term
7 “harmful nonnative species”—

10 SEC. 4. ALDO LEOPOLD NATIVE HERITAGE GRANT PRO-
11 GRAM.

12 (a) IN GENERAL.—The Secretary may provide—

21 (A) identify harmful nonnative species that
22 occur in the State;

23 (B) assess the needs to restore, manage, or
24 enhance native fish and wildlife and their nat-
25 ural habitats and processes in the State;

1 (C) identify priorities for actions to ad-
2 dress such needs;

3 (D) identify mechanisms to increase capac-
4 ity building in a State or across State lines to
5 conserve and protect native fish and wildlife
6 and their habitats and to detect and control
7 harmful nonnative species within the State; and

(E) incorporate, where applicable, the guidelines of the National Management Plan.

- 10 The grant program under this section shall be known as
- 11 the “Aldo Leopold Native Heritage Grant Program”.

12 (b) FUNCTIONS OF THE SECRETARY.—

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

14 (A) publish guidelines for and solicit appli-
15 cations for grants under this section not later
16 than 6 months after the date of enactment of
17 this Act;

18 (B) receive, review, evaluate, and approve
19 applications for grants under this section;

20 (C) consult with the council on the projects
21 proposed for grants under this section, includ-
22 ing regarding the priority of proposed projects
23 for such grants; and

1 (D) consult with the Council regarding the
2 development of the database required under
3 subsection (j).

15 (c) FUNCTIONS OF THE COUNCIL.—The Council
16 shall—

17 (1) consult with the Secretary to create criteria
18 and guidelines for grants under this section;

22 (3) carry out functions relating to monitoring
23 control projects under subsection (i).

1 (d) ELIGIBLE APPLICANT.—To be an eligible appli-
2 cant for purposes of subsection (a)(1), an applicant
3 shall—

4 (1) be a State, local government, interstate or
5 regional agency, or private person; and
6 (2) have adequate personnel, funding, and au-
7 thority to carry out and monitor or maintain a con-
8 trol project.

9 (e) QUALIFIED CONTROL PROJECT.—

10 (1) IN GENERAL.—To be a qualified control
11 project under this section, a project shall—

12 (A) control harmful nonnative species on
13 the lands or waters on which it is conducted;

14 (B) include a plan for monitoring the
15 project area and maintaining effective control of
16 harmful nonnative species after the completion
17 of the project, that is consistent with standards
18 for monitoring developed under subsection (j);

19 (C) be conducted in partnership with a
20 Federal agency;

21 (D) be conducted on non-Federal lands or
22 waters that, for purposes of carrying out the
23 project, are under the control of the eligible ap-
24 plicant applying for the grant under this section
25 and on adjacent Federal lands or waters admin-

1 istered by the Federal agency referred to in
2 subparagraph (C), that are—

3 (i) administered for the long-term
4 conservation of such lands and waters and
5 the native fish and wildlife dependent
6 thereon; and

7 (ii) managed to prevent the future re-
8 introduction or dispersal of harmful non-
9 native species from the lands and waters
10 on which the project is carried out; and

11 (E) encourage public notice and outreach
12 on control project activities in the affected com-
13 munity.

14 (2) OTHER FACTORS FOR SELECTION OF
15 PROJECTS.—In ranking qualified control projects,
16 the Secretary may consider the following:

17 (A) The extent to which a project would
18 address the operational backlog attributed to
19 harmful nonnative species on habitats impor-
20 tant to native fish and wildlife throughout any
21 system of Federal lands.

22 (B) Whether a project will encourage in-
23 creased coordination and cooperation among
24 one or more Federal agencies and State or local
25 government agencies or nongovernmental or

1 other private entities to control harmful non-
2 native species.

3 (C) Whether a project fosters public-pri-
4 vate partnerships and uses Federal resources to
5 encourage increased private sector involvement,
6 including consideration of the amount of private
7 funds or in-kind contributions to control harm-
8 ful nonnative species.

9 (D) The extent to which a project would
10 aid the conservation of species that are listed
11 under the Endangered Species Act of 1973 (16
12 U.S.C. 1531 et seq.).

13 (E) Whether a project includes pilot test-
14 ing or a demonstration of an innovative tech-
15 nology having the potential for improved cost-
16 effectiveness in controlling harmful nonnative
17 species.

18 (F) The extent to which a project con-
19 siders the potential for unintended con-
20 sequences of control methods on ecosystems and
21 includes contingency measures.

