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(Original Signature of Member)

118TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

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

Ms. BALINT introduced the following bill; which was referred to the Committee on \_\_\_\_\_

\_\_\_\_\_  
**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”.

1 **SEC. 2. EMERGENCY AUTHORITY WITH RESPECT TO**  
2 **INVASIVE SPECIES.**

3 Section 442 of the Plant Protection Act (7 U.S.C.  
4 7772) is amended—

5 (1) in subsection (a), by inserting “directly or  
6 indirectly” before “threatens”;

7 (2) in subsection (b)—

8 (A) by striking “shall remain” and insert-  
9 ing the following: “shall—  
10 “(1) remain”;

11 (B) in paragraph (1) (as so designated), by  
12 striking the period at the end and inserting “;  
13 and”; and

14 (C) by adding at the end the following:

15 “(2) be transferred not later than 60 days after  
16 the date on which the Secretary determines that  
17 there is an emergency described in subsection (a).”;

18 (3) by redesignating subsection (c) as sub-  
19 section (d); and

20 (4) by inserting after subsection (b) the fol-  
21 lowing:

22 “(c) **EMERGENCY DETERMINATION.**—In determining  
23 whether there is an emergency described in subsection (a),  
24 the Secretary shall consider, but shall not treat as a dis-  
25 positive factor, whether there are sufficient Federal funds  
26 available to timely achieve the arrest, control, eradication,

1 or prevention of the spread of the applicable plant pest  
2 or noxious weed.”.

3 **SEC. 3. FOREST RECLAMATION 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.) is amended by adding at the end the following:

7 **“SEC. 1473I. FOREST RECLAMATION GRANTS.**

8 “(a) DEFINITIONS.—In this section:

9 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-  
10 tity’ means any of the following:

11 “(A) A Federal agency.

12 “(B) A State cooperative institution.

13 “(C) A college or university offering a bac-  
14 calaureate or higher degree in the study of  
15 food, forestry, and agricultural sciences.

16 “(D) An organization described in section  
17 501(c)(3) of the Internal Revenue Code of 1986  
18 and exempt from taxation under section 501(a)  
19 of that Code.

20 “(2) NOXIOUS WEED; PLANT PEST.—The terms  
21 ‘noxious weed’ and ‘plant pest’ have the meanings  
22 given those terms in section 403 of the Plant Pro-  
23 tection Act (7 U.S.C. 7702).

24 “(b) GRANT AWARDS.—For purposes of addressing  
25 the critical threat to numerous tree species posed by non-

1 native plant pests and noxious weeds, the Secretary shall  
2 award competitive grants to eligible entities under which  
3 the eligible entities shall—

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

6 “(A) biological control of nonnative plant  
7 pests or noxious weeds threatening or heavily  
8 damaging native tree species;

9 “(B) exploration of genetic manipulation of  
10 plant pests or noxious weeds;

11 “(C) enhancement of pest-resistance mech-  
12 anisms of hosts; and

13 “(D) development of other strategies for  
14 restoring individual tree species; and

15 “(2) develop, and disseminate to the public,  
16 tools and information based on the research con-  
17 ducted under paragraph (1).

18 “(c) APPLICATIONS.—An eligible entity seeking to re-  
19 ceive a grant under this section shall submit to the Sec-  
20 retary an application at such time, in such manner, and  
21 containing such information as the Secretary may require,  
22 including a description of a comprehensive forest restora-  
23 tion research program to be carried out by the eligible en-  
24 tity using the funds received through the grant.

25 “(d) USE OF FUNDS.—

1           “(1) IN GENERAL.—An eligible entity receiving  
2 a grant under this section shall use the funds re-  
3 ceived through the grant to conduct research in-  
4 tended to address specific questions relating to the  
5 recovery of tree species that are native to the United  
6 States and suffering severe levels of mortality caused  
7 by nonnative plant pests or noxious weeds.

