

# Union Calendar No. 251

110TH CONGRESS  
1ST SESSION

# H. R. 767

[Report No. 110-397]

To protect, conserve, and restore native fish, wildlife, and their natural habitats at national wildlife refuges through cooperative, incentive-based grants to control, mitigate, and eradicate harmful nonnative species, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 31, 2007

Mr. KIND (for himself, Mr. SAXTON, Mr. THOMPSON of California, Mr. CASTLE, Mr. BOYD of Florida, Mr. McCOTTER, Mr. FORTUÑO, Mr. GILCHREST, Mr. EHLERS, Mr. PAYNE, Mr. ORTIZ, Mrs. NAPOLITANO, and Mr. SHAYS) introduced the following bill; which was referred to the Committee on Natural Resources

OCTOBER 22, 2007

Additional sponsors: Mr. BOREN, Mr. CONYERS, Mr. FARR, Mr. WALZ of Minnesota, Ms. HERSETH SANDLIN, Ms. BORDALLO, Mr. LOBIONDO, and Mr. GOHMERT

OCTOBER 22, 2007

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on January 31, 2007]

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## A BILL

To protect, conserve, and restore native fish, wildlife, and their natural habitats at national wildlife refuges 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 “Refuge Ecology Protec-*  
5 *tion, Assistance, and Immediate Response Act”.*

6 **SEC. 2. FINDINGS AND PURPOSE.**

7        *(a) FINDINGS.—The Congress finds the following:*

8            *(1) The National Wildlife Refuge System is the*  
9 *premier land conservation system in the world.*

10           *(2) Harmful nonnative species are the leading*  
11 *cause of habitat destruction in national wildlife ref-*  
12 *uges.*

13           *(3) More than 675 known harmful nonnative*  
14 *species are found in the National Wildlife Refuge Sys-*  
15 *tem.*

16           *(4) Nearly 8 million acres of the National Wild-*  
17 *life Refuge System contain harmful nonnative species.*

18           *(5) The cost of early identification and removal*  
19 *of harmful nonnative species is dramatically lower*  
20 *than removing an established invasive population.*

21           *(6) The cost of the backlog of harmful nonnative*  
22 *species control projects that need to be carried out in*  
23 *the National Wildlife Refuge System is over*

1       \$361,000,000, and the failure to carry out such  
2       projects threatens the ability of the System to fulfill  
3       its basic mission.

4       **(b) PURPOSE.**—The purpose of this Act is to encourage  
5       partnerships among the United States Fish and Wildlife  
6       Service, other Federal agencies, States, Indian tribes, and  
7       other interests for the following objectives:

8               (1) To protect, enhance, restore, and manage a  
9               diversity of habitats for native fish and wildlife re-  
10              sources within the National Wildlife Refuge System  
11              through control of harmful nonnative species.

12             (2) To promote the development of voluntary  
13             State assessments to establish priorities for controlling  
14             harmful nonnative species that threaten or negatively  
15             impact refuge resources.

16             (3) To promote greater cooperation among Fed-  
17             eral, State, and local land and water managers, and  
18             owners of private land, water rights, or other inter-  
19             ests, to implement ecologically based strategies to  
20             eradicate, mitigate, and control harmful nonnative  
21             species that threaten or negatively impact refuge re-  
22             sources through a voluntary and incentive-based fi-  
23             nancial assistance grant program.

1           (4) *To establish an immediate response capa-*  
2           *bility to combat incipient harmful nonnative species*  
3           *invasions.*

4 **SEC. 3. DEFINITIONS.**

5           *For the purposes of this Act:*

6           (1) *ADVISORY COMMITTEE.*—*The term “Advisory*  
7           *Committee” means the Invasive Species Advisory*  
8           *Committee established by section 3 of Executive Order*  
9           *13112, dated February 3, 1999.*

10          (2) *APPROPRIATE COMMITTEES.*—*The term “ap-*  
11          *propriate Committees” means the Committee on Nat-*  
12          *ural Resources of the House of Representatives and*  
13          *the Committee on Environment and Public Works of*  
14          *the Senate.*

