

TITLE ?? - INVASIVE SPECIES PROTECTION ACT

SEC. 1 SHORT TITLE.

This title may be cited as the "Invasive Species Protection Act of 2002"

SEC. 2. FINDINGS

The Congress finds and declares that -----:

- (1) Executive Order 13112 of February 3, 1999 called for actions to prevent the introduction of invasive species into the United States and provide for their control in order to minimize the economic, ecological, and human health impacts that invasive species cause.
- (2) There is a consensus of opinion that the cumulative impacts of harmful invasive species are creating a growing burden for the country.
- (3) There exists no national policy on invasive species introductions and the current system is piecemeal, lacks adequate rigor and comprehensiveness.
- (4) Many Federal and State statutes, regulations, and programs are not keeping pace with new and spreading invasive species.
- (5) Better environmental education and greater accountability for sectors that are responsible for the introduction of invasive species is needed.
- (6) Faster response and more adequate funding could limit the impact of invasive species that do enter the country.
- (7) There have been successful public-private partnerships (e.g. Hawaii) to prevent the spread and control invasive species that combine efforts of the Federal and State government, private landowners, and local communities that could be duplicated in other regions of the country.
- (8) The creation of a nation-wide invasive species program, that is non-regulatory and incentive driven in nature, administered at the State level, and encourages voluntary cooperation of affected private entities would help in the ongoing efforts to prevent the damaging impacts of invasive species.

SEC. 3. PURPOSES.

The purposes of this title are -----

- (1) To provide assistance to States, local, and tribal governments to develop and implement prevention and control programs for invasive species so as to minimize the economic, social and biological impacts that accompany their introduction and spread.
- (2) To empower local communities to implement well-considered invasive species prevention and control programs with the technical and financial support of government and private conservation organizations; and
- (3) To increase public support and understanding of invasive species prevention and control issues, and encourage partnerships to help the nation protect itself from the damaging impacts of invasive species.

SEC. 4 DEFINITIONS.

For purposes of this Act

- (1) The term "alien species" means, with respect to a particular ecosystem, any species, including its seeds, eggs, spores, or other biological material capable of propagating that species, that is not native to that ecosystem.
- (2) The term "appropriate State agency" means the State agriculture, natural resource management agency and/or any other State agency with the authority and responsibility to engage in the invasive species control actions within the State.
- (3) The term "control" means, as appropriate, eradicating, suppressing, reducing, or managing invasive species populations, preventing spread of invasive species from areas where they are present, and taking steps such as restoration of native species and habitats to reduce the effects of invasive species and to prevent further invasions.
- (4) The term "ecosystem" means the complex of a community of organisms and its environment.
- (5) The term "eligible State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, and the Commonwealth of the Northern Mariana Islands .

(6) The term "invasive species" means an alien species whose introduction does or is likely to cause economic or environmental harm or harm to human health.

(7) The term "native species" means, with respect to a particular ecosystem, a species that, other than as a result of an introduction, historically occurred or currently occurs in that ecosystem.

(8) The term "partnership agreement" means agreements entered into by the Secretary with the State and an eligible entity under the "Invasive Species Control Partnership Program" as provided under Section 7.

(9) The term "Secretary" means the Secretary of Agriculture.

(10) The term "species" means a group of organisms all of which have a high degree of physical and genetic similarity, generally interbreed only among themselves, and show persistent differences from members of allied groups of organisms.

(11) The term "stakeholders" means, but is not limited to, State, tribal, and local government agencies, academic institutions, the scientific community, nongovernmental entities including environmental, agricultural, and conservation organizations, trade groups, commercial interests, and private landowners.

SEC. 5. INVASIVE SPECIES CONTROL ASSISTANCE

(a) IMPLEMENTATION . --- The Secretary is authorized to use monies to provide financial, technical, and related assistance to eligible States through the State agriculture or other appropriate State agencies therein, to--

(1) develop and implement a comprehensive State control program for invasive species as provided for in paragraph (b) of this section; and

(2) establish and administer a competitive cost share grant program to provide financial assistance to stakeholders who are prepared to undertake invasive species control projects through partnership agreements as provided in Section 7.

