

104TH CONGRESS
1ST SESSION

S. 690

To amend the Federal Noxious Weed Act of 1974 and the Terminal Inspection Act to improve the exclusion, eradication, and control of noxious weeds and plants, plant products, plant pests, animals, and other organisms within and into the United States, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 6 (legislative day, APRIL 5), 1995

Mr. AKAKA (for himself, Mr. CAMPBELL, and Mr. DORGAN) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To amend the Federal Noxious Weed Act of 1974 and the Terminal Inspection Act to improve the exclusion, eradication, and control of noxious weeds and plants, plant products, plant pests, animals, and other organisms within and into the United States, 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 “Federal Noxious Weed
5 Control Improvement Act of 1995”.

1 **TITLE I—NOXIOUS WEEDS**

2 **SEC. 101. IMPROVEMENT IN THE EXCLUSION, ERADI-**
 3 **CATION, AND CONTROL OF NOXIOUS WEEDS**
 4 **IN THE UNITED STATES.**

5 The Federal Noxious Weed Act of 1974 (7 U.S.C.
 6 2801 et seq.) is amended to read as follows:

7 **“SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

8 “(a) SHORT TITLE.—This Act may be cited as the
 9 ‘Foreign and Federal Noxious Weed Act’.

10 “(b) TABLE OF CONTENTS.—The table of contents
 11 of this Act is as follows:

“Sec. 1. Short title; table of contents.

“Sec. 2. Findings.

“Sec. 3. Definitions.

“TITLE I—MOVEMENT OF FEDERAL NOXIOUS WEED INTO OR
 THROUGH THE UNITED STATES

“Sec. 101. Movement of Federal noxious weed into or through the United
 States.

“Sec. 102. Identification of Federal noxious weeds.

“Sec. 103. Quarantines.

“Sec. 104. Measures to prevent dissemination of foreign and Federal noxious
 weeds.

“Sec. 105. Search of persons, premises, and goods.

“Sec. 106. Penalties.

“Sec. 107. Cooperation with other Federal, State, and local agencies.

“Sec. 108. Authorization of appropriations.

“TITLE II—MANAGEMENT OF UNDESIRABLE PLANTS ON
 FEDERAL LANDS

“Sec. 201. Definitions.

“Sec. 202. Federal agency involvement.

“Sec. 203. Authorization of appropriations.

“TITLE III—GENERAL PROVISIONS

“Sec. 301. Effect on inconsistent State and local laws.

“Sec. 302. Regulations.

1 **“SEC. 2. FINDINGS.**

2 “Congress finds that—

3 “(1) the importation or introduction in inter-
4 state commerce of foreign noxious weeds, except
5 under controlled conditions, is detrimental to the en-
6 vironment, agriculture, and commerce of the United
7 States and to the public health in that the growth
8 and spread of weeds in the United States—

9 “(A) interfere with the growth of useful
10 plants;

11 “(B) clog waterways and interfere with
12 navigation;

13 “(C) cause disease or have other adverse
14 effects on the environment; and

15 “(D) directly or indirectly interfere with
16 natural resources, agriculture, forestry, native
17 ecosystems, and the management of ecosystems;

18 “(2) uncontrolled distribution within the United
19 States of foreign noxious weeds, after importation or
20 introduction of the weeds, has similar detrimental
21 effects;

22 “(3) the distribution of noxious weeds poses
23 long-term problems for natural resources, agri-
24 culture, and native or natural ecosystems and eco-
25 system management, including—

1 “(A) economic injury to natural resources,
2 agriculture, and the economy of the United
3 States;

4 “(B) impedance of interstate and foreign
5 commerce; and

6 “(C) diminishment of biodiversity in native
7 ecosystems of the United States; and

8 “(4) in light of the adverse consequences of un-
9 controlled importation or distribution of foreign nox-
10 ious weeds, the regulation of foreign noxious weeds
11 as provided in this Act is necessary to protect inter-
12 state and foreign commerce and the public welfare.

13 **“SEC. 3. DEFINITIONS.**

14 “As used in this Act:

15 “(1) **ADVISORY PANEL.**—The term ‘Advisory
16 Panel’ means the Noxious Weed Technical Advisory
17 Panel established under section 102(e).

18 “(2) **AUTHORIZED INSPECTOR.**—The term ‘au-
19 thorized inspector’ means an employee of the De-
20 partment, or an employee of any other agency of the
21 Federal Government or of any State or other gov-
22 ernmental agency that is cooperating with the De-
23 partment in the administration of this Act, who is
24 authorized by the Secretary to perform assigned du-
25 ties under this Act.

