

113TH CONGRESS
1ST SESSION

H. R. _____

To improve the control and management of invasive species that threaten and harm Federal lands under the jurisdiction of the Secretary of Agriculture and the Secretary of the Interior, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. BISHOP of Utah introduced the following bill; which was referred to the Committee on _____

A BILL

To improve the control and management of invasive species that threaten and harm Federal lands under the jurisdiction of the Secretary of Agriculture and the Secretary of the Interior, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Federal Lands Invasive Species Control, Prevention, and
6 Management Act”.

7 (b) TABLE OF CONTENTS.—The table of contents for
8 this Act is as follows:

- Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. Federal efforts to control and manage invasive species on Federal lands.
Sec. 4. Program funding allocations.
Sec. 5. Prudent use of funds.
Sec. 6. Use of partnerships.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) **ALIEN SPECIES.**—The term “alien species”
4 means, with respect to a particular ecosystem, any
5 species, including its seeds, eggs, spores, or other bi-
6 ological material capable of propagating that species,
7 that is not native to that ecosystem.

8 (2) **CONTROL.**—The term “control” means the
9 eradication, suppression, or reduction of the popu-
10 lation of an invasive species within the area in which
11 the invasive species is present.

12 (3) **ECOSYSTEM.**—The term “ecosystem”
13 means the complex of a community of organisms
14 and its environment.

15 (4) **ELIGIBLE STATE.**—The term “eligible
16 State” means any of the several States, the District
17 of Columbia, the Commonwealth of Puerto Rico,
18 American Samoa, Guam, and the United States Vir-
19 gin Islands.

20 (5) **INVASIVE SPECIES.**—The term “invasive
21 species” means an alien species whose introduction

1 does or is likely to cause economic or environmental
2 harm or harm to human health.

3 (6) MANAGE.—The terms “manage” and “man-
4 agement” mean the active implementation of activi-
5 ties—

6 (A) to reduce or stop the spread of an
7 invasive species; and

8 (B) to inhibit further infestations or
9 spread of invasive species or harm caused by
10 invasive species, including applied research to
11 prevent, control, or manage invasive species.

12 (7) PREVENT.—The term “prevent” means to
13 hinder the introduction of invasive species onto lands
14 or waters or to impede the spread of invasive species
15 within lands or waters by inspecting, intercepting, or
16 confiscating invasive species threats prior to their es-
17 tablishment onto lands or waters of an eligible State.

18 (8) SECRETARY CONCERNED.—The term “Sec-
19 retary concerned” means—

20 (A) the Secretary of the Interior, with re-
21 spect to Federal lands administered by that
22 Secretary through the Bureau of Indian Affairs,
23 the Bureau of Land Management, the Bureau
24 of Reclamation, the National Park Service, or

1 the United States Fish and Wildlife Service;
2 and

3 (B) the Secretary of Agriculture, with re-
4 spect to Federal lands administered by that
5 Secretary through the United States Forest
6 Service.

7 (9) SPECIES.—The term “species” means a
8 group of organisms, all of which have a high degree
9 of physical and genetic similarity, generally
10 interbreed only among themselves, and show per-
11 sistent differences from members of allied groups of
12 organisms.

13 **SEC. 3. FEDERAL EFFORTS TO CONTROL AND MANAGE**
14 **INVASIVE SPECIES ON FEDERAL LANDS.**

15 (a) CONTROL AND MANAGEMENT.—The Secretary
16 concerned shall plan and carry out activities on lands di-
17 rectly managed by the Secretary concerned to control and
18 manage of invasive species to inhibit or reduce their popu-
19 lations and to effectuate restoration or reclamation efforts.

20 (b) STRATEGIC PLAN.—The Secretary concerned
21 shall develop a strategic plan for the implementation of
22 the invasive species program of that Secretary to endeavor
23 to achieve an annual five percent net reduction of invasive
24 species populations on lands managed by that Secretary.

1 **SEC. 4. PROGRAM FUNDING ALLOCATIONS.**

2 (a) CONTROL AND MANAGEMENT ACTIVITIES.—Of
3 the amount appropriated or otherwise made available to
4 the Secretary concerned for a fiscal year for the invasive
5 species program of that Secretary, the Secretary con-
6 cerned shall use not less than 75 percent of the amount
7 for on-the-ground control and management of invasive
8 species, including through—

9 (1) the purchase of necessary products, equip-
10 ment, or services to conduct such control and man-
11 agement;

12 (2) the use of integrated pest management op-
13 tions, including pesticides authorized for sale, dis-
14 tribution, or use under the Federal Insecticide, Fun-
15 gicide, and Rodenticide Act (7 U.S.C. 136 et seq.);

16 (3) the use of biological control agents that are
17 proven to be effective to reduce invasive species pop-
18 ulations;

19 (4) the use of re-vegetation or cultural restora-
20 tion methods designed to improve the diversity and
21 richness of ecosystems; or

22 (5) the use of other effective mechanical or
23 manual control method.

24 (b) APPLIED RESEARCH AND DEVELOPMENT.—Of
25 the amount appropriated or otherwise made available to
26 the Secretary concerned for a fiscal year for the invasive

1 species program of that Secretary, the Secretary con-
2 cerned may use not more than 15 percent of the amount
3 for applied research and development activities, and edu-
4 cation, outreach and public awareness efforts or activities,
5 to solve control and management needs.

