

113TH CONGRESS
2D SESSION

H. R. 3994

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

FEBRUARY 5, 2014

Mr. BISHOP of Utah (for himself and Mr. HORSFORD) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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”.

1 (b) TABLE OF CONTENTS.—The table of contents for
2 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.

3 **SEC. 2. DEFINITIONS.**

4 In this Act:

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

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

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

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

1 (5) INVASIVE SPECIES.—The term “invasive
2 species” means an alien species whose introduction
3 does or is likely to cause economic or environmental
4 harm or harm to human health.

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

8 (A) to reduce or stop the spread of an
9 invasive species; and

10 (B) to inhibit further infestations or
11 spread of invasive species or harm caused by
12 invasive species, including investigations regard-
13 ing methods to prevent, control, or manage
14 invasive species.

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

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

23 (A) the Secretary of the Interior, with re-
24 spect to Federal lands administered by that
25 Secretary through the Bureau of Indian Affairs,

1 the Bureau of Land Management, the Bureau
2 of Reclamation, the National Park Service, or
3 the United States Fish and Wildlife Service;
4 and

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

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

15 **SEC. 3. FEDERAL EFFORTS TO CONTROL AND MANAGE**
16 **INVASIVE SPECIES ON FEDERAL LANDS.**

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

22 (b) STRATEGIC PLAN.—The Secretary concerned
23 shall develop a strategic plan for the implementation of
24 the invasive species program of that Secretary to endeavor

1 to achieve an annual five percent net reduction of invasive
2 species populations on lands managed by that Secretary.

3 **SEC. 4. PROGRAM FUNDING ALLOCATIONS.**

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

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

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

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

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

24 (5) the use of other effective mechanical or
25 manual control method.

1 (b) INVESTIGATIONS, OUTREACH, AND PUBLIC
2 AWARENESS.—Of the amount appropriated or otherwise
3 made available to the Secretary concerned for a fiscal year
4 for programs that address or include invasive species man-
5 agement, the Secretary concerned may use not more than
6 15 percent of the amount for investigations, development
7 activities, and outreach and public awareness efforts to ad-
8 dress invasive species control and management needs.

9 (c) ADMINISTRATIVE COSTS.—Of the amount appro-
10 priated or otherwise made available to the Secretary con-
11 cerned for a fiscal year for programs that address or in-
12 clude invasive species management, not more than 10 per-
13 cent may be used for administrative costs incurred to
14 carry out such programs, including costs related to over-
15 sight and management of such programs, recordkeeping,
16 and implementation of the strategic plan.

17 (d) REPORTING REQUIREMENTS.—Not later than 60
18 days after the end of the second fiscal year beginning after
19 the date of the enactment of this Act, the Secretary con-
20 cerned shall submit to Congress a report—

21 (1) describing the use by that Secretary during
22 the preceding two fiscal years of funds for programs
23 that address or include invasive species manage-
24 ment; and

1 (2) specifying the percentage of funds expended
2 for each of the purposes specified in subsections (a),
3 (b), and (c).

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

5 (a) **COST-EFFECTIVE METHODS.**—In selecting the
6 method or methods to be used to control or manage an
7 invasive species as part of a specific control or manage-
8 ment project, the Secretary concerned shall require the use
9 of the least costly options based on sound scientific data
10 and other commonly used cost-effective benchmarks in the
11 area to effectively control and manage invasive species.

12 (b) **COMPARATIVE ECONOMIC ASSESSMENT.**—The
13 Secretary concerned shall require a comparative economic
14 assessment of invasive species control and management
15 methods to be conducted to comply with subsection (a).