1 “(3) DEPARTMENT.—The term “Department”
2 means the United States Department of Agriculture.

3 “(4) EMERGENCY.—The term ‘emergency’
4 means an unforeseen combination of circumstances
5 or the resulting state that calls for immediate action,
6 as determined by the Secretary.

7 “(5) FEDERAL NOXIOUS WEED.—The term
8 ‘Federal noxious weed’ means a foreign noxious
9 weed that is identified as appropriate for control
10 under this Act and included in the Federal noxious
11 weed list established pursuant to a regulation issued
12 under section 102(b).

13 “(6) FEDERAL NOXIOUS WEED LIST.—The
14 term ‘Federal noxious weed list’ means the list pre-
15 pared by the Secretary that contains the names of
16 all Federal noxious weeds.

17 “(7) FOREIGN NOXIOUS WEED.—The term ‘for-
18 eign noxious weed’ means a plant species, including
19 all reproductive parts of the species, that the Sec-
20 retary determines—

21 “(A) is of foreign origin;

22 “(B) can directly or indirectly interfere
23 with an agroecosystem, native ecosystem, or the
24 management of an ecosystem, or cause injury to
25 public health; and

1 “(C)(i) has not been introduced into the
2 United States;

3 “(ii) is determined by the Secretary to be
4 likely to be introduced into the United States;

5 “(iii) is new to the United States; or

6 “(iv) has not expanded beyond suscepti-
7 bility to containment within a geographic region
8 or ecological range of the United States.

9 “(8) INTERFERE.—The term ‘interfere’ means
10 to injure, harm, or impair an agroecosystem or na-
11 tive or natural ecosystem in the environment or com-
12 merce.

13 “(9) INTERSTATE MOVEMENT.—The term
14 ‘interstate movement’ means movement from any
15 State into or through any other State.

16 “(10) MOVE.—The term ‘move’ means deposit
17 for transmission in the mails, ship, offer for ship-
18 ment, offer for entry, import, receive for transpor-
19 tation, carry, or otherwise transport.

20 “(11) SECRETARY.—The term ‘Secretary’
21 means the Secretary of Agriculture or a designee of
22 the Secretary.

23 “(12) STATE.—The term ‘State’ means a State,
24 the District of Columbia, the Commonwealth of

1 Puerto Rico, and a territory or possession of the
2 United States.

3 “(13) UNITED STATES.—The term ‘United
4 States’, when used in a geographic sense, means all
5 of the States and territories and possessions.

6 **“TITLE I—MOVEMENT OF FED-**
7 **ERAL NOXIOUS WEED INTO**
8 **OR THROUGH THE UNITED**
9 **STATES**

10 **“SEC. 101. MOVEMENT OF FEDERAL NOXIOUS WEED INTO**
11 **OR THROUGH THE UNITED STATES.**

12 “(a) PERMIT REQUIRED.—No person shall knowingly
13 move any Federal noxious weed, into or through the
14 United States or interstate, unless the movement is—

15 “(1) authorized under a general or specific per-
16 mit from the Secretary; and

17 “(2) made in accordance with such conditions
18 as the Secretary may prescribe in the permit and in
19 such regulations as the Secretary may issue under
20 section 302 to prevent the dissemination into or
21 within the United States, or interstate, of the Fed-
22 eral noxious weed.

23 “(b) REFUSAL TO ISSUE PERMIT.—

24 “(1) IN GENERAL.—The Secretary may refuse
25 to issue a permit under subsection (a) for the move-

1 ment of a Federal noxious weed if the Secretary de-
2 termines that the movement would involve a danger
3 of dissemination of the Federal noxious weed into or
4 within the United States or interstate.

5 “(2) REASON FOR REFUSAL.—If the Secretary
6 refuses to issue a permit under paragraph (1), the
7 Secretary shall publish the reasons for the refusal in
8 the Federal Register.

9 “(c) PROHIBITIONS.—No person shall knowingly sell,
10 purchase, barter, exchange, give, deliver, or receive any
11 Federal noxious weed that has been moved in violation of
12 subsection (a).

13 **“SEC. 102. IDENTIFICATION OF FEDERAL NOXIOUS WEEDS.**

14 “(a) FEDERAL NOXIOUS WEEDS LIST.—The Sec-
15 retary shall maintain a Federal noxious weed list contain-
16 ing the names of all Federal noxious weeds identified by
17 the Secretary under subsection (b).

