

108TH CONGRESS  
1ST SESSION

# H. R. 266

To establish the National Invasive Species Council, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 8, 2003

Mr. EHLERS (for himself and Mr. GILCREST) introduced the following bill;  
which was referred to the Committee on Resources

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## A BILL

To establish the National Invasive Species Council, 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 “National Invasive Spe-

5 cies Council Act”.

6 **SEC. 2. STATEMENT OF POLICY REGARDING FEDERAL DU-**  
7 **TIES.**

8 (a) IN GENERAL.—No Federal agency may author-

9 ize, fund, or carry out any action that would likely cause

10 or promote the introduction or spread of an invasive spe-

11 cies in the United States or any other location, unless the

1 head of the Federal agency, at his or her sole discretion  
2 and pursuant to guidelines developed under subsection (b),  
3 determines that—

4 (1) the benefits of the action under consider-  
5 ation clearly outweigh the potential harm to the en-  
6 vironment, economy, or human health caused by the  
7 introduction or spread of the invasive species; and

8 (2) all feasible and prudent measures to mini-  
9 mize risk of harm to the environment, economy, or  
10 human health will be taken in carrying out the ac-  
11 tions.

12 (b) GUIDELINES.—The Council for Environmental  
13 Quality, in conjunction with the Invasive Species Council,  
14 shall develop guidelines for Federal agencies to analyze ac-  
15 tions pursuant to this section.

16 **SEC. 3. NATIONAL INVASIVE SPECIES COUNCIL.**

17 (a) ESTABLISHMENT.—There is established as an  
18 independent entity within the executive branch the Na-  
19 tional Invasive Species Council. The Council shall provide  
20 leadership and coordination among Federal agencies, and  
21 between the Federal Government and State and local gov-  
22 ernments, with respect to effort to minimize the economic,  
23 ecological, and human health impacts that invasive species  
24 cause and reduce the threat of further invasions.

25 (b) MEMBERSHIP.—

1           (1) IN GENERAL.—The Council shall consist of  
2 the following members:

3           (A) The Secretary of the Interior.

4           (B) The Secretary of Agriculture.

5           (C) The Secretary of Commerce.

6           (D) The Secretary of State.

7           (E) The Secretary of the Treasury.

8           (F) The Secretary of Defense.

9           (G) The Secretary of Transportation.

10          (H) The Secretary of Health and Human  
11 Services.

12          (I) The Administrator of the Environ-  
13 mental Protection Agency.

14          (J) The Administrator of the United  
15 States Agency for International Development.

16          (K) Such additional members as may be  
17 appointed under paragraph (2).

18          (2) ADDITIONAL MEMBERS.—With the concur-  
19 rence of a majority of the members of the Council,  
20 the Chair of the Council may appoint additional  
21 members to the Council from among individuals who  
22 are officers or employees of the Federal Government  
23 with significant responsibilities concerning invasive  
24 species.

1           (c) CHAIR.—The Secretary of the Interior shall serve  
2 as chair of the Council for the three-year period beginning  
3 on the date of the enactment of this Act. Thereafter, the  
4 chair shall rotate every three years among the following  
5 members, in the order stated:

6           (1) The Secretary of Agriculture.

7           (2) The Secretary of Commerce.

8           (3) The Secretary of the Interior.

9           (d) MEETINGS.—The Council shall meet at least  
10 semiannually, at the call of chair.

11          (e) EXECUTIVE DIRECTOR.—

12           (1) APPOINTMENT.—The President shall ap-  
13 point the Executive Director of the Council, by and  
14 with the advice and consent of the Senate.

15           (2) CONSULTATION.—Before appointing an in-  
16 dividual under paragraph (1), the President shall  
17 consult with the Secretary of the Interior, the Sec-  
18 retary of Agriculture, and the Secretary of Com-  
19 merce.

20           (3) QUALIFICATIONS.—An individual appointed  
21 under this subsection must have legal or scientific  
22 experience and training in the area of natural re-  
23 sources, ecology, or agriculture, and experience in  
24 dealing with public policy matters regarding aquatic  
25 and terrestrial invasive species.

1           (4) **TERM.**—The Executive Director of the  
2 Council shall serve a term of six years, unless re-  
3 moved earlier by the President.

4           (5) **COMPENSATION.**—The Executive Director  
5 shall be paid at the maximum rate of basic pay for  
6 GS–15 of the General Schedule.

7 **SEC. 4. DUTIES.**

8           (a) **IN GENERAL.**—The Council shall ensure that  
9 Federal agency efforts concerning invasive species are co-  
10 ordinated, effective, complementary, and cost-efficient.