22 (f) DISTRIBUTION OF CONTROL GRANT AWARDS.—
23 In making grants for control projects under this section
24 the Secretary shall, to the greatest extent practicable, en-
25 sure—

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

7 (g) GRANT DURATION.—

23 (h) REPORTING BY GRANTEE.—

24 (1) IN GENERAL.—(A) A grantee carrying out
25 a control project with a grant under this section

1 shall report to the Secretary every 24 months or at
2 the expiration of the grant, whichever is of shorter
3 duration.

4 (B) A State carrying out an assessment project
5 with a grant under this section shall submit the as-
6 sessment pursuant to subsection (a)(2) to the Sec-
7 retary no later than 24 months after the date on
8 which the grant is awarded.

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

13 (A) In the case of a control project—
14 (i) the information described in sub-
15 paragraphs (B), (D), and (F) of subsection
16 (k)(2); and
17 (ii) specific information on the meth-
18 ods and techniques used to control harmful
19 nonnative species in the project area, in-
20 cluding any specific information on the
21 methods and techniques used to restore
22 native fish, wildlife, or their habitats in the
23 project area.

24 (B) A detailed report of the funding for
25 the grant and the expenditures made.

5 (A) a chronological list of project progress;

6 and

7 (B) use of awarded funds.

8 (i) COST SHARING FOR PROJECTS.—

15 (j) MONITORING AND MAINTENANCE OF CONTROL
16 GRANT PROJECTS.—

1 section, including information on project techniques,
2 project completion, monitoring data, and other rel-
3 evant information.

4 (3) USE OF EXISTING PROGRAMS.—The Council
5 shall use existing programs within the Federal Gov-
6 ernment to create and maintain the database re-
7 quired under this subsection.

8 (4) PUBLIC AVAILABILITY.—The Council shall
9 make the information collected and maintained
10 under this subsection available to the public.

11 (k) REPORTING BY SECRETARY.—

12 (1) IN GENERAL.—The Secretary shall, by not
13 later than 3 years after the date of the enactment
14 of this Act and every 2 years thereafter, report to
15 the appropriate Committees on the implementation
16 of this section and make a one-time determination of
17 whether the programs should be expanded to lands
18 and waters that are owned and administered by Fed-
19 eral agencies other than those referred to in this
20 Act.

21 (2) REPORT CONTENTS.—A report under para-
22 graph (1) shall include an assessment of—

23 (A) trends in the population size and dis-
24 tribution of harmful nonnative species in the
25 project area for each control project carried out

1 with a grant under this section, and in the ad-
2 jacent areas as defined by the Secretary;

3 (B) data on the number of acres of native
4 fish and wildlife habitat restored, protected, or
5 enhanced under this section, including descrip-
6 tions of, and partners involved with, control
7 projects selected, in progress, and completed
8 under this section with respect to those acres by
9 Federal, State, and local agencies and other en-
10 tities;

11 (C) trends in the population size and dis-
12 tribution of native species in the project areas,
13 and in adjacent areas as defined by the Sec-
14 retary;

15 (D) an estimate of the long-term success of
16 varying conservation techniques used in car-
17 rying out control projects with grants under
18 this section;

19 (E) an annual assessment of the status of
20 control projects carried out with grants under
21 this section, including an accounting of expendi-
22 tures by Federal, State, regional, and local gov-
23 ernment agencies and other entities to carry out
24 such projects;

1 (F) a review of the environmental sound-
2 ness of the control projects carried out with
3 grants under this section;

4 (G) a review of efforts made to maintain
5 an appropriate database of grants under this
6 section; and

7 (H) a review of the geographical distribu-
8 tion of Federal money, matching funds, and in-
9 kind contributions for control projects carried
10 out with grants under this section.

11 (l) COOPERATION OF NON-FEDERAL INTERESTS.—

12 The Secretary may not make a grant under this section
13 for a control project on Federal lands before a non-Fed-
14 eral interest has entered into a written agreement with
15 the Secretary under which the non-Federal interest agrees
16 to—

17 (1) monitor and maintain the control project in
18 accordance with the plan required under subsection
19 (e)(1)(B); and

20 (2) provide any other items of cooperation the
21 Secretary considers necessary to carry out the
22 project.