18 “(b) INCLUSION BY REGULATION.—

19 “(1) REGULATION PROCESS.—

20 “(A) IN GENERAL.—Except as provided in
21 paragraph (2), a plant species may be identified
22 as a Federal noxious weed and included in the
23 Federal noxious weed list only pursuant to a
24 regulation issued by the Secretary.

1 “(B) NOTICE AND HEARING.—The regula-
2 tion shall be issued only after publication of a
3 notice of the proposed regulation and, when re-
4 quested by any interested person, a public hear-
5 ing on the proposed regulation.

6 “(C) BASIS.—The regulation shall—

7 “(i) be based on the information re-
8 ceived at any such hearing, comments, and
9 other information available to the Sec-
10 retary; and

11 “(ii) require a determination by the
12 Secretary that—

13 “(I) the plant is a foreign nox-
14 ious weed (within the meaning of sec-
15 tion 3(7)); and

16 “(II) the dissemination of the
17 weed in the United States may rea-
18 sonably be expected to interfere with
19 natural resources, agriculture, for-
20 estry, or a native ecosystem or the
21 management of an ecosystem, or
22 cause injury to public health.

23 “(2) EMERGENCY DESIGNATION.—

24 “(A) IN GENERAL.—In an emergency, the
25 Secretary may temporarily designate a plant

1 species as a Federal noxious weed if the Sec-
2 retary determines that the plant species meets
3 the definition of a foreign noxious weed.

4 “(B) DURATION.—The temporary designa-
5 tion shall remain in effect until the Secretary
6 initiates and completes the regulation process in
7 accordance with paragraph (1).

8 “(C) NOTICE.—The Secretary shall pro-
9 vide notice of the temporary designation to in-
10 terested parties, including importers, State
11 agencies, and the general public, at the time the
12 emergency is declared.

13 “(c) ADDITIONS TO AND REMOVALS FROM NOXIOUS
14 WEED LIST.—

15 “(1) PETITION PROCESS.—

16 “(A) IN GENERAL.—Any interested person
17 may petition the Secretary to add a plant spe-
18 cies to, or remove a plant species from, the
19 Federal noxious weed list.

20 “(B) DETERMINATION.—To the maximum
21 extent practicable, not later than 90 days after
22 receiving a petition, the Secretary shall deter-
23 mine whether the petition presents an assess-
24 ment of potential damage based on scientific in-
25 formation indicating that the plant species in-

1 volved should be added to or removed from the
2 Federal noxious weed list.

3 “(C) PUBLICATION.—The Secretary shall
4 publish each determination made under this
5 paragraph in the Federal Register.

6 “(2) REVIEW BY ADVISORY PANEL.—If the Sec-
7 retary determines that a petition presents scientific
8 information described in paragraph (1)(B), the Sec-
9 retary shall forward the petition to the Advisory
10 Panel for the review and advice of the panel.

11 “(3) FINDINGS.—Not later than 1 year after
12 receiving a petition under paragraph (1) determined
13 to present scientific information described in para-
14 graph (1)(B), and after considering the advice of the
15 Advisory Panel, the Secretary shall make 1 of the
16 following findings:

17 “(A) The petitioned action is not war-
18 ranted.

19 “(B) The petitioned action is warranted, in
20 which case (except as provided in subparagraph
21 (C)) the Secretary shall commence the proce-
22 dure described in subsection (b)(1) to add the
23 plant species involved to, or remove the plant
24 species from, the Federal noxious weed list.

1 “(C) The petitioned action is warranted,
2 except that—

3 “(i) immediate promulgation of a reg-
4 ulation implementing the petitioned action
5 is precluded by pending proposals to iden-
6 tify Federal noxious weeds; and

7 “(ii) expeditious progress is being
8 made to add the plant species to the Fed-
9 eral noxious weed list.

10 “(4) PUBLICATION.—The Secretary shall pub-
11 lish a finding made under paragraph (3) in the Fed-
12 eral Register, with a description and evaluation of
13 the reasons and data on which the finding is based.

14 “(d) CLASSIFICATION SYSTEM AND INTEGRATED
15 MANAGEMENT PLAN.—

16 “(1) CLASSIFICATION SYSTEM.—The Secretary
17 shall develop a classification system to describe the
18 status and action levels for foreign noxious weeds
19 and Federal noxious weeds. The classification sys-
20 tem shall include, for each foreign noxious weed or
21 Federal noxious weed, the current geographic dis-
22 tribution, relative threat, and actions initiated to
23 prevent introduction or distribution.