8           “(2) MATCHING REQUIREMENT.—

9           “(A) IN GENERAL.—An eligible entity re-  
10 ceiving a grant under this section shall provide  
11 matching funds from non-Federal sources in an  
12 amount equal to not less than 20 percent of the  
13 grant.

14           “(B) INDIRECT COSTS.—

15           “(i) IN GENERAL.—Indirect costs  
16 charged against a grant awarded under  
17 this section shall not exceed 30 percent of  
18 the total Federal funds provided under the  
19 grant award.

20           “(ii) INCLUSIONS.—Indirect costs de-  
21 scribed in clause (i) shall include—

22           “(I) equipment used in relation  
23 to the grant;

1                   “(II) capital improvements of fa-  
2                   cilities that are necessary to carry out  
3                   the grant;

4                   “(III) accounting costs, personnel  
5                   costs, and administrative costs in-  
6                   curred by an eligible entity necessary  
7                   to carry out the grant; and

8                   “(IV) such other costs as the  
9                   Secretary determines to be appro-  
10                  prium.

11                  “(3) MAXIMUM AMOUNT OF GRANTS.—An eligi-  
12                  ble entity may not receive more than a total of  
13                  \$400,000 per year in grant funding under this sec-  
14                  tion.

15                  “(e) COOPERATION AMONG ELIGIBLE ENTITIES.—  
16                  To the maximum extent practicable, the Secretary shall  
17                  encourage eligible entities to cooperate in setting research  
18                  priorities under this section.

19                  “(f) COMMITTEES.—In carrying out this section, the  
20                  Secretary shall—

21                  “(1) establish a committee of experts composed  
22                  of representatives of the Forest Service, the Animal  
23                  and Plant Health Inspection Service, the Agricul-  
24                  tural Research Service, and State forestry agencies  
25                  to advise the Secretary on criteria appropriate for—

1           “(A) defining research topics eligible for  
2 funding under this section;

3           “(B) reviewing the adherence of grant pro-  
4 posals to the purposes described in subsection  
5 (b)(1); and

6           “(C) membership in scientific peer review  
7 panels to review grant applications under this  
8 section; and

9           “(2) establish an advisory committee composed  
10 of representatives of land-grant colleges and univer-  
11 sities and affiliated State agricultural experiment  
12 stations, the forest products industry, recreationists,  
13 and professional forester, conservation, and con-  
14 servation scientist organizations to assist the com-  
15 mittee of experts established under paragraph (1)  
16 with respect to the responsibilities of that committee  
17 described in subparagraphs (A), (B), and (C) of that  
18 paragraph.

19           “(g) REPORTS.—Not later than 1 year after the date  
20 on which the first grant is awarded under this section,  
21 and annually thereafter, the Secretary shall submit to the  
22 Committee on Agriculture of the House of Representatives  
23 and the Committee on Agriculture, Nutrition, and For-  
24 estry of the Senate a report describing the use of funds  
25 under this section in the previous year.

1 “(h) FUNDING.—Of the funds of the Commodity  
2 Credit Corporation, the Secretary shall use to carry out  
3 this section—

4 “(1) \$3,000,000 for fiscal year 2023;

5 “(2) \$5,000,000 for fiscal year 2024;

6 “(3) \$8,000,000 for fiscal year 2025; and

7 “(4) \$10,000,000 for fiscal year 2026.”.

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

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

13 **“SEC. 1473J. FOREST RESTORATION IMPLEMENTATION**  
14 **GRANTS.**

15 “(a) DEFINITIONS.—In this section:

16 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-  
17 tity’ means any of the following:

18 “(A) A cooperating forestry school.

19 “(B) A land-grant college or university.

20 “(C) A State agricultural experimental sta-  
21 tion.

22 “(D) An organization described in section  
23 501(c)(3) of the Internal Revenue Code of 1986  
24 and exempt from taxation under section 501(a)  
25 of that Code.



1                   “(E) A Federal agency.