1 SEC. 5. CREATION OF A RAPID RESPONSE CAPABILITY TO

2 HARMFUL NONNATIVE SPECIES.

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

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 is considered
18 to be an immediate threat to native fish, wildlife, or
19 their habitats, as determined by the Secretary; and

20 (3) the proposed response to such threat—

21 (A) is technically feasible; and

22 (B) minimizes adverse impacts to the
23 structure and function of an ecosystem and ad-
24 verse effects on non-target species and eco-
25 systems.

1 (c) AMOUNT OF FINANCIAL ASSISTANCE.—The Sec-
2 retary shall determine the amount of financial assistance
3 to be provided under this section with respect to an out-
4 break of a harmful nonnative species, subject to the avail-
5 ability of appropriations.

6 (d) COST SHARE.—The Federal share of the cost of
7 any activity carried out with assistance under this section
8 may be up to 100 percent.

9 (e) MONITORING AND REPORTING.—The Secretary
10 shall—

11 (1) require that persons receiving assistance
12 under this section report on activities carried out
13 with such assistance in the same manner as control
14 project grantees under section 4; and

15 (2) monitor and report on activities carried out
16 with assistance under this section in accordance with
17 the requirements that apply with respect to control
18 projects carried out with assistance under section 4.

19 **SEC. 6. NATIONAL INVASIVE SPECIES COUNCIL.**

20 (a) ESTABLISHMENT.—There is established as an
21 independent entity within the executive branch the Na-
22 tional Invasive Species Council. The Council shall provide
23 leadership and coordination among Federal agencies, and
24 between the Federal Government and State and local gov-
25 ernments, with respect to efforts to minimize the eco-

1 nomic, ecological, and human health impacts that harmful
2 nonnative species cause and reduce the threat of further
3 invasions.

4 (b) MEMBERSHIP.—

5 (1) IN GENERAL.—The Council shall consist of
6 the following members:

- 7 (A) The Secretary of the Interior.
- 8 (B) The Secretary of Agriculture.
- 9 (C) The Secretary of Commerce.
- 10 (D) The Secretary of State.
- 11 (E) The Secretary of the Treasury.
- 12 (F) The Secretary of Defense.
- 13 (G) The Secretary of Transportation.
- 14 (H) The Secretary of Health and Human
15 Services.

16 (I) The Administrator of the Environmental
17 Protection Agency.

18 (J) The Administrator of the United
19 States Agency for International Development.

20 (K) Such additional members as may be
21 appointed under paragraph (2).

22 (2) ADDITIONAL MEMBERS.—With the concurrence
23 of a majority of the members of the Council,
24 the Chair of the Council may appoint additional
25 members to the Council from among individuals who

1 are officers or employees of the Federal Government
2 with significant responsibilities concerning harmful
3 nonnative species.

4 (c) CHAIR.—The Secretary of the Interior shall serve
5 as chair of the Council for the 3-year period beginning
6 on the date of the enactment of this Act. Thereafter, the
7 chair shall rotate every 3 years among the following mem-
8 bers, in the order stated:

9 (1) The Secretary of Commerce.
10 (2) The Secretary of Agriculture.
11 (3) The Secretary of the Interior.

12 (d) MEETINGS.—The Council shall meet at least
13 semiannually, at the call of the chair.

14 (e) DUTIES.—

15 (1) IN GENERAL.—The Council shall ensure
16 that Federal agency efforts concerning harmful non-
17 native species are coordinated, effective, complemen-
18 tary, and cost-efficient.

19 (2) SPECIFIC FUNCTIONS.—To carry out sub-
20 section (a) the Council shall perform the following
21 functions:

22 (A) Coordinate with existing organizations
23 addressing harmful nonnative species to imple-
24 ment the National Management Plan.

7 (C) Develop guidelines for Federal agency
8 efforts to ensure that Federal programs con-
9 cerning harmful nonnative species, including
10 outreach programs, are coordinated with State,
11 local, and tribal governments.

12 (D) Develop, in consultation with the
13 Council on Environmental Quality, guidance to
14 Federal agencies pursuant to the National En-
15 vironmental Policy Act of 1969 (42 U.S.C.
16 4321 et seq.) on prevention, control, and eradi-
17 cation of harmful nonnative species.

18 (E) Establish and maintain a publicly ac-
19 cessible, coordinated, up-to-date information
20 sharing system that—

21 (i) allows the access to and exchange
22 of information among Federal agencies
23 and the public;

24 (ii) utilizes, to the greatest extent
25 practicable, the Internet; and

(iii) is consistent with the database developed under section 4(j)(2).

