

AIS Legislative Report



CRB Team Meeting
PDX

December 2023

Stephen Phillips, Senior Program Manager

H.R.1713 - DOE and USDA Interagency Research Act Lucas (R-OK)//Lofgren (D-CA) (07/31/2023)

Requires the Departments of Agriculture (USDA) and Energy (DOE) to collaborate on research and development activities that focus on a variety of topics, including environmental science, biofuels, energy storage, **invasive species management**, electric grid modernization, and rural technology development.

(H) **invasive species management** to further the work done by the Federal Interagency Committee for the Management of Noxious and Exotic Weeds (FICMNEW)

12/4/23: Passed House. Agreed to by voice vote.

Senate Companion: S. 3301 (Lujan R- NM//D-Hoeven (R-ND), (11/14/23)

Now What: Looks like a go, no \$\$\$'s. Mostly terrestrial, **Congress last Day 12/15/23**

S. 1149, Recovering Americas Wildlife Act (RAWA) (3/31/23) Heinrich (D-N.M.) and Tillis (R-N.C.).

Funds conservation efforts for more than 12,000 species of wildlife and plants in need of assistance by providing **\$1.4 billion** in dedicated annual funding

Includes: (d) Wildlife Management Responsibilities.—(E) To manage, control, and prevent invasive species as well as diseases and other risks to wildlife.

NOW WHAT: "RAWA" is two votes short of being able to move to the floor, inclusion in Explore Act?

House: American Wildlife Habitat Conservation Act (Westerman (R-Ark)) - to be introduced this week

- authorize lower levels than the Senate version — approximately \$200 million to \$500 million per year.
- more state funding, donations, and agreements for state and tribal agencies to do work on both federal and private lands to help fund conservation.
- Offsets remain to be determined, still working on funding mechanism

Three Bills w/BOR WI Cost Share programs with Watercraft inspection cost share – BOR

We had discussions in 2018/2019 with Sens staff Barrasso (R-WY) and Bennet (D-CO) staff about combing these bills, unsuccessful

- **S. 873 (Barrasso/Manchin) and H.R.6492 (Westerman)** - more likely to become law
- **S. 2105 (Bennet)**

S.873 America's Outdoor Recreation Act of 2023 (3/20/23)

Sens Manchin (D-WV) and Barrasso (WY), reintroduced

(b) AUTHORITY OF BUREAU OF LAND MANAGEMENT, BUREAU OF RECLAMATION, NATIONAL PARK SERVICE, AND FOREST SERVICE WITH RESPECT TO CERTAIN AQUATIC RESOURCE ACTIVITIES ON FEDERAL LAND AND WATER.

- 1) IN GENERAL.—The Secretaries **may** inspect and decontaminate vessels entering or leaving Federal land and water located within a river basin that contains a Bureau of Reclamation water project.

S.873 (Cont'd)

(c) GRANT PROGRAM FOR RECLAMATION STATES FOR VESSEL INSPECTION AND DECONTAMINATION STATIONS.

(1) VESSELS INSPECTIONS IN RECLAMATION STATES.—Subject to the availability of appropriations, the Secretary, acting through the Commissioner of Reclamation, shall establish a competitive grant program to provide grants to partners to conduct inspections and decontamination of vessels operating in reservoirs operated and maintained by the Secretary, including to purchase, establish, operate, or maintain a vessel inspection and decontamination station.

(2) COST SHARE.—The Federal share of the cost of a grant under paragraph (1), including personnel costs, shall not exceed **75%**

(4) LIMITATION.—The Secretaries shall not prohibit access to Federal land and water for vessels under this subsection in the absence of an inspector.

NOTES: Passed out of Committee on Energy and Natural Resources 5/17/23.

Do not support

H.R.6492 - “Expanding Public Lands Outdoor Recreation Experiences Act” or the “EXPLORE Act” Westerman (R-Ark.), Grijalva (D-Ariz.), (11/29/23)

Outdoor recreation package, includes 12+ bills, small section with BOR 75/25 cost share

(4) LIMITATION.—The Secretaries shall not prohibit access to Federal land and water for vessels under this subsection in the absence of an inspector.