24 “(2) INTEGRATED MANAGEMENT PLAN.—The
25 Secretary shall develop an integrated management

1 plan for each foreign noxious weed or Federal nox-
2 ious weed introduced into the United States for the
3 geographic region or ecological range where the weed
4 is found in the United States. The plan may include
5 the use of a permanent or temporary quarantine es-
6 tablished under section 103.

7 “(3) CONSULTATION.—The Secretary shall de-
8 velop the classification system and integrated man-
9 agement plans in consultation with the Advisory
10 Panel.

11 “(e) NOXIOUS WEED TECHNICAL ADVISORY
12 PANEL.—

13 “(1) ESTABLISHMENT.—The Secretary shall
14 appoint a Noxious Weed Technical Advisory Panel
15 consisting of 6 individuals to—

16 “(A) assist the Secretary in—

17 “(i) the identification of foreign nox-
18 ious weeds for inclusion on the Federal
19 noxious weed list;

20 “(ii) the development of integrated
21 management plans; and

22 “(iii) other matters relating to the ad-
23 ministration of this Act; and

1 “(B) recommend to the Secretary any for-
2 eign noxious weed that should be added to or
3 deleted from the Federal noxious weed list.

4 “(2) MEMBERS.—The members of the Advisory
5 Panel shall be appointed by the Secretary from
6 among persons who have professional or working
7 knowledge of agroecosystems or native or natural
8 ecosystems management. In appointing the mem-
9 bers, the Secretary shall ensure that there is 1 rep-
10 resentative from each of the North Central, North-
11 eastern, Southern, Southwestern, Northwestern, and
12 Western regions of the United States, and that each
13 of the following entities is represented:

14 “(A) An environmental organization.

15 “(B) A State agency with weed manage-
16 ment responsibility.

17 “(C) A land grant college or university.

18 “(D) A weed science society.

19 “(E) A trade association.

20 “(F) An ecologist.

21 “(3) EX OFFICIO MEMBERS.—The Advisory
22 Panel shall also include a representative of each of
23 the following agencies, who shall serve as ex officio
24 members of the Advisory Panel:

1 “(A) The Animal and Plant Health Inspec-
2 tion Service of the Department.

3 “(B) The Agricultural Research Service of
4 the Department.

5 “(C) A Representative of the Federal
6 Interagency Committee for the Management of
7 Noxious and Exotic Weeds.

8 “(D) A Federal agency with land manage-
9 ment responsibilities.

10 “(4) COMPENSATION.—A member of the Advi-
11 sory Panel who is not a Federal employee shall re-
12 ceive compensation while on official business in the
13 form of reimbursement for travel and per diem ex-
14 penses, to be paid by the Secretary in accordance
15 with subchapter I of chapter 57 of title 5, United
16 States Code.

17 “(5) ANNUAL REPORT.—The Advisory Panel
18 shall submit to the Secretary, the Committee on Ag-
19 riculture of the House of Representatives, and the
20 Committee on Agriculture, Nutrition, and Forestry
21 of the Senate an annual report describing the activi-
22 ties of the Advisory Panel during the preceding year.

23 **“SEC. 103. QUARANTINES.**

24 “(a) IN GENERAL.—The Secretary may establish by
25 regulation such quarantines as are necessary to prevent

1 the importation or introduction, or control the distribu-
2 tion, of a Federal noxious weed.

3 “(b) TEMPORARY QUARANTINE.—

4 “(1) AUTHORIZED.—If the Secretary has rea-
5 son to believe that an infestation of a foreign nox-
6 ious weed exists in any State, the Secretary may by
7 order—

8 “(A) temporarily quarantine the State or a
9 portion of the State; and

10 “(B) restrict or prohibit the interstate
11 movement from the quarantined area of any
12 products and articles of any character, and
13 means of conveyance, capable of carrying the
14 foreign noxious weed.

15 “(2) TIME PERIOD OF QUARANTINE.—A tem-
16 porary quarantine ordered under paragraph (1) may
17 not extend for more than 1 year after the date on
18 which the order is issued, unless the order is re-
19 newed by the Secretary.

20 “(3) EXPEDITED CONSIDERATION FOR LIST-
21 ING.—Not later than the end of the 1-year period
22 referred to in paragraph (2), the Secretary shall de-
23 termine whether or not the foreign noxious weed in-
24 volved should be added to the Federal noxious weed
25 list established pursuant to section 102(b). The Sec-

1 “(A) is moving into or through the United
2 States or interstate, with bond or otherwise;
3 and

4 “(B) the Secretary has reason to believe is
5 infested by the foreign noxious weed or Federal
6 noxious weed, in violation of this Act or any
7 regulation issued under this Act.

