''(i) 1846 Subsequent routes A and B (Lucas and Clarke Counties, Iowa).

''(ii) 1856–57 Handcart route (Iowa City to Council Bluffs)

''(iii) Keokuk route (Iowa).

''(iv) 1847 Alternative Elkhorn and Loup River Crossings in Nebraska.

''(v) Fort Leavenworth Road; Ox Bow route and alternates in Kansas and Missouri (Oregon and California Trail routes used by Mormon emigrants).

''(vi) 1850 Golden Pass Road in Utah.

''(6) SHARED CALIFORNIA AND OREGON TRAIL ROUTES.—

''(A) STUDY REQUIRED.—The Secretary of the Interior shall undertake a study of the shared routes of the California Trail and Oregon Trail listed in subparagraph (B) and generally depicted on the map entitled 'Western Emigrant Trails 1830/1870' and dated 1991/1993, and of such other shared routes that the Secretary considers appropriate, to determine the feasibility and suitability of designation of one or more of the routes as shared components of the California National Historic Trail and the Oregon National Historic Trail.

''(B) COVERED ROUTES.—The routes to be studied under subparagraph (A) shall include the following:

''(i) St. Joe Road.

''(ii) Council Bluffs Road.

''(iii) Sublette cutoff.

''(iv) Applegate route.

''(v) Old Fort Kearny Road (Oxbow Trail).

''(vi) Childs cutoff.

''(vii) Raft River to Applegate.''

Passed the House of Representatives June 6, 2001.

Mr. REID. Mr. President, Chairman BINGAMAN has a substitute amendment at the desk. I ask unanimous consent that the amendment be considered and agreed to, the motion to reconsider be laid on the table, the committee-reported substitute, as amended, be agreed to, the bill, as amended, be read three times and passed, the motion to reconsider be laid on the table, and any statements relating to the bill be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment (No. 4974) in the nature of a substitute was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (H.R. 37), as amended, was read the third time and passed.

NOXIOUS WEED CONTROL ACT OF 2002

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 600, S. 198.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 198) 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.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Energy and Natural Resources with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

[Striking the part shown in black brackets and insert the part shown in italic.]

S. 198

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[SECTION 1. SHORT TITLE.

[This Act may be cited as the ''Harmful Nonnative Weed Control Act of 2000''.

[SEC. 2. FINDINGS AND PURPOSES.

[(a) FINDINGS.—Congress finds that—

[(1) public and private land in the United States faces unprecedented and severe stress from harmful, nonnative weeds;

[(2) the economic and resource value of the land is being destroyed as harmful nonnative weeds overtake native vegetation, making the land unusable for forage and for diverse plant and animal communities;

[(3) damage caused by harmful nonnative weeds has been estimated to run in the hundreds of millions of dollars annually;

[(4) successfully fighting this scourge will require coordinated action by all affected stakeholders, including Federal, State, and local governments, private landowners, and nongovernmental organizations;

[(5) the fight must begin at the local level, since it is at the local level that persons feel the loss caused by harmful nonnative weeds and will therefore have the greatest motivation to take effective action; and

[(6) to date, effective action has been hampered by inadequate funding at all levels of government and by inadequate coordination.

[(b) PURPOSES.—The purposes of this Act are—

[(1) to provide assistance to eligible weed management entities in carrying out projects to control or eradicate harmful, nonnative weeds on public and private land;

[(2) to coordinate the projects with existing weed management areas and districts;

[(3) in locations in which no weed management entity, area, or district exists, to stimulate the formation of additional local or regional cooperative weed management entities, such as entities for weed management areas or districts, that organize locally affected stakeholders to control or eradicate weeds;

[(4) to leverage additional funds from a variety of public and private sources to control or eradicate weeds through local stakeholders; and

[(5) to promote healthy, diverse, and desirable plant communities by abating through a variety of measures the threat posed by harmful, nonnative weeds.

[SEC. 3. DEFINITIONS.

