Act, and the employment in the city of Washington and elsewhere of such persons and means as the Secretary of the Interior may deem necessary for such purposes.

(Mar. 10, 1934, ch. 55, §6, 48 Stat. 402; Aug. 14, 1946, ch. 965, 60 Stat. 1081.)

Editorial Notes

REFERENCES IN TEXT

This Act, referred to in text, is act Mar. 10, 1934, ch. 55, 48 Stat. 401, known as the Fish and Wildlife Coordination Act, which is classified generally to sections 661 to 666c–1 of this title. For complete classification of this Act to the Code, see section 661(a) of this title, Short Title note set out under section 661 of this title, and Tables.

AMENDMENTS

1946—Act Aug. 14, 1946, amended section generally to provide for the necessary appropriations to carry out the purposes of sections 661 to 666c of this title.

§ 666a. Penalties

Any person who shall violate any rule or regulation promulgated in accordance with this Act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than $500 or imprisoned for not more than one year, or both.

(Mar. 10, 1934, ch. 55, §7, as added Aug. 14, 1946, ch. 965, 60 Stat. 1082.)

Editorial Notes

REFERENCES IN TEXT

This Act, referred to in text, is act Mar. 10, 1934, ch. 55, 48 Stat. 401, known as the Fish and Wildlife Coordination Act, which is classified generally to sections 661 to 666c–1 of this title. For complete classification of this Act to the Code, see section 661(a) of this title, Short Title note set out under section 661 of this title, and Tables.

§ 666b. Definitions

The terms ''wildlife'' and ''wildlife resources'' as used herein include birds, fishes, mammals, and all other classes of wild animals and all types of aquatic and land vegetation upon which wildlife is dependent.

(Mar. 10, 1934, ch. 55, §8, as added Aug. 14, 1946, ch. 965, 60 Stat. 1082.)

Editorial Notes

REFERENCES IN TEXT

Herein, referred to in text, means act Mar. 10, 1934, ch. 55, 48 Stat. 401, which is classified generally to sections 661 to 666c–1 of this title. For complete classification of this Act to the Code, see section 661(a) of this title, Short Title note set out under section 661 of this title, and Tables.

§ 666c. Applicability to Tennessee Valley Authority

The provisions of this Act shall not apply to the Tennessee Valley Authority.

(Mar. 10, 1934, ch. 55, §9, as added Aug. 14, 1946, ch. 965, 60 Stat. 1082.)

Editorial Notes

REFERENCES IN TEXT

This Act, referred to in text, is act Mar. 10, 1934, ch. 55, 48 Stat. 401, known as the Fish and Wildlife Coordination Act, which is classified generally to sections 661 to 666c–1 of this title. For complete classification of this Act to the Code, see section 661(a) of this title, Short Title note set out under section 661 of this title, and Tables.

§ 666c–1. Protection of water, oceans, coasts, and wildlife from invasive species

(a) Definitions

In this section:

(1) Control

The term ''control'', with respect to an invasive species, means the eradication, suppression, or reduction of the population of the invasive species within the area in which the invasive species is present.

(2) Ecosystem

The term ''ecosystem'' means the complex of a community of organisms and the environment of the organisms.

(3) Eligible State

The term ''eligible State'' means any of—[1]

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico;

(D) Guam;

(E) American Samoa;

(F) the Commonwealth of the Northern Mariana Islands; and

(G) the United States Virgin Islands.

(4) Invasive species

(A) In general

The term ''invasive species'' means an alien species, the introduction of which causes, or is likely to cause, economic or environmental harm or harm to human health.

(B) Associated definition

For purposes of subparagraph (A), the term ''alien species'', with respect to a particular ecosystem, means any species (including the seeds, eggs, spores, or other biological material of the species that are capable of propagating the species) that is not native to the affected ecosystem.

(5) Manage; management

The terms ''manage'' and ''management'', with respect to an invasive species, mean the active implementation of any activity—

(A) to reduce or stop the spread of the invasive species; and

(B) to inhibit further infestations of the invasive species, the spread of the invasive species, or harm caused by the invasive species, including investigations regarding methods for early detection and rapid response, prevention, control, or management of the invasive species.

(6) Prevent

The term ''prevent'', with respect to an invasive species, means—

[1] So in original.

