

108TH CONGRESS
2D SESSION

S. 144

AN ACT

To require the Secretary of Agriculture to establish a program to provide assistance to eligible weed management entities to control or eradicate noxious 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,*

1 **SECTION 1. NOXIOUS WEED CONTROL AND ERADICATION.**

2 The Plant Protection Act (7 U.S.C. 7701 et seq.) is
3 amended by adding at the end the following new subtitle:

4 **“Subtitle E—Noxious Weed Control**
5 **and Eradication**

6 **“SEC. 451. SHORT TITLE.**

7 “This subtitle may be cited as the ‘Noxious Weed
8 Control and Eradication Act of 2004’.

9 **“SEC. 452. DEFINITIONS.**

10 “In this subtitle:

11 “(1) INDIAN TRIBE.—The term ‘Indian Tribe’
12 has the meaning given that term in section 4 of the
13 Indian Self-Determination and Education Assistance
14 Act (25 U.S.C. 450b).

15 “(2) WEED MANAGEMENT ENTITY.—The term
16 ‘weed management entity’ means an entity that—

17 “(A) is recognized by the State in which it
18 is established;

19 “(B) is established for the purpose of or
20 has demonstrable expertise and significant ex-
21 perience in controlling or eradicating noxious
22 weeds and increasing public knowledge and edu-
23 cation concerning the need to control or eradi-
24 cate noxious weeds;

25 “(C) may be multijurisdictional and multi-
26 disciplinary in nature;

1 “(D) may include representatives from
 2 Federal, State, local, or, where applicable, In-
 3 dian Tribe governments, private organizations,
 4 individuals, and State-recognized conservation
 5 districts or State-recognized weed management
 6 districts; and

7 “(E) has existing authority to perform
 8 land management activities on Federal land if
 9 the proposed project or activity is on Federal
 10 lands.

11 “(3) FEDERAL LANDS.—The term ‘Federal
 12 lands’ means those lands owned and managed by the
 13 United States Forest Service or the Bureau of Land
 14 Management.

15 **“SEC. 453. ESTABLISHMENT OF PROGRAM.**

16 “(a) IN GENERAL.—The Secretary shall establish a
 17 program to provide financial and technical assistance to
 18 control or eradicate noxious weeds.

19 “(b) GRANTS.—Subject to the availability of appro-
 20 priations under section 457(a), the Secretary shall make
 21 grants under section 454 to weed management entities for
 22 the control or eradication of noxious weeds.

23 “(c) AGREEMENTS.—Subject to the availability of ap-
 24 propriations under section 457(b), the Secretary shall
 25 enter into agreements under section 455 with weed man-

1 agement entities to provide financial and technical assist-
 2 ance for the control or eradication of noxious weeds.

3 **“SEC. 454. GRANTS TO WEED MANAGEMENT ENTITIES.**

4 “(a) CONSULTATION AND CONSENT.—In carrying
 5 out a grant under this subtitle, the weed management en-
 6 tity and the Secretary shall—

7 “(1) if the activities funded under the grant will
 8 take place on Federal land, consult with the heads
 9 of the Federal agencies having jurisdiction over the
 10 land; or

11 “(2) obtain the written consent of the non-Fed-
 12 eral landowner.

13 “(b) GRANT CONSIDERATIONS.—In determining the
 14 amount of a grant to a weed management entity, the Sec-
 15 retary shall consider—

16 “(1) the severity or potential severity of the
 17 noxious weed problem;

18 “(2) the extent to which the Federal funds will
 19 be used to leverage non-Federal funds to address the
 20 noxious weed problem;

21 “(3) the extent to which the weed management
 22 entity has made progress in addressing the noxious
 23 weeds problem; and

24 “(4) other factors that the Secretary determines
 25 to be relevant.

1 “(c) USE OF GRANT FUNDS; COST SHARES.—

2 “(1) USE OF GRANTS.—A weed management
3 entity that receives a grant under subsection (a)
4 shall use the grant funds to carry out a project au-
5 thorized by subsection (d) for the control or eradi-
6 cation of a noxious weed.

