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SENATE

{ REPORT
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WILDLIFE INNOVATION AND LONGEVITY DRIVER ACT

MARCH 26, 2019.—Ordered to be printed

Mr. BARRASSO, from the Committee on Environment and Public Works, submitted the following

R E P O R T

[To accompany S. 268]

[Including cost estimate of the Congressional Budget Office]

The Committee on Environment and Public Works, to which was referred the bill (S. 268) to reauthorize the Partners for Fish and Wildlife Program and certain wildlife conservation funds, to establish prize competitions relating to the prevention of wildlife poaching and trafficking, wildlife conservation, the management of invasive species, and the protection of endangered species, to amend the Marine Turtle Conservation Act of 2004 to modify the protections provided by that Act, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

GENERAL STATEMENT AND BACKGROUND

States and localities throughout the United States, and nations around the world, grapple with wildlife conservation and management challenges, including those posed by invasive species, wildlife poaching, and illegal trafficking.

An “invasive species” has been defined under Executive Order 13112 as an alien species whose introduction does or is likely to cause economic or environmental harm or harm to human health.” Roughly, 50,000 non-native species have been introduced to the United States with an annual economic cost estimated at more

than \$120 billion, according to the Congressional Research Service (CRS).¹

CRS further reports that U.S. agricultural crop and livestock production suffers the largest damage, amounting to \$65 billion annually. In an effort to prevent, control, and eradicate invasive species domestically, the U.S. government spent an estimated \$2.3 billion across a variety of federal agencies and activities in fiscal year 2016. These efforts consist of, but are not limited to, species prevention, control and management, outreach, research, early detection, and habitat restoration.

During the March 15, 2017 hearing before the Committee entitled “*Examining Innovative Solutions to Control Invasive Species and Promote Wildlife Conservation*,” Dr. Jamie K. Reaser, Executive Director of the National Invasive Species Council Secretariat at the U.S. Department of the Interior, testified that invasive species play a role in at least 42 percent of listings of species under the Endangered Species Act.

Poaching presents another concerning wildlife management issue. In the United States, poaching takes place across the country and includes the illegal taking of black bears for their gallbladders, hides and paws, selling Bighorn Sheep antlers, shark finning off the coast of California, and deer poaching out of hunting season.

Internationally, poaching is an even more prominent issue due to high-profile species such as rhinos and elephants. In 2017, poachers broke into a zoo in France and killed a white rhino in order to saw off its horn. And in Kenya, a 50-year-old elephant was illegally killed by a poisoned arrow for his tusks worth \$130,000.

The U.S. government estimates that the illegal trade in endangered wildlife products is worth at least an estimated \$7 billion and tends to disproportionately impact the developing world. Many of these foreign countries possess valuable natural resources but do not have the means to manage such resources. The proliferation of invasive species has also been associated with the illegal wildlife trade.

S. 268 promotes better wildlife conservation and management, including by addressing invasive species, wildlife poaching, and illegal trafficking. The legislation incorporates various, innovative solutions to wildlife conservation and management challenges faced by states and localities throughout the United States, and nations around the world.

Partners for Fish and Wildlife Program

The Partners for Fish and Wildlife Act authorizes the Secretary of the Interior to provide technical and financial assistance to private landowners to restore, enhance, and manage private land to improve fish and wildlife habitats through the Partners for Fish and Wildlife Program. This is achieved by connecting community-based biologists with landowners to plan, implement, and monitor fish and wildlife conservation projects on private land.

During the March 15, 2017 hearing before the Committee entitled “*Examining Innovative Solutions to Control Invasive Species and Promote Wildlife Conservation*,” Fish and Wildlife Service Act-

¹ Congressional Research Service Report, *Invasive Species: Major Laws and the Role of Selected Federal Agencies, Summary* (January 17, 2017).

ing Director Jim Kurth testified that the Partners for Fish and Wildlife Program “is one of the most effective programs” that the Fish and Wildlife Service administers. Director Kurth stated that 50,000 landowners, whose properties comprise tens of millions of acres of private lands, have worked through the program since its inception to improve habitat, benefitting hundreds of species. In addition, Brian Nesvik, Chief Game Warden for the Wyoming Game and Fish Department, testified that landowners are incentivized to participate in this program because it is voluntary, it has a matching requirement, it provides flexibility, and it focuses on partnership.