15          (3) *CONTROL.*—*The term “control” means, as*  
16          *appropriate, eradicating, suppressing, reducing, or*  
17          *managing harmful nonnative species from areas*  
18          *where they are present; taking steps to detect early in-*  
19          *festations on at-risk native habitats; and restoring*  
20          *native species and habitats to reduce the effects of*  
21          *harmful nonnative species.*

22          (4) *ENVIRONMENTAL SOUNDNESS.*—*The term*  
23          *“environmental soundness” means the extent of inclu-*  
24          *sion of methods, efforts, actions, or programs to pre-*

1 *vent or control infestations of harmful nonnative spe-*  
2 *cies, that—*

3 *(A) minimize adverse impacts to the struc-*  
4 *ture and function of an ecosystem and adverse*  
5 *effects on nontarget species and ecosystems; and*

6 *(B) emphasize integrated management tech-*  
7 *niques.*

8 *(5) HARMFUL NONNATIVE SPECIES.—The term*  
9 *“harmful nonnative species” means, with respect to a*  
10 *particular ecosystem in a particular region, any spe-*  
11 *cies, including its seeds, eggs, spores, or other biologi-*  
12 *cal material capable of propagating that species, that*  
13 *is not native to that ecosystem and has a demon-*  
14 *strable or potentially demonstrable negative environ-*  
15 *mental or economic impact in that region.*

16 *(6) INDIAN TRIBE.—The term “Indian tribe” has*  
17 *the meaning given that term in section 4 of the In-*  
18 *dian Self-Determination and Education Assistance*  
19 *Act (25 U.S.C. 450b).*

20 *(7) NATIONAL MANAGEMENT PLAN.—The term*  
21 *“National Management Plan” means the management*  
22 *plan referred to in section 5 of Executive Order 13112*  
23 *of February 3, 1999, and entitled “Meeting the*  
24 *Invasive Species Challenge”.*

1           (8) *REFUGE RESOURCES.*—*The term “refuge re-*  
2           *sources” means all lands and waters, including the*  
3           *fish and wildlife species and the ecosystems and habi-*  
4           *tats therein, that are owned and managed by the Fed-*  
5           *eral Government through the United States Fish and*  
6           *Wildlife Service and located within the National*  
7           *Wildlife Refuge System administered under the Na-*  
8           *tional Wildlife Refuge Administration Act of 1966 (16*  
9           *U.S.C. 668dd et seq.), including any waterfowl pro-*  
10          *duction area.*

11          (9) *SECRETARY.*—*The term “Secretary” means*  
12          *the Secretary of the Interior, acting through the Di-*  
13          *rector of the United States Fish and Wildlife Service.*

14          (10) *STATE.*—*The term “State” means each of*  
15          *the several States of the United States, the District of*  
16          *Columbia, the Commonwealth of Puerto Rico, the Vir-*  
17          *gin Islands, Guam, American Samoa, the Common-*  
18          *wealth of the Northern Mariana Islands, any other*  
19          *territory or possession of the United States, and any*  
20          *Indian tribe.*

21 **SEC. 4. REFUGE ECOLOGY PROTECTION, ASSISTANCE, AND**  
22                                    **IMMEDIATE RESPONSE (REPAIR) GRANT PRO-**  
23                                    **GRAM.**

24          (a) *IN GENERAL.*—*The Secretary may provide—*

1           (1) a grant to any eligible applicant to carry out  
2 a qualified control project in accordance with this sec-  
3 tion; and

4           (2) a grant to any State to carry out an assess-  
5 ment project consistent with relevant State plans that  
6 have been developed in whole or in part for the con-  
7 servation of native fish, wildlife, and their habitats,  
8 and in accordance with this section, to—

9           (A) identify harmful nonnative species that  
10 occur in the State that threaten or negatively  
11 impact refuge resources;