7 “(2) COST SHARES.—

8 “(A) FEDERAL COST SHARE.—The Federal
9 share of the cost of carrying out an authorized
10 project under this section exclusively on non-
11 Federal land shall not exceed 50 percent.

12 “(B) FORM OF NON-FEDERAL COST
13 SHARE.—The non-Federal share of the cost of
14 carrying out an authorized project under this
15 section may be provided in cash or in kind.

16 “(d) AUTHORIZED PROJECTS.—Projects funded by
17 grants under this section include the following:

18 “(1) Education, inventories and mapping, man-
19 agement, monitoring, methods development, and
20 other capacity building activities, including the pay-
21 ment of the cost of personnel and equipment that
22 promote control or eradication of noxious weeds.

23 “(2) Other activities to control or eradicate nox-
24 ious weeds or promote control or eradication of nox-
25 ious weeds.

1 “(e) APPLICATION.—To be eligible to receive assist-
 2 ance under this section, a weed management entity shall
 3 prepare and submit to the Secretary an application con-
 4 taining such information as the Secretary shall by regula-
 5 tion require.

6 “(f) SELECTION OF PROJECTS.—Projects funded
 7 under this section shall be selected by the Secretary on
 8 a competitive basis, taking into consideration the fol-
 9 lowing:

10 “(1) The severity of the noxious weed problem
 11 or potential problem addressed by the project.

12 “(2) The likelihood that the project will prevent
 13 or resolve the problem, or increase knowledge about
 14 resolving similar problems.

15 “(3) The extent to which the Federal funds will
 16 leverage non-Federal funds to address the noxious
 17 weed problem addressed by the project.

18 “(4) The extent to which the program will im-
 19 prove the overall capacity of the United States to
 20 address noxious weed control and management.

21 “(5) The extent to which the weed management
 22 entity has made progress in addressing noxious weed
 23 problems.

1 “(6) The extent to which the project will pro-
 2 vide a comprehensive approach to the control or
 3 eradication of noxious weeds.

4 “(7) The extent to which the project will reduce
 5 the total population of noxious weeds.

6 “(8) The extent to which the project promotes
 7 cooperation and participation between States that
 8 have common interests in controlling and eradicating
 9 noxious weeds.

10 “(9) Other factors that the Secretary deter-
 11 mines to be relevant.

12 “(g) REGIONAL, STATE, AND LOCAL INVOLVE-
 13 MENT.—In determining which projects receive funding
 14 under this section, the Secretary shall, to the maximum
 15 extent practicable—

16 “(1) rely on technical and merit reviews pro-
 17 vided by regional, State, or local weed management
 18 experts; and

19 “(2) give priority to projects that maximize the
 20 involvement of State, local and, where applicable, In-
 21 dian Tribe governments.

22 “(h) SPECIAL CONSIDERATION.—The Secretary shall
 23 give special consideration to States with approved weed
 24 management entities established by Indian Tribes and
 25 may provide an additional allocation to a State to meet

1 the particular needs and projects that the weed manage-
 2 ment entity plans to address.

3 **“SEC. 455. AGREEMENTS.**

4 “(a) CONSULTATION AND CONSENT.—In carrying
 5 out an agreement under this section, the Secretary shall—

6 “(1) if the activities funded under the agree-
 7 ment will take place on Federal land, consult with
 8 the heads of the Federal agencies having jurisdiction
 9 over the land; or

10 “(2) obtain the written consent of the non-Fed-
 11 eral landowner.

12 “(b) APPLICATION OF OTHER LAWS.—The Secretary
 13 may enter into agreements under this section with weed
 14 management entities notwithstanding sections 6301
 15 through 6309 of title 31, United States Code, and other
 16 laws relating to the procurement of goods and services for
 17 the Federal Government.

18 “(c) ELIGIBLE ACTIVITIES.—Activities carried out
 19 under an agreement under this section may include the
 20 following:

21 “(1) Education, inventories and mapping, man-
 22 agement, monitoring, methods development, and
 23 other capacity building activities, including the pay-
 24 ment of the cost of personnel and equipment that
 25 promote control or eradication of noxious weeds.

1 “(2) Other activities to control or eradicate nox-
2 ious weeds.