8 “(2) METHOD OF DISPOSAL.—Subject to sub-
9 section (c), the Secretary may dispose of a product,
10 article, or means of conveyance seized under this
11 subsection in such manner as the Secretary consid-
12 ers appropriate.

13 “(b) ORDERS REQUIRING DISPOSAL.—

14 “(1) DISPOSAL ORDERS.—

15 “(A) IN GENERAL.—Subject to subsection
16 (c), the Secretary may order the owner (or
17 agent of the owner) of any product, article, or
18 means of conveyance contaminated with a for-
19 eign noxious weed or Federal noxious weed sub-
20 ject to disposal under subsection (a) to treat,
21 destroy, or otherwise dispose of the product, ar-
22 ticle, or means of conveyance of a foreign nox-
23 ious weed or Federal noxious weed, without cost
24 to the Federal Government and in such manner
25 as the Secretary considers appropriate.

1 “(B) ENFORCEMENT.—The Secretary may
2 apply to the United States District Court or the
3 judicial district in which the owner or agent re-
4 sides or transacts business or in which the
5 product, article, means of conveyance of a for-
6 eign noxious weed or Federal noxious weed is
7 found, for enforcement of the order by injunc-
8 tion.

9 “(C) PROCESS.—Process in the case may
10 be served in any judicial district in which the
11 defendant resides or transacts business or may
12 be found. A subpoena for a witness who is re-
13 quired to attend a court in any judicial district
14 in such a case may be served in any other judi-
15 cial district.

16 “(c) DESTRUCTION, EXPORT, OR RETURN AS THE
17 LEAST DRASTIC ACTION.—No product, article, or means
18 of conveyance shall be destroyed, exported, or returned to
19 the shipping point of origin, or ordered to be destroyed,
20 exported, or returned to the shipping point of origin under
21 this section, unless in the opinion of the Secretary there
22 is no less drastic action that would be adequate to prevent
23 the dissemination of a foreign noxious weed or Federal
24 noxious weed within the United States or interstate.

1 “(d) CIVIL ACTION AGAINST UNITED STATES BY
2 OWNER.—

3 “(1) IN GENERAL.—The owner of any product,
4 article, or means of conveyance destroyed or other-
5 wise disposed of by the Secretary under this section
6 may bring an action against the United States in a
7 Federal district court, not later than 1 year after
8 the destruction or disposal, to recover just com-
9 pensation for the destruction or disposal (other than
10 compensation for loss due to delays incident to de-
11 termining the eligibility of the product, article, or
12 conveyance for movement under this Act), if the
13 owner establishes that the destruction or disposal
14 was not authorized under this Act.

15 “(2) PAYMENT OF JUDGMENT.—Any judgment
16 rendered in favor of the owner shall be paid out of
17 sums in the Treasury of the United States appro-
18 priated for the administration of this Act.

19 **“SEC. 105. SEARCH OF PERSONS, PREMISES, AND GOODS.**

20 “(a) WARRANTLESS SEARCHES.—An authorized in-
21 spector, if properly identified, shall have the authority,
22 without a warrant, to stop any person or means of convey-
23 ance moving into or through the United States, and to
24 inspect any product or article of any character moving into
25 or through the United States, if the authorized inspector

1 has probable cause to believe that the person or means
2 of conveyance is moving a foreign noxious weed or Federal
3 noxious weed regulated under this Act, or a product or
4 article containing a foreign noxious weed or Federal nox-
5 ious weed regulated under this Act.

6 “(b) WARRANT SEARCHES.—

7 “(1) IN GENERAL.—An authorized inspector
8 shall have authority, with a warrant, to enter any
9 premises in the United States for purposes of an in-
10 spection or other action necessary to carry out this
11 Act.

12 “(2) ISSUANCE OF WARRANTS.—A judge of the
13 United States or of a court of record of any State,
14 or a United States magistrate judge, may within the
15 jurisdiction of the judge or magistrate judge, on
16 proper oath or affirmation showing probable cause
17 to believe that there are on certain premises any
18 product, article, or means of conveyance contami-
19 nated with a foreign noxious weed or Federal nox-
20 ious weed plant regulated under this Act, issue a
21 warrant for the entry of the premises for purposes
22 of any inspection or other action necessary to carry
23 out this Act, except as otherwise provided in section
24 107.

1 “(3) EXECUTION OF WARRANTS.—The warrant
2 may be executed by any authorized inspector or any
3 United States marshal.