12           (B) assess the needs to restore, manage, or  
13 enhance native fish and wildlife and their nat-  
14 ural habitats and processes in the State to com-  
15 pliment activities to control, mitigate, or eradi-  
16 cate harmful nonnative species negatively im-  
17 pacting refuge resources;

18           (C) identify priorities for actions to address  
19 such needs;

20           (D) identify mechanisms to increase capac-  
21 ity building in a State or across State lines to  
22 conserve and protect native fish and wildlife and  
23 their habitats and to detect and control harmful  
24 nonnative species that might threaten or nega-

1           *tively impact refuge resources within the State;*  
2           *and*

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

5   *The grant program under this section shall be known as*  
6   *the “Refuge Ecology Protection, Assistance, and Immediate*  
7   *Response Grant Program” or the “REPAIR Program”.*

8           *(b) FUNCTIONS OF THE SECRETARY.—*

9                     *(1) IN GENERAL.—The Secretary shall—*

10                        *(A) publish guidelines for and solicit appli-*  
11                        *cations for grants under this section not later*  
12                        *than 6 months after the date of enactment of this*  
13                        *Act;*

14                        *(B) receive, review, evaluate, and approve*  
15                        *applications for grants under this section;*

16                        *(C) consult with the Advisory Committee on*  
17                        *the projects proposed for grants under this sec-*  
18                        *tion, including regarding the scientific merit,*  
19                        *technical merit, feasibility, and priority of pro-*  
20                        *posed projects for such grants; and*

21                        *(D) consult with the Advisory Committee*  
22                        *regarding the development of the database re-*  
23                        *quired under subsection (j).*

24                        *(2) DELEGATION OF AUTHORITY.—The Secretary*  
25                        *may delegate to another Federal instrumentality the*

1        *authority of the Secretary under this section, other*  
2        *than the authority to approve applications for grants*  
3        *and make grants.*

4        *(c) FUNCTIONS OF THE ADVISORY COMMITTEE.—The*  
5        *Advisory Committee shall—*

6            *(1) consult with the Secretary to create criteria*  
7            *and guidelines for grants under this section;*

8            *(2) consult with the Secretary regarding whether*  
9            *proposed control projects are qualified control*  
10          *projects; and*

11          *(3) carry out functions relating to monitoring*  
12          *control projects under subsection (j).*

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

15            *(1) be a State, local government, interstate or re-*  
16            *gional agency, university, or private person;*

17            *(2) have adequate personnel, funding, and au-*  
18            *thority to carry out and monitor or maintain a con-*  
19            *trol project; and*

20            *(3) have entered into an agreement with the Sec-*  
21            *retary or a designee of the Secretary, for a national*  
22            *wildlife refuge or refuge complex.*

23          *(e) QUALIFIED CONTROL PROJECT.—*

24            *(1) IN GENERAL.—To be a qualified control*  
25            *project under this section, a project shall—*

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

3           (B) include a plan for monitoring the  
4 project area and maintaining effective control of  
5 harmful nonnative species after the completion of  
6 the project, that is consistent with standards for  
7 monitoring developed under subsection (j);

8           (C) be conducted in partnership with a na-  
9 tional wildlife refuge or refuge complex;

10           (D) be conducted on lands or waters, other  
11 than national wildlife refuge lands or waters,  
12 that, for purposes of carrying out the project, are  
13 under the control of the eligible applicant apply-  
14 ing for the grant under this section and on adja-  
15 cent national wildlife refuge lands or waters ad-  
16 ministered by the United States Fish and Wild-  
17 life Service referred to in subparagraph (C), that  
18 are—

19                   (i) administered for the long-term con-  
20 servation of such lands and waters and the  
21 native fish and wildlife dependent thereon;  
22 and

23                   (ii) managed to prevent the future re-  
24 introduction or dispersal of harmful non-

1           *native species from the lands and waters on*  
2           *which the project is carried out; and*

3           *(E) encourage public notice and outreach on*  
4           *control project activities in the affected commu-*  
5           *nity.*

6           (2) *OTHER FACTORS FOR SELECTION OF*  
7           *PROJECTS.—In ranking qualified control projects, the*  
8           *Director may consider the following:*

