

108TH CONGRESS
1ST SESSION

S. 144

To require the Secretary of the Interior to establish a program to provide assistance through States to eligible weed management entities to control or eradicate harmful, nonnative weeds on public and private land.

IN THE SENATE OF THE UNITED STATES

JANUARY 13, 2003

Mr. CRAIG (for himself, Mr. HAGEL, Mr. DASCHLE, Mr. CRAPO, Mr. BAUCUS, Mr. BURNS, Mr. DORGAN, Mr. SMITH, Mr. JOHNSON, and Mr. ENSIGN) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To require the Secretary of the Interior to establish a program to provide assistance through States to eligible weed management entities to control or eradicate harmful, nonnative weeds on public and private land.

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 “Noxious Weed Control
5 Act of 2003”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) NOXIOUS WEED.—The term “noxious weed”
2 has the meaning given the term in section 403 of the
3 Plant Protection Act (7 U.S.C. 7702).

4 (2) SECRETARY.—The term “Secretary” means
5 the Secretary of the Interior.

6 (3) STATE.—The term “State” means—

7 (A) each of the several States of the
8 United States;

9 (B) the District of Columbia;

10 (C) the Commonwealth of Puerto Rico;

11 (D) Guam;

12 (E) American Samoa;

13 (F) the Commonwealth of the Northern
14 Mariana Islands;

15 (G) the Federated States of Micronesia;

16 (H) the Republic of the Marshall Islands;

17 (I) the Republic of Palau; and

18 (J) the United States Virgin Islands.

19 (4) INDIAN TRIBE.—The term “Indian tribe”
20 has the meaning given the term in section 4 of the
21 Indian Self-Determination and Education Assistance
22 Act (25 U.S.C. 450b).

23 (5) WEED MANAGEMENT ENTITY.—The term
24 “weed management entity” means an entity that—

1 (A) is recognized by the State in which it
2 is established;

3 (B) is established for the purpose of con-
4 trolling or eradicating harmful, invasive weeds
5 and increasing public knowledge and education
6 concerning the need to control or eradicate
7 harmful, invasive weeds; and

8 (C) is multijurisdictional and multidisci-
9 plinary in nature.

10 **SEC. 3. ESTABLISHMENT OF PROGRAM.**

11 (a) IN GENERAL.—As soon as practicable after the
12 date of enactment of this Act, the Secretary shall establish
13 a program to provide to eligible weed management enti-
14 ties, through States, financial assistance for use in con-
15 trolling or eradicating noxious weeds.

16 (b) CONSULTATION.—In carrying out subsection (a),
17 the Secretary shall consult with—

18 (1) the National Invasive Species Council;

19 (2) the Invasive Species Advisory Committee;

20 (3) representatives of States and Indian tribes
21 with weed management entities or that have par-
22 ticular problems with noxious weeds; and

23 (4) public and private entities with experience
24 in noxious weed management.

1 **SEC. 4. ALLOCATION OF FUNDS TO STATES AND INDIAN**
 2 **TRIBES.**

3 (a) IN GENERAL.—Funds made available to carry out
 4 this Act shall be allocated by Secretary to each State, for
 5 further allocation by the State to eligible weed manage-
 6 ment entities in the State for use in carrying out projects
 7 approved by the State to control or eradicate weeds.

8 (b) BASIS FOR ALLOCATION.—The Secretary shall al-
 9 locate funding among States under subsection (a) based
 10 on—

11 (1) the severity or potential severity of the nox-
 12 ious weed problem to be addressed by the State;

13 (2) the extent to which the funds will be used
 14 to leverage non-Federal funds;

15 (3) the extent to which the State has made
 16 progress in addressing noxious weed problems; and

17 (4) such other factors as the Secretary deter-
 18 mines to be appropriate.

19 (c) SPECIAL CONSIDERATION.—In allocating funds
 20 to States under subsection (a), the Secretary—

21 (1) shall provide special consideration for States
 22 that have approved weed management entities estab-
 23 lished by Indian tribes; and

24 (2) may provide an additional allocation to a
 25 State to meet the particular needs and projects that
 26 such a weed management entity will address.

1 **SEC. 5. ELIGIBILITY AND USE OF FUNDS.**

2 (a) REQUIREMENTS.—

3 (1) IN GENERAL.—The Secretary shall pre-
4 scribe requirements for applications to be submitted
5 by States seeking allocations under this Act, includ-
6 ing—

7 (A) provisions for auditing of and report-
8 ing on the use of funds allocated; and

9 (B) criteria to ensure that any weed man-
10 agement entity recognized by a State is—

11 (i) capable of carrying out a project
12 (including conducting monitoring and re-
13 porting on the use of funds);

14 (ii) knowledgeable about and experi-
15 enced in noxious weed management; and

16 (iii) represents private and public in-
17 terests adversely affected by noxious
18 weeds.