[In this Act:

[(1) ADVISORY COMMITTEE.—The term ''Advisory Committee'' means the advisory committee established under section 5.

[(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

[(3) STATE.—The term ''State'' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.

[SEC. 4. ESTABLISHMENT OF PROGRAM.

[The Secretary shall establish in the Office of the Secretary a program to provide financial assistance through States to eligible weed management entities to control or eradicate harmful, nonnative weeds on public and private land.

[SEC. 5. ADVISORY COMMITTEE.

[(a) IN GENERAL.—The Secretary shall establish in the Department of the Interior an advisory committee to make recommendations to the Secretary regarding the annual allocation of funds to States under section 6 and other issues related to funding under this Act.

[(b) COMPOSITION.—The Advisory Committee shall be composed of not more than 10 individuals appointed by the Secretary who—

[(1) have knowledge and experience in harmful, nonnative weed management; and

[(2) represent the range of economic, conservation, geographic, and social interests affected by harmful, nonnative weeds.

[(c) TERM.—The term of a member of the Advisory Committee shall be 4 years.

[(d) COMPENSATION.—

[(1) IN GENERAL.—A member of the Advisory Committee shall receive no compensation for the service of the member on the Advisory Committee.

[(2) TRAVEL EXPENSES.—A member of the Advisory Committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Advisory Committee.

[(e) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Committee.

[SEC. 6. ALLOCATION OF FUNDS TO STATES.

[(a) IN GENERAL.—In consultation with the Advisory Committee, the Secretary shall allocate funds made available for each fiscal year under section 8 to States to provide funding in accordance with section 7 to eligible weed management entities to carry out projects approved by States to control or eradicate harmful, nonnative weeds on public and private land.

[(b) AMOUNT.—The Secretary shall determine the amount of funds allocated to a State for a fiscal year under this section on the basis of—

[(1) the seriousness of the harmful, nonnative weed problem or potential problem in the State, or a portion of the State;

[(2) the extent to which the Federal funds will be used to leverage non-Federal funds to address the harmful, nonnative weed problems in the State;

[(3) the extent to which the State has made progress in addressing harmful, nonnative weed problems in the State;

[(4) the extent to which weed management entities in a State are eligible for base payments under section 7; and

[(5) other factors recommended by the Advisory Committee and approved by the Secretary.

[SEC. 7. USE OF FUNDS ALLOCATED TO STATES.

[(a) IN GENERAL.—A State that receives an allocation of funds under section 6 for a fiscal year shall use—

[(1) not more than 25 percent of the allocation to make a base payment to each weed management entity in accordance with subsection (b); and

[(2) not less than 75 percent of the allocation to make financial awards to weed management entities in accordance with subsection (c).

[(b) BASE PAYMENTS.—

[(1) USE BY WEED MANAGEMENT ENTITIES.—

[(A) IN GENERAL.—Base payments under subsection (a)(1) shall be used by weed management entities—

[(i) to pay the Federal share of the cost of carrying out projects described in subsection (d) that are selected by the State in accordance with subsection (d); or

[(ii) for any other purpose relating to the activities of the weed management entities, subject to guidelines established by the State.

[(B) FEDERAL SHARE.—Under subparagraph (A), the Federal share of the cost of carrying out a project described in subsection (d) shall not exceed 50 percent.

[(2) ELIGIBILITY OF WEED MANAGEMENT ENTITIES.—To be eligible to obtain a base payment under paragraph (1) for a fiscal year, a weed management entity in a State shall—

[(A) be established by local stakeholders—

[(i) to control or eradicate harmful, nonnative weeds on public or private land; or

[(ii) to increase public knowledge and education concerning the need to control or eradicate harmful, nonnative weeds on public or private land;

[(B)(i) for the first fiscal year for which the entity receives a base payment, provide to the State a description of—

[(I) the purposes for which the entity was established; and

[(II) any projects carried out to accomplish those purposes; and

[(ii) for any subsequent fiscal year for which the entity receives a base payment, provide to the State—

[(I) a description of the activities carried out by the entity in the previous fiscal year—

[(aa) to control or eradicate harmful, nonnative weeds on public or private land; or

[(bb) to increase public knowledge and education concerning the need to control or eradicate harmful, nonnative weeds on public or private land; and

[(II) the results of each such activity; and

[(C) meet such additional eligibility requirements, and conform to such process for determining eligibility, as the State may establish.