11           (b) **SPECIFIC FUNCTIONS.**—To carry out subsection  
12 (a) the Council shall perform the following functions:

13           (1) Coordinate with existing organizations ad-  
14 dressing invasive species, such as the Aquatic Nui-  
15 sance Species Task Force, the Federal Interagency  
16 Committee for the Management of Noxious and Ex-  
17 otic Weeds, regional panels established under the  
18 Nonindigenous Aquatic Nuisance Prevention and  
19 Control Act of 1990 (16 U.S.C. 4701 et seq.), and  
20 the White House Office of Science and Technology  
21 Policy, to implement the National Management  
22 Plan.

23           (2) Develop recommendations for international  
24 cooperation between Federal and State Governments  
25 and other nations on tools, policies, and methods to

1 prevent the introduction and export of invasive spe-  
2 cies into and from, respectively, the United States.

3 (3) Develop guidelines for Federal agency ef-  
4 forts to ensure that Federal programs concerning  
5 invasive species, including outreach programs, are  
6 coordinated with State, local, and tribal govern-  
7 ments.

8 (4) Develop, in consultation with the Council on  
9 Environmental Quality, guidance to Federal agencies  
10 pursuant to the National Environmental Policy Act  
11 of 1969 (42 U.S.C. 4321 et seq.) on prevention, con-  
12 trol, and eradication of invasive species.

13 (5) Establish and maintain a publicly acces-  
14 sible, coordinated, up-to-date information sharing  
15 system that—

16 (A) allows the access to and exchange of  
17 information among Federal agencies and the  
18 public; and

19 (B) utilizes, to the greatest extent prac-  
20 ticable, the Internet.

21 (6) Ensure that Federal agencies implement the  
22 plans, programs, and policies adopted by the Council  
23 in the National Management Plan through appro-  
24 priate actions, including working in cooperation with  
25 Federal agencies on development of budgets pursu-

1 ant to the President’s annual budget submission to  
2 the Congress.

3 (7) Evaluate Federal programs that are likely  
4 to cause or promote the introduction or spread of  
5 invasive species in the United States, and rec-  
6 ommend actions Federal agencies can take to mini-  
7 mize the risk of introductions or further spread of  
8 invasive species.

9 (8) Develop and submit to the appropriate  
10 Committees of the House of Representatives and  
11 Senate and the Director of the Office of Manage-  
12 ment and Budget an annual list of priorities, ranked  
13 in high, medium, and low categories, of Federal ef-  
14 forts and programs in the following areas:

15 (A) Prevention.

16 (B) Eradication.

17 (C) Control.

18 (D) Monitoring.

19 (E) Research.

20 (F) Outreach.

21 **SEC. 5. NATIONAL INVASIVE SPECIES MANAGEMENT PLAN.**

22 (a) DEVELOPMENT.—

23 (1) IN GENERAL.—The Council shall develop a  
24 National Invasive Species Management Plan that de-  
25 tails and recommends performance-oriented goals

1 and specific measures of success for carrying out  
2 each of the Federal agency activities related to  
3 invasive species.

4 (2) DEVELOPMENT PROCESS.—The National  
5 Management Plan shall be developed through a pub-  
6 lic process and in consultation with Federal agen-  
7 cies, appropriate State and local entities, and other  
8 appropriate stakeholders.

9 (3) CONTENTS.—The National Management  
10 Plan shall include recommendations of effective,  
11 cost-efficient, environmentally sound, and science-  
12 based approaches for the following:

13 (A) Prevention of the introduction of  
14 invasive species, including approaches for iden-  
15 tifying pathways by which invasive species are  
16 introduced and for minimizing the risk of intro-  
17 ductions via those pathways. Recommended ap-  
18 proaches under this subparagraph shall provide  
19 for—

20 (i) a process to evaluate risks associ-  
21 ated with the introduction and spread of  
22 invasive species; and

23 (ii) a coordinated and systematic risk-  
24 based process to identify, monitor, and



1           interdict pathways that may be involved in  
2           the introduction of invasive species.

3           (B) Cooperating with other nations to in-  
4           crease their capacity to control their invasive  
5           species and to prevent the spread of invasive  
6           species across international borders.

7           (C) Rapidly detecting and responding to  
8           incipient invasions of invasive species.

9           (D) Managing new and established popu-  
10          lations of invasive species by eradicating them  
11          or controlling their spread.

12          (E) Accurately and reliably monitoring new  
13          and established populations of invasive species.

14          (F) Restoring native species and habitat  
15          conditions in ecosystems that have been invaded  
16          by invasive species.