During the November 15, 2018, hearing before the Committee entitled, “*Examining Funding Needs for Wildlife Conservation, Recovery, and Management*,” Michael McShane, an At-large Board Member with Ducks Unlimited, stated that his organization strongly supported the reauthorization of the program. Further, John Kennedy, Deputy Director of the Wyoming Game and Fish Department, testified to the critical nature of partnerships with private landowners when it comes to on-the-ground conservation, recovery, and management success through programs like the Partners for Fish and Wildlife Program.

In 1987, the Partners for Fish and Wildlife Program was established. In 2006, Congress reauthorized the program for five years at no more than \$75 million annually when it passed the Partners for Fish and Wildlife Act (P.L. 109–294). Congress has appropriated approximately \$50 million per year for the program. The program’s authorization expired in 2011.

Fish and Wildlife Coordination

Invasive species pose an ongoing and significant challenge to wildlife managers throughout the United States. On February 3, 1999, President Clinton issued Executive Order 13112 requiring executive agencies to take actions to prevent both the introduction and spread of invasive species, as well as to eradicate and control those already established. On December 5, 2016, President Obama issued Executive Order 13751 requiring the federal government to continue coordinated efforts to control invasive species. Federal agency coordination can be further improved by requiring those agencies to implement strategic invasive species programs, prioritizing the least-costly of effective methods for controlling and managing invasive species, and ensuring most funding is directed towards on-the-ground control and management of invasive species.

Multinational Species Conservation Funds

The Multinational Species Conservation Funds are federal programs administered by the Fish and Wildlife Service that make targeted investments in conservation of several global priority species. The first fund, for African elephants, was authorized by Congress in 1988 to address rampant ivory poaching. Since that time, four more funds have been authorized to help protect Asian elephants, great apes, marine turtles, tigers and rhinos. Since 1988, these programs have awarded over 2,300 grants, targeting key regions to ensure the protection of these animals, but the authorizations for these programs have expired.

Prize competitions

Those dedicated to improving wildlife management and enforcing related laws are employing a diverse array of cutting-edge technologies.

Innovative methods have been developed for fighting invasive species both on land and at sea. For example, technology allows the selective identification and capture of non-native fish, such as the lionfish, through software recognition. In addition, genetics are being used to thwart the spread of invasive organisms, while DNA technologies are giving wildlife managers the ability to monitor the progress of specific invasive species with unprecedented precision. These innovations are constantly evolving and improving.

Drones are being developed and deployed to fight poaching in the United States and abroad, DNA analysis is allowing authorities to identify the origins of confiscated illicit ivory supplies, and thermal imaging is permitting law enforcement to detect the entry of poachers into protected areas. Even common-place technologies such as cellphones are being used in imaginative ways, such as outfitting recycled units with solar panels and antennas to transmit sounds of prohibited activities to proper authorities. This technology is expected to lead to more rapid responses to criminal activity and greater apprehension rates.

Section 105 of the America COMPETES Reauthorization Act (P.L. 111–358) amended the Wydler Technology Innovation Act of 1980 by giving federal agencies the authority to conduct prize competitions in order to spur innovation and advance their core missions. The mission of the Department of the Interior includes “protect[ing] and manag[ing] the Nation’s natural resources and cultural heritage”

During the March 15, 2017 hearing before the Committee entitled “*Examining Innovative Solutions to Control Invasive Species and Promote Wildlife Conservation*,” Carter Roberts, President and CEO of the World Wildlife Fund testified that prize competitions are extremely helpful in leading to important technological breakthroughs that improve wildlife conservation and management.

OBJECTIVES OF THE LEGISLATION

The objectives of S. 268 are to promote wildlife conservation, assist in the management of invasive species, and help protect endangered species.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

This section states that this Act may be cited as the “Wildlife Innovation and Longevity Driver Act” or the “WILD Act”.

Section 2. Wildlife habitat and conservation

Subsection (a) reauthorizes the Partners for Fish and Wildlife Program at the current statutory level of not more than \$75 million for each of fiscal years 2019 through 2023.

Subsection (b) amends the Fish and Wildlife Coordination Act (16 U.S.C. 661) by adding a new section 10 relating to the protection of water, oceans, coasts, and wildlife from invasive species.