2                   “(2) NOXIOUS WEED; PLANT PEST.—The terms  
3           ‘noxious weed’ and ‘plant pest’ have the meanings  
4           given those terms in section 403 of the Plant Pro-  
5           tection Act (7 U.S.C. 7702).

6                   “(b) GRANT AWARDS.—The Secretary may award  
7           grants on a competitive basis under this section to eligible  
8           entities to support—

9                   “(1) the implementation of research conducted  
10           under section 1473I; or

11                   “(2) any other solution that the committee es-  
12           tablished under subsection (f)(1) of that section de-  
13           termines to be effective in restoring forest tree spe-  
14           cies native to forests in the United States that have  
15           suffered severe levels of mortality caused by non-  
16           native plant pests or noxious weeds.

17                   “(c) APPLICATION.—An eligible entity seeking to re-  
18           ceive a grant under this section shall submit to the Sec-  
19           retary an application at such time, in such manner, and  
20           containing such information as the Secretary may require,  
21           including a demonstration that the eligible entity has a  
22           program in effect with a forest restoration strategy that  
23           incorporates a majority of the following components:

24                   “(1) Collection and conservation of native tree  
25           genetic material.

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

4           “(3) Preparation of planting sites in former  
5 habitats of the native tree species that are the sub-  
6 jects of the application.

7           “(4) Planting of native tree seedlings.

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

9           “(d) SELECTION CRITERIA.—The Secretary shall se-  
10 lect an eligible entity to receive a grant under this section  
11 based on the degree to which the application submitted  
12 by the eligible entity under subsection (c) addresses the  
13 following criteria:

14           “(1) The risk posed to the forests of the State  
15 in which the work is to be conducted using funding  
16 received through the grant by nonnative plant pest  
17 or noxious weed species present in the State.

18           “(2) The proportion of the forest land of the  
19 State composed of species vulnerable to nonnative  
20 plant pests or noxious weeds present in the United  
21 States.

22           “(3) The rate of spread in the State, through  
23 natural or human-assisted means, of nonnative plant  
24 pests or noxious weeds.

1           “(4) The environmental and public health safe-  
2           ty of the project proposed to be conducted using  
3           funding received through the grant, as demonstrated  
4           by supporting research.

5           “(e) MATCHING REQUIREMENT.—

6           “(1) IN GENERAL.—An eligible entity receiving  
7           a grant under this section shall provide matching  
8           funds from non-Federal sources in an amount equal  
9           to not less than 10 percent of the grant.

10          “(2) INDIRECT COSTS.—

11           “(A) IN GENERAL.—Indirect costs charged  
12           against a grant awarded under this section  
13           shall not exceed 30 percent of the total Federal  
14           funds provided under the grant award.

15           “(B) INCLUSIONS.—Indirect costs de-  
16           scribed in subparagraph (A) shall include—

17                   “(i) equipment used in relation to the  
18                   grant;

19                   “(ii) capital improvements of facilities  
20                   that are necessary to carry out the grant;

21                   “(iii) accounting costs, personnel  
22                   costs, and administrative costs incurred by  
23                   an eligible entity necessary to carry out the  
24                   grant; and

1                   “(iv) such other costs as the Secretary  
2                   determines to be appropriate.

3           “(f) FUNDING.—

4                   “(1) IN GENERAL.—Of the funds of the Com-  
5                   modity Credit Corporation, the Secretary shall use  
6                   to carry out this section \$25,000,000 for each of fis-  
7                   cal years 2023 through 2026.

8                   “(2) LIMITATION.—Of the funds made available  
9                   under paragraph (1) for a fiscal year, not more than  
10                  5 percent may be used by the Secretary for expenses  
11                  relating to the administration of this section.”.

