

115TH CONGRESS
1ST SESSION

H. R. 1054

To promote botanical research and botanical sciences capacity, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 14, 2017

Mr. QUIGLEY (for himself and Ms. ROS-LEHTINEN) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committees on Agriculture, Armed Services, Transportation and Infrastructure, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To promote botanical research and botanical sciences capacity, 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 “Botanical Sciences and
5 Native Plant Materials Research, Restoration, and Pro-
6 motion Act”.

7 **SEC. 2. TABLE OF CONTENTS.**

8 The table of contents for this Act is as follows:

- Sec. 1. Short title.
 Sec. 2. Table of contents.
 Sec. 3. Definitions.

TITLE I—PROMOTING BOTANICAL RESEARCH AND BOTANICAL
SCIENCES CAPACITY

- Sec. 101. Department of the Interior botanical research.
 Sec. 102. Staff enhancement.

TITLE II—GENERATING DEMAND FOR NATIVE PLANT
MATERIALS

- Sec. 201. Policy for use of locally adapted native plant materials by Department of Agriculture and Department of the Interior.
 Sec. 202. Policy for use of locally adapted native plant materials by Department of Defense.
 Sec. 203. Surface transportation program.
 Sec. 204. Native plant materials requirements for Federal development projects.

TITLE III—AUTHORIZATION OF FEDERAL NATIVE PLANT
MATERIALS RELATED ACTIVITIES

- Sec. 301. Interagency plant materials efforts.
 Sec. 302. Bureau of Land Management Plant conservation program.
 Sec. 303. National Fish and Wildlife Foundation Plant conservation programs.
 Sec. 304. Grants to support collaborative efforts to prevent endangered species status.

1 SEC. 3. DEFINITIONS.

2 As used in this Act, the following terms have the fol-
 3 lowing meanings:

4 (1) INVASIVE PLANT SPECIES.—The term
 5 “invasive plant species” means a plant species that
 6 is nonnative with respect to an ecosystem and whose
 7 introduction into that ecosystem will cause, or is
 8 likely to cause, economic harm, environmental harm,
 9 or harm to human, animal, or plant health.

10 (2) LOCALLY ADAPTED.—The term “locally
 11 adapted” with respect to plants, means plants that
 12 originate from an area that is geographically proxi-

1 mate to a planting area and that are environ-
2 mentally adapted to, and likely to succeed in becom-
3 ing established and persisting within, such area.

4 (3) NATIVE PLANT SPECIES.—The term “native
5 plant species” means indigenous terrestrial and
6 aquatic plant species that evolved naturally in a de-
7 fined native ecosystem.

8 (4) NONNATIVE PLANT SPECIES.—The term
9 “nonnative plant species” means a plant that has
10 been introduced by humans to a location outside its
11 native or natural range and may, depending on rel-
12 evant facts and circumstances, include a species in-
13 troduced from another continent, ecosystem, seed
14 zone, or habitat within an ecosystem.

15 (5) PLANT MATERIALS.—The term “plant ma-
16 terials” includes, with respect to a native plant spe-
17 cies or a nonnative plant species, such a plant or its
18 seeds, eggs, spores, or other biological material capa-
19 ble of propagating that species.

1 **TITLE I—PROMOTING BOTAN-**
2 **ICAL RESEARCH AND BOTAN-**
3 **ICAL SCIENCES CAPACITY**

4 **SEC. 101. DEPARTMENT OF THE INTERIOR BOTANICAL RE-**
5 **SEARCH.**

6 (a) IN GENERAL.—The Secretary of the Interior, act-
7 ing through the Bureau of Land Management, United
8 States Geological Survey, United States Fish and Wildlife
9 Service, National Park Service, and such other agencies
10 and instrumentalities as the Secretary determines appro-
11 priate, shall support a robust program of intramural and
12 extramural botanical science research as relevant and ap-
13 propriate to support the Department’s land management
14 responsibilities.

15 (b) AREAS OF EMPHASIS.—Research conducted pur-
16 suant to this section shall include a focus on the following
17 topics:

18 (1) Effective approaches to restoring habitat
19 damaged by wildfires that incorporate the use of ap-
20 propriate plant materials.

21 (2) Effective methods for developing and using
22 locally adapted native plant materials in land man-
23 agement activities.

24 (3) Effective mitigation strategies for com-
25 bating invasive plant species.

1 (4) Mitigation strategies related to the impacts
2 of long- and medium-term environmental changes
3 such as changes in moisture levels, temperature,
4 landscape fragmentation, nonnative animal and
5 plant species, and human activity.