19 (2) ELIGIBLE ACTIVITIES.—Funds allocated by
20 a State to an eligible weed management agency
21 under this Act may be used—

22 (A) in an amount not to exceed 8 percent
23 of funds made available by the State for any
24 fiscal year, for applied research to solve locally
25 significant weed management problems and so-
26 lutions;

1 (B) in an amount not to exceed 25 percent
 2 of funds made available by the State for any
 3 fiscal year, to make incentive payments to en-
 4 courage the formation of new weed manage-
 5 ment entities; and

6 (C) to carry out projects and activities re-
 7 lating to the control or eradication of noxious
 8 weeds, including—

- 9 (i) education;
- 10 (ii) inventorying and mapping;
- 11 (iii) management;
- 12 (iv) monitoring; and
- 13 (v) any similar activity (including the
 14 payment of the cost of personnel and
 15 equipment that promote the control or
 16 eradication of noxious weeds, and other ac-
 17 tivities to promote such control or eradi-
 18 cation) on the condition that the results of
 19 the activity be disseminated to the public.

20 (b) PROJECT SELECTION.—A State shall select a
 21 project proposed to be carried out by a weed management
 22 entity using funds made available under this Act—

- 23 (1) on a competitive basis; and
- 24 (2) after taking into consideration—

1 (A) the seriousness of the noxious weed
2 problem or potential problem to be addressed by
3 the project;

4 (B) the likelihood that the project would
5 prevent or resolve the problem, or increase
6 knowledge about resolving similar problems in
7 the future;

8 (C) the extent to which funds made avail-
9 able under this Act would leverage non-Federal
10 funds with respect to the project;

11 (D) the extent to which the weed manage-
12 ment entity has made progress in addressing
13 noxious weed problems;

14 (E) the extent to which the project would
15 provide a comprehensive approach to the con-
16 trol or eradication of noxious weeds;

17 (F) the extent to which the project would
18 reduce the total population of a noxious weed;

19 (G) the extent to which the project would
20 use the principles of integrated vegetation man-
21 agement and sound science; and

22 (H) such other factors as the State deter-
23 mines to be appropriate.

24 (c) INFORMATION AND REPORT.—As a condition of
25 the receipt of funds under this Act—

1 (1) each weed management entity that receives
 2 funds shall submit to the State in which the weed
 3 management entity is located such information as
 4 may be requested by the State; and

5 (2) not later than 180 days after the date of
 6 completion by a weed management entity of a
 7 project for which funds made available under this
 8 Act were used, the State in which the weed manage-
 9 ment entity is located shall submit to the Secretary
 10 a report that describes the purposes and results of
 11 the project.

12 (d) FEDERAL SHARE.—

13 (1) IN GENERAL.—Except as provided in para-
 14 graph (2), the Federal share of the cost of any
 15 project or activity approved by a State or Indian
 16 tribe under this Act may not exceed 50 percent.

17 (2) EXCEPTION.—Paragraph (1) shall not
 18 apply to a noxious weed control or eradication
 19 project in any case in which—

20 (A) the Secretary establishes criteria that
 21 would apply in any situation in which, with re-
 22 spect to the noxious weed control or eradication
 23 project, a Federal share greater than 50 per-
 24 cent is necessary—

- 1 (i) to meet the needs of an under-
 2 served area; or
 3 (ii) to address a critical need that
 4 cannot be addressed by other means; and
 5 (B) the project meets those criteria, as
 6 demonstrated by the State.

7 **SEC. 6. LIMITATIONS.**

8 (a) LANDOWNER CONSENT; LAND UNDER CULTIVA-
 9 TION.—

10 (1) IN GENERAL.—Except as provided in para-
 11 graph (2), any activity involving public or private
 12 real property may be carried out under this Act only
 13 with the consent of the landowner.

14 (2) LAND UNDER CULTIVATION.—No project
 15 may be carried out under this Act on real property
 16 that is devoted to the cultivation of row crops, fruits,
 17 or vegetables.

18 (b) COMPLIANCE WITH STATE LAW.—A weed man-
 19 agement entity may carry out a project under this Act
 20 to address a noxious weed problem in more than 1 State
 21 only if the weed management entity meets the require-
 22 ments of the laws of each State in which the project is
 23 to be carried out.

24 (c) USE OF FUNDS.—Funds allocated under this Act
 25 shall not be used to carry out any project—

1 (1) to control or eradicate animals, pests, or
2 submerged or floating noxious aquatic weeds; or

3 (2) to protect an agricultural commodity (as de-
4 fined in section 102 of the Agricultural Trade Act
5 of 1978 (7 U.S.C. 5602)) other than—

6 (A) livestock (as defined in section 602 of
7 the Agricultural Trade Act of 1949 (7 U.S.C.
8 1471)); or

9 (B) an animal- or insect-based product.

10 **SEC. 7. RELATIONSHIP TO OTHER PROGRAMS.**

11 (a) **DECLARATION OF POLICY.**—Congress declares
12 that funds allocated under this Act are intended to supple-
13 ment, and not replace, assistance made available to weed
14 management entities, areas, and districts for control or
15 eradication of harmful, invasive weeds on public and pri-
16 vate land (including funds available under the Pulling To-
17 gether Initiative of the National Fish and Wildlife Foun-
18 dation).

19 (b) **NO EFFECT ON PILT PAYMENTS.**—The alloca-
20 tion of funds to any entity under this Act shall have no
21 effect on the amount of any payment received by a county
22 from the Federal Government under chapter 69 of title
23 31, United States Code.

1 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

2 There is authorized to be appropriated to carry out
3 this Act \$100,000,000 for each of fiscal years 2002
4 through 2006, of which not more than 5 percent may be
5 used by the Secretary to pay administrative expenses in-
6 curred by the Department of the Interior and other Fed-
7 eral agencies in carrying out this Act.

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