4 **“SEC. 106. PENALTIES.**

5 “(a) IN GENERAL.—Any person who knowingly vio-
6 lates section 101 or 103, or any regulation issued to carry
7 out section 101 or 103, shall be fined not more than
8 \$100,000 or imprisoned not more than 1 year, or both.

9 “(b) PECUNIARY GAIN OR LOSS.—If any person de-
10 rives pecuniary gain from an offense described in sub-
11 section (a), or if the offense results in pecuniary loss to
12 a person other than the defendant, the defendant may be
13 fined not more than an amount that is the greater of twice
14 the gross gain or twice the gross loss, unless imposition
15 of a fine under this subsection would unduly complicate
16 or prolong the imposition of a fine or sentence under sub-
17 section (a).

18 **“SEC. 107. COOPERATION WITH OTHER FEDERAL, STATE,**
19 **AND LOCAL AGENCIES.**

20 “(a) COOPERATION AUTHORIZED.—

21 “(1) IN GENERAL.—The Secretary shall cooper-
22 ate with other Federal agencies, agencies of States
23 and political subdivisions of States, agriculture pro-
24 ducer associations and similar organizations, and in-
25 dividuals in carrying out operations or measures in

1 the United States to prevent, retard, eradicate, sup-
2 press, control, or manage the spread of a foreign
3 noxious weed or Federal noxious weed.

4 “(2) COOPERATORS.—The Secretary may ap-
5 point employees of other Federal agencies, and em-
6 ployees of agencies of any State or political subdivi-
7 sion of the State, to assist in the administration of
8 this Act, pursuant to cooperative agreements with
9 the agencies, if the Secretary determines that the
10 appointments would facilitate administration of this
11 Act.

12 “(b) CONDITIONS ON COOPERATION.—In performing
13 an operation or measure authorized by subsection (a), the
14 cooperating State or other governmental agency shall be
15 responsible for the authority necessary to carry out the
16 operation or measure on all lands and properties, subject
17 to coordination with landowners and land managers within
18 the State or other jurisdiction involved.

19 **“SEC. 108. AUTHORIZATION OF APPROPRIATIONS.**

20 “(a) IN GENERAL.—There are authorized to be ap-
21 propriated such sums as are necessary to carry out this
22 title.

23 “(b) LIMITATION.—Unless specifically authorized in
24 other laws or provided for in appropriations, no part of
25 sums made available under subsection (a) shall be used

1 to pay the cost or value of property disposed of under sec-
2 tion 104.

3 **“TITLE II—MANAGEMENT OF UN-**
4 **DESIRABLE PLANTS ON FED-**
5 **ERAL LANDS**

6 **“SEC. 201. DEFINITIONS.**

7 “As used in this title:

8 “(1) COOPERATIVE AGREEMENT.—The term
9 ‘cooperative agreement’ means a written agreement
10 between a Federal agency and a State agency en-
11 tered into pursuant to this title.

12 “(2) FEDERAL AGENCY.—The term ‘Federal
13 agency’ means a department or agency of the Fed-
14 eral Government responsible for administering or
15 managing Federal lands under the jurisdiction of the
16 department, agency, or bureau.

17 “(3) FEDERAL LAND.—The term ‘Federal land’
18 means land managed by or under the jurisdiction of
19 the Federal Government.

20 “(4) INTEGRATED MANAGEMENT SYSTEM.—The
21 term ‘integrated management system’ means a sys-
22 tem for the planning and implementation of a pro-
23 gram, using an interdisciplinary approach, to com-
24 prehensively manage an undesirable plant species or

1 group of species using all available methods, includ-
2 ing—

3 “(A) education;

4 “(B) preventive measures;

5 “(C) physical or mechanical methods;

6 “(D) biological agents;

7 “(E) herbicide methods;

8 “(F) cultural methods; and

9 “(G) general land management practices,
10 such as manipulation of livestock or wildlife
11 grazing strategies or improving wildlife or live-
12 stock habitat.

13 “(5) INTERDISCIPLINARY APPROACH.—The
14 term ‘interdisciplinary approach’ means an approach
15 to making decisions regarding the containment or
16 control of an undesirable plant species or group of
17 species, that—

18 “(A) includes participation by personnel of
19 Federal or State agencies with experience in
20 areas including weed science, range science,
21 wildlife biology, land management, and forestry;
22 and

23 “(B) includes consideration of—

1 “(i) the most efficient and effective
2 method of containing or controlling the un-
3 desirable plant species over the long term;

4 “(ii) scientific studies and current
5 technologies;

6 “(iii) the physiology and habitat of a
7 plant species and the associated environ-
8 ment of the plant species; and

9 “(iv) the economic, social, ecological,
10 and human health consequences of carry-
11 ing out the approach.