6 (5) Methods to promote the recovery of threat-
7 ened and endangered species.

8 (c) EXTRAMURAL RESEARCH.—As determined appro-
9 priate by the Secretary, research conducted under this sec-
10 tion may be carried out through competitively awarded
11 grants or contracts, or cooperative agreements, awarded
12 in accordance with all applicable requirements governing
13 such activities.

14 (d) AUTHORIZATION OF APPROPRIATIONS.—To carry
15 out the purposes of this section, there are authorized to
16 be appropriated \$10,000,000 for fiscal year 2018, and
17 such sums as may be necessary for subsequent fiscal
18 years.

19 **SEC. 102. STAFF ENHANCEMENT.**

20 (a) IN GENERAL.—For the purpose of improving the
21 Department's land management capabilities, the Secretary
22 of the Interior is authorized to augment the expertise of
23 the Department of the Interior in the botanical sciences
24 by—

1 (1) hiring additional personnel with expertise in
2 the botanical sciences; and

3 (2) establishing a loan forgiveness program to
4 facilitate the hiring of such personnel.

5 (b) AUTHORIZATION.—

6 (1) Subject to the availability of appropriations
7 for such purpose, by not later than September 30,
8 2019, the Secretary shall hire not more than 20 full-
9 time Botanical Science Personnel to support the De-
10 partment's land management responsibilities. The
11 Secretary shall determine the appropriate placement
12 of such personnel within the appropriate agencies of
13 the Department with major land management re-
14 sponsibilities. The Secretary may waive any limita-
15 tion on the number of full-time equivalent personnel
16 assigned to the Department and its constituent
17 agencies in order to carry out the purposes of this
18 section.

19 (2) Personnel hired pursuant to paragraph (1)
20 shall be—

21 (A) in addition to any positions authorized
22 before the date of the enactment of this Act
23 and any existing vacancies within the Depart-
24 ment on such date;

25 (B) part of the Competitive Service; and

1 (C) hired in compliance with all applicable
2 provisions of title 5, United States Code.

3 (c) LOAN REPAYMENT PROGRAM.—

4 (1) IN GENERAL.—The Secretary shall establish
5 a program to provide educational loan repayment to
6 qualifying individuals who agree to a term of em-
7 ployment with the Department as Botanical Science
8 Personnel.

9 (2) ELIGIBILITY.—To be eligible to participate
10 in the loan repayment program under this sub-
11 section, an individual shall—

12 (A) either—

13 (i) have a degree in botanical sciences;

14 (ii) be enrolled in an approved grad-
15 uate training program in botanical
16 sciences; or

17 (iii) be enrolled as a full-time student
18 in an accredited educational institution,
19 and in the final year of a course of a study
20 or program, offered by such institution and
21 approved by the Secretary, leading to a de-
22 gree in botanical sciences; and

23 (B) submit to the Secretary an application
24 for a contract described in paragraph (4).

1 (3) INFORMATION TO BE INCLUDED WITH AP-
2 PLICATION AND CONTRACT FORMS.—In dissemi-
3 nating application forms and contract forms to indi-
4 viduals desiring to participate in the loan repayment
5 program, the Secretary shall include with such forms
6 a fair summary of the rights and liabilities of an in-
7 dividual whose application is approved (and whose
8 contract is accepted). Such information shall be
9 written in a manner calculated to be understood by
10 the average individual applying to participate in the
11 loan repayment program.

12 (4) CONTRACTS.—

13 (A) IN GENERAL.—An individual becomes
14 a participant in the loan repayment program
15 only upon the Secretary and the individual en-
16 tering into a written contract whereby—

17 (i) the Secretary agrees to pay on be-
18 half of the individual loans in accordance
19 with paragraph (5), subject to the avail-
20 ability of appropriated funds; and

21 (ii) the individual agrees to—

22 (I) accept loan payments on be-
23 half of the individual; and

24 (II) if applicable, maintain enroll-
25 ment and acceptable academic stand-

1 ing in a course of study or training
2 described in paragraph (2) and serve
3 for a time period equal to 2 years or
4 such longer period as the individual
5 may agree to as a botanical scientist
6 employed by the Department.

7 (B) OTHER TERMS AND CONDITIONS.—

8 Such contracts shall include all other necessary
9 and appropriate terms and conditions to clarify
10 the rights, obligations, and liabilities of the par-
11 ties.