[(c) FINANCIAL AWARDS.—

[(1) USE BY WEED MANAGEMENT ENTITIES.—

[(A) IN GENERAL.—Financial awards under subsection (a)(2) shall be used by weed management entities to pay the Federal share of the cost of carrying out projects described in subsection (d) that are selected by the State in accordance with subsection (d).

[(B) FEDERAL SHARE.—Under subparagraph (A), the Federal share of the cost of carrying out a project described in subsection (d) shall not exceed 50 percent.

[(2) ELIGIBILITY OF WEED MANAGEMENT ENTITIES.—To be eligible to obtain a financial award under paragraph (1) for a fiscal year, a weed management entity in a State shall—

[(A) meet the requirements for eligibility for a base payment under subsection (b)(2); and

[(B) submit to the State a description of the project for which the financial award is sought.

[(d) PROJECTS.—

[(1) IN GENERAL.—An eligible weed management entity may use a base payment or financial award received under this section to carry out a project relating to the control or eradication of harmful, nonnative weeds on public or private land, including—

[(A) education, inventories and mapping, management, monitoring, and similar activities, including the payment of the cost of personnel and equipment; and

[(B) innovative projects, with results that are disseminated to the public.

[(2) SELECTION OF PROJECTS.—A State shall select projects for funding under this section on a competitive basis, taking into consideration (with equal consideration given to economic and natural values)—

[(A) the seriousness of the harmful, nonnative weed problem or potential problem addressed by the project;

[(B) the likelihood that the project will prevent or resolve the problem, or increase knowledge about resolving similar problems in the future;

[(C) the extent to which the payment will leverage non-Federal funds to address the harmful, nonnative weed problem addressed by the project;

[(D) the extent to which the entity has made progress in addressing harmful, nonnative weed problems;

[(E) the extent to which the project will provide a comprehensive approach to the control or eradication of harmful, nonnative weeds;

[(F) the extent to which the project will reduce the total population of a harmful, nonnative weed within the State; and

[(G) other factors that the State determines to be relevant.

[(3) SCOPE OF PROJECTS.—

[(A) IN GENERAL.—A weed management entity shall determine the geographic scope of the harmful, nonnative weed problem to be addressed through a project using a base payment or financial award received under this section.

[(B) MULTIPLE STATES.—A weed management entity may use the base payment or financial award to carry out a project to address the harmful, nonnative weed problem of more than 1 State if the entity meets the requirements of applicable State laws.

[(4) LAND.—A weed management entity may use a base payment or financial award received under this section to carry out a project to control or eradicate weeds on any public or private land with the approval of the owner or operator of the land, other than land that is devoted to the cultivation of row crops, fruits, or vegetables.

[(5) PROHIBITION ON PROJECTS TO CONTROL AQUATIC NOXIOUS WEEDS OR ANIMAL PESTS.—A base payment or financial award under this section may not be used to carry out a project to control or eradicate aquatic noxious weeds or animal pests.

[(e) ADMINISTRATIVE COSTS.—Not more than 5 percent of the funds made available under section 8 for a fiscal year may be used by the States or the Federal Government to pay the administrative costs of the program established by this Act, including the costs of complying with Federal environmental laws.

[SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

[There are authorized to be appropriated such sums as are necessary to carry out this Act.]

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Noxious Weed Control Act of 2002''.

SEC. 2. DEFINITIONS.

In this Act:

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

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(3) STATE.—The term ''State'' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.

