

110TH CONGRESS
1ST SESSION

S. 1949

To direct the Secretary of the Interior to provide loans to certain organizations in certain States to address habitats and ecosystems and to address and prevent invasive species.

IN THE SENATE OF THE UNITED STATES

AUGUST 2, 2007

Mr. REID (for himself, Mr. WYDEN, Mr. CRAIG, and Mr. DOMENICI) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To direct the Secretary of the Interior to provide loans to certain organizations in certain States to address habitats and ecosystems and to address and prevent invasive species.

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 “100th Meridian
5 Invasive Species State Revolving Loan Fund”.

1 **SEC. 2. PURPOSES.**

2 The purpose of this Act is to encourage partnerships
3 among Federal and State agencies, Indian tribes, aca-
4 demic institutions, and public and private stakeholders—

5 (1) to prevent against the regrowth and intro-
6 duction of harmful invasive species;

7 (2) to protect, enhance, restore, and manage a
8 variety of habitats for native plants, fish, and wild-
9 life; and

10 (3) to establish a rapid response capability to
11 combat incipient harmful invasive species.

12 **SEC. 3. 100TH MERIDIAN INVASIVE SPECIES STATE RE-**
13 **VOLVING FUND.**

14 (a) DEFINITIONS.—In this section:

15 (1) ECOSYSTEM.—The term “ecosystem”
16 means an area, considered as a whole, that contains
17 living organisms that interact with each other and
18 with the non-living environment.

19 (2) ELIGIBLE STATE.—The term “eligible
20 State” means any State located in Region 4, as de-
21 termined by the Census Bureau.

22 (3) FUND.—The term “Fund” means the
23 100th Meridian Invasive Species State Revolving
24 Fund established by subsection (b).

25 (4) INDIAN TRIBE.—The term “Indian tribe”
26 has the meaning given the term in section 4 of the

1 Indian Self-Determination Act and Education As-
2 sistance Act (25 U.S.C. 450b).

3 (5) INTRODUCTION.—The term “introduction”,
4 with respect to a species, means the intentional or
5 unintentional escape, release, dissemination, or
6 placement of the species into an ecosystem as a re-
7 sult of human activity.

8 (6) INVASIVE SPECIES.—The term “invasive
9 species” means a species—

10 (A) that is nonnative to a specified eco-
11 system; and

12 (B) the introduction to an ecosystem of
13 which causes, or may cause, harm to—

14 (i) the economy;

15 (ii) the environment; or

16 (iii) human, animal, or plant health.

17 (7) QUALIFIED ORGANIZATION.—

18 (A) IN GENERAL.—The term “qualified or-
19 ganization” means an organization that—

20 (i) submits an application for a
21 project in an eligible State; and

22 (ii) demonstrates an effort to ad-
23 dress—

24 (I) a certain invasive species; or

1 (II) a certain habitat or eco-
2 system.

3 (B) INCLUSIONS.—The term “qualified or-
4 ganization” includes any individual rep-
5 resenting, or any combination of—

6 (i) public or private stakeholders;

7 (ii) Federal agencies;

8 (iii) Indian tribes;

9 (iv) State land, forest, or fish wildlife
10 management agencies;

11 (v) academic institutions; and

12 (vi) other organizations, as the Sec-
13 retary determines to be appropriate.

14 (8) SECRETARY.—The term “Secretary” means
15 the Secretary of the Interior.

16 (9) STAKEHOLDER.—The term “stakeholder”
17 includes—

18 (A) State, tribal, and local governmental
19 agencies;

20 (B) the scientific community; and

21 (C) nongovernmental entities, including en-
22 vironmental, agricultural, and conservation or-
23 ganizations, trade groups, commercial interests,
24 and private landowners.

1 (b) ESTABLISHMENT OF FUND.—There is estab-
2 lished in the Treasury of the United States a revolving
3 fund, to be known as the “100th Meridian Invasive Spe-
4 cies State Revolving Fund”, consisting of—

5 (1) such amounts as are appropriated to the
6 Fund pursuant to subsection (h); and

7 (2) interest earned on investments of amounts
8 in the Fund under subsection (e).