(A) to hinder the introduction of the invasive species onto land or water; or

(B) to impede the spread of the invasive species within land or water by inspecting, intercepting, or confiscating invasive species threats prior to the establishment of the invasive species onto land or water of an eligible State.

(7) Secretary concerned

The term ''Secretary concerned'' means—

(A) the Secretary of the Army, with respect to Federal land administered by the Corps of Engineers;

(B) the Secretary of the Interior, with respect to Federal land administered by the Secretary of the Interior through—

(i) the United States Fish and Wildlife Service;

(ii) the Bureau of Indian Affairs;

(iii) the Bureau of Land Management;

(iv) the Bureau of Reclamation; or

(v) the National Park Service;

(C) the Secretary of Agriculture, with respect to Federal land administered by the Secretary of Agriculture through the Forest Service; and

(D) the head or a representative of any other Federal agency the duties of whom require planning relating to, and the treatment of, invasive species for the purpose of protecting water and wildlife on land and coasts and in oceans and water.

(8) Species

The term ''species'' means a group of organisms, all of which—

(A) have a high degree of genetic similarity;

(B) are morphologically distinct;

(C) generally—

(i) interbreed at maturity only among themselves; and

(ii) produce fertile offspring; and

(D) show persistent differences from members of allied groups of organisms.

(b) Control and management

Each Secretary concerned shall plan and carry out activities on land directly managed by the Secretary concerned to protect water and wildlife by controlling and managing invasive species—

(1) to inhibit or reduce the populations of invasive species; and

(2) to effectuate restoration or reclamation efforts.

(c) Strategic plan

(1) In general

Each Secretary concerned shall develop a strategic plan for the implementation of the invasive species program to achieve, to the maximum extent practicable, a substantive annual net reduction of invasive species populations or infested acreage on land or water managed by the Secretary concerned.

(2) Coordination

Each strategic plan under paragraph (1) shall be developed—

(A) in coordination with affected—

(i) relevant Federal agencies;

(ii) eligible States; and

(iii) political subdivisions of eligible States;

(B) in consultation with stakeholders, including nongovernmental organizations and industry;

(C) in consultation with federally recognized Indian tribes; and

(D) in accordance with the priorities established by 1 or more Governors of the eligible States in which an ecosystem affected by an invasive species is located.

(3) Factors for consideration

In developing a strategic plan under this subsection, the Secretary concerned shall take into consideration the economic and ecological costs of action or inaction, as applicable.

(d) Cost-effective methods

In selecting a method to be used to control or manage an invasive species as part of a specific control or management project conducted as part of a strategic plan developed under subsection (c), the Secretary concerned shall prioritize the use of methods that—

(1) effectively control and manage invasive species, as determined by the Secretary concerned, based on sound scientific data;

(2) minimize environmental impacts; and

(3) control and manage invasive species in the most cost-effective manner.

(e) Comparative economic assessment

To achieve compliance with subsection (d), the Secretary concerned shall require a comparative economic assessment of invasive species control and management methods to be conducted.

(f) Expedited action

(1) In general

The Secretaries concerned shall use all tools and flexibilities available (as of March 12, 2019) to expedite the projects and activities described in paragraph (2).

(2) Description of projects and activities

A project or activity referred to in paragraph (1) is a project or activity—

(A) to protect water or wildlife from an invasive species that, as determined by the Secretary concerned is, or will be, carried out on land or water that is—

(i) directly managed by the Secretary concerned; and

(ii) located in an area that is—

(I) at high risk for the introduction, establishment, or spread of invasive species; and

(II) determined by the Secretary concerned to require immediate action to address the risk identified in subclause (I); and

(B) carried out in accordance with applicable agency procedures, including any applicable—

(i) land or resource management plan; or

(ii) land use plan.

(g) Allocation of funding

Of the amount appropriated or otherwise made available to each Secretary concerned for a fis-

cal year for programs that address or include protection of land or water from an invasive species, the Secretary concerned shall use not less than 75 percent for on-the-ground control and management of invasive species, which may include—

(1) the purchase of necessary products, equipment, or services to conduct that control and management;

(2) the use of integrated pest management options, including options that use pesticides authorized for sale, distribution, or use under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.);

(3) the use of biological control agents that are proven to be effective to reduce invasive species populations;

(4) the use of revegetation or cultural restoration methods designed to improve the diversity and richness of ecosystems;

(5) the use of monitoring and detection activities for invasive species, including equipment, detection dogs, and mechanical devices;

(6) the use of appropriate methods to remove invasive species from a vehicle or vessel capable of conveyance; or

(7) the use of other effective mechanical or manual control methods.

