

115TH CONGRESS
1ST SESSION

S. 509

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

MARCH 2, 2017

Mr. BARRASSO (for himself, Mr. ENZI, Ms. MURKOWSKI, and Mr. RISCH) 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;

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; and

7 (C) the head or a representative of any
 8 other Federal agency the duties of whom re-
 9 quire planning relating to, and the treatment
 10 of, invasive species on Federal land.

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

13 (A) have a high degree of physical and ge-
 14 netic similarity;

15 (B) generally interbreed only among them-
 16 selves; and

17 (C) show persistent differences from mem-
 18 bers of allied groups of organisms.

19 **SEC. 4. FEDERAL EFFORTS TO CONTROL AND MANAGE**
 20 **INVASIVE SPECIES ON FEDERAL LAND.**

21 (a) CONTROL AND MANAGEMENT.—Each Secretary
 22 concerned shall plan and carry out activities on land di-
 23 rectly managed by the Secretary concerned to control and
 24 manage invasive species—

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

3 (2) to effectuate restoration or reclamation ef-
4 forts.

5 (b) STRATEGIC PLAN.—

6 (1) IN GENERAL.—Each Secretary concerned
7 shall develop a strategic plan for the implementation
8 of the invasive species program to achieve, to the
9 maximum extent practicable, a substantive annual
10 net reduction of invasive species populations or in-
11 fested acreage on land managed by the Secretary
12 concerned.

13 (2) COORDINATION.—Each strategic plan under
14 paragraph (1) shall be developed—

15 (A) in coordination with affected—

16 (i) eligible States;

17 (ii) political subdivisions of eligible
18 States; and

19 (iii) federally recognized Indian tribes;

20 and

21 (B) in accordance with the priorities estab-
22 lished by one or more Governors of the eligible
23 States in which an ecosystem affected by an
24 invasive species is located.

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

6 **SEC. 5. PROGRAM FUNDING ALLOCATIONS.**

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

14 (1) the purchase of necessary products, equip-
15 ment, or services to conduct that control and man-
16 agement;

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

21 (3) the use of biological control agents that are
22 proven to be effective to reduce invasive species pop-
23 ulations;

1 (4) the use of revegetation or cultural restora-
2 tion methods designed to improve the diversity and
3 richness of ecosystems; or

4 (5) the use of other effective mechanical or
5 manual control methods.

6 (b) INVESTIGATIONS, OUTREACH, AND PUBLIC
7 AWARENESS.—Of the amount appropriated or otherwise
8 made available to each Secretary concerned for a fiscal
9 year for programs that address or include invasive species
10 management, the Secretary concerned may use not more
11 than 15 percent for investigations, development activities,
12 and outreach and public awareness efforts to address
13 invasive species control and management needs.

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

23 (d) REPORTING REQUIREMENTS.—Not later than 60
24 days after the end of the second fiscal year beginning after

1 the date of enactment of this Act, each Secretary con-
2 cerned shall submit to Congress a report—

3 (1) describing the use by the Secretary con-
4 cerned during the 2 preceding fiscal years of funds
5 for programs that address or include invasive species
6 management; and

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

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

11 (a) **COST-EFFECTIVE METHODS.**—In selecting a
12 method to be used to control or manage an invasive species
13 as part of a specific control or management project, the
14 Secretary concerned shall prioritize the use of the least-
15 costly option, based on sound scientific data and other
16 commonly used, cost-effective benchmarks, in an area to
17 effectively control and manage invasive species.

18 (b) **COMPARATIVE ECONOMIC ASSESSMENT.**—To
19 achieve compliance with subsection (a), the Secretary con-
20 cerned shall require a comparative economic assessment
21 of invasive species control and management methods to
22 be conducted.

23 (c) **CATEGORICAL EXCLUSIONS.**—

24 (1) **IN GENERAL.**—An invasive species control
25 or management project or activity described in para-

graph (2) is categorically excluded from the requirement to prepare an environmental assessment or an environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) during the period for which the Secretary concerned determines that the project or activity is otherwise conducted in accordance with applicable agency procedures, including any land and resource management plan or land use plan applicable to the area.

