

114TH CONGRESS
1ST SESSION

S. 2240

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

IN THE SENATE OF THE UNITED STATES

NOVEMBER 4, 2015

Mr. BARRASSO (for himself, Mr. ENZI, Mr. RISCH, and Mr. CRAPO) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To improve the control and management of invasive species that threaten and harm Federal land 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.**

4 This Act may be cited as the “Federal Land Invasive
5 Species Control, Prevention, and Management Act”.

6 **SEC. 2. PURPOSE.**

7 The purpose of this Act is to ensure the effective
8 management of Federal land, including National Monu-

1 ments and National Heritage Areas, to protect from
 2 invasive species important natural resources, including—

- 3 (1) soil;
- 4 (2) vegetation;
- 5 (3) archeological sites;
- 6 (4) water resources; and
- 7 (5) rare or unique habitats.

8 **SEC. 3. DEFINITIONS.**

9 In this Act:

10 (1) **CONTROL.**—The term “control”, with re-
 11 spect to an invasive species, means the eradication,
 12 suppression, or reduction of the population of the
 13 invasive species within the area in which the invasive
 14 species is present.

15 (2) **ECOSYSTEM.**—The term “ecosystem”
 16 means the complex of a community of organisms
 17 and the environment of the organisms.

18 (3) **ELIGIBLE STATE.**—The term “eligible
 19 State” means any of—

- 20 (A) a State;
- 21 (B) the District of Columbia
- 22 (C) the Commonwealth of Puerto Rico;
- 23 (D) American Samoa;
- 24 (E) Guam; and
- 25 (F) the United States Virgin Islands.

1 (4) INVASIVE SPECIES.—

2 (A) IN GENERAL.—The term “invasive
3 species” means an alien species, the introduc-
4 tion of which causes, or is likely to cause, eco-
5 nomic or environmental harm or harm to
6 human health.

7 (B) ASSOCIATED DEFINITION.—For pur-
8 poses of subparagraph (A), the term “alien spe-
9 cies”, with respect to a particular ecosystem,
10 means any species (including the seeds, eggs,
11 spores, or other biological material of the spe-
12 cies that are capable of propagating the species)
13 that is not native to the affected ecosystem.

14 (C) INCLUSION.—The terms “invasive spe-
15 cies” and “alien species” include any terrestrial
16 or aquatic species determined by the relevant
17 tribal, regional, State, or local authority to meet
18 the requirements of subparagraph (A) or (B),
19 as applicable.

20 (5) MANAGE; MANAGEMENT.—The terms “man-
21 age” and “management”, with respect to an invasive
22 species, mean the active implementation of any ac-
23 tivity—

24 (A) to reduce or stop the spread of the
25 invasive species; and

1 (B) to inhibit further infestations of the
2 invasive species, the spread of the invasive spe-
3 cies, or harm caused by the invasive species, in-
4 cluding investigations regarding methods for
5 early detection and rapid response, prevention,
6 control, or management of the invasive species.

7 (6) PREVENT.—The term “prevent”, with re-
8 spect to an invasive species, means—

9 (A) to hinder the introduction of the
10 invasive species onto land or water; or

11 (B) to impede the spread of the invasive
12 species within land or water by inspecting,
13 intercepting, or confiscating invasive species
14 threats prior to the establishment of the
15 invasive species onto land or water of an eligible
16 State.

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

19 (A) the Secretary of the Interior, with re-
20 spect to Federal land administered by the Sec-
21 retary of the Interior through—

- 22 (i) the Bureau of Indian Affairs;
23 (ii) the Bureau of Land Management;
24 (iii) the Bureau of Reclamation;
25 (iv) the National Park Service; or

1 (v) the United States Fish and Wild-
2 life Service; and

3 (B) the Secretary of Agriculture, with re-
4 spect to Federal land administered by the Sec-
5 retary of Agriculture through the Forest Serv-
6 ice.

7 (8) SPECIES.—The term “species” means a
8 group of organisms, all of which—

9 (A) have a high degree of physical and ge-
10 netic similarity;

11 (B) generally interbreed only among them-
12 selves; and

13 (C) show persistent differences from mem-
14 bers of allied groups of organisms.