9 (c) EXPENDITURES FROM FUND.—

10 (1) IN GENERAL.—Subject to paragraph (2), on
11 request by the Secretary, the Secretary of the Treas-
12 ury shall transfer from the Fund to the Secretary
13 such amounts as the Secretary determines are nec-
14 essary to provide loans under subsection (f)(1).

15 (2) ADMINISTRATIVE EXPENSES.—Of the
16 amounts in the Fund—

17 (A) not more than 5 percent shall be avail-
18 able for each fiscal year to pay the administra-
19 tive expenses of the Department of the Interior
20 to carry out this section; and

21 (B) not more than 10 percent shall be
22 available for each fiscal year to pay the admin-
23 istrative expenses of a qualified organization to
24 carry out this section.

25 (d) TRANSFERS OF AMOUNTS.—

1 (1) IN GENERAL.—The amounts required to be
2 transferred to the Fund under this section shall be
3 transferred at least monthly from the general fund
4 of the Treasury to the Fund on the basis of esti-
5 mates made by the Secretary of the Treasury.

6 (2) ADJUSTMENTS.—Proper adjustment shall
7 be made in amounts subsequently transferred to the
8 extent prior estimates were in excess of or less than
9 the amounts required to be transferred.

10 (e) INVESTMENT OF AMOUNTS.—

11 (1) IN GENERAL.—The Secretary of the Treas-
12 ury shall invest such portion of the Fund as is not,
13 in the judgment of the Secretary of the Treasury,
14 required to meet current withdrawals.

15 (2) INTEREST BEARING OBLIGATIONS.—Invest-
16 ments may be made only in interest-bearing obliga-
17 tions of the United States.

18 (f) USE OF FUND.—

19 (1) LOANS.—

20 (A) IN GENERAL.—The Secretary shall use
21 amounts in the Fund to provide loans to Gov-
22 ernors of eligible States for distribution to
23 qualified organizations to prevent and reme-
24 diate the impacts of invasive species on habitats
25 and ecosystems.

1 (B) ELIGIBILITY.—

2 (i) IN GENERAL.—To be eligible to re-
3 ceive a loan under this paragraph, a quali-
4 fied organization shall submit to the Gov-
5 ernor of the eligible State in which the
6 project of the qualified organization is lo-
7 cated an application at such time, in such
8 manner, and containing such information
9 as the Governor may require.

10 (ii) CRITERIA FOR APPROVAL.—The
11 Governor of an eligible State may approve
12 an application of a qualified organization
13 under clause (i) if the Governor determines
14 that the qualified organization is carrying
15 out or will carry out a project—

16 (I) designed to fully assess long-
17 term comprehensive severity of the
18 problem or potential problem ad-
19 dressed by the project;

20 (II) that seeks to prevent—

21 (aa) the introduction or
22 spread of invasive species from
23 outside the United States into an
24 eligible State; or

1 (bb) the spread of an estab-
2 lished invasive species into an eli-
3 gible State;

4 (III) to prevent the regrowth or
5 reintroduction of an invasive species,
6 to the extent to which the qualified
7 organization has achieved progress
8 with respect to reduction or elimi-
9 nation of the invasive species;

10 (IV) in rare or unique habitats,
11 such as—

12 (aa) desert terminal lakes;

13 (bb) rivers that feed desert
14 terminal lakes;

15 (cc) desert springs; and

16 (dd) alpine lakes;

17 (V) that is likely to prevent or re-
18 solve a problem relating to invasive
19 species;

20 (VI) to remediate the spread of
21 aquatic invasive species within impor-
22 tant bodies of water, as determined by
23 the Secretary (including the Colorado
24 River);

1 (VII) to assess and promote wild-
2 fire management strategies, increase
3 the supply of native plant materials,
4 and reintroduce native plant species
5 intended to limit or mitigate the im-
6 pacts of invasive species;

7 (VIII) to assess and reduce
8 invasive species-related changes in
9 wildlife habitat;

10 (IX) to assess and reduce nega-
11 tive economic impacts and other im-
12 pacts associated with control methods
13 and the restoration of a native eco-
14 system;

15 (X) to improve the overall capac-
16 ity of the United States to address
17 invasive species; or

18 (XI) to promote cooperation and
19 participation between States that have
20 common interests regarding invasive
21 species.