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

(5) WEED MANAGEMENT ENTITY.—The term ''weed management entity'' means an entity that—

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

(C) is established for the purpose of controlling or eradicating harmful, invasive weeds and increasing public knowledge and education concerning the need to control or eradicate harmful, invasive weeds; and

(D) is multijurisdictional and multidisciplinary in nature.

SEC. 3. ESTABLISHMENT OF PROGRAM.

The Secretary shall establish a program to provide financial assistance through States to eligible weed management entities to control or eradicate weeds. In developing the program, the Secretary shall consult with the National Invasive Species Council, the Invasive Species Advisory Committee, representatives from States and Indian tribes with weed management entities or that have particular problems with noxious weeds, and public and private entities with experience in noxious weed management.

SEC. 4. ALLOCATION OF FUNDS TO STATES AND INDIAN TRIBES.

The Secretary shall allocate funds to States to provide funding to weed management entities to carry out projects approved by States to control or eradicate weeds on the basis of the severity or potential severity of the noxious weed problem, the extent to which the Federal funds will be used to leverage non-Federal funds, the extent to which the State has made progress in addressing noxious weed problems, and such other factors as the Secretary deems relevant. The Secretary shall provide special consideration for States with approved weed management entities established by Indian tribes, and may provide an additional allocation to a State to meet the particular needs and projects that such a weed management entity will address.

SEC. 5. ELIGIBILITY AND USE OF FUNDS.

(a) REQUIREMENTS.—The Secretary shall prescribe requirements for applications by States for funding, including provisions for auditing of and reporting on the use of funds and criteria to ensure that weed management entities recognized by the States are capable of carrying out projects, monitoring and reporting on the use of funds, and are knowledgeable about and experienced in noxious weed management and represent private and public interests adversely affected by noxious weeds. Eligible activities for funding shall include—

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

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

(3) projects relating to the control or eradication of noxious weeds, including education, inventories and mapping, management, monitoring, and similar activities, including the payment of the cost of personnel and equipment that promote such control or eradication, and other activities to promote such control or eradication, if the results of the activities are disseminated to the public.

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

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

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

(3) the extent to which the payment will leverage non-Federal funds to address the noxious weed problem addressed by the project;

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

(5) the extent to which the project will provide a comprehensive approach to the control or eradication of noxious weeds;

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

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

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

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

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

SEC. 6. LIMITATIONS.

(a) LANDOWNER CONSENT; LAND UNDER CULTIVATION.—Any activity involving real property, either private or public, may be carried out under this Act only with the consent of the landowner and no project may be undertaken on property that is devoted to the cultivation of row crops, fruits, or vegetables.

(b) COMPLIANCE WITH STATE LAW.—A weed management entity may carry out a project to address the noxious weed problem in more than one State only if the entity meets the requirements of the State laws in all States in which the entity will undertake the project.

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

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

(2) to protect an agricultural commodity (as defined in section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602)) other than—

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

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

SEC. 7. RELATIONSHIP TO OTHER PROGRAMS.

Assistance authorized under this Act is intended to supplement, and not replace, assistance available to weed management entities, areas, and districts for control or eradication of harmful, invasive weeds on public lands and private lands, including funding available under the Pulling Together Initiative of the National Fish and Wildlife Foundation; and the provision of funds to any entity under this Act shall have no effect on the amount of any payment received by a county from the Federal Government under chapter 69 of title 31, United States Code (commonly known as the Payments in Lieu of Taxes Act).

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

To carry out this Act there is authorized to be appropriated to the Secretary $100,000,000 for each of fiscal years 2002 through 2006, of which not more than 5 percent of the funds made available for a fiscal year may be used by the Secretary for administrative costs of Federal agencies.

Mr. REID. Mr. President, Senator BINGAMAN has a substitute amendment at the desk. I ask unanimous consent that the amendment be considered and agreed to, the motion to reconsider be laid on the table, the committee-reported substitute, as amended, be agreed to, the bill, as amended, be read three times and passed, the motion to reconsider be laid on the table, with no intervening action or debate, and that any statements relating thereto be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment (No. 4975) in the nature of a substitute was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 198), as amended, was read the third time and passed.