15 **SEC. 4. FEDERAL EFFORTS TO CONTROL AND MANAGE**
16 **INVASIVE SPECIES ON FEDERAL LAND.**

17 (a) CONTROL AND MANAGEMENT.—Each Secretary
18 concerned shall plan and carry out activities on land di-
19 rectly managed by the Secretary concerned to control and
20 manage invasive species—

21 (1) to inhibit or reduce the populations of
22 invasive species; and

23 (2) to effectuate restoration or reclamation ef-
24 forts.

25 (b) STRATEGIC PLAN.—

1 (1) IN GENERAL.—Each Secretary concerned
2 shall develop a strategic plan for the implementation
3 of the invasive species program of the Secretary con-
4 cerned to achieve, to the maximum extent prac-
5 ticable, an annual 5-percent net reduction of invasive
6 species populations on land managed by the Sec-
7 retary concerned.

8 (2) COORDINATION.—Each strategic plan under
9 paragraph (1) shall be developed—

10 (A) in coordination with affected—

11 (i) eligible States;

12 (ii) political subdivisions of eligible
13 States; and

14 (iii) federally recognized Indian tribes;

15 and

16 (B) in accordance with the priorities estab-
17 lished by 1 or more Governors of the eligible
18 States in which an ecosystem affected by an
19 invasive species is located.

20 (3) FACTORS FOR CONSIDERATION.—In devel-
21 oping a strategic plan under this subsection, the
22 Secretary concerned shall take into consideration the
23 economic and ecological costs of action or inaction,
24 as applicable.

1 **SEC. 5. PROGRAM FUNDING ALLOCATIONS.**

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

9 (1) the purchase of necessary products, equip-
10 ment, or services to conduct that 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 revegetation 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) INVESTIGATIONS, OUTREACH, AND PUBLIC
25 AWARENESS.—Of the amount appropriated or otherwise
26 made available to each Secretary concerned for a fiscal

1 year for programs that address or include invasive species
2 management, the Secretary concerned may use not more
3 than 15 percent for investigations, development activities,
4 and outreach and public awareness efforts to address
5 invasive species control and management needs.

6 (c) ADMINISTRATIVE COSTS.—Of the amount appro-
7 priated or otherwise made available to each Secretary con-
8 cerned for a fiscal year for programs that address or in-
9 clude invasive species management, not more than 10 per-
10 cent may be used for administrative costs incurred to
11 carry out those programs, including costs relating to over-
12 sight and management of the programs, recordkeeping,
13 and implementation of the strategic plan developed under
14 section 4(b).

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

19 (1) describing the use by the Secretary con-
20 cerned during the 2 preceding fiscal years of funds
21 for programs that address or include invasive species
22 management; and

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

1 **SEC. 6. PRUDENT USE OF FUNDS.**

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

9 (b) **COMPARATIVE ECONOMIC ASSESSMENT.**—To
10 achieve compliance with subsection (a), the Secretary con-
11 cerned shall require a comparative economic assessment
12 of invasive species control and management methods to
13 be conducted.

14 (c) **CATEGORICAL EXCLUSIONS.**—

15 (1) **IN GENERAL.**—An invasive species control
16 or management project or activity described in para-
17 graph (2) is categorically excluded from the require-
18 ment to prepare an environmental assessment or an
19 environmental impact statement under the National
20 Environmental Policy Act of 1969 (42 U.S.C. 4321
21 et seq.) during the period for which the Secretary
22 concerned determines that the project or activity is
23 otherwise conducted in accordance with applicable
24 agency procedures, including any land and resource
25 management plan or land use plan applicable to the
26 area.

1 (2) DESCRIPTION OF PROJECTS AND ACTIVI-
2 TIES.—A project or activity referred to in paragraph
3 (1) is a project or activity that, as determined by the
4 Secretary concerned—

5 (A) is, or will be, carried out on land or
6 water that is—

7 (i) directly managed by the Secretary
8 concerned; and

9 (ii) located in a prioritized, high-risk
10 area; and

11 (B) involves the treatment of any land or
12 waterway located within 1,000 feet of—

13 (i) any port of entry to the United
14 States, including—

15 (I) a water body or waterway;

16 (II) a railroad line;

17 (III) an airport; and

18 (IV) a roadside or highway;

19 (ii) a water project;

20 (iii) a utility or telephone infrastruc-
21 ture or right-of-way;

22 (iv) a campground;

23 (v) a National Heritage Area;

24 (vi) a National Monument;

25 (vii) a park or other recreational site;

- 1 (viii) a school; or
2 (ix) any other similar, valuable infra-
3 structure.

