

108TH CONGRESS
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S. 144

IN THE HOUSE OF REPRESENTATIVES

MARCH 5, 2003

Referred to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

AN ACT

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”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) NOXIOUS WEED.—The term “noxious weed”
4 has the same meaning as in the Plant Protection
5 Act (7 U.S.C. 7702(10)).

6 (2) SECRETARY.—The term “Secretary” means
7 the Secretary of the Interior.

8 (3) STATE.—The term “State” means each of
9 the several States of the United States, the District
10 of Columbia, the Commonwealth of Puerto Rico, the
11 Virgin Islands, Guam, the Commonwealth of the
12 Northern Mariana Island, and any other possession
13 of the United States.

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

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

20 (A) is recognized by the State in which it
21 is established;

22 (B) is established by and includes local
23 stakeholders, including Indian tribes;

24 (C) is established for the purpose of con-
25 trolling or eradicating harmful, invasive weeds
26 and increasing public knowledge and education

1 concerning the need to control or eradicate
2 harmful, invasive weeds; and

3 (D) is multijurisdictional and multidisci-
4 plinary in nature.

5 **SEC. 3. ESTABLISHMENT OF PROGRAM.**

6 The Secretary shall establish a program to provide
7 financial assistance through States to eligible weed man-
8 agement entities to control or eradicate weeds. In devel-
9 oping the program, the Secretary shall consult with the
10 National Invasive Species Council, the Invasive Species
11 Advisory Committee, representatives from States and In-
12 dian tribes with weed management entities or that have
13 particular problems with noxious weeds, and public and
14 private entities with experience in noxious weed manage-
15 ment.

16 **SEC. 4. ALLOCATION OF FUNDS TO STATES AND INDIAN**
17 **TRIBES.**

18 The Secretary shall allocate funds to States to pro-
19 vide funding to weed management entities to carry out
20 projects approved by States to control or eradicate noxious
21 weeds on the basis of the severity or potential severity of
22 the noxious weed problem, the extent to which the Federal
23 funds will be used to leverage non-Federal funds, the ex-
24 tent to which the State has made progress in addressing
25 noxious weed problems, and such other factors as the Sec-

1 retary deems relevant. The Secretary shall provide special
2 consideration for States with approved weed management
3 entities established by Indian Tribes, and may provide an
4 additional allocation to a State to meet the particular
5 needs and projects that such a weed management entity
6 will address.

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

8 (a) REQUIREMENTS.—The Secretary shall prescribe
9 requirements for applications by States for funding, in-
10 cluding provisions for auditing of and reporting on the use
11 of the funds and criteria to ensure that weed management
12 entities recognized by States are capable of carrying out
13 projects, monitoring and reporting on the use of funds,
14 and are knowledgeable about and experienced in noxious
15 weed management and represent private and public inter-
16 ests adversely affected by noxious weeds. Eligible activities
17 for funding shall include—

18 (1) applied research to solve locally significant
19 weed management problems and solutions, except
20 that such research may not exceed 8 percent of the
21 available funds in any year;

22 (2) incentive payments to encourage the forma-
23 tion of new weed management entities, except that
24 such payments may not exceed 25 percent of the
25 available funds in any year; and

1 (3) projects relating to the control or eradi-
2 cation or noxious weeds, including education, inven-
3 tories and mapping, management, monitoring, and
4 similar activities, including the payment of the cost
5 of personnel and equipment that promote such con-
6 trol or eradication, and other activities to promote
7 such control or eradication, if the results of the ac-
8 tivities are disseminated to the public.

9 (b) PROJECT SELECTION.—A State shall select
10 projects for funding to a weed management entity on a
11 competitive basis considering—

12 (1) the seriousness of the noxious weed problem
13 or potential problem addressed by the project;

14 (2) the likelihood that the project will prevent
15 or resolve the problem, or increase knowledge about
16 resolving similar problems in the future;

17 (3) the extent to which the payment will lever-
18 age non-Federal funds to address the noxious weed
19 problem addressed by the project;

20 (4) the extent to which the weed management
21 entity has made progress in addressing noxious weed
22 problems;

23 (5) the extent to which the project will provide
24 a comprehensive approach to the control or eradi-
25 cation of noxious weeds;

1 (6) the extent to which the project will reduce
2 the total population of a noxious weed;

3 (7) the extent to which the project uses the
4 principles of integrated vegetation management and
5 sound science; and

6 (8) such other factors that the State determines
7 to be relevant.

8 (c) INFORMATION AND REPORT.—As a condition of
9 the receipt of funding, States shall require such informa-
10 tion from grant recipients as necessary and shall submit
11 to the Secretary a report that describes the purposes and
12 results of each project for which the payment or award
13 was used, by not later than 6 months after completion of
14 the projects.

15 (d) FEDERAL SHARE.—The Federal share of any
16 project or activity approved by a State or Indian tribe
17 under this Act may not exceed 50 percent unless the State
18 meets criteria established by the Secretary that accommo-
19 dates situations where a higher percentage is necessary
20 to meet the needs of an underserved area or addresses
21 a critical need that can not be met otherwise.

22 **SEC. 6. LIMITATIONS.**

23 (A) LANDOWNER CONSENT; LAND UNDER CULTIVA-
24 TION.—Any activity involving real property, either private
25 or public, may be carried out under this Act only with

1 the consent of the landowner and no project may be under-
 2 taken on property that is devoted to the cultivation of row
 3 crops, fruits, or vegetables.

4 (b) COMPLIANCE WITH STATE LAW.—A weed man-
 5 agement entity may carry out a project to address the nox-
 6 ious weed problem in more than one State only if the enti-
 7 ty meets the requirements of the State laws in all States
 8 in which the entity will undertake the project.

9 (c) USE OF FUNDS.—Funding under this Act may
 10 not be used to carry out a project—

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

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

16 (A) livestock (as defined in section 602 of
 17 the Agricultural Trade Act of 1949 (7 U.S.C.
 18 1471)); or

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

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

21 Assistance authorized under this Act is intended to
 22 supplement, and not replace, assistance available to weed
 23 management entities, areas, and districts for control or
 24 eradication of harmful, invasive weeds on public lands and
 25 private lands, including funding available under the “Pull-

1 ing Together Initiative” of the National Fish and Wildlife
 2 Foundation, and the provision of funds to any entity
 3 under this Act shall have no effect on the amount of any
 4 payment received by a county from the Federal Govern-
 5 ment under chapter 69 of title 31, United States Code
 6 (commonly known as the Payments in Lieu of Taxes Act).

7 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

8 To carry out this Act there is authorized to be appro-
 9 priated to the Secretary \$100,000,000 for each of fiscal
 10 years 2003 through 2007, of which not more than 5 per-
 11 cent of the funds made available for a fiscal year may be
 12 used by the Secretary for administrative costs of Federal
 13 agencies.

Passed the Senate March 4, 2003.

Attest: EMILY J. REYNOLDS,
Secretary.