

**§ 666b. Definitions**

The terms “wildlife” and “wildlife resources” as used herein include birds, fishes, mammals, and all other classes of wild animals and all types of aquatic and land vegetation upon which wildlife is dependent.

(Mar. 10, 1934, ch. 55, §8, as added Aug. 14, 1946, ch. 965, 60 Stat. 1082.)

## REFERENCES IN TEXT

Herein, referred to in text, means act Mar. 10, 1934, ch. 55, 48 Stat. 401, which is classified generally to sections 661 to 666c-1 of this title. For complete classification of this Act to the Code, see section 661(a) of this title, Short Title note set out under section 661 of this title, and Tables.

**§ 666c. Applicability to Tennessee Valley Authority**

The provisions of this Act shall not apply to the Tennessee Valley Authority.

(Mar. 10, 1934, ch. 55, §9, as added Aug. 14, 1946, ch. 965, 60 Stat. 1082.)

## REFERENCES IN TEXT

This Act, referred to in text, is act Mar. 10, 1934, ch. 55, 48 Stat. 401, known as the Fish and Wildlife Coordination Act, which is classified generally to sections 661 to 666c-1 of this title. For complete classification of this Act to the Code, see section 661(a) of this title, Short Title note set out under section 661 of this title, and Tables.

**§ 666c-1. 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—<sup>1</sup>

- (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

<sup>1</sup> So in original.

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 March 12, 2019) 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, development 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 March 12, 2019, 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<sup>1</sup> 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 2814 of title 7.

**(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 1712(c)(9) of title 43.

(Mar. 10, 1934, ch. 55, §10, as added Pub. L. 116-9, title VII, §7001(b)(2)(B), Mar. 12, 2019, 133 Stat. 779.)

## REFERENCES IN TEXT

The Federal Insecticide, Fungicide, and Rodenticide Act, referred to in subsec. (g)(2), is act June 25, 1947, ch. 125, as amended generally by Pub. L. 92-516, §2, Oct. 21, 1972, 86 Stat. 973, which is classified generally to subchapter II (§136 et seq.) of chapter 6 of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 136 of Title 7 and Tables.

**§ 666d. Skagit National Wildlife Refuge; exchange of lands**

The Secretary of the Interior is authorized, in his discretion, at any time within ten years from October 6, 1949, to accept from the State of Washington on behalf of the United States title to any lands in the State of Washington which