22 (C) SENSE OF CONGRESS REGARDING
23 MULTISTATE COMPACTS.—It is the sense of
24 Congress that—

1 (i) Governors of States should enter
2 into multistate compacts in coordination
3 with qualified organizations to prevent, ad-
4 dress, and remediate against the spread of
5 animals, plants, or pathogens, or aquatic,
6 wetland, or terrestrial invasive species;

7 (ii) the Secretary should give special
8 consideration to multistate compacts de-
9 scribed in clause (i) in reviewing loan so-
10 licitations and applications of the States
11 and qualified organizations that are parties
12 to the compacts; and

13 (iii) if a multistate compact is entered
14 into under clause (i), the Governors of all
15 States that are parties to the compact
16 should combine to repay to the Secretary
17 of the Treasury a total combined amount
18 equal to not less than 25 percent of the
19 amount of the loan provided under this Act
20 (including interest at a rate less than or
21 equal to the market interest rate).

22 (D) PETITIONS.—

23 (i) ACTION BY GOVERNOR.—On ap-
24 proval of an application of a qualified orga-
25 nization under subparagraph (B)(ii), not

1 less frequently than once every 90 days,
2 the Governor of an eligible State shall sub-
3 mit to the Secretary, on behalf of the
4 qualified organization, petitions, together
5 with copies of the applications, to receive a
6 loan under this paragraph.

7 (ii) APPROVAL.—The Secretary, at
8 the sole discretion of the Secretary, may
9 approve a petition submitted under clause
10 (i) as soon as practicable after the date of
11 submission of the petition.

12 (iii) ACTION ON APPROVAL.—

13 (I) ACTION BY SECRETARY.—Not
14 later than 30 days after the date of
15 approval of a petition under clause
16 (ii), the Secretary shall provide to the
17 applicable Governor a loan under this
18 paragraph.

19 (II) ACTION BY GOVERNOR.—Not
20 later than 30 days after the date of
21 receipt of a loan under subclause (I),
22 a Governor shall transmit to the ap-
23 propriate qualified organization an
24 amount equal to the amount of the
25 loan.

1 (E) PRIORITY.—In providing loans under
2 this paragraph, the Secretary shall give priority
3 to applications of qualified organizations car-
4 rying out, or that will carry out, more than 1
5 project described in subparagraph (B)(ii).

6 (2) REQUIREMENTS.—

7 (A) LOAN REPAYMENT.—

8 (i) IN-KIND CONSIDERATION.—With
9 respect to loan repayment under clause
10 (ii), the Secretary may accept, in lieu of
11 monetary payment, in-kind contributions in
12 such form and such quantity as may be ac-
13 ceptable to the Secretary, including con-
14 tributions in the form of—

15 (I) maintenance, remediation,
16 prevention, alteration, repair, im-
17 provement, or restoration (including
18 environmental restoration) activities
19 for approved projects; and

20 (II) such other services as the
21 Secretary considers to be appropriate.

22 (ii) REPAYMENT.—Subject to clause
23 (iv), not later than 10 years after the date
24 on which a qualified organization receives
25 a loan under paragraph (1), the qualified

1 organization or the eligible State in which
2 the qualified organization is located shall
3 repay to the Secretary of the Treasury an
4 amount equal to not less than 5 percent of
5 the amount of the loan (including interest
6 at a rate less than or equal to the market
7 interest rate).