9           *(A) The extent to which a project would ad-*  
10          *dress the operational and maintenance backlog*  
11          *attributed to harmful nonnative species on refuge*  
12          *resources.*

13          *(B) Whether a project will encourage in-*  
14          *creased coordination and cooperation among one*  
15          *or more Federal agencies and State or local gov-*  
16          *ernment agencies or nongovernmental or other*  
17          *private entities to control harmful nonnative*  
18          *species threatening or negatively impacting ref-*  
19          *uge resources.*

20          *(C) Whether a project fosters public-private*  
21          *partnerships and uses Federal resources to en-*  
22          *courage increased private sector involvement, in-*  
23          *cluding consideration of the amount of private*  
24          *funds or in-kind contributions to control harmful*  
25          *nonnative species or national wildlife refuge*

1           *lands or non-Federal lands in proximity to ref-*  
2           *uge resources.*

3           *(D) The extent to which a project would aid*  
4           *the conservation of species that are listed under*  
5           *the Endangered Species Act of 1973 (16 U.S.C.*  
6           *1531 et seq.).*

7           *(E) Whether a project includes pilot testing*  
8           *or a demonstration of an innovative technology*  
9           *having the potential for improved cost-effective-*  
10          *ness in controlling harmful nonnative species.*

11          *(F) The extent to which a project considers*  
12          *the potential for unintended consequences of con-*  
13          *trol methods on ecosystems and includes contin-*  
14          *gency measures.*

15          *(f) DISTRIBUTION OF CONTROL GRANT AWARDS.—In*  
16          *making grants for control projects under this section the*  
17          *Secretary shall, to the greatest extent practicable, ensure—*

18                 *(1) a balance of smaller and larger projects con-*  
19                 *ducted with grants under this section; and*

20                 *(2) an equitable geographic distribution of*  
21                 *projects carried out with grants under this section,*  
22                 *among all regions and States within which such*  
23                 *projects are proposed to be conducted.*

24          *(g) GRANT DURATION.—*

1           (1) *IN GENERAL.*—*Each grant under this section*  
2           *shall be to provide funding for the Federal share of*  
3           *the cost of a project carried out with the grant for up*  
4           *to 2 fiscal years.*

5           (2) *RENEWAL.*—(A) *If the Secretary, after re-*  
6           *viewing the reports under subsection (h) regarding a*  
7           *control project, finds that the project is making satis-*  
8           *factory progress, the Secretary may renew a grant*  
9           *under this section for the project for an additional 3*  
10          *fiscal years.*

11          (B) *The Secretary may renew a grant under this*  
12          *section to implement the monitoring and maintenance*  
13          *plan required for a control project under subsection*  
14          *(e)(1)(B) for up to 5 fiscal years after the project is*  
15          *otherwise completed.*

16          (h) *REPORTING BY GRANTEE.*—

17          (1) *IN GENERAL.*—(A) *A grantee carrying out a*  
18          *control project with a grant under this section shall*  
19          *report to the Secretary every 24 months or at the ex-*  
20          *piration of the grant, whichever is of shorter dura-*  
21          *tion.*

22          (B) *A State carrying out an assessment project*  
23          *with a grant under this section shall submit the as-*  
24          *essment pursuant to subsection (a)(2) to the Sec-*

1        *retary no later than 24 months after the date on*  
2        *which the grant is awarded.*

3                (2) *REPORT CONTENTS.—Each report under this*  
4        *subsection shall include the following information*  
5        *with respect to each project covered by the report:*

6                (A) *In the case of a control project—*

7                        (i) *the information described in sub-*  
8                        *paragraphs (B), (D), and (F) of subsection*  
9                        *(k)(2);*

10                      (ii) *specific information on the meth-*  
11                      *ods and techniques used to control harmful*  
12                      *nonnative species in the project area; and*

13                      (iii) *specific information on the meth-*  
14                      *ods and techniques used to restore native*  
15                      *fish, wildlife, or their habitats in the project*  
16                      *area.*