16 (c) **CATEGORICAL EXCLUSION.**—If an invasive spe-
17 cies control or management project or activity to be con-
18 ducted on lands directly managed by the Secretary con-
19 cerned will be conducted in a prioritized, high-risk area
20 involving the treatment of land or waterways within 1,000
21 feet of a water body or waterway, a water project, a utility
22 or telephone infrastructure or right of way, a railroad line,
23 an airport, a port of entry, campground, roadside or high-
24 way, heritage site, a national monument, a park, recre-
25 ation site, school, or other similar and valuable infrastruc-

1 ture, as determined by the Secretary concerned, the
2 project or activity is categorically excluded from the re-
3 quirement to prepare an environmental assessment or an
4 environmental impact statement under the National Envi-
5 ronmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)
6 so long as the Secretary concerned determines that the
7 project or activity is otherwise conducted consistently with
8 agency procedures, including any land and resource man-
9 agement plan or land use plan applicable to the area cov-
10 ered by the project or activity.

11 (d) RELATION TO OTHER AUTHORITY.—

12 (1) OTHER INVASIVE SPECIES CONTROL, PRE-
13 VENTION, OR MANAGEMENT AUTHORITIES.—Nothing
14 in this Act shall be construed to preclude the Sec-
15 retary concerned from pursuing or supporting, under
16 the authority of any other provision of law, activities
17 regarding the control, prevention, or management of
18 invasive species, including investigations to better
19 control, prevent, or manage invasive species.

20 (2) PUBLIC WATER SUPPLY SYSTEMS.—Nothing
21 in this Act shall be construed to authorize the Sec-
22 retary concerned to suspend water deliveries or di-
23 versions or otherwise prevent the operation of a pub-
24 lic water supply system as a measure to control,

1 manage, or prevent the introduction or spread of
2 invasive species.

3 **SEC. 6. USE OF PARTNERSHIPS.**

4 (a) PARTNERSHIPS AUTHORIZED.—The Secretary
5 concerned may enter into contracts and cooperative agree-
6 ments with another Federal agency, an eligible State, a
7 political subdivision of an eligible State, or a private entity
8 to partner with the Secretary concerned and assist with
9 the control and management of invasive species.

10 (b) MEMORANDUM OF UNDERSTANDING.—

11 (1) REQUIRED.—As a condition of a contract or
12 cooperative agreement under subsection (a), the Sec-
13 retary concerned and the other Federal agency, eligi-
14 ble State, political subdivision of an eligible State, or
15 private entity involved shall enter into a memo-
16 randum of understanding describing the nature of
17 the partnership between the parties and the control
18 and management activities to be conducted.

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

21 (A) A prioritized listing of invasive species
22 to be controlled or managed.

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

1 (C) An estimate of the expected total acres
2 or area infested by the invasive species after
3 control and management of the invasive species
4 is attempted.

5 (D) The specific integrated pest manage-
6 ment option or options to be used, including a
7 comparative economic assessment to determine
8 the least costly method.

9 (E) Any maps, boundaries, or Global Posi-
10 tioning System (GPS) coordinates needed to
11 clearly identify the area in which the control
12 and management activities are to be conducted.

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

16 (c) COORDINATION.—If the partner in a contract or
17 cooperative agreement under subsection (a) is an eligible
18 State, political subdivision of an eligible State, or private
19 entity, the memorandum of understanding shall also con-
20 tain a description of how the control and management ef-
21 forts will be coordinated and the expected outcomes of
22 managing and controlling the invasive species.

23 (d) PUBLIC OUTREACH AND AWARENESS EF-
24 FORTS.—If a contract or cooperative agreement under
25 subsection (a) will involve any outreach and public aware-

1 ness efforts, the memorandum of understanding shall also
2 contain a list of goals and objectives for such outreach
3 and public awareness efforts that have been determined
4 will be efficient to inform national, State, regional, or local
5 audiences regarding invasive species control and manage-
6 ment.

7 (e) INVESTIGATIONS.—Any invasive species-related
8 investigations undertaken under a contract or cooperative
9 agreement under subsection (a) shall be undertaken for
10 the purpose of—

11 (1) developing solutions and specific rec-
12 ommendations for control and management of
13 invasive species; and

14 (2) specifically providing faster implementation
15 of control and management methods.

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