Subsection (b) requires certain federal agencies to plan and carry out activities on lands managed by their agencies to protect water and wildlife by controlling and managing invasive species. It requires them to develop strategic plans to achieve an annual net reduction in invasive species, by reducing either their populations or their areas of infestation. It requires them to use effective invasive species management and control methods that: are based on sound scientific data; minimize environmental impacts; and do so in the least costly manner. It also requires them to perform comparative economic assessments of invasive species control and management methods. Finally, it requires them to use all tools and flexibilities available to expedite projects and activities that are in areas at a high risk for invasive species and require immediate action.

The Committee intends agencies to evaluate the need for, and, if warranted, develop new categorical exclusions for such projects and activities using existing authorities provided by the National Environmental Policy Act as of the date of enactment of this Act.

Subsection (b) requires certain federal agencies to use at least 75 percent of the appropriated or available funds for on-the-ground control and management of invasive species. It allows them to use up to 15 percent of such funds for investigations, development activities, and outreach and public awareness efforts relating to invasive species control and management. It allows them to use 10 percent of such funds for administrative costs.

Subsection (b) also requires certain federal agencies to submit reports to Congress within a specified period describing how funds for programs relating to invasive species management are used. It authorizes them to enter into any contract or cooperative agreement to assist with the control and management of invasive species. It requires that each project and activity carried out pursuant to this section shall be in coordination with affected local governments.

Subsection (c) reauthorizes appropriations for the Multinational Species Conservation Funds. It reauthorizes the African Elephant Conservation Act (16 U.S.C. 4245(a)) from fiscal year 2019 through fiscal year 2023. It reauthorizes the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5306(a)) from fiscal year 2019 through fiscal year 2023. It reauthorizes the Asian Elephant Conservation Act of 1997 (16 U.S.C. 4266(a)) from fiscal year 2019 through fiscal year 2023.

Subsection (c) reauthorizes the Great Ape Conservation Act of 2000 (16 U.S.C. 6305) from fiscal year 2019 through fiscal year 2023 and includes a multiyear grant process for eligible applicants to carry out projects that demonstrate effective, long-term conservation strategies for great apes and their habitats.

Subsection (c) reauthorizes the Marine Turtle Conservation Act of 2004 (16 U.S.C. 6606) from fiscal year 2020 through fiscal year 2024 and expands the scope of the Act to include marine turtles located in territories of the United States. It makes freshwater turtles and tortoises eligible for conservation assistance. It makes habitat of marine turtles, freshwater turtles, and tortoises under the jurisdiction of U.S. Fish and Wildlife Service programs eligible for conservation assistance. It allocates appropriations among marine turtles and freshwater turtles and tortoises.

The Committee’s addition of “under the jurisdiction of U.S. Fish and Wildlife Service programs” was intended to expand the scope of habitat conservation beyond nesting areas. While nesting areas remain a focal point for the conservation of marine turtles, freshwater turtles and tortoises are more susceptible to other threats, such as poaching of juvenile and adult animals. The Committee’s intent is to make clear that the U.S. Fish and Wildlife Service can address any conservation concern for marine turtles, freshwater turtles and tortoises, as long as conservation actions fall within the scope of U.S. Fish and Wildlife Service programs, including international programs, and not in the jurisdiction of another agency.

Subsection (d) establishes the Theodore Roosevelt Genius Prize, a series of cash prizes to be awarded annually for technological innovation in the following categories: (1) the prevention of wildlife poaching and trafficking; (2) the promotion of wildlife conservation; (3) the management of invasive species; (4) the protection of endangered species; and (5) the non-lethal management of human-wildlife conflicts.

LEGISLATIVE HISTORY

On January 29, 2019, Senator Barrasso introduced S. 268, the Wildlife Innovation and Longevity Driver Act (WILD Act) with Senators Booker, Boozman, Carper, Inhofe and Whitehouse as original cosponsors. The bill was referred to the Committee on Environment and Public Works.

The text of S. 268 is substantially similar to the text of S. 826, the WILD Act, which passed the Senate during the 115th Congress. Senator Barrasso introduced S. 826 on April 4, 2017. Senators Booker, Boozman, Carper, Inhofe and Whitehouse were original cosponsors. The EPW Committee held a hearing on S. 826 on March 15, 2017. A second hearing on November 15, 2018, relating to wildlife funding, included the Partners for Fish and Wildlife Program. The EPW Committee reported S. 826, as amended, by voice vote on April 5, 2017. The Senate passed the legislation by unanimous consent on June 8, 2017.

HEARINGS

A legislative hearing was not held on S. 268. As explained above, two hearings related to the substantive issues addressed by S. 268 were held on March 15, 2017, and November 15, 2018, during the 115th Congress.