Hearing held 11/30/23

Do not support

Reality: Good change of passing with “limitation language”, but still get BOR WI Cost share

S. 2105 Stop the Spread of Invasive Mussels Act (Sens Bennet (D-CO)/Daines (R-MT) (6/22/23), reintroduced

At one point the **DRAFT** of S. 2105, similar to the Manchin bill (S. 873), had :

LIMITATION.—The Secretaries shall not prohibit access to Federal land and water for vessels under this subsection in the absence of an inspector.

However, this was removed from the final bill..thanks to Colorado folks

S. 2105 (Cont'd)

(1) WATERCRAFT INSPECTION IN RECLAMATION STATES. —...the Secretary of the Interior, acting through the Commissioner of Reclamation shall establish a competitive grant program to provide grants to partners to conduct inspections and decontamination of watercraft in reservoirs operated and maintained by the Secretary, including to purchase, establish, operate, or maintain a watercraft inspection and decontamination station.

(2) COST SHARE. —The Federal share of the cost of a grant under paragraph (1), including personnel costs, shall not exceed 75 percent [similar to S 873]

Action: None...that we are aware of

Support

APPROPRIATIONS

CR Jan. 19, applies to four bills: **Agriculture-Food and Energy and water;** Drug Administration; military construction and Veterans Affairs; and Transportation and Housing and Urban Development.

CR Feb. 2 the eight appropriations includes **Commerce, Interior,**

NOW WHAT: Will there be a shutdown?

APPROPRIATIONS

Interior: LEVEL FUNDED compared to FY 2023

FY 2024 HOUSE: The Interior Department would receive \$14.3 billion in fiscal 2024, a \$677 million cut from enacted funding. EPA would receive about \$6.2 billion, a reduction of \$4 billion or 39 percent below fiscal 2023 spending levels.

- USFWS AIS: \$50,143,000, [FY 23 Enacted \$50,143,000]
- Passed out of committee 7/19/23

FY 2024 SENATE: The Senate bill would allocate \$15.6 billion for the Interior Department and \$9.9 billion for EPA,

- USFWS AIS: \$50,643,000 [FY 23 Enacted \$50,143,000]

APPROPRIATIONS

European Green Crab makes a move

DEPARTMENTS OF COMMERCE AND JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS BILL, 2024

NATIONAL MARINE FISHERIES SERVICE OPERATIONS, RESEARCH, AND FACILITIES:

- Page 46: European Green Crab.—The Committee is concerned by the rapid and growing invasion of European green crab around the country, including in the Pacific Northwest. The Committee provides \$2,000,000 within Habitat Conservation and Restoration for management, intervention, and mitigation of invasive European green crab.
- Page 59: NOAA SPECIAL PROJECTS: Invasive European Green Crab Control and Eradication Annette Islands Reserve, AK, Metlakatla Indian Community, \$1,000,000 [Senator Murkowski (R-AK)]

APPROPRIATIONS: EGC

The Interior, Environment, and Related Agencies

United States Fish And Wildlife Service

Page 19: The Committee notes that the European green crab is a globally damaging invasive species that can survive in a wide range of water temperatures and salinities and has become established in many temperate coastal zones in areas around the world. Preventing the spread and establishment of invasive European green crab will support Tribal, commercial, and recreational fisheries—including [for] Dungeness crab and Puget Sound chinook.

Page 26: European Green Crab. —The Committee recognizes invasive European green crab is becoming an increasing problem and provides \$300,000 for European green crab eradication efforts at affected National Wildlife Refuges.

Operation of Indian Programs

Page 41: Invasive Species Program. —The Committee encourages BIA to continue to support the work done in fiscal year 2023 to address the problem of the European green crab which impacts marine resources for Tribal communities in the Northwest.

APPROPRIATIONS

Energy and Water (USACE APC-WID Cost Share Program):

- HOUSE: \$7 million for watercraft inspection stations; \$ 3 million for monitoring and =\$10M [FY 23 enacted : \$19M]
- SENATE: Watercraft Inspection Stations/RR/Monitoring:: \$13,000,000

NOTES:

The House E&W appropriations bill passed out of committee 6/22/23 includes \$1 million for flowering rush and hydrilla.

