

118TH CONGRESS
1ST SESSION

S. _____

To require the priority and consideration of using native plants in Federal projects, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. HEINRICH (for himself and Mr. BRAUN) introduced the following bill; which was read twice and referred to the Committee on

A BILL

To require the priority and consideration of using native plants in Federal projects, 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 “Building Native Habi-
5 tats at Federal Facilities Act”.

6 **SEC. 2. PRIORITY AND CONSIDERATION OF THE USE OF NA-**
7 **TIVE PLANTS IN FEDERAL PROJECTS.**

8 (a) DEFINITIONS.—In this section:

9 (1) FEDERAL AGENCY.—The term “Federal
10 agency” has the meaning given the term “Executive

1 agency” in section 105 of title 5, United States
2 Code.

3 (2) FEDERAL PROJECT.—The term “Federal
4 project” means a construction or maintenance activ-
5 ity that—

6 (A) is carried out—

7 (i) by a Federal agency; and

8 (ii) at a Federal facility (as defined in
9 section 930(g) of title 18, United States
10 Code);

11 (B) involves landscape planting improve-
12 ments; and

13 (C) is located in a State of the United
14 States, the District of Columbia, or a common-
15 wealth, territory, or possession of the United
16 States.

17 (3) NATIVE PLANT.—The term “native plant”
18 has the meaning given the term “native plant spe-
19 cies” in section 101(a) of title I of division DD of
20 the Consolidated Appropriations Act, 2023 (43
21 U.S.C. 1732 note; Public Law 117–328).

22 (b) FEDERAL PROJECT REQUIREMENTS.—

23 (1) IN GENERAL.—Except as provided in para-
24 graph (2), not later than 270 days after the date of

1 enactment of this Act, any Federal agency that car-
2 ries out a Federal project shall—

3 (A) prioritize, as feasible with respect to
4 cost, schedule, and product supply or a sci-
5 entific, historical, or educational purpose, the
6 use of native plants over non-native plants; and

7 (B) consider the benefits, such as habitat
8 creation, supporting native pollinators, pro-
9 viding food and shelter to insect and wildlife
10 population, decreasing soil erosion and land-
11 scape water usage, increasing sediment control,
12 and controlling stormwater runoff, of using na-
13 tive plants over the life of the Federal project
14 when deciding whether to use native plants.

15 (2) TURFGRASS AND LAWNS.—A Federal agen-
16 cy—

17 (A) is not required to prioritize and con-
18 sider turfgrass and lawn plantings as required
19 by paragraph (1); but

20 (B) is encouraged to consider, with respect
21 to cost, schedule, product supply, overall main-
22 tenance requirements, and property usage, the
23 planting of native plants on appropriate areas
24 of existing or planned turfgrass and lawns, par-

1 ticularly unused areas, while carrying out a
2 Federal project.

3 (c) CONTRACTOR REQUIREMENTS.—In entering into
4 a Federal contract, the head of a Federal agency shall—

5 (1) include the priority and consideration re-
6 quirements described in subsection (b) in the con-
7 tract, to the maximum extent practicable; and

8 (2) require that any subcontract (at any tier) of
9 that contract include those priority and consider-
10 ation requirements.

11 (d) UPDATE TO AGENCY-SPECIFIC DESIGN STAND-
12 ARDS.—Not later than 270 days after the date of enact-
13 ment of this Act, a Federal agency that maintains agency-
14 specific facility design standards or that has landscape
15 and maintenance development requirements or standards
16 shall update those requirements and standards in accord-
17 ance with subsections (b) and (c).

18 (e) CEQ GUIDANCE.—Not later than 180 days after
19 the date of enactment of this Act, and every 2 years there-
20 after, the Chair of the Council on Environmental Quality
21 shall distribute to Federal agencies guidance on—

22 (1) the use of native plants in Federal projects;
23 and

24 (2) implementing the requirements of this sec-
25 tion.

1 (f) REPORT.—Not later than 2 years after the date
2 of enactment of this Act, and every 2 years thereafter,
3 the Chair of the Council on Environmental Quality shall
4 make publicly available on the website of the Council on
5 Environmental Quality a report on the use of native plants
6 in Federal projects for at least the previous 2 years that
7 includes, at a minimum, the following:

8 (1) Case studies on best practices used in var-
9 ious Federal projects.

10 (2) A general analysis of scientific or environ-
11 mental findings relating to selected Federal projects,
12 the types of plants used, and any quantifiable im-
13 pacts of native plant usage in the Federal projects.

14 (3) A description of how the Federal Govern-
15 ment is promoting native habitats and native plant
16 usage.