17          (G) Evaluating and documenting the im-  
18          pacts of invasive species on the economy, the  
19          environment, and human health.

20          (H) Conducting research on the matters  
21          referred to in subparagraphs (A) through (F).

22          (I) Developing technologies to prevent the  
23          introduction and provide for the management of  
24          invasive species.

1           (J) Promoting public education on invasive  
2 species and the means to address them.

3           (4) IDENTIFICATION OF NEEDED PERSONNEL,  
4 ETC.—The National Management Plan shall identify  
5 the personnel, other resources, and additional levels  
6 of coordination needed to achieve the goals included  
7 in the plan.

8           (b) EXISTING PLAN.—The Management Plan of the  
9 National Invasive Species Council adopted in 2001 shall  
10 be treated as the National Management Plan required  
11 under subsection (a) until the date of the issuance of the  
12 National Management plan in accordance with subsection  
13 (c).

14           (c) ISSUANCE AND UPDATE OF NATIONAL MANAGE-  
15 MENT PLAN.—The Council shall—

16           (1) issue the National Management Plan re-  
17 quired under subsection (a) by not later than De-  
18 cember 31, 2003;

19           (2) update the National Management Plan by  
20 not later than December 31 biennially; and

21           (3) concurrently with the process of updating  
22 the National Management Plan, evaluate and report  
23 to the Congress on success in achieving the goals set  
24 forth in the National Management Plan.

1 (d) AGENCY REPORTS.—Within 18 months after the  
2 date of the issuance of any edition of the National Man-  
3 agement Plan that recommends action by a Federal agen-  
4 cy, the head of such agency shall report to the Congress  
5 any of such actions that the agency has not taken, with  
6 an explanation of why the action is not feasible.

7 **SEC. 6. INVASIVE SPECIES ADVISORY COMMITTEE.**

8 (a) IN GENERAL.—The Council shall have an advi-  
9 sory committee to provide information and advice for con-  
10 sideration by the Council, which shall be known as the  
11 Invasive Species Advisory Committee. Except as otherwise  
12 provided in this section, the advisory committee shall be  
13 organized, perform the functions, and have the authorities  
14 specified in the charter for such advisory committee signed  
15 by the Secretary of the Interior on October 30, 2001.

16 (b) APPOINTMENT.—Members of the advisory com-  
17 mittee shall be appointed by the chair of the Council, after  
18 consultation with the other members of the Council, from  
19 among individuals representing stakeholders with respect  
20 to Federal programs for minimizing the economic, ecologi-  
21 cal, and human health impacts that invasive species cause.

22 (c) FUNCTIONS.—In addition to the functions speci-  
23 fied in the charter referred to in subsection (a), the advi-  
24 sory committee shall recommend to the Council plans and  
25 actions at local, tribal, State, regional, and ecosystem-

1 based levels to achieve the goals of the National Manage-  
2 ment Plan required under section 5.

3 (d) CONTINUING OPERATION OF EXISTING COM-  
4 MITTEE.—Any advisory committee appointed before the  
5 date of the enactment of this Act pursuant to the charter  
6 referred to in subsection (a) may continue in effect under  
7 this section.

8 **SEC. 7. BUDGET CROSSCUT.**

9 The Director of the Office of Management and Budg-  
10 et shall prepare and submit to the Congress and the Coun-  
11 cil, by not later than March 31 of 2003 and of each year  
12 thereafter, a budget analysis and summary of all Federal  
13 programs relating to invasive species

14 **SEC. 8. DEFINITIONS.**

15 In this Act:

16 (1) COUNCIL.—The term “Council” means the  
17 National Invasive Species Council established by sec-  
18 tion 3(a).

19 (2) INVASIVE SPECIES.—The term “invasive  
20 species” means a species—

21 (A) that is nonnative to the ecosystem  
22 under consideration; and

23 (B) the introduction of which causes or  
24 may cause harm to the economy, the environ-  
25 ment, or human health.

1           (3) NATIONAL MANAGEMENT PLAN.—The term  
2           “National Management Plan” means the National  
3           Invasive Species Management Plan developed by the  
4           Council under section 5(a).

5           (4) SPECIES.—The term “species” means a cat-  
6           egory of taxonomic classification ranking below a  
7           genus or subgenus and consisting of related orga-  
8           nisms capable of interbreeding.

9           **SEC. 9. EXISTING EXECUTIVE ORDER.**

10          Executive Order 13112, dated February 3, 1999,  
11          shall have no force or effect.

12          **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

13          There is authorized to be appropriated to carry out  
14          this Act \$2,000,000 for each of fiscal years 2004 through  
15          2006.

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