

Calendar No. 530

117TH CONGRESS
2D SESSION**S. 557****[Report No. 117–179]**

To establish a pilot program for native plant species, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 3, 2021

Ms. COLLINS (for herself and Ms. CANTWELL) introduced the following bill;
which was read twice and referred to the Committee on Energy and Nat-
ural Resources

OCTOBER 18, 2022

Reported under authority of the order of the Senate of October 14, 2022, by
Mr. MANCHIN, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To establish a pilot program for native plant species, 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 “Native Plant Species
5 Pilot Program Act of 2021”.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) the United States has a significant interest
4 in—

5 (A) preserving the worldwide system of
6 richly varied habitats;

7 (B) protecting native plant biodiversity and
8 the ecosystems that support that biodiversity;
9 and

10 (C) protecting the quality of life of people
11 in the United States;

12 (2) native plants are an inseparable part of the
13 natural beauty of the landscape of the United
14 States, which must be preserved;

15 (3) the extensive root systems of native plants
16 control erosion, moderate floods, filter water to im-
17 prove water quality, decrease the amount of water
18 needed for landscape maintenance, and sequester
19 carbon to combat climate change;

20 (4) native plants provide food and habitat for
21 pollinators and wildlife;

22 (5) native plants supply an important genetic
23 record for future food, agriculture, and plant-derived
24 products;

25 (6) native plant communities are important
26 components of cultural landscapes;

1 (7) the use of native plant materials for res-
 2 toration or enhancement contributes to the preserva-
 3 tion of cultural landscapes;

4 (8) the use of native plant species in revegeta-
 5 tion efforts after construction activities and adjacent
 6 to roadways increases habitat for a variety of polli-
 7 nators and other native animal species;

8 (9) supporting native plant communities within
 9 or adjacent to agricultural areas provides important
 10 wildlife habitat that would not otherwise be avail-
 11 able;

12 (10) the use of native plants in landscaping can
 13 reduce the need for herbicides and water use; and

14 (11) of the 20,000 known native plant species
 15 in North America, it has been estimated that nearly
 16 25 to 30 percent are at risk of extinction as a result
 17 of factors such as habitat loss, invasive species, tem-
 18 perature shifts, and pesticide use.

19 **SEC. 3. DEFINITIONS.**

20 In this Act:

21 (1) **CONTROL.**—The term “control” means,
 22 with respect to invasive species, containing, sup-
 23 pressing, or reducing populations of invasive species.

1 (2) ERADICATE.—The term “eradicate” means,
2 with respect to invasive species, removing or destroy-
3 ing an entire population of invasive species.

4 (3) INVASIVE SPECIES.—The term “invasive
5 species” means, with respect to a particular eco-
6 system, a nonnative organism, the introduction of
7 which causes or is likely to cause economic or envi-
8 ronmental harm or harm to human, animal, or plant
9 health.

10 (4) LOCALLY ADAPTED.—The term “locally
11 adapted” means, with respect to plants, plants
12 that—

13 (A) originate from an area that is geo-
14 graphically proximate to a planting area; and

15 (B) are environmentally adapted to and
16 likely to become established and persist in that
17 planting area.

18 (5) NATIONAL PARK SERVICE REGION.—The
19 term “National Park Service region” means each of
20 the following unified Interior regions designated by
21 the Secretary of the Interior:

22 (A) Alaska.

23 (B) Arkansas-Rio Grande-Texas-Gulf.

24 (C) Columbia-Pacific Northwest.

25 (D) California-Great Basin.

1 ~~(E) Great Lakes.~~

2 ~~(F) Lower Colorado-Basin.~~

3 ~~(G) Mississippi-Basin.~~

4 ~~(H) Missouri-Basin.~~

5 ~~(I) North Atlantic-Appalachian.~~

6 ~~(J) Pacific Islands.~~

7 ~~(K) South Atlantic-Gulf.~~

8 ~~(L) Upper Colorado-Basin.~~

9 ~~(6) NATIVE PLANT SPECIES.—The term “native~~
 10 ~~plant species” means, with respect to a particular~~
 11 ~~ecosystem, a species that, other than as a result of~~
 12 ~~an introduction, historically occurred or currently oc-~~
 13 ~~curs in that ecosystem.~~

14 ~~(7) NONNATIVE OR ALIEN.—The term “non-~~
 15 ~~native or alien” means, with respect to a particular~~
 16 ~~ecosystem, an organism, including the seeds, eggs,~~
 17 ~~spores, or other biological material of the organism~~
 18 ~~capable of propagating that species, that occurs out-~~
 19 ~~side of the natural range of the organism.~~

20 ~~(8) PLANT MATERIAL.—The term “plant mate-~~
 21 ~~rial” means a plant or the seeds, eggs, spores, or~~
 22 ~~other biological material of a plant capable of propa-~~
 23 ~~gating the species of the plant.~~

1 (9) SECRETARY.—The term “Secretary” means
 2 the Secretary of the Interior, acting through the Di-
 3 rector of the National Park Service.

4 **SEC. 4. PILOT PROGRAM FOR NATIVE PLANT SPECIES.**

5 (a) ESTABLISHMENT.—Not later than 180 days after
 6 the date of enactment of this Act, the Secretary shall es-
 7 tablish a pilot program in 2 or more National Park Service
 8 regions to promote the use of native plant materials.

9 (b) IMPLEMENTATION.—In carrying out land man-
 10 agement activities on Federal land under the jurisdiction
 11 of the Secretary, including maintenance and restoration
 12 in response to degradation caused by human activity or
 13 natural events (such as fire, flood, or infestation), the Sec-
 14 retary shall—

15 (1) to the extent practicable, give preference to
 16 the use of locally adapted native plant materials;

17 (2) incorporate efforts to prevent, control, or
 18 eradicate the spread of invasive species; and

19 (3) identify situations in which the use of non-
 20 native or alien plant materials may be warranted, in-
 21 cluding situations in which—

22 (A) emergency conditions require the pro-
 23 tection of basic resource values;

1 ~~(B)~~ an interim nonpersistent measure is
 2 needed to aid in the reestablishment of a native
 3 plant species;

4 ~~(C)~~ native plant materials are not reason-
 5 ably available; and

6 ~~(D)~~ the plant community subject to a land
 7 management activity has been permanently al-
 8 tered.

9 ~~(c)~~ COORDINATION.—To accelerate the adoption of
 10 native plants throughout programs of the Department of
 11 the Interior, the Secretary shall, in carrying out the pilot
 12 program, coordinate activities with—

13 ~~(1)~~ the National Seed Strategy of the Bureau
 14 of Land Management;

15 ~~(2)~~ the Plant Conservation Alliance; and

16 ~~(3)~~ the Plant Materials Centers of the Natural
 17 Resources Conservation Service.

18 ~~(d)~~ DURATION.—The authority to carry out the pilot
 19 program terminates on the date that is 5 years after the
 20 date on which the pilot program is established under sub-
 21 section ~~(a)~~.

22 ~~(e)~~ REPORT.—Not later than 1 year after the date
 23 on which the authority to carry out the pilot program ter-
 24 minates under subsection ~~(d)~~, the Secretary shall submit

1 to Congress a report describing the results of the pilot pro-
 2 gram.

3 (f) ~~AUTHORIZATION OF APPROPRIATIONS.~~—There
 4 are authorized to be appropriated such sums as are nec-
 5 essary to carry out this Act.

6 **SEC. 5. STUDY ON COST-EFFECTIVENESS OF USING NATIVE**
 7 **PLANT MATERIALS IN CARRYING OUT LAND**
 8 **MANAGEMENT ACTIVITIES ON FEDERAL**
 9 **LAND.**

10 (a) ~~IN GENERAL.~~—As soon as practicable after the
 11 date of enactment of this Act, the Secretary shall, con-
 12 sistent with section 4, conduct a study to review existing
 13 data to determine the cost-effectiveness of using native
 14 plant materials in land management activities on Federal
 15 land under the jurisdiction of the Secretary or other Fed-
 16 eral land management agencies.

17 (b) ~~REPORT.~~—Not later than 1 year after the date
 18 of enactment of this Act, the Secretary shall submit to
 19 the Committee on Energy and Natural Resources of the
 20 Senate and the Committee on Natural Resources of the
 21 House of Representatives a report describing the results
 22 of the study required under subsection (a).

23 **SECTION 1. SHORT TITLE.**

24 *This Act may be cited as the “Native Plant Species*
 25 *Pilot Program Act of 2022”.*

1 **SEC. 2. PILOT PROGRAM FOR NATIVE PLANT SPECIES.**

2 (a) *ESTABLISHMENT*.—Not later than 180 days after
3 the date on which funds are made available to carry out
4 this Act, the Secretary of the Interior (referred to in this
5 section as the “Secretary”) shall, in accordance with any
6 existing laws and management policies, carry out a pilot
7 program to prioritize the use of native plant species within
8 geographically diverse units of the National Park System
9 and public land administered by the Bureau of Land Man-
10 agement.

11 (b) *IMPLEMENTATION*.—In carrying out the pilot pro-
12 gram under subsection (a), the Secretary shall, to the extent
13 practicable—

14 (1) give preference to the use of locally adapted
15 native plant materials where appropriate;

16 (2) incorporate efforts to prevent, control, or
17 eradicate the spread of invasive species;

18 (3) incorporate efforts to use native plants in
19 areas that have experienced a recent wildfire event;
20 and

21 (4) identify situations in which the use of non-
22 native plants may be warranted.

23 (c) *COORDINATION*.—The Secretary shall, in carrying
24 out the pilot program under subsection (a), coordinate ac-
25 tivities with—

1 (1) *the National Seed Strategy of the Bureau of*
2 *Land Management;*

3 (2) *the Plant Conservation Alliance; and*

4 (3) *the Plant Materials Centers of the Natural*
5 *Resources Conservation Service.*

6 (d) *TERMINATION OF AUTHORITY.—The authority to*
7 *carry out the pilot program under subsection (a) terminates*
8 *on the date that is 5 years after the date on which the pilot*
9 *program is established under that subsection.*

10 (e) *REPORT.—Not later than 1 year after the date on*
11 *which the authority to carry out the pilot program termi-*
12 *nates under subsection (d), the Secretary shall submit to*
13 *Congress a report describing—*

14 (1) *the results of the pilot program carried out*
15 *under subsection (a); and*

16 (2) *the cost-effectiveness of using native plants in*
17 *units of the National Park System and public land*
18 *administered by the Bureau of Land Management.*

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