17                (B) *A detailed report of the funding for the*  
18        *grant and the expenditures made.*

19                (3) *INTERIM UPDATE.—Each grantee under sub-*  
20        *section (h)(1)(A) of this section shall also submit an-*  
21        *nually a brief synopsis to the Secretary, either elec-*  
22        *tronically or in writing, that includes—*

23                      (A) *a chronological list of project progress;*

24                      *and*

25                      (B) *use of awarded funds.*

1       (i) *COST SHARING FOR PROJECTS.*—

2               (1) *FEDERAL SHARE.*—*Except as provided in*  
3 *paragraphs (2) and (3), the Federal share of the cost*  
4 *of a project carried out with a grant under this sec-*  
5 *tion shall not exceed 75 percent of such cost.*

6               (2) *INNOVATIVE TECHNOLOGY COSTS.*—*The Fed-*  
7 *eral share of the incremental additional cost of in-*  
8 *cluding in a control project any pilot testing or a*  
9 *demonstration of an innovative technology described*  
10 *in subsection (e)(2)(E) shall be 85 percent.*

11              (3) *PROJECTS ON REFUGE LANDS OR WATERS.*—  
12 *The Federal share of the cost of the portion of a con-*  
13 *trol project funded with a grant under this section*  
14 *that is carried out on national wildlife refuge lands*  
15 *or waters, including the cost of acquisition by the*  
16 *Federal Government of lands or waters for use for*  
17 *such a project, shall be 100 percent.*

18              (4) *APPLICATION OF IN-KIND CONTRIBUTIONS.*—  
19 *The Secretary may apply to the non-Federal share of*  
20 *costs of a control project carried out with a grant*  
21 *under this section the fair market value of services or*  
22 *any other form of in-kind contribution to the project*  
23 *made by non-Federal interests that the Secretary de-*  
24 *termines to be an appropriate contribution equivalent*

1       to the monetary amount required for the non-Federal  
2       share of the activity.

3               (5) *DERIVATION OF NON-FEDERAL SHARE.*—The  
4       non-Federal share of the cost of a control project car-  
5       ried out with a grant under this section may not be  
6       derived from a Federal grant program or other Fed-  
7       eral funds.

8               (j) *MONITORING AND MAINTENANCE OF CONTROL*  
9 *GRANT PROJECTS.*—

10              (1) *REQUIREMENTS.*—The Secretary, in con-  
11       sultation with the Advisory Committee, shall develop  
12       requirements for the monitoring and maintenance of  
13       a control project to ensure that the requirements  
14       under subsections (e)(1)(A) and (B) are achieved.

15              (2) *DATABASE OF GRANT PROJECT INFORMA-*  
16       *TION.*—The Secretary shall develop and maintain an  
17       appropriate database of information concerning con-  
18       trol projects carried out with grants under this sub-  
19       section, including information on project techniques,  
20       project completion, monitoring data, and other rel-  
21       evant information.

22              (3) *USE OF EXISTING PROGRAMS.*—The Sec-  
23       retary shall use existing programs within the Depart-  
24       ment of the Interior to create and maintain the data-  
25       base required under this subsection.

1           (4) *PUBLIC AVAILABILITY.*—*The Secretary shall*  
2           *make the information collected and maintained under*  
3           *this subsection available to the public.*

4           (k) *REPORTING BY THE SECRETARY.*—

5           (1) *IN GENERAL.*—*The Secretary shall, by not*  
6           *later than 3 years after the date of the enactment of*  
7           *this Act and biennially thereafter in the report under*  
8           *section 8, report to the appropriate Committees on the*  
9           *implementation of this section.*

10          (2) *REPORT CONTENTS.*—*A report under para-*  
11          *graph (1) shall include an assessment of—*

12                 (A) *trends in the population size and dis-*  
13                 *tribution of harmful nonnative species in the*  
14                 *project area for each control project carried out*  
15                 *with a grant under this section, and in the adja-*  
16                 *cent areas as defined by the Secretary;*