ROLLCALL VOTES

On February 5, 2019, the Committee on Environment and Public Works met to consider S. 268. S. 268 was ordered favorably reported without amendment by voice vote. No roll call votes were taken.

REGULATORY IMPACT STATEMENT

In compliance with section 11(b) of rule XXVI of the Standing Rules of the Senate, the committee makes evaluation of the regulatory impact of the reported bill.

The bill does not create any additional regulatory burdens, nor will it cause any adverse impact on the personal privacy of individuals.

MANDATES ASSESSMENT

In compliance with the Unfunded Mandates Reform Act of 1995 (Public Law 104-4), the committee finds that S. 268 would impose no Federal intergovernmental unfunded mandates on State, local, or tribal governments.

S. 268 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA). The bill contains no new private-sector mandates as defined in UMRA.

COST OF LEGISLATION

Section 403 of the Congressional Budget and Impoundment Control Act requires that a statement of the cost of the reported bill, prepared by the Congressional Budget Office, be included in the report. That statement follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 18, 2019.

Hon. JOHN BARRASSO,
Chairman, Committee on Environment and Public Works,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 268, the WILD Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Janani Shankaran.

Sincerely,

KEITH HALL,
Director.

Enclosure.

At a Glance				
S. 268, WILD Act				
As reported by the Senate Committee on Environment and Public Works on February 5, 2019				
Millions of Dollars	Direct Spending	Revenues	Deficit Effect	Spending Subject to Appropriation
2019	0	0	0	0
2019-2024	0	0	0	414
2019-2029	0	0	0	429
Pay-as-you-go procedures apply?	No	Mandate Effects		
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2030?	No	Contains intergovernmental mandate?	No	
		Contains private-sector mandate?	No	
The bill would				
• Authorize appropriations for several programs administered by the U.S. Fish and Wildlife Service (USFWS)				
Estimated budgetary effects would primarily stem from				
• The authorizations of appropriations for several USFWS programs				
• Requirements for various agencies to carry out certain activities to manage invasive species				
• Provisions that establish prize competitions to promote the development of strategies to enhance wildlife conservation				
Detailed estimate begins on the next page.				

Bill summary: S. 268 would reauthorize several U.S. Fish and Wildlife Service (USFWS) programs related to the conservation of wildlife. The bill also would require various agencies to carry out certain activities to manage invasive species. Finally, the bill would establish prize competitions to promote the development of strategies to enhance wildlife conservation.

Estimated Federal cost: The estimated budgetary effects of S. 268 are detailed in Table 1. The costs of the legislation fall within budget function 300 (natural resources and environment).

TABLE 1.—ESTIMATED INCREASES IN SPENDING SUBJECT TO APPROPRIATION UNDER S. 268

	By fiscal year, millions of dollars—						
	2019 ^a	2020	2021	2022	2023	2024	2019–2024
Partners for Fish and Wildlife:							
Authorization	75	75	75	75	75	0	375
Estimated Outlays	0	58	69	72	74	17	290
Species Conservation Programs:							
Authorization	25	30	30	30	30	5	150
Estimated Outlays	0	18	27	30	30	15	120
Prize Competitions:							
Estimated Authorization	0	1	1	1	1	*	4
Estimated Outlays	0	1	1	1	1	*	4
Total:							
Estimated Authorization	100	106	106	106	106	5	529

TABLE 1.—ESTIMATED INCREASES IN SPENDING SUBJECT TO APPROPRIATION UNDER S. 268—
Continued

	By fiscal year, millions of dollars—						
	2019 ^a	2020	2021	2022	2023	2024	2019– 2024
Estimated Outlays	0	77	97	103	105	33	414

* = between zero and \$500,000.

^a S. 268 would authorize appropriations totaling \$100 million for 2019. CBO does not estimate any outlays for those authorizations because appropriations for 2019 have already been provided.

Basis of estimate: For this estimate, CBO assumes that S. 268 will be enacted in late 2019 and that the authorized and necessary amounts will be appropriated each year. Estimated outlays are based on historical spending patterns for the affected activities.

CBO estimates that implementing S. 268 would cost \$414 million over the 2019–2024 period and \$15 million after 2024. Although S. 268 would authorize appropriations totaling \$100 million in 2019, CBO does not estimate any outlays for those authorizations because appropriations for 2019 have already been provided.