Senate Passed ALL appropriations bills 7/27/23

The Senate bill therefore provides \$ 3 million more for watercraft inspection and monitoring than the House bill.

Still \$\$\$\$\$\$ in the USACE APC-WID account for now

Other Bills - No Movement

H.R.210 - Stamp Out Invasive Species Act (Stefanik, R-NY, 1/19/23)

S.773// H.R.1560 —Public Water Supply Invasive Species Compliance Act (Cruz (R-TX) (03/09/23) - exempts certain interstate water transfers from prohibitions on the illegal trade of wildlife, fish, or plants. Re-introduced

S.771// H.R.1558 — Saving America's Vulnerable and Endangered Species Act or the (SAVES) Act. (Cruz R-TX, 03/09/23) This bill prohibits a living nonnative species from being listed as a threatened or endangered species under the Endangered Species Act of 1973. Re-introduced

H.R.2881 Repts Case/Tokuda (D-HI 4/26/23): Hawai'i Invasive Species Protection Act a bill to require that baggage and cargo transporting into the State of Hawai'i by air or sea be pre-inspected for invasive species and high-risk agricultural materials, in the same manner as similar baggage and cargo transported to the U.S. mainland must be inspected pre-departure.

S.1238: Invasive Species Prevention and Forest Restoration Act—Welch, Peter [Sen.-D-VT]
(Introduced 04/20/2023)

H.R.1452 - To amend the Frank LoBiondo Coast Guard Authorization Act of 2018 to direct the Commandant of the Coast Guard to provide certain data related to water quality, and for other purposes. (3/8/23), Garamendi (D-CA)

“The Commandant of the Coast Guard shall, upon request by any State, the District of Columbia, or territory of the United States, **provide all data** possessed by the Coast Guard pertaining to challenge water quality characteristics, challenge water biological organism concentrations, post-treatment water quality characteristics, and post-treatment biological organism concentrations data for a ballast water management system with a type approval certificate approved by the Coast Guard pursuant to subpart 162.060 of title 46, Code of Federal Regulations (or successor Federal regulations).

NOTES: Re-introduced from last year, didn't make final 2022 Coast Guard re-authorization bill

Actions: Still in House Committee on Transportation and Infrastructure, Subcommittee on Coast Guard and Maritime Transportation.

S.1614 - Lacey Act Amendments of 2023 (Sen. Marco Rubio (R-FL, 5/16/23))

The legislation “would correct the negative impacts of a 2017 D.C. Circuit Court of Appeals decision that diminished the ability of the U.S. Fish and Wildlife Service to manage the establishment and spread of invasive species in the United States. The bill would also grant authority for emergency designation of species that pose an imminent threat and provide authority to prohibit importation of wildlife species until they have been assessed for injuriousness. The Commerce Clause of the U.S. Constitution charges Congress with regulating commerce between the states and with foreign nations. “

Notes:

Opposed by USARK and National Aquaculture Association.
AFWA has mostly supported past versions and

NAISMA supports

DISCUSSION

- NOAA Office of Invasive Species ..language is in Draft, unreleased NOAA Organic Act ...
 - Thank You To WDFW
- WRDA APC-WID 50/50 match requirement, change to 75/25 (2024)..requested by PSMFC 9/13
- [AIS Leg Tracker](https://www.westernais.org/) -- <https://www.westernais.org/> “Legislation and Regulations” and then “Federal and State Regulations

Thank You!

Questions?

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PSMFC AIS WEBSITE: WWW.WESTERNAIS.ORG

AIS Newsletter (Robyn Draheim)– bi-monthly, includes legislative items, email sphillips@psmfc.org to be added

And check your Spam Filter

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Action: Subcommittee on Conservation, Research, and Biotechnology.

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Action: None

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Notes: Additionally on 3/17/23 Stefanik, Thompson (D-CA) Call on USPS to Issue Stamp to Combat Invasive Species

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