12 (5) REPAYMENT.—

13 (A) IN GENERAL.—A loan repayment pro-
14 vided for an individual under a written contract
15 under the repayment program authorized by
16 this subsection shall consist of payment on be-
17 half of the individual of the principal, interest,
18 and related expenses on government and com-
19 mercial loans received by the individual regard-
20 ing the undergraduate or graduate education of
21 the individual (or both), which loans were made
22 for tuition, other reasonable educational ex-
23 penses, or reasonable living expenses, as deter-
24 mined by the Secretary.

1 (B) AMOUNTS.—For each year of obligated
2 service that an individual contracts to serve, the
3 Secretary may pay up to \$50,000 (plus, begin-
4 ning with fiscal year 2019, an amount deter-
5 mined by the Secretary on an annual basis to
6 reflect inflation) on behalf of the individual for
7 loans described in this paragraph. In making a
8 determination of the amount to pay for a year
9 of such service by an individual, the Secretary
10 may enter into an agreement with the holder of
11 any such loan for which payments are made to
12 establish a schedule for the making of such pay-
13 ments.

14 (6) EMPLOYMENT CEILING.—Notwithstanding
15 any other provision of law, individuals who have en-
16 tered into written contracts with the Secretary under
17 this section, while undergoing academic or other
18 training, shall not be counted against any employ-
19 ment ceiling affecting the Department.

20 (d) DEFINITION.—For the purposes of this section,
21 the term “Botanical Science Personnel” means individuals
22 with post-secondary education in the field of botany, in-
23 cluding plant ecologists and individuals with a bachelor’s
24 degree in plant biology.

1 (e) AUTHORIZATION OF APPROPRIATIONS.—To carry
2 out the purposes of this section, there are authorized to
3 be appropriated—

4 (1) for fiscal year 2018—

5 (A) \$3,000,000 for subsection (b); and

6 (B) \$1,000,000 for subsection (c); and

7 (2) for each fiscal year after fiscal year 2018,
8 such sums as may be necessary.

9 **TITLE II—GENERATING DEMAND**
10 **FOR NATIVE PLANT MATERIALS**

11 **SEC. 201. POLICY FOR USE OF LOCALLY ADAPTED NATIVE**
12 **PLANT MATERIALS BY DEPARTMENT OF AG-**
13 **RICULTURE AND DEPARTMENT OF THE INTE-**
14 **RIOR.**

15 (a) POLICY.—In undertaking a land management ac-
16 tivity on Federal lands under the jurisdiction of the De-
17 partment of Agriculture or the Department of the Interior,
18 including maintenance and restoration in response to deg-
19 radation caused by human activity or natural events (such
20 as fire, flood, or infestation), it is the policy of the United
21 States that preference shall be made to the extent prac-
22 ticable for the use of locally adapted native plant mate-
23 rials.

24 (b) IMPLEMENTATION.—The Secretary of Agri-
25 culture, acting through the Chief of the Forest Service,

1 and the Secretary of the Interior, acting through the heads
2 of land management agencies of the Department of the
3 Interior, shall—

4 (1) implement the policy established by sub-
5 section (a) through appropriate administrative ac-
6 tions; and

7 (2) specifically identify situations in which the
8 use of nonnative plant materials may be warranted,
9 including situations in which—

10 (A) emergency conditions require the pro-
11 tection of basic resource values;

12 (B) an interim, nonpersistent measure is
13 needed to aid in the reestablishment of native
14 plant species;

15 (C) native plant materials are not reason-
16 ably available; or

17 (D) the plant community subject to the
18 land management activity has been permanently
19 altered.

20 **SEC. 202. POLICY FOR USE OF LOCALLY ADAPTED NATIVE**
21 **PLANT MATERIALS BY DEPARTMENT OF DE-**
22 **FENSE.**

23 (a) POLICY.—Chapter 159 of title 10, United States
24 Code, is amended by inserting after section 2692 the fol-
25 lowing:

1 **“§ 2693. Policy for use of locally adapted native plant**
2 **materials in management of Department**
3 **of Defense lands**

4 “(a) POLICY.—In undertaking a land management
5 activity on land under the jurisdiction of the Department
6 of Defense, including land withdrawn for or held by permit
7 or lease, it is the policy of the United States that pref-
8 erence to the extent practicable shall be made for the use
9 of locally adapted native plant materials.