12 “(6) STATE AGENCY.—The term ‘State agency’
13 means a State department of agriculture, or other
14 State agency or political subdivision of a State, re-
15 sponsible for the administration or implementation
16 of laws of the State regulating undesirable plants.

17 “(7) UNDESIRABLE PLANT.—The term ‘unde-
18 sirable plant’ means a plant species that is classified
19 as undesirable, noxious, harmful, exotic, injurious, or
20 poisonous, pursuant to State or Federal law. A spe-
21 cies listed as an endangered or threatened species
22 under the Endangered Species Act of 1973 (16
23 U.S.C. 1531 et seq.) shall not be designated as an
24 undesirable plant under this paragraph and the term
25 shall not include a plant indigenous to an area

1 where control measures are to be taken under this
2 title.

3 **“SEC. 202. FEDERAL AGENCY INVOLVEMENT.**

4 “(a) DUTIES OF AGENCIES.—The head of each Fed-
5 eral agency shall—

6 “(1) designate an office and person adequately
7 trained in the management of undesirable plants to
8 develop and coordinate an undesirable plant manage-
9 ment program for the control of undesirable plants
10 on Federal land under the jurisdiction of the agency;

11 “(2) establish and adequately fund an undesir-
12 able plant management program through the budg-
13 etary process of the agency;

14 “(3) complete and carry out cooperative agree-
15 ments with State agencies regarding the manage-
16 ment of undesirable plants on Federal land under
17 the jurisdiction of the agency; and

18 “(4) establish integrated management systems
19 to control or contain undesirable plants targeted
20 under cooperative agreements.

21 “(b) ENVIRONMENTAL IMPACT STATEMENTS.—If an
22 environmental assessment or environmental impact state-
23 ment is required under the National Environmental Policy
24 Act of 1969 (42 U.S.C. 4321 et seq.) to carry out an inte-
25 grated management system to manage undesirable plants

1 under this section, a Federal agency shall complete the
2 assessment or statement not later than 1 year after the
3 requirement for the assessment or statement is deter-
4 mined.

5 “(c) COOPERATIVE AGREEMENTS WITH STATE
6 AGENCIES.—

7 “(1) IN GENERAL.—A Federal agency shall
8 enter into a cooperative agreement with a State
9 agency to coordinate the management of undesirable
10 plants on Federal land under the jurisdiction of the
11 Federal agency.

12 “(2) CONTENTS OF PLAN.—A cooperative
13 agreement entered into pursuant to paragraph (1)
14 shall—

15 “(A) prioritize and target undesirable
16 plants or groups of undesirable plants to be
17 controlled or contained within a specific geo-
18 graphic area;

19 “(B) describe the integrated management
20 system to be used to control or contain the tar-
21 geted undesirable plants or group of undesirable
22 plants; and

23 “(C) detail the means of carrying out the
24 integrated management system, define the du-
25 ties of the Federal agency and the State agency

1 in carrying out the system, and establish a
2 timeframe for the initiation and completion of
3 the tasks specified in the system.

4 “(d) EXCEPTION.—A Federal agency shall not be re-
5 quired to carry out programs on Federal land under this
6 section unless similar programs are being carried out gen-
7 erally on State or private land in the same area.

8 “(e) COORDINATION.—

9 “(1) IN GENERAL.—The Secretary of Agri-
10 culture, Secretary of Defense, Secretary of Energy,
11 Secretary of the Interior, and Secretary of Trans-
12 portation, acting through the Federal Interagency
13 Committee for the Management of Noxious and Ex-
14 otic Weeds, shall take such actions as are necessary
15 to coordinate Federal agency programs for control,
16 research, and educational efforts associated with
17 Federal, State, and locally designated noxious weeds.

18 “(2) DUTIES.—The Federal Interagency Com-
19 mittee for the Management of Noxious and Exotic
20 Weeds, in consultation with the appropriate Assist-
21 ant Secretaries, shall—

22 “(A) identify regional priorities for noxious
23 weed control in cooperation with the appro-
24 priate States;

1 “(B) incorporate into technical guides re-
2 gionally appropriate technical information; and

3 “(C) disseminate the technical information
4 to interested State, local, and private entities.