(b) STATE INVASIVE SPECIES CONTROL PLANS. ---- Within one year after the date of enactment of this Act, the Governor of every eligible State to receive moneys as provided for in Section 8 shall develop a State Invasive Species Control plan for the use of such moneys and shall certify the plan to the Secretary. The Governor shall certify to the Secretary that the plan was developed with public participation and in accordance with all applicable State laws. The Governor shall amend the plan, as necessary, with public participation, but not less than every five years. The plan shall ---

(1) provide existing baseline data on the status of invasive species within the State;

(2) outline threats and management actions needed to address those threats for invasive species control efforts within the State;

(3) identify priority areas and invasive species for control efforts within the State; and

(4) identify problems and opportunities associated with existing Federal, State, and local regulatory laws in regard to invasive species control within the State.

(c) OTHER PLANS. --- Other relevant invasive species control plans may be used as the basis or in lieu of establishing a plan for the State under paragraph (b) if such plans fully conform to the objectives of this section.

(d) RULE OF CONSTRUCTION. -- Nothing in this section shall be construed to compel action by any State official.

SEC. 6. STATE INVASIVE SPECIES CONTROL COMMITTEES.

(a) ESTABLISHMENT. ---The Secretary, in consultation with the State agriculture director or other appropriate State officials of each State, shall establish a State Invasive Species Control Committee (hereinafter referred to in this Act as the "Committee").

(b) COMPOSITION. -- The Committee shall be chaired by the State agriculture director or equivalent State official, or the designee thereof, and shall be comprised, to the extent practicable, of —

(1) any other appropriate State agency with authority and responsibility for invasive species control;

(2) representatives from the relevant agencies of the U.S. Departments of Agriculture, Interior, Transportation, Commerce, Defense, and the Environmental Protection Agency;

(3) representatives, to be appointed by the State agriculture director, or equivalent State official of each State, representative of ----

- (A) local government;
- (B) private landowners;
- (C) environmental and conservation organizations;
- (D) trade organizations;
- (E) transportation sector (e.g. airlines, maritime, postal) organizations; and
- (F) community foundations, if applicable in the State.

(4) any other individuals determined appropriate by the Secretary.

(c) **TERMS.** -- The members of the Committee appointed under subparagraph (b)(3) shall serve three year terms, with the initial terms, with the initial members serving staggered terms as determined by the State agriculture director, or equivalent State official, and may be reappointed for consecutive terms.

(d) **COMPENSATION AND CONDUCT OF THE COMMITTEE.** — The members shall receive no compensation for their services. Seven members shall constitute a quorum to do business. Any official actions taken shall be by a simple majority of its members. The committee shall maintain a record of its activities and actions.. Governmental members from federal agencies are requested but not required to serve on the Committee. The ability of the Committee to carry out its functions and purposes will not be affected by the vacancy of any position allotted to a federal governmental member.

(e) **EXISTING COMMITTEES.** --- Existing State committees may be used to complement, formulate, or replace the Committee to avoid duplication of efforts if such existing committees are made up of a membership that is similar to that described in subparagraph (b)(3).

(f) **DUTIES.** --- The Committee shall —

(1) make recommendations to the State agriculture director, or equivalent State official concerning the development of the Invasive Species Control Plan under Section 5; and

(2) review and advise the Secretary and the State on specific partnership agreement proposals using the priority criteria set up in Section 7.

SEC. 7. INVASIVE SPECIES CONTROL PARTNERSHIP PROGRAM.

(a) **IN GENERAL.** --- The Secretary shall establish a “invasive species control partnership cost share program” (hereafter referred to in this section as the “partnership program”). This program will provide financial assistance to stakeholders, on a competitive basis who are prepared to undertake invasive species control projects through partnership agreements. Financial assistance will be awarded by a competitive grants process administered by the appropriate State agency or a local community foundation.