6 (c) ADMINISTRATIVE COSTS.—Not more than 10 per-
7 cent of the amount appropriated or otherwise made avail-
8 able to the Secretary concerned for a fiscal year for the
9 invasive species program of that Secretary may be used
10 for administrative costs incurred to carry out the invasive
11 species program, including costs related to oversight and
12 management of the invasive species program, record keep-
13 ing, and implementation of the strategic plan.

14 (d) REPORTING REQUIREMENTS.—Not later than 60
15 days after the end of the second fiscal year beginning after
16 the date of the enactment of this Act, the Secretary con-
17 cerned shall submit to Congress a report describing the
18 use of invasive species program funds by that Secretary
19 during the preceding two fiscal years and the percentage
20 of funds expended for each of the purposes specified in
21 subsections (a), (b), and (c).

22 **SEC. 5. PRUDENT USE OF FUNDS.**

23 (a) COST-EFFECTIVE METHODS.—In selecting the
24 method or methods to be used to control or manage an
25 invasive species as part of a specific control or manage-

1 ment project, the Secretary concerned shall require the use
2 of the least costly options based on sound scientific data
3 and other commonly used cost-effective benchmarks in the
4 area to effectively control and manage invasive species.

5 (b) COMPARATIVE ECONOMIC ASSESSMENT.—The
6 Secretary concerned shall require a comparative economic
7 assessment of invasive species control and management
8 methods to be conducted to comply with subsection (a).

9 (c) CATEGORICAL EXCLUSION.—If an invasive spe-
10 cies control or management project or activity to be con-
11 ducted on lands directly managed by the Secretary con-
12 cerned will be conducted in a prioritized, high-risk area
13 involving the treatment of land or waterways within 1,000
14 feet of a water body or water way, a water project, a utility
15 or telephone infrastructure or right of way, a railroad line,
16 an airport, a port of entry, campground, roadside or high-
17 way, heritage site, a national monument, a park, recre-
18 ation site, school, or other similar and valuable infrastruc-
19 ture, as determined by the Secretary concerned, the
20 project or activity is categorically excluded from the re-
21 quirement to prepare an environmental assessment or an
22 environmental impact statement under the National Envi-
23 ronmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)
24 so long as the Secretary concerned determines that the
25 project or activity is otherwise conducted consistently with

1 agency procedures, including any land and resource man-
2 agement plan or land use plan applicable to the area cov-
3 ered by the project or activity.

4 (d) **RELATION TO OTHER AUTHORITY.**—Nothing in
5 this Act shall be construed to preclude the Secretary con-
6 cerned from pursuing or supporting, under the authority
7 of any other provision of law, activities regarding the con-
8 trol, prevention, or management of invasive species, in-
9 cluding research projects to better control, prevent, or
10 manage invasive species.

11 **SEC. 6. USE OF PARTNERSHIPS.**

12 (a) **PARTNERSHIPS AUTHORIZED.**—The Secretary
13 concerned may enter into contracts and cooperative agree-
14 ments with another Federal agency, an eligible State, a
15 political subdivision of an eligible State, or a private entity
16 to partner with the Secretary concerned and assist with
17 the control and management of invasive species.

18 (b) **MEMORANDUM OF UNDERSTANDING.**—

19 (1) **REQUIRED.**—As a condition of a contract or
20 cooperative agreement under subsection (a), the Sec-
21 retary concerned and the other Federal agency, eligi-
22 ble State, political subdivision of an eligible State, or
23 private entity involved shall enter into a memo-
24 randum of understanding describing the nature of

1 the partnership between the parties and the control
2 and management activities to be conducted.

3 (2) CONTENTS.—The memorandum of under-
4 standing shall contain, at a minimum, the following:

5 (A) A prioritized listing of invasive species
6 to be controlled or managed.

7 (B) An assessment of the total acres or
8 area infested by the invasive species.

9 (C) An estimate of the expected total acres
10 or area infested by the invasive species after
11 control and management of the invasive species
12 is attempted.

13 (D) The specific integrated pest manage-
14 ment option or options to be used, including a
15 comparative economic assessment to determine
16 the least costly method.

17 (E) Any maps, boundaries, or Global Posi-
18 tioning System (GPS) coordinates needed to
19 clearly identify the area in which the control
20 and management activities are to be conducted.

21 (F) Written assurances that the partner
22 will comply with section 15 of the Federal Nox-
23 ious Weed Act of 1974 (7 U.S.C. 2814).

24 (c) COORDINATION.—If the partner in a contract or
25 cooperative agreement under subsection (a) is an eligible

1 State, political subdivision of an eligible State, or private
2 entity, the memorandum of understanding shall also con-
3 tain a description of how the control and management ef-
4 forts will be coordinated and the expected outcomes of
5 managing and controlling the invasive species.

6 (d) EDUCATION PROJECT.—If a contract or coopera-
7 tive agreement under subsection (a) will involve any edu-
8 cation project, memorandum of understanding shall also
9 contain a list of goals and objectives that have been deter-
10 mined will be efficient to provide education to national,
11 State, regional, or local audiences regarding invasive spe-
12 cies control and management.

13 (e) RESEARCH PROJECTS.—Any research project un-
14 dertaken under a contract or cooperative agreement under
15 subsection (a) shall have the purpose—

16 (1) to develop solutions and specific rec-
17 ommendations for control and management of
18 invasive species; and

19 (2) to specifically provide faster implementation
20 of control and management methods.