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2D SESSION

S. 2868

To direct the Secretary of the Army to carry out a research and demonstration program concerning control of salt cedar and other nonnative phreatophytes.

IN THE SENATE OF THE UNITED STATES

AUGUST 1, 2002

Mr. DOMENICI (for himself, Mr. CAMPBELL, and Mr. ALLARD) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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A BILL

To direct the Secretary of the Army to carry out a research and demonstration program concerning control of salt cedar and other nonnative phreatophytes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SALT CEDAR CONTROL.

(a) FINDINGS.—Congress finds that—

(1) States are having increasing difficulty meeting their obligations under interstate compacts to deliver water;

(2) it is in the best interest of States to minimize the impact of and eradicate invasive species

that extort water in the Rio Grande watershed, the Pecos River, and other bodies of water in the Southwest, such as the salt cedar, a noxious and nonnative plant that can use 200 gallons of water a day; and

(3) as drought conditions and legal requirements relating to water supply accelerate water shortages, innovative approaches are needed to address the increasing demand for a diminishing water supply.

(b) DEFINITIONS.—In this section:

(1) CONTROL METHOD.—

(A) IN GENERAL.—The term ''control method'' means a method of controlling salt cedar (Tamarix) or any other nonnative phreatophyte.

(B) INCLUSIONS.—The term ''control method'' includes the use of herbicides, mechanical means, and biocontrols such as goats and insects.

(2) DEMONSTRATION PROJECT.—The term ''demonstration project'' means a demonstration project carried out under this section.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Army, acting through the Chief of Engineers.

(c) PROGRAM.—

(1) IN GENERAL.—Not later than 1 year after the date on which funds are made available to carry out this section, the Secretary shall—

(A) complete a program of research, including a review of past and ongoing research, concerning a control method for use in—

(i) the Rio Grande watershed in the State of New Mexico;

(ii) the Pecos River in the State of New Mexico; and

(iii) other bodies of water in the States of Arizona, Colorado, New Mexico, Texas, and Utah that are affected by salt cedar or other nonnative phreatophytes; and

(B) commence a demonstration program of the most effective control methods.

(2) AVAILABLE EXPERTISE.—

(A) IN GENERAL.—In carrying out the programs under paragraph (1), the Secretary

shall use the expertise of institutions of higher education and nonprofit organizations—

(i) that are located in the States referred to in paragraph (1)(A)(iii); and

(ii) that have been actively conducting research or carrying out other activities relating to the control of salt cedar.

(B) INCLUSIONS.—Institutions of higher education and nonprofit organizations under subparagraph (A) include—

(i) Colorado State University;

(ii) Diné College in the State of New Mexico;

(iii) Mesa State College in the State of Colorado;

(iv) New Mexico State University;

(v) Northern Arizona University;

(vi) Texas A&M University;

(vii) University of Arizona;

(viii) Utah State University; and

(ix) WERC: A Consortium for Environmental Education and Technology Development.

(d) FEDERAL EXPENSE.—The research and demonstration program under subsection (c) shall be carried out at full Federal expense.

(e) CONSULTATION.—The activities under this section shall be carried out in consultation with—

(1) the Secretary of Agriculture;

(2) the Secretary of the Interior;

(3) the Governors of the States of Arizona, Colorado, New Mexico, Texas, and Utah;

(4) tribal governments; and

(5) the heads of other Federal, State, and local agencies, as appropriate.

(f) RESEARCH.—To the maximum extent practicable, the research shall focus on—

(1) supplementing and integrating information from past and ongoing research concerning control of salt cedar and other nonnative phreatophytes;

(2) gathering experience from past eradication and control projects;

(3) arranging relevant data from available sources into formats so that the information is accessible and can be effectively brought to bear by land managers in the restoration of the Rio Grande watershed;

(4) using control methods to produce water savings; and

(5) identifying long-term management and funding approaches for control of salt cedar and watershed restoration.

(g) DEMONSTRATION PROJECTS.—

(1) IN GENERAL.—The Secretary shall carry out not fewer than 10 demonstration projects, of which not fewer than 2 shall be carried out in each of the States referred to in subsection (c)(1)(A)(iii).

(2) COST.—Each demonstration project shall be carried out at a cost of not more than $7,000,000, including costs of planning, design, and implementation.

(3) RELATIONSHIP TO OTHER CONTROL PROJECTS.—Each demonstration project shall be coordinated with control projects being carried out as of the date of enactment of this Act by other Federal, State, tribal, or local entities.

(4) PERIOD OF PROJECT IMPLEMENTATION.—Each demonstration project shall be carried out—

(A) during a period of not less than 2 but not more than 5 years, depending on the control method selected; and

(B) in a manner designed to determine the time period required for optimum use of the control method.

(5) DESIGN.—

(A) CONTROL METHODS.—Of the demonstration projects—

(i) at least 1 demonstration project shall use primarily 1 or more herbicides;

(ii) at least 1 demonstration project shall use primarily mechanical means;

(iii) at least 1 demonstration project shall use a biocontrol such as goats or insects; and

(iv) each other demonstration project may use any 1 or more control methods.

(B) MEASUREMENT OF COSTS AND BENEFITS.—Each demonstration project shall be designed to measure all costs and benefits associated with each control method used by the demonstration project, including measurement of water savings.

(6) MONITORING AND MAINTENANCE.—After completion, each demonstration project shall be monitored and maintained for a period of not more

than 5 years, at a cost of not more than $100,000 per demonstration project per year.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

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

(2) such sums as are necessary for each of fiscal years 2004 through 2007.

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