Partners for Fish and Wildlife

S. 268 would authorize the appropriation of \$75 million a year over the 2019–2023 period to fund the Partners for Fish and Wildlife program. Under the program, USFWS provides technical assistance and cost-share incentives to private landowners to restore fish and wildlife habitats. In recent years, USFWS has allocated roughly \$52 million annually to carry out that program. CBO estimates that implementing the provision would cost \$290 million over the 2019–2024 period and \$10 million after 2024.

Species conservation programs

The bill also would authorize the appropriation of \$25 million in 2019, \$30 million a year over the 2020–2023 period, and \$5 million in 2024 for USFWS to carry out programs aimed at conserving various species including elephants, rhinoceros, tigers, great apes, and marine turtles. In 2019, USFWS received appropriations totaling \$12 million to carry out those programs. CBO estimates that implementing the provision would cost \$120 million over the 2019–2024 period and \$5 million after 2024.

Prize competitions

S. 268 would direct USFWS to establish five annual prize competitions to reward individuals who advance efforts related to wildlife conservation with winners receiving a prize of at least \$100,000. Using information from USFWS and based on the costs of similar activities, CBO estimates that administering the prize competitions would cost about \$4 million over the 2019–2024 period.

Managing invasive species

The bill also would require the Army Corps of Engineers and agencies within the Department of the Interior to carry out activities to control and manage invasive species. Because the affected agencies are already meeting most of the bill’s requirements, CBO estimates that implementing the provision would cost less than

\$500,000 over the 2019–2024 period for planning and reporting activities required under the bill; any spending would be subject to the availability of appropriated funds.

Pay-As-You-Go considerations: None.

Increase in long-term direct spending and deficits: None.

Mandates: None.

Estimate prepared by: Federal costs: Janani Shankaran; Mandates: Zachary Byrum.

Estimate reviewed by: Kim Cawley, Chief, Natural and Physical Resources Cost Estimates Unit; H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

CHANGES IN EXISTING LAW

In compliance with section 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill as reported are shown as follows: Existing law proposed to be omitted is enclosed in [black brackets], new matter is printed in *italic*, existing law in which no change is proposed is shown in roman:

* * * * *

PARTNERS FOR FISH AND WILDLIFE ACT

[PUBLIC LAW 109–294—OCT. 3, 2006, 120 STAT. 1351]

SEC. 1. <<NOTE: 16 USC 3771 note.>> SHORT TITLE.

This Act may be cited as the “Partners for Fish and Wildlife Act”.

* * * * *

SEC. 5. AUTHORIZATION OF <<NOTE: 16 USC 3774.>> APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act not more than \$75,000,000 for each of fiscal years [2006 through 2011] *2019 through 2023*.

* * * * *

FISH AND WILDLIFE COORDINATION ACT

(16 U.S.C. 661)

SEC. 661. Declaration of purpose; cooperation of agencies; surveys and investigations; donations

[For the purpose]

SECTION 1. SHORT TITLE; AUTHORIZATION.

(a) SHORT TITLE.—*This Act may be cited as the ‘Fish and Wildlife Coordination Act’.*

(b) AUTHORIZATION.—*For the purpose.* * * *

* * * * *

SEC. 10. 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—*

(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—*

(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) *eligible States; and*

(ii) *political subdivisions of eligible States;*

(B) *in consultation with federally recognized Indian tribes; and*

(C) *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 the date of enactment of this section) 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 fiscal 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, develop-*

ment 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, record-keeping, 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 the date of enactment of this section, 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 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 15 of the Federal Noxious Weed Act of 1974 (7 U.S.C. 2814).*

(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 202(c)(9) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712(c)(9)).*

AFRICAN ELEPHANT CONSERVATION ACT

* * * * *

SEC. 2001. [16 U.S.C. 4201 note] SHORT TITLE.

This title may be cited as the “African Elephant Conservation Act”.

* * * * *

SEC. 2306. [16 U.S.C. 4245] AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to the Fund and to the Secretary a total of not to exceed \$5,000,000 for

each of fiscal years **[2007 through 2012]** *2019 through 2023* to carry out

* * * * *

ASIAN ELEPHANT CONSERVATION ACT OF 1997

* * * * *

SECTION 1. [16 U.S.C. 4261 note] SHORT TITLE.

This Act may be cited as the “Asian Elephant Conservation Act of 1997”.