17                 (B) *data on the number of acres of refuge*  
18                 *resources and native fish and wildlife habitat re-*  
19                 *stored, protected, or enhanced under this section,*  
20                 *including descriptions of, and partners involved*  
21                 *with, control projects selected, in progress, and*  
22                 *completed under this section;*

23                 (C) *trends in the population size and dis-*  
24                 *tribution in the project areas of native species*  
25                 *targeted for restoration, and in areas in prox-*

1            *imity to refuge resources as defined by the Sec-*  
2            *retary;*

3            *(D) an estimate of the long-term success of*  
4            *varying conservation techniques used in carrying*  
5            *out control projects with grants under this sec-*  
6            *tion;*

7            *(E) an assessment of the status of control*  
8            *projects carried out with grants under this sec-*  
9            *tion, including an accounting of expenditures by*  
10           *the United States Fish and Wildlife Service,*  
11           *State, regional, and local government agencies,*  
12           *and other entities to carry out such projects;*

13           *(F) a review of the environmental soundness*  
14           *of the control projects carried out with grants*  
15           *under this section;*

16           *(G) a review of efforts made to maintain an*  
17           *appropriate database of grants under this sec-*  
18           *tion; and*

19           *(H) a review of the geographical distribu-*  
20           *tion of Federal money, matching funds, and in-*  
21           *kind contributions for control projects carried*  
22           *out with grants under this section.*

23           *(I) COOPERATION OF NON-FEDERAL INTERESTS.—The*  
24           *Secretary may not make a grant under this section for a*  
25           *control project on national wildlife refuge lands or lands*

1 *in proximity to refuge resources before a non-Federal inter-*  
 2 *est has entered into a written agreement with a national*  
 3 *wildlife refuge or refuge complex under which the non-Fed-*  
 4 *eral interest agrees to—*

5           (1) *monitor and maintain the control project in*  
 6 *accordance with the plan required under subsection*  
 7 *(e)(1)(B); and*

8           (2) *provide any other items of cooperation the*  
 9 *Secretary considers necessary to carry out the project.*

10 **SEC. 5. CREATION OF AN IMMEDIATE RESPONSE CAPA-**  
 11 **BILITY TO HARMFUL NONNATIVE SPECIES.**

12           (a) *ESTABLISHMENT.*—*The Secretary may provide fi-*  
 13 *nancial assistance for a period of one fiscal year to enable*  
 14 *an immediate response to outbreaks of harmful nonnative*  
 15 *species that threaten or may negatively impact refuge re-*  
 16 *sources that are at a stage at which rapid eradication or*  
 17 *control is possible, and ensure eradication or immediate*  
 18 *control of the harmful nonnative species.*

19           (b) *REQUIREMENTS FOR ASSISTANCE.*—*The Secretary*  
 20 *shall provide assistance under this section, with the concur-*  
 21 *rence of the Governor of a State, to local and State agencies,*  
 22 *universities, or nongovernmental entities for the eradication*  
 23 *of an immediate harmful nonnative species threat only if—*

24           (1) *there is a demonstrated need for the assist-*  
 25 *ance;*

1           (2) *the harmful nonnative species is considered*  
2           *to be an immediate threat to refuge resources, as de-*  
3           *termined by the Secretary; and*

4           (3) *the proposed response to such threat—*

5                     (A) *is technically feasible; and*

6                     (B) *minimizes adverse impacts to the struc-*  
7                     *ture and function of national wildlife refuge eco-*  
8                     *systems and adverse effects on nontarget species.*

9           (c) *AMOUNT OF FINANCIAL ASSISTANCE.—The Sec-*  
10           *retary shall determine the amount of financial assistance*  
11           *to be provided under this section with respect to an outbreak*  
12           *of a harmful nonnative species, subject to the availability*  
13           *of appropriations.*

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

17           (e) *MONITORING AND REPORTING.—The Secretary*  
18           *shall require that persons receiving assistance under this*  
19           *section monitor and report on activities carried out with*  
20           *assistance under this section in accordance with the require-*  
21           *ments that apply with respect to control projects carried*  
22           *out with assistance under section 4.*