8 (iii) REPAYMENT BY STATE.—Subject
9 to clause (iv), not later than 10 years after
10 the date on which the qualified organiza-
11 tion receives a loan under paragraph (1),
12 the State in which the project is carried
13 out shall repay to the Secretary of the
14 Treasury an amount equal to not less than
15 25 percent of the amount of the loan (in-
16 cluding interest at a rate less than or equal
17 to the market interest rate).

18 (iv) WAIVER.—Not more frequently
19 than once every 5 years, the Secretary, in
20 consultation with the Secretary of the
21 Treasury, may waive the requirements
22 under clauses (i) through (iii) with respect
23 to 1 qualified organization (including the
24 State in which the project of the qualified

1 organization is carried out, with respect to
2 the requirement under clause (iii)).

3 (B) LONG-TERM MANAGEMENT AND REME-
4 DIATION STRATEGIES.—The Secretary shall en-
5 sure that no loan provided under paragraph (1)
6 is used to carry out a long-term management or
7 remediation strategy, unless the Governor or
8 applicable qualified organization demonstrates
9 either or both a reliable funding stream and in-
10 kind contributions to carry out the strategy
11 over the duration of the project.

12 (3) RENEWAL.—After reviewing the reports
13 under subsection (g), if the Secretary, in consulta-
14 tion with the Governor of each affected State, deter-
15 mines that a project is making satisfactory progress,
16 the Secretary may renew the loan provided under
17 this subsection for a period of not more than 3 addi-
18 tional fiscal years.

19 (g) REPORTS.—

20 (1) REPORTS TO SECRETARY.—For each year
21 during which a qualified organization receives a loan
22 under subsection (f), the qualified organization, in
23 conjunction with the Governor of the eligible State
24 in which the qualified organization is primarily lo-
25 cated, shall submit to the Secretary a report describ-

1 ing each project (including the results of the project)
2 carried out by the qualified organization using the
3 loan during that year.

4 (2) REPORT TO CONGRESS.—Not later than
5 September 30, 2008, and annually thereafter
6 through September 30, 2012, the Secretary shall
7 submit a report describing the total loan amount re-
8 quested by each eligible State during the preceding
9 fiscal year and the total amount of the loans pro-
10 vided under subsection (f)(1) to each eligible State
11 during that fiscal year, and an evaluation on effec-
12 tiveness of the Fund and the potential to expand the
13 Fund to other regions, to—

14 (A) the Committees on Appropriations,
15 Energy and Natural Resources, and Environ-
16 ment and Public Works of the Senate; and

17 (B) the Committees on Appropriations and
18 Natural Resources of the House of Representa-
19 tives.

20 (3) REPORT BY BORROWER.—

21 (A) IN GENERAL.—Each qualified organi-
22 zation that receives a loan under subsection
23 (f)(1) shall submit to the Secretary a report de-
24 scribing the use of the loan and the success
25 achieved by the qualified organization—

1 (i) not less frequently than once each
2 year until the date of expiration of the
3 loan; or

4 (ii) if the loan expires before the date
5 that is 1 year after the date on which the
6 loan is provided, at least once during the
7 term of the loan.

8 (B) INTERIM UPDATE.—In addition to the
9 reports required under subparagraph (A), each
10 qualified organization that receives a loan under
11 subsection (f)(1) shall submit to the Secretary,
12 electronically or in writing, a report describing
13 the use of the loan and the success achieved by
14 the qualified organization, expressed in chrono-
15 logical order with respect to the date on which
16 each project was initiated—

17 (i) not less frequently than once every
18 180 days until the date of expiration of the
19 loan; or

20 (ii) if the loan expires before the date
21 that is 180 days after the date on which
22 the loan is provided, on the date on which
23 the term of the loan is 50 percent com-
24 pleted.

- 1 (h) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated to the Fund—
- 3 (1) \$75,000,000 for fiscal year 2008;
 - 4 (2) \$80,000,000 for fiscal year 2009;
 - 5 (3) \$82,500,000 for fiscal year 2010;
 - 6 (4) \$85,000,000 for fiscal year 2011; and
 - 7 (5) \$87,500,000 for fiscal year 2012.

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