10 “(b) IMPLEMENTATION.—The Secretary of Defense,
11 acting through the Under Secretary for Installations,
12 shall—

13 “(1) implement the policy established by sub-
14 section (a) through appropriate administrative ac-
15 tions; and

16 “(2) specifically identify situations in which the
17 use of nonnative plant materials may be warranted,
18 including situations in which—

19 “(A) emergency conditions require the pro-
20 tection of basic resource values;

21 “(B) an interim, nonpersistent measure is
22 needed to aid in the reestablishment of native
23 plant species;

24 “(C) native plant materials are not reason-
25 ably available; or

1 “(D) the plant community subject to the
2 land management activity has been permanently
3 altered.

4 “(c) CONSULTATION.—The Secretary of Defense
5 shall consult with the Secretary of the Interior and the
6 Secretary of Agriculture regarding implementation of this
7 section.

8 “(d) DEFINITIONS.—In this section:

9 “(1) LAND MANAGEMENT ACTIVITY.—The term
10 ‘land management activity’ includes—

11 “(A) maintenance and restoration; and

12 “(B) conservation and cultural activities
13 pursuant to sections 2691 and 2694 of this
14 title.

15 “(2) LOCALLY ADAPTED.—The term ‘locally
16 adapted’ with respect to plants, means plants that
17 originate from an area that is geographically proxi-
18 mate to a planting area and that are environ-
19 mentally adapted to, and likely to succeed in becom-
20 ing established and persisting within, such area.

21 “(3) NATIVE PLANT SPECIES.—The term ‘na-
22 tive plant species’ means indigenous terrestrial and
23 aquatic plant species that evolved naturally in a de-
24 fined native ecosystem.

1 “(4) NONNATIVE PLANT SPECIES.—The term
 2 ‘nonnative plant species’ means a plant that has
 3 been introduced by humans to a location outside its
 4 native or natural range and may, depending on rel-
 5 evant facts and circumstances, include a species in-
 6 troduced from another continent, ecosystem, seed
 7 zone, or habitat within an ecosystem.

8 “(5) PLANT MATERIALS.—The term ‘plant ma-
 9 terials’ includes, with respect to a native plant spe-
 10 cies or a nonnative plant species, such a plant or its
 11 seeds, eggs, spores, or other biological material capa-
 12 ble of propagating that species.”.

13 (b) CLERICAL AMENDMENT.—The table of sections
 14 at the beginning of chapter 159 of title 10, United States
 15 Code, is amended by inserting after the item relating to
 16 section 2692 the following:

“2693. Policy for use of locally adapted native plant materials in management
 of Department of Defense lands.”.

17 **SEC. 203. SURFACE TRANSPORTATION PROGRAM.**

18 Section 329 of title 23, United States Code, is
 19 amended by adding at the end the following:

20 “(d) NATIVE PLANT MATERIALS.—

21 “(1) IN GENERAL.—In carrying out environ-
 22 mental mitigation efforts and environmental restora-
 23 tion and pollution abatement activities as authorized
 24 by section 133(b), a State shall, to the extent prac-

1 ticable, maximize the use of locally adapted native
2 plant materials.

3 “(2) CONSULTATION.—The Secretary shall con-
4 sult with the Secretary of the Interior and the Sec-
5 retary of Agriculture regarding the implementation
6 of this subsection.”.

7 **SEC. 204. NATIVE PLANT MATERIALS REQUIREMENTS FOR**
8 **FEDERAL DEVELOPMENT PROJECTS.**

9 The sponsor of any development or redevelopment
10 project involving a Federal facility with a footprint that
11 exceeds 5,000 square feet shall use site planning, design,
12 construction, and maintenance strategies for the property
13 to establish, maintain, or restore, to the maximum extent
14 technically feasible, the use of locally adapted native plant
15 materials on all natural spaces, including, where feasible,
16 roofs and other appropriate portions of the structure.

17 **TITLE III—AUTHORIZATION OF**
18 **FEDERAL NATIVE PLANT MA-**
19 **TERIALS RELATED ACTIVI-**
20 **TIES**

21 **SEC. 301. INTERAGENCY PLANT MATERIALS EFFORTS.**

22 (a) ACTIVITIES.—The heads of the agencies shall col-
23 laborate, as appropriate, regarding land use responsibility
24 to undertake the following activities related to native plant
25 materials:

1 (1) Identify seed needs and ensure the reliable
2 availability of genetically appropriate seed.

3 (2) Conduct research to develop genetically ap-
4 propriate seed and to improve technology for seed
5 production and ecological restoration.

6 (3) Support land managers’ ability to make
7 timely and informed seeding decisions for ecological
8 restoration.