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

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

(i) directly managed by the Secretary concerned; and

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

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

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

(I) a water body or waterway;

- 1 (II) a railroad line;
- 2 (III) an airport; and
- 3 (IV) a roadside or highway;
- 4 (ii) a water project;
- 5 (iii) a utility or telephone infrastruc-
- 6 ture or right-of-way;
- 7 (iv) a campground;
- 8 (v) a National Heritage Area;
- 9 (vi) a National Monument;
- 10 (vii) a park or other recreational site;
- 11 (viii) a school; or
- 12 (ix) any other similar, valuable infra-
- 13 structure.

14 (d) RELATION TO OTHER AUTHORITY.—

15 (1) OTHER INVASIVE SPECIES CONTROL, PRE-
16 VENTION, AND MANAGEMENT AUTHORITIES.—Noth-
17 ing in this Act precludes the Secretary concerned
18 from pursuing or supporting, pursuant to any other
19 provision of law, any activity regarding the control,
20 prevention, or management of an invasive species,
21 including investigations to improve the control, pre-
22 vention, or management of the invasive species.

23 (2) PUBLIC WATER SUPPLY SYSTEMS.—Nothing
24 in this Act authorizes the Secretary concerned to
25 suspend any water delivery or diversion, or otherwise

1 to prevent the operation of a public water supply
2 system, as a measure to control, manage, or prevent
3 the introduction or spread of an invasive species.

4 **SEC. 7. USE OF PARTNERSHIPS.**

5 (a) IN GENERAL.—Subject to the requirements of
6 this section, the Secretary concerned may enter into any
7 contract or cooperative agreement with another Federal
8 agency, an eligible State, a political subdivision of an eligi-
9 ble State, or a private individual or entity to assist with
10 the control and management of an invasive species.

11 (b) MEMORANDUM OF UNDERSTANDING.—

12 (1) IN GENERAL.—As a condition of a contract
13 or cooperative agreement under subsection (a), the
14 Secretary concerned and the applicable Federal
15 agency, eligible State, political subdivision of an eli-
16 gible State, or private individual or entity shall enter
17 into a memorandum of understanding that de-
18 scribes—

19 (A) the nature of the partnership between
20 the parties to the memorandum of under-
21 standing; and

22 (B) the control and management activities
23 to be conducted under the contract or coopera-
24 tive agreement.

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

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

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

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

12 (D) A description of each specific, inte-
13 grated pest management option to be used, in-
14 cluding a comparative economic assessment to
15 determine the least-costly method.

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

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

23 (3) COORDINATION.—If a partner to a contract
24 or cooperative agreement under subsection (a) is an
25 eligible State, political subdivision of an eligible

1 State, or private individual or entity, the memo-
2 randum of understanding under this subsection shall
3 include a description of—

4 (A) the means by which each applicable
5 control or management effort will be coordi-
6 nated; and

7 (B) the expected outcomes of managing
8 and controlling the invasive species.

9 (4) PUBLIC OUTREACH AND AWARENESS EF-
10 FORTS.—If a contract or cooperative agreement
11 under subsection (a) involves any outreach or public
12 awareness effort, the memorandum of understanding
13 under this subsection shall include a list of goals and
14 objectives for each outreach or public awareness ef-
15 fort that have been determined to be efficient to in-
16 form national, regional, State, or local audiences re-
17 garding invasive species control and management.

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

21 (1) to develop solutions and specific rec-
22 ommendations for control and management of
23 invasive species; and

24 (2) specifically to provide faster implementation
25 of control and management methods.

1 **SEC. 8. COORDINATION WITH AFFECTED LOCAL GOVERN-**
2 **MENTS.**

3 Each project and activity carried out pursuant to this
4 Act shall be coordinated with affected local governments,
5 in accordance with section 202(c)(9) of the Federal Land
6 Policy and Management Act of 1976 (43 U.S.C.
7 1712(c)(9)).

○