

To the office of U.S. Representative W. Gregory Steube

Re: HR 10117 (119th Congress), GATOR Act of 2026 • Latest action (2026-09-10): Referred to the Subcommittee on Water, Wildlife and Fisheries.
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Office of record (Congress.gov): 2457 Rayburn House Office Building, Washington, DC • (202) 225-5792

Federal Invasive Species Interstate Commerce and Lands Protection Act of 2026

The measure, as described from the official record: To address the spread of invasive species in interstate waterways and on federal lands, protecting ecosystems and economic interests that cross state lines.

THE PROPOSAL

This Act applies only to (1) navigable waters used in interstate commerce, (2) federal lands and waters under exclusive federal jurisdiction, and (3) activities that directly and substantially affect interstate commerce, such as the transport of invasive species across state lines. The Secretary of the Interior, in consultation with state governors, shall identify invasive species that pose a significant threat to interstate commerce or federal lands. The Secretary may issue regulations prohibiting the introduction, transport, or release of such species in areas covered by this Act. States may adopt stricter measures consistent with this Act. The Act does not preempt state laws regulating invasive species on non-federal lands or waters not affecting interstate commerce. Enforcement shall be by civil penalties not exceeding \$10,000 per violation, with injunctive relief available in federal district court. The Act shall be funded by reallocating \$5 million annually from existing appropriations of the Department of the Interior. It shall sunset after 5 years, with a mandatory report to Congress on effectiveness and state cooperation. The effective date is 90 days after enactment.

OPERATIVE PROVISIONS (VFA PROPOSAL)

Funding Source	Reallocation from existing Department of the Interior appropriations; no new taxes.
Funding Amount	\$5 million per year, capped at \$25 million total over 5 years.
Sunset Years	5 years
Oversight Body	Government Accountability Office (GAO) to review implementation and state consultations annually.
Enforcement Mechanism	Civil penalties of up to \$10,000 per violation, injunctions in federal district court, and potential debarment from federal contracts for repeat violators.
Effective Date	90 days after enactment

CONSTITUTIONAL BASIS

- Article I, Section 8, Clause 3 (Commerce Clause)
- Article IV, Section 3, Clause 2 (Property Clause)
- Tenth Amendment

Concerns with the measure as written:

- The original bill may have overstepped the Tenth Amendment by regulating state-managed water bodies and lands not under federal jurisdiction.
- It may have lacked a clear nexus to interstate commerce as required by Article I, Section 8, Clause 3 for non-federal areas.

WHY BOTH SIDES CAN BACK IT (VFA'S ASSESSMENT)

Democratic priorities: protects ecosystems, addresses climate-resilient invasive species, and uses federal authority to safeguard interstate commerce. Republican priorities: respects state sovereignty by limiting federal action to federal lands and interstate commerce, includes a sunset clause, and uses existing funding without new taxes.

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