12 **SEC. 5. STUDY ON PROTECTION OF FORESTS FROM NON-**  
13 **NATIVE PLANT PESTS AND PATHOGENS.**

14           (a) FINDINGS.—Congress finds that—

15                   (1) many Federal agencies have important roles  
16                   to play in addressing nonnative plant pests and  
17                   pathogens in the stewardship and management of  
18                   forests by those Federal agencies;

19                   (2) because of a lack of national policy, non-  
20                   native plant pests and pathogens of forests are a low  
21                   priority for all Federal agencies; and

22                   (3) efforts to prevent the introduction and  
23                   spread of nonnative plant pests and pathogens, and  
24                   especially to reduce the resulting damage and re-

1 store tree species to forests, lack coordination and  
2 action.

3 (b) STUDY.—

4 (1) IN GENERAL.—The Secretary of Agriculture  
5 (referred to in this section as the “Secretary”) shall  
6 seek to enter into an agreement (referred to in this  
7 section as the “Agreement”) with the National  
8 Academy of Sciences, or another nongovernmental  
9 entity that the Secretary determines to be most ap-  
10 propriate, under which the National Academy of  
11 Sciences or other entity, as applicable, not later than  
12 1 year after the date of enactment of this Act, shall  
13 conduct, and submit to Congress a report describing  
14 the results of, a study to analyze the available re-  
15 sources that Federal agencies have to research, and  
16 find solutions to, nonnative plant pests and patho-  
17 gens.

18 (2) RECOMMENDATIONS.—The report sub-  
19 mitted pursuant to paragraph (1) shall include rec-  
20 ommendations—

21 (A) with respect to—

22 (i) establishing a national policy to ef-  
23 fectively counter the threat posed by non-  
24 native pests and disease pathogens to tree  
25 species, including preventing the introduc-

1                   tion and spread of those pests and patho-  
2                   gens, minimizing the damage caused by  
3                   those pests and pathogens, and restoring  
4                   affected tree species to the forest;

5                   (ii) improving coordination and co-  
6                   operation among Federal agencies with re-  
7                   sponsibility for management and repair of  
8                   the decimation of tree species affected by  
9                   nonnative pests and disease pathogens and  
10                  associated ecological destruction;

11                  (iii) addressing the low prioritization  
12                  by the Federal agencies described in clause  
13                  (ii) of nonnative plant pests and pathogens  
14                  affecting forests and trees;

15                  (iv)(I) identifying expertise and site  
16                  and facility resources within the Federal  
17                  agencies described in clause (ii); and

18                  (II) improving coordination among  
19                  those agencies with respect to the manage-  
20                  ment and repair described in clause (ii),  
21                  including coordination with academic insti-  
22                  tutions and other appropriate nonprofit or-  
23                  ganizations;

24                  (v) the establishment of a center for  
25                  nonnative forest pest control, prevention,

1 and species restoration within the Depart-  
2 ment of Agriculture, including potential or-  
3 ganizational structures of such a center,  
4 with an emphasis on including representa-  
5 tion of a wide variety of appropriate agen-  
6 cies within the center, including the Ani-  
7 mal and Plant Health Inspection Service,  
8 the Agriculture Research Service, the Na-  
9 tional Institute of Food and Agriculture,  
10 the Natural Resources Conservation Serv-  
11 ice, the Forest Service, and any other  
12 agency that the Secretary determines is  
13 appropriate; and

14 (vi)(I) giving priority to the emer-  
15 gency response of the Department of Agri-  
16 culture to an emergency relating to non-  
17 native pests and disease pathogens;

18 (II) clarifying the coordination of the  
19 Department of Agriculture with other Fed-  
20 eral agencies in responding to those emer-  
21 gencies; and

22 (III) identifying funding levels suffi-  
23 cient to carry out responses to those emer-  
24 gencies; and

25 (B) that—

1 (i) take into account existing Federal  
2 resources; and

3 (ii) may be implemented through fur-  
4 ther legislative and administrative action.

5 (3) CONSULTATION.—The Agreement shall re-  
6 quire the National Academy of Sciences or other en-  
7 tity, as applicable, to consult with specialists in ento-  
8 mology, genetics, forest pathology, tree breeding,  
9 forest and urban ecology, and invasive species man-  
10 agement.