WILDFIRE PREVENTION ACT OF 2002

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 652, S. 2670.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2670) to establish Institutes to conduct research on the prevention of, and restoration from, wildfires in forest and woodland ecosystems of the interior West.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Energy and Natural Resources with an amendment, as follows:

[Strike the part shown in black brackets and insert the part shown in italic.]

S. 2670

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Wildfire Prevention Act of 2002''.

SEC. 2. FINDINGS.

Congress finds that—

(1) there is an increasing threat of wildfire to millions of acres of forest land and rangeland throughout the United States;

(2) forest land and rangeland are degraded as a direct consequence of land management practices (including practices to control and prevent wildfires and the failure to harvest subdominant trees from overstocked stands) that disrupt the occurrence of frequent low-intensity fires that have periodically removed flammable undergrowth;

(3) at least 39,000,000 acres of land of the National Forest System in the interior West are at high risk of wildfire;

(4) an average of 95 percent of the expenditures by the Forest Service for wildfire suppression during fiscal years 1990 through 1994 were made to suppress wildfires in the interior West;

(5) the number, size, and severity of wildfires in the interior West are increasing;

(6) of the timberland in National Forests in the States of Arizona and New Mexico, 59 percent of such land in Arizona, and 56 percent of such land in New Mexico, has an average diameter of 9 to 12 inches diameter at breast height;

(7) the population of the interior West grew twice as fast as the national average during the 1990s;

(8) efforts to prioritize forests and communities for wildfire risk reduction have been inconsistent and insufficient and have resulted in funding to areas that are not prone to severe wildfires;

(9) catastrophic wildfires—

(A) endanger homes and communities;

(B) damage and destroy watersheds and soils; and

(C) pose a serious threat to the habitat of threatened and endangered species;

(10) a 1994 assessment of forest health in the interior West estimated that only a 15- to 30-year window of opportunity exists for effective management intervention before damage from uncontrollable wildfire becomes widespread, with 8 years having already elapsed since the assessment;

(11) following a catastrophic wildfire, certain forests in the interior West do not return to their former grandeur;

(12) healthy forest and woodland ecosystems—

(A) reduce the risk of wildfire to forests and communities;

(B) improve wildlife habitat and biodiversity;

(C) increase tree, grass, forb, and shrub productivity;

(D) enhance watershed values;

(E) improve the environment; and

(F) provide a basis in some areas for economically and environmentally sustainable uses;

(13) sustaining the long-term ecological and economic health of interior West forests and woodland, and their dependent human communities, requires preventing severe wildfires before the wildfires occur and permitting natural, low-intensity ground fires;

(14) more natural fire regimes cannot be accomplished without the reduction of excess fuels and thinning of subdorminant trees (which fuels and trees may be of commercial value);

(15) ecologically-based forest and woodland ecosystem restoration on a landscape scale will—

(A) improve long-term community protection;

(B) minimize the need for wildfire suppression;

(C) improve resource values;

(D) reduce rehabilitation costs;

(E) reduce loss of critical habitat; and

(F) protect forests for future generations;

(16) although the National Fire Plan, and the report entitled ''Protecting People and Sustaining Resources in Fire-Adapted Ecosystems—A Cohesive Strategy'' (65 Fed. Reg. 67480), advocate a shift in wildfire policy from suppression to prevention (including restoration and hazardous fuels reduction), Federal land managers are not dedicating sufficient attention and financial resources to restoration activities that simultaneously restore forest health and reduce the risk of severe wildfire;

(17) although landscape scale restoration is needed to effectively reverse degradation, scientific understanding of landscape scale treatments is limited;

(18) the Federal wildfire research program is funded at approximately ⅓ of the amount that is required to address emerging wildfire problems, resulting in the lack of a cohesive strategy to address the threat of catastrophic wildfires; and

(19) rigorous, understandable, and applied scientific information is needed for—