* * * * *

SEC. 8. [16 U.S.C. 4266] AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—There is authorized to be appropriated to the Fund \$5,000,000 for each of fiscal years **[2007 through 2012]** *2019 through 2023* to carry out this Act, which may remain available until expended.

* * * * *

RHINOCEROS AND TIGER CONSERVATION ACT OF 1994

* * * * *

SEC. 1. [16 U.S.C. 5301 note] SHORT TITLE.

This Act may be cited as the “Rhinoceros and Tiger Conservation Act of 1994”.

* * * * *

SEC. 10. [16 U.S.C. 5306] AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—There is authorized to be appropriated to the Fund \$10,000,000 for each of fiscal years **[2007 through 2012]** *2019 through 2023* to carry out this Act, to remain available until expended.

* * * * *

GREAT APE CONSERVATION ACT OF 2000

[16 U.S.C. 6303]

* * * * *

SEC. 6303. Great ape conservation assistance

(a) **IN GENERAL.**—Subject to the availability of funds and in consultation with other appropriate Federal officials, the Secretary shall use amounts in the Fund to provide financial assistance for projects for the conservation of great apes for which project proposals are approved by the Secretary in accordance with this section.

* * * * *

(i) PANEL.—

[(1) IN GENERAL.—Every 2 years, the Secretary may convene a panel of experts to identify the greatest needs for the conservation of great apes.]

(1) CONVENTION.—Not later than 1 year after the date of enactment of the Wildlife Innovation and Longevity Driver Act, and every 5 years thereafter, the Secretary may convene a panel

of experts on great apes to identify the greatest needs and priorities for the conservation of great apes.

(2) COMPOSITION.—*The Secretary shall ensure that the panel referred to in paragraph (1) includes, to the maximum extent practicable, 1 or more representatives—*

(A) from each country that comprises the natural range of great apes; and

(B) with expertise in great ape conservation.

(3) CONSERVATION PLANS.—*In identifying the conservation needs and priorities under paragraph (1), the panel referred to in that paragraph shall consider any relevant great ape conservation plan or strategy, including scientific research and findings relating to—*

(A) the conservation needs and priorities of great apes;

(B) any regional or species-specific action plan or strategy;

(C) any applicable strategy developed or initiated by the Secretary; and

(D) any other applicable conservation plan or strategy.

(4) FUNDS.—*Subject to the availability of appropriations, the Secretary may use amounts available to the Secretary to pay for the costs of convening and facilitating any meeting of the panel referred to in paragraph (1).*

[(2)] (5) APPLICABILITY OF FACAA.—*The Federal Advisory Committee Act (5 App. U.S.C.) shall not apply to a panel convened under paragraph (1).*

(j) MULTIYEAR GRANTS.—

(1) AUTHORIZATION.—*The Secretary may award to a person who is otherwise eligible for a grant under this section a multiyear grant to carry out a project that the person demonstrates is an effective, long-term conservation strategy for great apes and the habitat of great apes.*

(2) EFFECT OF SUBSECTION.—*Nothing in this subsection precludes the Secretary from awarding a grant on an annual basis.*

SEC. 6304. Great Ape Conservation Fund

(a) ESTABLISHMENT.—*There is established in the Multinational Species Conservation Fund a separate account to be known as the “Great Ape Conservation Fund”, consisting of—*

(1) * * *

* * * * *

(b) EXPENDITURES FROM FUND.—

(1) IN GENERAL.— * * *

* * * * *

(2) ADMINISTRATIVE EXPENSES.—*Of the amounts in the account available for each fiscal year, the Secretary may expend not more than 3 percent, or up to [\$100,000] \$150,000, whichever is greater, to pay the administrative expenses necessary to carry out this chapter.*

SEC. 6305. Authorization of appropriations

There are authorized to be appropriated to the Fund \$5,000,000 for each of fiscal years [2006 through 2010] 2019 through 2023.

* * * * *

MARINE TURTLE CONSERVATION ACT OF 2004

[16 U.S.C. 6601]

SEC. 6601. Findings and purposes

(a) FINDINGS.—The Congress finds that—

(1)* * *

* * * * *

[(b) PURPOSE.—The purpose of this chapter is to assist in the conservation of marine turtles and the nesting habitats of marine turtles in foreign countries by supporting and providing financial resources for projects to conserve the nesting habitats, conserve marine turtles in those habitats, and address other threats to the survival of marine turtles.]