3 (F) Ensure that Federal agencies imple-
4 ment the plans, programs, and policies in the
5 National Management Plan through appro-
6 priate actions, including working in cooperation
7 with Federal agencies on development of a co-
8 ordinated budget pursuant to the President's
9 annual budget submission to the Congress.

10 (G) Evaluate Federal programs that are
11 likely to cause or promote the introduction or
12 spread of harmful nonnative species in the
13 United States, and recommend actions Federal
14 agencies can take to minimize the risk of intro-
15 ductions or further spread of harmful nonnative
16 species.

17 (f) INVASIVE SPECIES ADVISORY COMMITTEE.—

1 charter for such advisory committee signed by the
2 Secretary of the Interior on October 30, 2001.

3 (2) APPOINTMENT.—Members of the advisory
4 committee shall be appointed by the chair of the
5 Council, after consultation with the other members
6 of the Council, from among individuals representing
7 stakeholders with respect to Federal programs for
8 minimizing the economic, ecological, and human
9 health impacts that harmful nonnative species cause.

10 (3) FUNCTIONS.—In addition to the functions
11 specified in the charter referred to in paragraph (1),
12 the advisory committee shall recommend to the
13 Council plans and actions at local, tribal, State, re-
14 gional, and ecosystem-based levels to achieve the
15 goals of the National Management Plan.

16 (4) CONTINUING OPERATION OF EXISTING COM-
17 MITTEE.—Any advisory committee appointed before
18 the date of the enactment of this Act pursuant to
19 the charter referred to in paragraph (1) may con-
20 tinue in effect under this section.

21 **SEC. 7. RELATIONSHIP TO OTHER AUTHORITIES.**

22 Nothing in this Act affects authorities, responsibil-
23 ities, obligations, or powers of the Secretary under any
24 other statute.

1 **SEC. 8. BUDGET CROSSCUT.**

2 The Director of the Office of Management and Budg-
3 et shall prepare and submit to the Congress, after con-
4 sultation with the Council, by not later than March 31
5 of 2004 and of each year thereafter—

6 (1) a comprehensive budget analysis and sum-
7 mary of all Federal programs relating to invasive
8 species; and

9 (2) an annual list of priorities, ranked in high,
10 medium, and low categories, of Federal efforts and
11 programs in the following areas:

12 (A) Early detection and rapid response.
13 (B) Control, management, and restoration.
14 (C) Research and monitoring.
15 (D) Information management.
16 (E) Public outreach and partnership ef-
17 forts.

18 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

19 (a) ALDO LEOPOLD NATIVE HERITAGE PROGRAM
20 GRANTS.—There is authorized to be appropriated to the
21 Secretary to carry out section 4—

22 (1) \$55,000,000 for fiscal year 2004;
23 (2) \$57,500,000 for fiscal year 2005;
24 (3) \$60,000,000 for fiscal year 2006;
25 (4) \$62,500,000 for fiscal year 2007; and
26 (5) \$65,000,000 for fiscal year 2008.

1 (b) RAPID RESPONSE ASSISTANCE.—There is au-
2 thorized to be appropriated to the Secretary to carry out
3 section 5 \$20,000,000 for each of fiscal years 2004
4 through 2008.

5 (c) MONITORING.—There is authorized to be appro-
6 priated to the Secretary to support the Council in its ac-
7 quisition, maintenance, and management of monitoring
8 data on grant projects carried out under this Act—

- 9 (1) \$3,000,000 for fiscal year 2004;
- 10 (2) \$4,000,000 for fiscal year 2005;
- 11 (3) \$5,000,000 for fiscal year 2006;
- 12 (4) \$6,000,000 for fiscal year 2007; and
- 13 (5) \$7,000,000 for fiscal year 2008.

14 (d) NATIONAL INVASIVE SPECIES COUNCIL AND AD-
15 VISORY COMMITTEE.—There is authorized to be appro-
16 priated to carry out section 6 \$2,000,000 for each of fiscal
17 years 2004 through 2008.

18 (e) CONTINUING AVAILABILITY.—Amounts appro-
19 priated under this Act may remain available until ex-
20 pended.

21 (f) ADMINISTRATIVE EXPENSES OF SECRETARY.—Of
22 amounts available each fiscal year to carry out this Act,
23 the Secretary may expend not more than 5 percent to pay

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

○