5 “(3) COST SHARE ASSISTANCE.—The Secretary
6 may provide cost share assistance to State and local
7 agencies to manage noxious weeds in an area if a
8 majority of landowners in the area agree to partici-
9 pate in a noxious weed management program.

10 **“SEC. 203. AUTHORIZATION OF APPROPRIATIONS.**

11 “There are authorized to be appropriated to carry out
12 this title such sums as are necessary for fiscal years 1995
13 through 1999.

14 **“TITLE III—GENERAL**
15 **PROVISIONS**

16 **“SEC. 301. EFFECT ON INCONSISTENT STATE AND LOCAL**
17 **LAWS.**

18 “This Act shall not invalidate the law of any State
19 or political subdivision of a State relating to foreign nox-
20 ious weeds or Federal noxious weeds, except that a State
21 or political subdivision of a State may not permit any ac-
22 tion that is prohibited under this Act.

23 **“SEC. 302. REGULATIONS.**

24 “The Secretary may issue such regulations as are
25 necessary to carry out this Act.”.

1 **SEC. 102. EFFECT OF AMENDMENT ON PREVIOUS LISTING**
2 **OF NOXIOUS WEEDS.**

3 (a) DEFINITION OF NOXIOUS WEED.—In this sec-
4 tion, the term “noxious weed” has the meaning given the
5 term in section 3(c) of the Federal Noxious Weed Act of
6 1974 (7 U.S.C. 2802(c)), as in effect on the day before
7 the date of enactment of this Act.

8 (b) INCLUSION ON NEW FEDERAL LIST OF NOXIOUS
9 WEEDS.—Each noxious weed identified by the Secretary
10 of Agriculture in a regulation issued before the date of
11 enactment of this Act shall be considered to be a Federal
12 noxious weed and included on the Federal noxious weed
13 list for purposes of the Foreign and Federal Noxious Weed
14 Act (as amended by section 101).

15 **TITLE II—STATE TERMINAL**
16 **INSPECTION**

17 **SEC. 201. INSPECTION OF ANIMALS AND OTHER ORGA-**
18 **NISMS.**

19 The matter under the heading “ENFORCEMENT OF
20 THE PLANT-QUARANTINE ACT:” under the heading “MIS-
21 CELLANEOUS” of the Act of March 4, 1915 (commonly
22 known as the “Terminal Inspection Act”) (38 Stat. 1113,
23 chapter 144; 7 U.S.C. 166) is amended—

24 (1) in the second paragraph—

25 (A) by striking “plants and plant prod-
26 ucts” each place it appears and inserting

1 “plants, plant products, animals, and other or-
2 ganisms”;

3 (B) by striking “plants or plant products”
4 each place it appears and inserting “plants,
5 plant products, animals, or other organisms”;

6 (C) by striking “plant-quarantine law or
7 plant-quarantine regulation” each place it ap-
8 pears and inserting “plant-quarantine or other
9 law or regulation”; and

10 (D) in the last sentence, by striking “be
11 forward” and inserting “be forwarded”; and

12 (2) in the third paragraph, by striking “plant
13 or plant product” and inserting “plant, plant prod-
14 uct, animal, or other organism”.

15 **SEC. 202. INSPECTION OF ITEMS ON STATE LISTS.**

16 The second sentence of the second paragraph of the
17 matter under the heading “ENFORCEMENT OF THE
18 PLANT-QUARANTINE ACT:” under the heading “MIS-
19 CELLANEOUS” of the Act of March 4, 1915 (commonly
20 known as the “Terminal Inspection Act”) (38 Stat. 1113,
21 chapter 144; 7 U.S.C. 166) is amended—

22 (1) by striking “Upon his approval of said list,
23 in whole or in part, the Secretary of Agriculture”
24 and inserting “On the receipt of the list by the Sec-
25 retary of Agriculture, the Secretary”; and

1 (2) by striking “said approved lists” and insert-
2 ing “the list”.

3 **SEC. 203. WARRANTS.**

4 The second paragraph of the matter under the head-
5 ing “ENFORCEMENT OF THE PLANT-QUARANTINE ACT:”
6 under the heading “MISCELLANEOUS” of the Act of
7 March 4, 1915 (commonly known as the “Terminal In-
8 spection Act”) (38 Stat. 1113, chapter 144; 7 U.S.C. 166)
9 is amended by inserting after the second sentence the fol-
10 lowing: “On the request of a representative of a State,
11 a Federal agency shall act on behalf of the State to obtain
12 a warrant to inspect mail to carry out this paragraph.”.

○

S 690 IS——2

S 690 IS——3