(b) PURPOSE.—*The purpose of this Act is to assist in the conservation of marine turtles, freshwater turtles, and tortoises and the habitats of marine turtles, freshwater turtles, and tortoises in foreign countries and territories of the United States by supporting and providing financial resources for projects—*

(1) *to conserve marine turtle, freshwater turtle, and tortoise habitats under the jurisdiction of United States Fish and Wildlife Service programs;*

(2) *to conserve marine turtles, freshwater turtles, and tortoises in those habitats; and*

(3) *to address other threats to the survival of marine turtles, freshwater turtles, and tortoises, including habitat loss, poaching of turtles or their eggs, and wildlife trafficking.*

SEC. 6602. Definitions In this chapter:

(1) CITES.—The term “CITES” means the Convention on International Trade in Endangered Species of Wild Fauna and Flora (27 UST 1087; TIAS 8249).

(2) CONSERVATION.—The term “conservation” means the use of all methods and procedures necessary to protect [nesting habitats of marine turtles in foreign countries and of marine turtles in those habitats] *marine turtles, freshwater turtles, and tortoises, and the habitats of marine turtles, freshwater turtles, and tortoises, in foreign countries and territories of the United States under the jurisdiction of United States Fish and Wildlife Service programs, including—*

(A) protection, restoration, and management of [nesting] habitats;

(B) onsite research and monitoring of nesting populations, [nesting] habitats, annual reproduction, and species population trends;

(C) assistance in the development, implementation, and improvement of national and regional management plans for [nesting] habitat ranges;

(D) enforcement and implementation of CITES and laws of foreign [countries to—] *countries—*

(i) *to protect and manage [nesting] populations and [nesting] habitats; and*

(ii) *to prevent illegal trade of marine turtles;*

(E) training of local law enforcement officials in the interdiction and prevention of—

(i) the illegal killing of marine [turtles on nesting habitat] turtles, freshwater turtles, and tortoises; and

* * * * *

(F) initiatives to resolve conflicts between humans and marine [turtles over habitat used by marine turtles for nesting] turtles, freshwater turtles, and tortoises over habitats used by marine turtles, freshwater turtles, and tortoises;

* * * * *

(H) strengthening of the ability of local communities to implement [nesting] population and [nesting] habitat conservation programs.

(3) FRESHWATER TURTLE.—

(A) IN GENERAL.—*The term ‘freshwater turtle’ means any member of the family Carettochelyidae, Chelidae, Chelydridae, Dermatemydidae, Emydidae, Geoemydidae, Kinosternidae, Pelomedusidae, Platysternidae, Podocnemididae, or Trionychidae.*

(B) INCLUSIONS.—*The term ‘freshwater turtle’ includes—*

(i) any part, product, egg, or offspring of a turtle described in subparagraph (A); and

(ii) a carcass of such a turtle.

(3)(4) FUND.—*The term “Fund” means the Marine Turtle Conservation Fund established by section 6604 of this title.*

(5) HABITAT.—*The term ‘habitat’ means any marine turtle, freshwater turtle, or tortoise habitat (including a nesting habitat) that is under the jurisdiction of United States Fish and Wildlife Service programs.*

(4)(6) MARINE TURTLE.— * * *

* * * * *

(5)(7) MULTINATIONAL SPECIES CONSERVATION FUND.—

* * * * *

(6)(8) SECRETARY.—*The term “Secretary” means the Secretary of the Interior.*

(9) TERRITORY OF THE UNITED STATES.—*The term ‘territory of the United States’ means—*

(A) American Samoa;

(B) the Commonwealth of the Northern Mariana Islands;

(C) the Commonwealth of Puerto Rico;

(D) Guam;

(E) the United States Virgin Islands; and

(F) any other territory or possession of the United States.

(10) TORTOISE.—

(A) IN GENERAL.—*The term ‘tortoise’ means any member of the family Testudinidae.*

(B) INCLUSIONS.—*The term ‘tortoise’ includes—*

(i) any part, product, egg, or offspring of a tortoise described in subparagraph (A); and

(ii) a carcass of such a tortoise.

SEC. 6603. [Marine turtle] conservation assistance

(a) IN GENERAL.—Subject to the availability of funds and in consultation with other Federal officials, the Secretary shall use amounts in the Fund to provide financial assistance for projects for

the conservation of marine turtles, *freshwater turtles, or tortoises* for which project proposals are approved by the Secretary in accordance with this section.