4 (d) RELATION TO OTHER AUTHORITY.—

5 (1) OTHER INVASIVE SPECIES CONTROL, PRE-
6 VENTION, AND MANAGEMENT AUTHORITIES.—Noth-
7 ing in this Act precludes the Secretary concerned
8 from pursuing or supporting, pursuant to any other
9 provision of law, any activity regarding the control,
10 prevention, or management of an invasive species,
11 including investigations to improve the control, pre-
12 vention, or management of the invasive species.

13 (2) PUBLIC WATER SUPPLY SYSTEMS.—Nothing
14 in this Act authorizes the Secretary concerned to
15 suspend any water delivery or diversion, or otherwise
16 to prevent the operation of a public water supply
17 system, as a measure to control, manage, or prevent
18 the introduction or spread of an invasive species.

19 **SEC. 7. USE OF PARTNERSHIPS.**

20 (a) IN GENERAL.—Subject to the requirements of
21 this section, the Secretary concerned may enter into any
22 contract or cooperative agreement with another Federal
23 agency, an eligible State, a political subdivision of an eligi-
24 ble State, or a private individual or entity to assist with
25 the control and management of an invasive species.

1 (b) MEMORANDUM OF UNDERSTANDING.—

2 (1) IN GENERAL.—As a condition of a contract
3 or cooperative agreement under subsection (a), the
4 Secretary concerned and the applicable Federal
5 agency, eligible State, political subdivision of an eli-
6 gible State, or private individual or entity shall enter
7 into a memorandum of understanding that de-
8 scribes—

9 (A) the nature of the partnership between
10 the parties to the memorandum of under-
11 standing; and

12 (B) the control and management activities
13 to be conducted under the contract or coopera-
14 tive agreement.

15 (2) CONTENTS.—A memorandum of under-
16 standing under this subsection shall contain, at a
17 minimum, the following:

18 (A) A prioritized listing of each invasive
19 species to be controlled or managed.

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

22 (C) An estimate of the expected total acres
23 or area infested by the invasive species after
24 control and management of the invasive species
25 is attempted.

1 (D) A description of each specific, inte-
2 grated pest management option to be used, in-
3 cluding a comparative economic assessment to
4 determine the least-costly method.

5 (E) Any map, boundary, or Global Posi-
6 tioning System coordinates needed to clearly
7 identify the area in which each control or man-
8 agement activity is proposed to be conducted.

9 (F) A written assurance that each partner
10 will comply with section 15 of the Federal Nox-
11 ious Weed Act of 1974 (7 U.S.C. 2814).

12 (3) COORDINATION.—If a partner to a contract
13 or cooperative agreement under subsection (a) is an
14 eligible State, political subdivision of an eligible
15 State, or private individual or entity, the memo-
16 randum of understanding under this subsection shall
17 include a description of—

18 (A) the means by which each applicable
19 control or management effort will be coordi-
20 nated; and

21 (B) the expected outcomes of managing
22 and controlling the invasive species.

23 (4) PUBLIC OUTREACH AND AWARENESS EF-
24 FORTS.—If a contract or cooperative agreement
25 under subsection (a) involves any outreach or public

1 awareness effort, the memorandum of understanding
2 under this subsection shall include a list of goals and
3 objectives for each outreach or public awareness ef-
4 fort that have been determined to be efficient to in-
5 form national, regional, State, or local audiences re-
6 garding invasive species control and management.

7 (c) INVESTIGATIONS.—The purpose of any invasive
8 species-related investigation carried out under a contract
9 or cooperative agreement under subsection (a) shall be—

10 (1) to develop solutions and specific rec-
11 ommendations for control and management of
12 invasive species; and

13 (2) specifically to provide faster implementation
14 of control and management methods.

15 **SEC. 8. COORDINATION WITH AFFECTED LOCAL GOVERN-**
16 **MENTS.**

17 Each project and activity carried out pursuant to this
18 Act shall be coordinated with affected local governments,
19 in accordance with section 202(c)(9) of the Federal Land
20 Policy and Management Act of 1976 (43 U.S.C.
21 1712(c)(9)).

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