(h) Investigations, outreach, and public awareness

Of the amount appropriated or otherwise made available to each Secretary concerned for a fiscal year for programs that address or include protection of land or water from an invasive species, the Secretary concerned may use not more than 15 percent for investigations, development activities, and outreach and public awareness efforts to address invasive species control and management needs.

(i) Administrative costs

Of the amount appropriated or otherwise made available to each Secretary concerned for a fiscal year for programs that address or include protection of land or water from an invasive species, not more than 10 percent may be used for administrative costs incurred to carry out those programs, including costs relating to oversight and management of the programs, recordkeeping, and implementation of the strategic plan developed under subsection (c).

(j) Reporting requirements

Not later than 60 days after the end of the second fiscal year beginning after March 12, 2019, each Secretary concerned shall submit to Congress a report—

(1) describing the use by the Secretary concerned during the 2 preceding fiscal years of funds for programs that address or include invasive species management; and

(2) specifying the percentage of funds expended for each of the purposes specified in subsections (g), (h), and (i).

(k) Relation to other authority

(1) Other invasive species control, prevention, and management authorities

Nothing in this section precludes the Secretary concerned from pursuing or supporting, pursuant to any other provision of law, any activity regarding the control, prevention, or management of an invasive species, including investigations to improve the control, prevention, or management of the invasive species.

(2) Public water supply systems

Nothing in this section authorizes the Secretary concerned to suspend any water delivery or diversion, or otherwise to prevent the operation of a public water supply system, as a measure to control, manage, or prevent the introduction or spread of an invasive species.

(*l*) Use of partnerships

Subject to the[1] subsections (m) and (n), the Secretary concerned may enter into any contract or cooperative agreement with another Federal agency, an eligible State, a federally recognized Indian tribe, a political subdivision of an eligible State, or a private individual or entity to assist with the control and management of an invasive species.

(m) Memorandum of understanding

(1) In general

As a condition of a contract or cooperative agreement under subsection (*l*), the Secretary concerned and the applicable Federal agency, eligible State, political subdivision of an eligible State, or private individual or entity shall enter into a memorandum of understanding that describes—

(A) the nature of the partnership between the parties to the memorandum of understanding; and

(B) the control and management activities to be conducted under the contract or cooperative agreement.

(2) Contents

A memorandum of understanding under this subsection shall contain, at a minimum, the following:

(A) A prioritized listing of each invasive species to be controlled or managed.

(B) An assessment of the total acres of land or area of water infested by the invasive species.

(C) An estimate of the expected total acres of land or area of water infested by the invasive species after control and management of the invasive species is attempted.

(D) A description of each specific, integrated pest management option to be used, including a comparative economic assessment to determine the least-costly method.

(E) Any map, boundary, or Global Positioning System coordinates needed to clearly identify the area in which each control or management activity is proposed to be conducted.

(F) A written assurance that each partner will comply with section 2814 of title 7.

(3) Coordination

If a partner to a contract or cooperative agreement under subsection (*l*) is an eligible State, political subdivision of an eligible State, or private individual or entity, the memorandum of understanding under this subsection shall include a description of—

(A) the means by which each applicable control or management effort will be coordinated; and

(B) the expected outcomes of managing and controlling the invasive species.

(4) Public outreach and awareness efforts

If a contract or cooperative agreement under subsection (*l*) involves any outreach or public awareness effort, the memorandum of understanding under this subsection shall include a list of goals and objectives for each outreach or public awareness effort that have been determined to be efficient to inform national, regional, State, Tribal, or local audiences regarding invasive species control and management.

(n) Investigations

The purpose of any invasive species-related investigation carried out under a contract or cooperative agreement under subsection (*l*) shall be—

(1) to develop solutions and specific recommendations for control and management of invasive species; and

(2) specifically to provide faster implementation of control and management methods.

(*o*) Coordination with affected local governments

Each project and activity carried out pursuant to this section shall be coordinated with affected local governments in a manner that is consistent with section 1712(c)(9) of title 43.