(b) PROJECT PROPOSALS.—

(1) ELIGIBLE APPLICANTS.—A proposal for a project for the conservation of marine turtles, *freshwater turtles, or tortoises* may be submitted to the Secretary by-

[(A) any wildlife management authority of a foreign country that has within its boundaries marine turtle nesting habitat if the activities of the authority directly or indirectly affect marine turtle conservation; or]

(A) any wildlife management authority of a foreign country or territory of the United States that has within its boundaries marine turtle, freshwater turtle, or tortoise habitat, if the activities of the authority directly or indirectly affect marine turtle, freshwater turtle, or tortoise conservation; or

(B) any other person or group with the demonstrated expertise required for the conservation of marine turtles, *freshwater turtles, or tortoise.*

* * * * *

(c) Project review and approval

(1) In generalThe Secretary shall- * * *

* * * * *

(2) Consultation; approval or disapproval—Not later than 180 days after receiving a project proposal, and subject to the availability of funds, the Secretary, after consulting with other Federal officials, as appropriate, shall-

(A) consult on the proposal with the government of each country *and territory of the United States* in which the project is to be conducted;

(B) after taking into consideration any comments resulting from the consultation, approve or disapprove the project proposal; and

(C) provide written notification of the approval or disapproval to the person that submitted the project proposal, other Federal officials, and each country *and territory of the United States* described in subparagraph (A).

* * * * *

[(d) CRITERIA FOR APPROVAL.—The Secretary may approve a project proposal under this section if the project will help recover and sustain viable populations of marine turtles in the wild by assisting efforts in foreign countries to implement marine turtle conservation programs.]

(d) CRITERIA FOR APPROVAL.—*The Secretary may approve a project proposal under this section if the Secretary determines that the project will help to restore, recover, and sustain a viable population of marine turtles, freshwater turtles, or tortoises in the wild by assisting efforts in a foreign country or territory of the United States to implement a marine turtle, freshwater turtle, or tortoise conservation program.*

(e) PROJECT SUSTAINABILITY.—To the maximum extent practicable, in determining whether to approve project proposals under

this section, the Secretary shall give preference to conservation projects that are designed to ensure effective, long-term conservation of ~~【marine turtles and their nesting habitats】~~ *marine turtles, freshwater turtles, or tortoises and the habitats of marine turtles, freshwater turtles, or tortoises.*

* * * * *

SEC. 5. MARINE TURTLE CONSERVATION FUND. 16 USC 6604.

(a) ESTABLISHMENT.—There is established in the Multinational Species Conservation Fund a separate account to be known as the “Marine Turtle Conservation Fund”, consisting of—

(1) amounts transferred to the Secretary of the Treasury for deposit into the Fund under subsection (e);

(2) amounts appropriated to the Fund under ~~【section 6】~~ *section 7(a)* of this title; and

(b) EXPENDITURES FROM FUND.—

(1) In generalSubject to paragraph (2), on request by the Secretary, the Secretary of the Treasury shall transfer from the Fund to the Secretary, without further appropriation, such amounts as the Secretary determines are necessary to carry out section 6603 of this title.

(2) ADMINISTRATIVE EXPENSES.—Of the amounts in the account available for each fiscal year, the Secretary may expend not more than ~~【3 percent, or up to \$80,000】~~ *5 percent, or up to \$150,000*, whichever is greater, to pay the administrative expenses necessary to carry out this chapter.

SEC. 6. ADVISORY GROUP. 16 USC 6605.

(a) IN GENERAL.—To assist in carrying out this Act, the Secretary may convene an advisory group consisting of individuals representing public and private organizations actively involved in the conservation of marine turtles , *freshwater turtles, or tortoises.*

【SEC. 7. AUTHORIZATION OF APPROPRIATIONS. 16 USC 6606.

There is authorized to be appropriated to the Fund \$5,000,000 for each of fiscal years 2005 through 2009.】

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to the Fund \$5,000,000 for each of fiscal years 2020 through 2024.

(b) ALLOCATION.—*Of the amounts made available for each fiscal year pursuant to subsection (a)—*

(1) not less than \$1,510,000 shall be used by the Secretary for marine turtle conservation purposes in accordance with this Act; and

(2) of the amounts in excess of the amount described in paragraph (1), not less than 40 percent shall be used by the Secretary for freshwater turtle and tortoise conservation purposes in accordance with this Act.

* * * * *