1 **SEC. 6. COOPERATIVE VOLUNTEER HARMFUL NON-NATIVE**  
2 **SPECIES MONITORING AND CONTROL PRO-**  
3 **GRAM.**

4 (a) *IN GENERAL.*—Consistent with the National Wild-  
5 life Refuge System Volunteer and Community Partnership  
6 Enhancement Act of 1998 (Public Law 105–242), the Sec-  
7 retary shall establish a cooperative volunteer harmful non-  
8 native species monitoring and control program to admin-  
9 ister and coordinate projects implemented by volunteer or  
10 other civic organizations concerned with national wildlife  
11 refuges to address harmful non-native species that threaten  
12 national wildlife refuges or adjacent lands.

13 (b) *ELIGIBLE ACTIVITIES.*—Each project administered  
14 and coordinated under this section shall include one of the  
15 following activities:

16 (1) *Habitat surveys.*

17 (2) *Detection and identification of new introduc-*  
18 *tions or infestations of harmful nonnative species.*

19 (3) *Harmful non-native species control projects.*

20 (4) *Public education and outreach to increase*  
21 *awareness concerning harmful non-native species and*  
22 *their threat to the refuge system.*

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

24 (a) *AUTHORITIES, ETC. OF SECRETARY.*—Nothing in  
25 this Act affects authorities, responsibilities, obligations, or  
26 powers of the Secretary under any other statute.

1           (b) *STATE AUTHORITY.*—*Nothing in this Act preempts*  
2 *any provision or enforcement of State statute or regulation*  
3 *relating to the management of fish and wildlife resources*  
4 *within such State.*

5 **SEC. 8. BIENNIAL REPORT.**

6           *The Secretary shall prepare and submit to the Con-*  
7 *gress by not later than 2 years after the date of the enact-*  
8 *ment of this Act and biennially thereafter—*

9                   (1) *a comprehensive report summarizing all*  
10 *grant activities relating to invasive species initiated*  
11 *under this Act including—*

12                           (A) *State assessment projects;*

13                           (B) *qualified control projects;*

14                           (C) *immediate response activities; and*

15                           (D) *projects identified in the Refuge Oper-*  
16 *ations Needs database or the Service Asset and*  
17 *Maintenance Management System database of*  
18 *the United States Fish and Wildlife Service.*

19                   (2) *a list of grant priorities, ranked in high, me-*  
20 *dium, and low categories, for future grant activities*  
21 *in the areas of—*

22                           (A) *early detection and rapid response;*

23                           (B) *control, management, and restoration;*

24                           (C) *research and monitoring;*

25                           (D) *information management; and*

1                   (E) public outreach and partnership efforts;  
2                   and  
3                   (3) information required to be included under  
4                   section 4(k).

5 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

6           (a) *IN GENERAL.*—There are authorized to be appro-  
7           priated to carry out this Act such sums as may be nec-  
8           essary.

9           (b) *ALLOWANCE FOR IMMEDIATE RESPONSE.*—Of the  
10           amounts appropriated to carry out this Act no more than  
11           25 percent shall be available in any fiscal year for financial  
12           assistance under section 5.

13           (c) *CONTINUING AVAILABILITY.*—Amounts appro-  
14           priated under this Act may remain available until ex-  
15           pended.

16           (d) *ADMINISTRATIVE EXPENSES.*—Of amounts avail-  
17           able each fiscal year to carry out this Act, the Secretary  
18           may expend not more than 3 percent or up to \$100,000,  
19           whichever is greater, to pay the administrative expenses  
20           necessary to carry out this Act.

Union Calendar No. 251

110<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**H. R. 767**

[Report No. 110-397]

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**A BILL**

To protect, conserve, and restore native fish, wildlife, and their natural habitats at national wildlife refuges through cooperative, incentive-based grants to control, mitigate, and eradicate harmful nonnative species, and for other purposes.

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OCTOBER 22, 2007

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed