

117TH CONGRESS  
1ST SESSION

# H. R. 1389

To amend the Plant Protection Act for purposes of mitigating the threat of invasive species, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 25, 2021

Mr. WELCH (for himself, Ms. KUSTER, Mr. PAPPAS, and Ms. STEFANIK) introduced the following bill; which was referred to the Committee on Agriculture

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## A BILL

To amend the Plant Protection Act for purposes of mitigating the threat of invasive 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 “Invasive Species Pre-  
5 vention and Forest Restoration Act”.

6 **SEC. 2. EXPANDING EMERGENCY AUTHORITY WITH RE-**  
7 **SPECT TO INVASIVE SPECIES.**

8 (a) IN GENERAL.—Subsection (a) of section 442 of  
9 the Plant Protection Act (7 U.S.C. 7772) is amended by

1 striking “noxious weed threatens” and inserting “noxious  
2 weed directly or indirectly threatens”.

3 (b) EMERGENCY DEFINED.—Section 442 of the  
4 Plant Protection Act (7 U.S.C. 7772) is amended by add-  
5 ing at the end the following new subsection:

6 “(d) EMERGENCY DEFINED.—In this section, the  
7 term ‘emergency’ means an outbreak of a plant pest or  
8 noxious weed that the Secretary determines is occurring  
9 at a time during which insufficient Federal funds are  
10 available to timely achieve the arrest, control, eradication,  
11 or prevention of the spread of such plant pest or noxious  
12 weed.”.

13 (c) DISBURSEMENT OF FUNDS.—Subsection (b) of  
14 section 442 of the Plant Protection Act (7 U.S.C. 7772)  
15 is amended by adding at the end the following: “Any funds  
16 so transferred with respect to a designation of an emer-  
17 gency under subsection (a) shall be transferred not later  
18 than 60 days after the date on which such designation  
19 is made.”.

20 **SEC. 3. FOREST RECLAMATION GRANTS.**

21 Subtitle K of the National Agricultural Research, Ex-  
22 tension, and Teaching Policy Act of 1977 (7 U.S.C. 3310  
23 et seq.) is amended by adding at the end the following  
24 new section:

1 **“SEC. 1473H. FOREST RECLAMATION GRANTS.**

2       “(a) ESTABLISHMENT OF PROGRAM.—The Sec-  
3 retary, for purposes of addressing the critical threat to  
4 numerous tree species posed by non-native plant pests and  
5 noxious weeds, shall award competitive grants to eligible  
6 institutions under which such eligible institutions—

7               “(1) conduct research to promote the restora-  
8 tion of affected tree species, including research on—

9                       “(A) biological control of plant pests or  
10 noxious weeds threatening native tree species  
11 heavily damaged by non-native pests;

12                       “(B) exploration of genetic manipulation of  
13 plant pests or noxious weeds;

14                       “(C) enhancement of host-resistance mech-  
15 anisms; and

16                       “(D) development of other strategies for  
17 restoring individual tree species; and

18               “(2) develop and disseminate to the public tools  
19 and information based on the research conducted  
20 under this section.

21       “(b) ELIGIBLE INSTITUTIONS.—An entity eligible to  
22 receive a grant under this section is any of the following:

23               “(1) An agency of the Federal Government.

24               “(2) A State cooperative institution.

1           “(3) A college or university offering a bacca-  
2           laureate or higher degree in the study of food, for-  
3           estry, and agricultural sciences.

4           “(4) A nonprofit entity described in section  
5           501(c)(3) of the Internal Revenue Code (and exempt  
6           from tax under section 501(a) of such Code).

7           “(c) APPLICATION.—Each eligible institution seeking  
8           to receive a grant under this section shall submit a com-  
9           prehensive forest restoration research program to the Sec-  
10          retary at such time, in such manner, and containing such  
11          information as the Secretary may require.

12          “(d) USE OF FUNDS.—

13                 “(1) IN GENERAL.—An eligible institution re-  
14                 ceiving a grant under this section may use funds re-  
15                 ceived through such grant only to conduct research  
16                 intended to address specific questions related to the  
17                 recovery of tree species native to the United States  
18                 suffering severe levels of mortality caused by non-na-  
19                 tive plant pests or noxious weeds.

20                 “(2) MATCHING REQUIREMENT.—An eligible in-  
21                 stitution receiving a grant under this section shall  
22                 provide matching funds from non-Federal sources in  
23                 an amount equal to not less than 20 percent of the  
24                 grant. Indirect costs charged against a grant award-  
25                 ed under this section shall not exceed 30 percent of

1 the total Federal funds provided under the grant  
2 award.

3 “(3) MAXIMUM AMOUNT OF GRANTS.—The  
4 total amount of grant funding a grant recipient is  
5 eligible to receive under this section shall not exceed  
6 \$400,000 per year.

7 “(e) COOPERATION AMONG ELIGIBLE INSTITU-  
8 TIONS.—The Secretary, to the maximum extent prac-  
9 ticable, shall encourage eligible institutions to cooperate  
10 in setting research priorities under this section.

11 “(f) ADMINISTRATION.—In carrying out this sub-  
12 section, the Secretary shall—

13 “(1) establish a committee of experts composed  
14 of representatives of the Forest Service, the Animal  
15 and Plant Health Inspection Service, the Agricul-  
16 tural Research Service, and State forestry agencies  
17 to advise the Secretary on criteria appropriate for—

18 “(A) defining research topics eligible for  
19 funding under this section;

20 “(B) reviewing grant proposals’ adherence  
21 to the purposes specified in subsection (a)(1);  
22 and

23 “(C) membership in scientific peer review  
24 panels to review grant applications;

1           “(2) establish an advisory committee composed  
2 of representatives of land-grant colleges and univer-  
3 sities and affiliated State agricultural experiment  
4 stations, the forest products industry, recreationists,  
5 and conservation organizations to assist the com-  
6 mittee of experts established under paragraph (1)  
7 with respect to the responsibilities of such committee  
8 specified in subparagraphs (A), (B), and (C) of such  
9 paragraph; and

10           “(3) submit, beginning one year after the date  
11 on which the first grant is awarded under this sec-  
12 tion, and annually thereafter, to the Committee on  
13 Agriculture of the House of Representatives and the  
14 Committee on Agriculture, Nutrition, and Forestry  
15 of the Senate a report on the use of funds under  
16 this section in the previous year.

17           “(g) FUNDING.—Of the funds available to the Com-  
18 modity Credit Corporation, the Secretary shall make avail-  
19 able to carry out this section—

20           “(1) \$3,000,000 for fiscal year 2022;

21           “(2) \$5,000,000 for fiscal year 2023;

22           “(3) \$8,000,000 for fiscal year 2024; and

23           “(4) \$10,000,000 for fiscal year 2025.

24           “(h) DEFINITIONS.—In this section and in section  
25 1473I, the terms ‘plant pest’ and ‘noxious weed’ have the

1 meanings given such terms in section 403 of the Plant  
2 Protection Act (7 U.S.C. 7702).”.

3 **SEC. 4. FOREST RESTORATION IMPLEMENTATION GRANTS.**

4 Subtitle K of the National Agricultural Research, Ex-  
5 tension, and Teaching Policy Act of 1977 (7 U.S.C. 3310  
6 et seq.), as amended by section 3, is further amended by  
7 adding at the end the following new section:

8 **“SEC. 1473I. FOREST RESTORATION IMPLEMENTATION**  
9 **GRANTS.**

10 “(a) IN GENERAL.—The Secretary may award grants  
11 on a competitive basis under this section to eligible entities  
12 to support—

13 “(1) the implementation of research conducted  
14 pursuant to section 1473H; or

15 “(2) any other solution that the committee es-  
16 tablished under subsection (f)(1) of such section de-  
17 termines to be an effective solution to restore forest  
18 tree species native to forests in the United States  
19 that have suffered severe levels of mortality caused  
20 by non-native plant pests or noxious weeds.

21 “(b) ELIGIBLE ENTITIES.—An entity eligible to re-  
22 ceive a grant under this section is any of the following:

23 “(1) A cooperating forestry school.

24 “(2) A land-grant college or university.

25 “(3) A State agricultural experimental station.

1           “(4) A non-profit, non-governmental organiza-  
2           tion.

3           “(c) APPLICATION.—Each eligible institution seeking  
4 to receive a grant under this section shall submit an appli-  
5 cation to the Secretary at such time, in such manner, and  
6 containing such information as the Secretary may require.  
7 Such application shall demonstrate to the satisfaction of  
8 the Secretary that the entity has a program in effect with  
9 a forest restoration strategy that incorporates a majority  
10 of the following components:

11           “(1) Collection and conservation of native tree  
12           genetic material.

13           “(2) Production of propagules of native trees in  
14           numbers large enough for landscape scale restora-  
15           tion.

16           “(3) Preparation of planting sites in former  
17           habitats of the native tree species that is the subject  
18           of the proposal.

19           “(4) Planting of native tree seedlings.

20           “(5) Post-planting maintenance of native trees.

21           “(d) SELECTION CRITERIA.—The Secretary shall se-  
22 lect an eligible entity to receive a grant under this section  
23 based on the degree to which the entity’s application ad-  
24 dresses the following criteria:



1           “(1) Risk posed to the forests of the State in  
2           which the work is to be conducted by non-native  
3           plant pest or noxious weed species present in the  
4           State.

5           “(2) The proportion of such State’s forest com-  
6           posed of species vulnerable to non-native plant pests  
7           or noxious weeds present in the United States.

8           “(3) The non-native plant pests or noxious  
9           weeds’ rate of spread via natural or human-assisted  
10          means.

11          “(4) The environmental and public health safe-  
12          ty of the proposed project, as demonstrated by sup-  
13          porting research.

14          “(e) MATCHING REQUIREMENT.—An eligible institu-  
15          tion receiving a grant under this section shall provide  
16          matching funds from non-Federal sources in an amount  
17          equal to not less than 10 percent of the grant. Indirect  
18          costs charged against a grant awarded under this section  
19          shall not exceed 30 percent of the total Federal funds pro-  
20          vided under the grant award.

21          “(f) AUTHORIZATION OF APPROPRIATIONS.—

22                 “(1) IN GENERAL.—There are authorized to be  
23                 appropriated to carry out this section \$25,000,000  
24                 for each fiscal years 2022 through 2025.

1           “(2) LIMITATION.—Of the funds made available  
2           under paragraph (1) for a fiscal year, not more than  
3           5 percent of such amounts may be used by the Sec-  
4           retary for expenses related to administering the pro-  
5           gram under this section.”.

6 **SEC. 5. STUDY ON PROTECTION OF FORESTS FROM NON-**  
7           **NATIVE PESTS AND PATHOGENS.**

8           (a) FINDINGS.—Congress makes the following find-  
9           ings:

10           (1) many separate Federal agencies have impor-  
11           tant roles to play in addressing non-native plant  
12           pests and pathogens for stewardship and manage-  
13           ment of American forests;

14           (2) because of a lack of national policy non-na-  
15           tive pests of forests have a low priority within all  
16           Federal agencies;

17           (3) efforts to prevent the introduction and  
18           spread of such pests and pathogens, and especially  
19           to reduce the resulting damage and restore tree spe-  
20           cies to forests, lack coordination and action.

21           (b) STUDY.—The Secretary of Agriculture shall enter  
22           into an agreement with the National Academy of Sciences,  
23           or another nongovernmental entity the Secretary deter-  
24           mines to be most appropriate, under which the National  
25           Academy of Sciences (or such other entity) will analyze

1 available resources in Federal agencies for research of,  
2 and solutions to non-native forest pests and pathogens.

3 Such study shall make recommendations with respect to—

4           (1) establishing a national policy to counter ef-  
5           fectively the threat posed by non-native insects and  
6           disease pathogens to tree species, including pre-  
7           venting the introduction and spread of such pests,  
8           minimizing the damage caused by such pests, and  
9           restoring affected tree species to the forest;

10           (2) correcting the lack of mission identification  
11           and leadership among Federal agencies with respon-  
12           sibility for management and repair of the decimation  
13           of affected species and associated ecological destruc-  
14           tion;

15           (3) addressing the low prioritization by such  
16           agencies of non-native pests of forests;

17           (4) identifying expertise and site and facility re-  
18           sources within such agencies, and improving coordi-  
19           nation among such agencies with respect to manage-  
20           ment of such damage, including coordination with  
21           academic institutions and other appropriate non-  
22           profits; and

23           (5) the establishment within the Department of  
24           Agriculture of a center for forest pest control, pre-  
25           vention, and species restoration, including potential

1 organizational structures of such a center, with an  
2 emphasis on including representation of a wide vari-  
3 ety of appropriate agencies within the center, includ-  
4 ing the Animal and Plant Health Inspection Service,  
5 the Agriculture Research Service, the National Insti-  
6 tute of Food and Agriculture, the Natural Resources  
7 Conservation Service, the Forest Service, and any  
8 other agency the Secretary determines is appro-  
9 priate.

10 (c) CONSULTATION.—The agreement referred to in  
11 subsection (b) shall require the National Academy of  
12 Sciences (or such other entity), in conducting such study,  
13 to consult with specialists in entomology, genetics, forest  
14 pathology, tree breeding, forest and urban ecology, and  
15 invasive species management.

16 (d) USE OF EXISTING RESOURCES.—The agreement  
17 referred to in subsection (b) shall require the National  
18 Academy of Sciences (or such other entity), in making rec-  
19 ommendations pursuant to the study conducted under  
20 such subsection, to make recommendations that use exist-  
21 ing Federal resources and may be implemented through  
22 further legislative and administrative action for authoriza-  
23 tion of mission, hiring of leadership, and appropriate fund-  
24 ing.

1           (e) REPORT TO CONGRESS.—The agreement referred  
2 to in subsection (b) shall require the National Academy  
3 of Sciences (or such other entity) to, not later than one  
4 year after the date of the enactment of this Act, submit  
5 to the Congress a report of the results of the study con-  
6 ducted pursuant to such agreement that contains rec-  
7 ommendations for legislative action.

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