(b) **REQUIRED TERMS.** --- Each partnership agreement shall contain provisions that -

(1) require the grantee -

(A) to carry out activities not otherwise required by law that contribute to the control of invasive species;

(B) to specify invasive species control goals for the partnership agreement, and measures for attaining such goals;

(C) to make measurable progress each year in achieving those goals, including a schedule for implementation of the partnership agreement;

(2) specify actions to be taken by the Secretary, the State or the grantee (or all) to monitor the effectiveness of the partnership agreement in attaining those recovery goals;

(3) specify the date on which the partnership agreement takes effect and the period of time during which the agreement shall remain in effect; and

(4) allocate financial assistance provided under this title for implementation of the partnership agreement, on an annual or other basis during the period the agreement is in effect based on the schedule for implementation required under paragraph (1).

(c) **REVIEW AND APPROVAL OF PROPOSED PARTNERSHIP AGREEMENTS.** --- Upon submission by any grantee of a proposed partnership agreement under this section, the Secretary and the State, after consultation with the Committee as provided for in Section 7 -

(1) shall review the proposed agreement and determine whether it complies with the requirements of this sections and will contribute to the control of invasive species that are the subject of the proposed agreement;

(2) propose to the grantee any additional provisions necessary for the agreement to comply with this section; and

(3) if the Secretary and the State determine that the agreement complies with the requirements of this

section, shall approve and enter with the grantee into the agreement.

(d) **COST-SHARING.**--- The Federal share of support for a partnership agreement may not exceed 80 percent of the total cost for that agreement. The non-Federal share of such support may be in the form of cash, services, or in-kind contributions.

(e) **PARTNERSHIP AGREEMENT PRIORITIES.** ---- The Secretary and the State shall favor partnership agreements that ----

(1) control priority invasive species that have the potential for large scale negative economic, ecological, or human health impacts;

(2) assure that the concerns of the local community are respected and appropriately accommodated whenever possible;

(3) have a stewardship role for local communities;

(4) demonstrate an innovative use of collaborative process, tools, and technologies;

(5) recognize the rights and responsibilities of diverse private landowners; and

(6) incorporate a communication and outreach strategy to build up understanding and support for invasive species control programs.

(f) **MONITORING IMPLEMENTATION OF PARTNERSHIP AGREEMENTS.** --- The Secretary and State shall -

(1) periodically monitor the implementation of each partnership agreement entered into by the Secretary and the State under this section; and

(2) based on the information obtained from that monitoring, annually or otherwise, the State shall disburse financial assistance under this title to implement the agreement as the Secretary and the State determine is appropriate under the terms of the agreement

(g) **PAYMENTS UNDER OTHER PROGRAMS.** -

(1) **OTHER PAYMENTS NOT AFFECTED.** - Financial assistance provided through States to stakeholders under this section shall be in addition to, and shall not affect, the total amount of payments that the stakeholder is otherwise eligible to receive under the conservation reserve program established under subchapter B of Chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.), the wetlands reserve program established under subchapter C of that chapter (16 U.S.C. 3837 et seq.), or the Wildlife Habitat Incentives Program established under section 387 of the Federal Agriculture Improvement and Reform Act of 1996 (16 U.S.C. 3836a).

(2) **LIMITATION.**- A stakeholder may not receive financial assistance under this section to carry out activities under this title in addition to payments under the programs referred to in paragraph (1) made for the same activities if the terms of the assistance do not require financial or management obligations by the stakeholder in addition to any such obligations of the stakeholder under such programs.

SEC. 8. PROGRAM FUNDING; COST SHARING

(a) **ALLOCATIONS FOR PROGRAMS WITHIN STATES.**---Each State's allocable share, shall be divided as follows:

(1) 50 percent shall be available for the State to develop and implement control programs for invasive species as specifically identified in the provided for in Section 5, and

(2) a minimum of 50 percent shall be provided for Partnership Agreements.

(b) **COST-SHARING.**--- The Federal share of support to States under subparagraph (e) (1) shall be provided on a matching basis and shall not exceed 80 percent of the total cost to develop implement control programs for invasive species. The non-Federal share of such support may be in the form of cash, services, or in-kind contributions.

(c) **PROHIBITION ON ASSISTANCE FOR REQUIRED ACTIVITIES.** - The Secretary may not provide financial assistance under this section for any action that is required under that Act or any other Federal Law.

(d) **AUTHORIZATION OF APPROPRIATIONS.**--- There are authorized to be appropriated such sums as may be necessary to carry out this section.