(p) Authorization of appropriations

There are authorized to be appropriated to carry out this section for each of fiscal years 2021 through 2030—

(1) $2,500,000 to the Secretary of the Army, acting through the Chief of Engineers; and

(2) $2,500,000 to the Secretary of the Interior.

(Mar. 10, 1934, ch. 55, § 10, as added Pub. L. 116–9, title VII, § 7001(b)(2)(B), Mar. 12, 2019, 133 Stat. 779; amended Pub. L. 116–188, title I, § 105, Oct. 30, 2020, 134 Stat. 916; Pub. L. 118–198, title I, § 104, Dec. 23, 2024, 138 Stat. 2680.)

Editorial Notes

REFERENCES IN TEXT

The Federal Insecticide, Fungicide, and Rodenticide Act, referred to in subsec. (g)(2), is act June 25, 1947, ch. 125, as amended generally by Pub. L. 92–516, § 2, Oct. 21, 1972, 86 Stat. 973, which is classified generally to subchapter II (§ 136 et seq.) of chapter 6 of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 136 of Title 7 and Tables.

AMENDMENTS

2024—Subsec. (p). Pub. L. 118–198 substituted ''2030'' for ''2025'' in introductory provisions.

2020—Subsec. (c)(2)(A). Pub. L. 116–188, § 105(1)(A), added cl. (i) and redesignated former cls. (i) and (ii) as (ii) and (iii), respectively.

Subsec. (c)(2)(B) to (D). Pub. L. 116–188, § 105(1)(B), (C), added subpar. (B) and redesignated former subpars. (B) and (C) as (C) and (D), respectively.

Subsec. (p). Pub. L. 116–188, § 105(2), added subsec. (p).

§ 666d. Skagit National Wildlife Refuge; exchange of lands

The Secretary of the Interior is authorized, in his discretion, at any time within ten years from October 6, 1949, to accept from the State of Washington on behalf of the United States title to any lands in the State of Washington which he deems chiefly valuable for wildlife refuge purposes, and which are equivalent in value to the lands of the United States within the Skagit National Wildlife Refuge, and in exchange therefor to convey by deed on behalf of the United States to the State of Washington the said lands of the United States in the Skagit National Wildlife Refuge.

(Oct. 6, 1949, ch. 619, § 1, 63 Stat. 708.)

§ 666e. Administration of acquired lands

Any lands acquired by the Secretary of the Interior under the terms of this section and section 666d of this title, if located within or adjacent to an existing wildlife refuge or reservation, immediately shall become a part of such refuge or reservation and shall be administered under the laws and regulations applicable thereto, and, if not so located, may be administered as a migratory-waterfowl management area, refuge, reservation, or breeding ground in accordance with the provisions of the Act of August 14, 1946 (60 Stat. 1080), and Acts supplementary thereto.

(Oct. 6, 1949, ch. 619, § 2, 63 Stat. 708.)

Editorial Notes

REFERENCES IN TEXT

The Act of August 14, 1946, referred to in text, is act Aug. 14, 1946, ch. 965, 60 Stat. 1080, which amended act Mar. 10, 1934, ch. 55, by generally amending sections 1 to 6, which are classified to sections 661 to 665 and 666 of this title, and by adding sections 7 to 9, which are classified to sections 666a to 666c of this title. Subsequent acts added sections 5A and 10 of act Mar. 10, 1934, which are classified to sections 665a and 666c–1 of this title, respectively.

§ 666f. Wildlife conservation and agricultural, industrial, recreational, and related uses for certain Federal lands; transfer of lands to Secretary of the Interior; administration, development, and disposition

In order to promote the orderly development and use of the lands and interests therein acquired by the United States in connection with the Crab Orchard Creek project and the Illinois Ordnance Plant in Williamson, Jackson, and Union Counties, Illinois, consistent with the needs of agriculture, industry, recreation, and wildlife conservation, all of the interests of the United States in and to such lands are hereby transferred to the Secretary of the Interior for administration, development, and disposition, in accordance with the provisions of this section and section 666g of this title.

(Aug. 5, 1947, ch. 489, § 1, 61 Stat. 770.)

§ 666g. Classification of lands; industrial leases; moneys subject to section 715s of this title; administration; jurisdiction of Federal agencies

All of the lands transferred to the Secretary of the Interior, pursuant to the provisions of section 666f of this title and this section, first shall be classified by him with a view to determining, in cooperation with Federal, State, and public