9 (4) Efforts to enhance, protect, and restore
10 plant materials necessary to support pollinators and
11 dispersers.

12 (5) Efforts to coordinate activities aimed at
13 sustaining and restoring public lands through the
14 use of techniques and materials that promote to the
15 extent practicable the use of locally adapted native
16 plant materials.

17 (b) AGENCIES.—For the purposes of this section, the
18 term “agencies” means the following:

19 (1) In the Department of the Interior:

20 (A) Bureau of Indian Affairs.

21 (B) Bureau of Land Management.

22 (C) National Park Service.

23 (D) United States Fish and Wildlife Serv-
24 ice.

25 (E) United States Geological Survey.

- 1 (2) In the Department of Agriculture:
- 2 (A) Agricultural Research Service.
- 3 (B) Forest Service.
- 4 (C) National Institute of Food and Agri-
- 5 culture.
- 6 (D) Natural Resources Conservation Serv-
- 7 ice.
- 8 (3) United States Botanic Garden.
- 9 (4) Smithsonian Institution.
- 10 (5) Federal Highway Administration.

11 **SEC. 302. BUREAU OF LAND MANAGEMENT PLANT CON-**
12 **SERVATION PROGRAM.**

13 (a) IN GENERAL.—The Bureau of Land Management
14 is authorized to undertake activities to develop and use
15 native plant materials.

16 (b) ACTIVITIES.—The following activities are within
17 the scope of this authority:

18 (1) Identifying, evaluating, and protecting rare
19 plants on public lands.

20 (2) Understanding the effects of human activity
21 on native plant species and communities on public
22 lands.

23 (3) Supporting efforts to develop genetically ap-
24 propriate native plant materials for restoring and
25 maintaining habitat for animal and plant species, in-

1 including sage grouse, and monitoring the effective-
 2 ness of such materials.

3 (4) Ensuring that the needs of the agency for
 4 native plant materials are met.

5 (5) Developing seed transfer zones and guide-
 6 lines.

7 (6) Supporting public-private partnerships to
 8 catalogue and store plant materials.

9 (7) Coordinating a national network of seed
 10 storage warehouses.

11 (8) Implementing habitat conservation and res-
 12 toration on a landscape scale.

13 (9) Supporting public-private efforts, and volun-
 14 teer efforts to support plant conservation.

15 (c) AUTHORIZATION OF APPROPRIATIONS.—To carry
 16 out the purposes of this section, there are authorized to
 17 be appropriated—

18 (1) for fiscal year 2018, \$35,000,000; and

19 (2) for each fiscal year after fiscal year 2018,
 20 such sums as may be necessary.

21 **SEC. 303. NATIONAL FISH AND WILDLIFE FOUNDATION**
 22 **PLANT CONSERVATION PROGRAMS.**

23 The National Fish and Wildlife Foundation shall—

24 (1) ensure that a robust program of activities
 25 specifically focused on the conservation and protec-

1 tion of native plants is incorporated into its existing
2 programs and activities; and

3 (2) provide a report to Congress on its imple-
4 mentation of this section.

5 **SEC. 304. GRANTS TO SUPPORT COLLABORATIVE EFFORTS**
6 **TO PREVENT ENDANGERED SPECIES STATUS.**

7 The Fish and Wildlife Act of 1956 (16 U.S.C. 742a
8 et seq.) is amended by adding at the end the following
9 new section:

10 **“SEC. 13. THREATENED AND ENDANGERED PLANTS.**

11 “(a) IN GENERAL.—The Secretary of the Interior,
12 acting through the United States Fish and Wildlife Serv-
13 ice, shall support a program of collaborative grants to sup-
14 port efforts to prevent rare plant species from becoming
15 endangered species and to encourage the recovery of en-
16 dangered plant species. Awards pursuant to this section
17 shall be made competitively in compliance with fully trans-
18 parent procedures.

19 “(b) PREFERENCE.—Preference shall be given under
20 this section to projects that involve collaborations between
21 Federal, State, and local units of government working in
22 collaboration with nonprofit organizations with knowledge
23 and experience in rare and endangered plant restoration
24 issues.

1 “(c) AUTHORIZATION OF APPROPRIATIONS.—To
2 carry out the provisions of this section, there are author-
3 ized to be appropriated—
4 “(1) \$54,000,000 for fiscal year 2018; and
5 “(2) such sums as may be necessary for fiscal
6 years after fiscal year 2018.”.

○