3 “(d) SELECTION OF ACTIVITIES.—Activities funded
4 under this section shall be selected by the Secretary taking
5 into consideration the following:

6 “(1) The severity of the noxious weeds problem
7 or potential problem addressed by the activities.

8 “(2) The likelihood that the activity will prevent
9 or resolve the problem, or increase knowledge about
10 resolving similar problems.

11 “(3) The extent to which the activity will pro-
12 vide a comprehensive approach to the control or
13 eradication of noxious weeds.

14 “(4) The extent to which the program will im-
15 prove the overall capacity of the United States to
16 address noxious weed control and management.

17 “(5) The extent to which the project promotes
18 cooperation and participation between States that
19 have common interests in controlling and eradicating
20 noxious weeds.

21 “(6) Other factors that the Secretary deter-
22 mines to be relevant.

23 “(e) REGIONAL, STATE, AND LOCAL INVOLVE-
24 MENT.—In determining which activities receive funding

1 under this section, the Secretary shall, to the maximum
2 extent practicable—

3 “(1) rely on technical and merit reviews pro-
4 vided by regional, State, or local weed management
5 experts; and

6 “(2) give priority to activities that maximize the
7 involvement of State, local, and, where applicable,
8 representatives of Indian Tribe governments.

9 “(f) RAPID RESPONSE PROGRAM.—At the request of
10 the Governor of a State, the Secretary may enter into a
11 cooperative agreement with a weed management entity in
12 that State to enable rapid response to outbreaks of nox-
13 ious weeds at a stage which rapid eradication and control
14 is possible and to ensure eradication or immediate control
15 of the noxious weeds if—

16 “(1) there is a demonstrated need for the as-
17 sistance;

18 “(2) the noxious weed is considered to be a sig-
19 nificant threat to native fish, wildlife, or their habi-
20 tats, as determined by the Secretary;

21 “(3) the economic impact of delaying action is
22 considered by the Secretary to be substantial; and

23 “(4) the proposed response to such threat—

24 “(A) is technically feasible;

25 “(B) economically responsible; and

1 “(C) minimizes adverse impacts to the
2 structure and function of an ecosystem and ad-
3 verse effects on nontarget species and eco-
4 systems.

5 **“SEC. 456. RELATIONSHIP TO OTHER PROGRAMS.**

6 “Funds under this Act (other than those made avail-
7 able for section 455(f)) are intended to supplement, not
8 replace, assistance available to weed management entities,
9 areas, and districts for control or eradication of noxious
10 weeds on Federal lands and non-Federal lands. The provi-
11 sion of funds to a weed management entity under this Act
12 (other than those made available for section 455(f)) shall
13 have no effect on the amount of any payment received by
14 a county from the Federal Government under chapter 69
15 of title 31, United States Code.

16 **“SEC. 457. AUTHORIZATION OF APPROPRIATIONS.**

17 “(a) GRANTS.—To carry out section 454, there are
18 authorized to be appropriated to the Secretary \$7,500,000
19 for each of fiscal years 2005 through 2009, of which not
20 more than 5 percent of the funds made available for a
21 fiscal year may be used by the Secretary for administrative
22 costs.

23 “(b) AGREEMENTS.—To carry out section 455 of this
24 subtitle, there are authorized to be appropriated to the
25 Secretary \$7,500,000 for each of fiscal years 2005

1 through 2009, of which not more than 5 percent of the
 2 funds made available for a fiscal year may be used by the
 3 Secretary for administrative costs of Federal agencies.”.

4 **SEC. 2. TECHNICAL AMENDMENT.**

5 The table of sections in section 1(b) of the Agricul-
 6 tural Risk Protection Act of 2000 is amended by inserting
 7 after the item relating to section 442 the following:

“Subtitle E—Noxious Weed Control and Eradication

“Sec. 451. Short title.

“Sec. 452. Definitions.

“Sec. 453. Establishment of program.

“Sec. 454. Grants to weed management entities.

“Sec. 455. Agreements.

“Sec. 456. Relationship to other programs.

“Sec. 457. Authorization of Appropriations.”.

Passed the Senate October 10, 2004.

Attest:

Secretary.

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