

108TH CONGRESS  
1ST SESSION

# H. R. 119

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 HOUSE OF REPRESENTATIVES

JANUARY 7, 2003

Mr. HEFLEY introduced the following bill; which was 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

---

## 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 “Harmful Invasive  
5 Weed Control Act”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—Congress finds the following:

1           (1) There exists no dedicated, coordinated Fed-  
2           eral effort to address, control, or eradicate harmful,  
3           invasive weeds.

4           (2) Public and private land in the United  
5           States faces unprecedented and severe stress from  
6           harmful, invasive weeds.

7           (3) The economic and resource value of the  
8           land is being destroyed as harmful invasive weeds  
9           overtake native vegetation, making the land unus-  
10          able for forage and for diverse plant and animal  
11          communities.

12          (4) Damage caused by harmful invasive weeds  
13          has been estimated to run in the hundreds of mil-  
14          lions of dollars annually.

15          (5) Successfully fighting this scourge will re-  
16          quire coordinated action by all affected stakeholders,  
17          which may include Federal, State, and local govern-  
18          ments, private landowners, and nongovernmental or-  
19          ganizations.

20          (6) The fight must begin at the local level, since  
21          it is at the local level that persons feel the loss  
22          caused by harmful invasive weeds and will therefore  
23          have the greatest motivation to take effective action.

1           (7) To date, effective action has been hampered  
2           by inadequate funding at all levels of government  
3           and by inadequate coordination.

4           (b) PURPOSES.—The purposes of this Act are the fol-  
5           lowing:

6           (1) To direct the Secretary to coordinate with  
7           the Federal Interagency Committee for the Manage-  
8           ment of Noxious and Exotic Weeds to develop a  
9           dedicated program to combat harmful, invasive  
10          weeds.

11          (2) To provide assistance to eligible weed man-  
12          agement entities in carrying out projects to control  
13          or eradicate harmful, invasive weeds on public and  
14          private land.

15          (3) To coordinate projects with existing weed  
16          management entities, areas, districts, and ongoing  
17          partnerships.

18          (4) In locations in which no weed management  
19          entity, area, or district exists, to stimulate the for-  
20          mation of additional local or regional cooperative  
21          weed management entities, such as entities for weed  
22          management areas or districts, that organize locally  
23          affected stakeholders to control or eradicate weeds.

1           (5) To leverage additional funds from a variety  
2 of public and private sources to control or eradicate  
3 weeds through local stakeholders.

4           (6) To promote healthy, diverse, and desirable  
5 plant communities by abating through a variety of  
6 measures the threat posed by harmful, invasive  
7 weeds.

8 **SEC. 3. DEFINITIONS.**

9 In this Act:

10           (1) COMMITTEE.—The term “Committee”  
11 means the Federal Interagency Committee for the  
12 Management of Noxious and Exotic Weeds estab-  
13 lished through a memorandum of agreement entered  
14 into in August 1994 to implement the requirements  
15 of section 15 of the Federal Noxious Weed Act of  
16 1974 (7 U.S.C. 2814).

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

21           (3) LOCAL STAKEHOLDER.—

22           (A) IN GENERAL.—The term “local stake-  
23 holder” means an interested party that partici-  
24 pates in the establishment of a weed manage-  
25 ment entity in a State.

1 (B) INCLUSIONS.—The term “local stake-  
2 holder” includes a Federal, State, local, tribal,  
3 or private landowner.

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

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

12 (6) WEED.—The term “weed” means any para-  
13 sitic or other kind of plant at any living stage (in-  
14 cluding seeds and reproductive parts of such a  
15 plant), that—

16 (A) is of foreign origin;

17 (B) is new or not widely prevalent in a re-  
18 gion, State, or the United States; and

19 (C) can directly or indirectly impact other  
20 useful plants, livestock, wildlife resources, or  
21 the public health.

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

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

1 (B) is established by and includes local  
2 stakeholders;

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

9 (D) is multijurisdictional and multidisci-  
10 plinary in nature.

11 **SEC. 4. ESTABLISHMENT OF PROGRAM.**

12 The Secretary, in coordination with the Committee,  
13 shall establish in the Office of the Secretary a program  
14 to provide financial assistance through States to eligible  
15 weed management entities to control or eradicate harmful,  
16 invasive weeds on public and private land.

17 **SEC. 5. ALLOCATION OF FUNDS TO STATES AND INDIAN**  
18 **TRIBES.**

19 (a) ALLOCATION.—

20 (1) IN GENERAL.—Subject to paragraph (2), in  
21 consultation with the Committee, the Secretary shall  
22 allocate funds made available for each fiscal year  
23 under section 12 to States and Indian tribes to pro-  
24 vide funding in accordance with sections 6 and 7 to  
25 weed management entities to carry out projects ap-

1 proved by States and Indian tribes to control or  
2 eradicate harmful, invasive weeds on public and pri-  
3 vate land.

4 (2) FEDERAL ALLOCATION TO INDIAN  
5 TRIBES.—Of the funds made available for allocation  
6 under section 12 for each fiscal year, 5 percent shall  
7 be—

8 (A) reserved for allocation to Indian tribes;  
9 and

10 (B) administered by the Committee.

11 (b) AMOUNT.—The Secretary shall determine the  
12 amount of Federal funds allocated to a State or Indian  
13 tribe for a fiscal year under this section to be used to ad-  
14 dress a harmful, invasive weed problem in the State or  
15 portion of the State, or on land or in water under the  
16 jurisdiction of the Indian tribe, on the basis of—

17 (1) the severity or potential severity of the  
18 harmful, invasive weed problem;

19 (2) the extent to which the Federal funds will  
20 be used to leverage non-Federal funds to address the  
21 harmful, invasive weed problem;

22 (3) the extent to which the State or Indian  
23 tribe has made progress in addressing harmful,  
24 invasive weed problems; and

1           (4) other factors recommended by the Com-  
2           mittee and approved by the Secretary.

3 **SEC. 6. USE OF FUNDS ALLOCATED TO STATES.**

4           (a) IN GENERAL.—A State that receives an allocation  
5 of funds under section 5 for a fiscal year shall use—

6           (1) not more than 25 percent of the allocation  
7           to make an incentive payment to each weed manage-  
8           ment entity established in the State, in accordance  
9           with subsection (b); and

10          (2) not less than 75 percent of the allocation to  
11          make financial awards to weed management entities  
12          established in the State, in accordance with sub-  
13          section (c).

14          (b) INCENTIVE PAYMENTS.—

15           (1) USE BY WEED MANAGEMENT ENTITIES.—

16           (A) IN GENERAL.—Incentive payments  
17           under subsection (a)(1) shall be used by weed  
18           management entities—

19           (i) to encourage the formation of new  
20           weed management entities; or

21           (ii) to carry out 1 or more projects de-  
22           scribed in subsection (d) to improve the ef-  
23           fectiveness of existing weed management  
24           entities or programs.

1 (B) DURATION OF PAYMENTS.—A weed  
2 management entity is eligible to receive an in-  
3 centive payment under subparagraph (A) for  
4 not more than 3 years in the aggregate.

5 (C) FEDERAL SHARE.—

6 (i) IN GENERAL.—Except as provided  
7 in clause (ii), for purposes of subparagraph  
8 (A), the Federal share of the cost of car-  
9 rying out a project described in subsection  
10 (d) shall not exceed 50 percent.

11 (ii) ADJUSTMENT.—After consultation  
12 with the Secretary, the Governor of a State  
13 that makes either an incentive payment or  
14 financial award under subsection (a) may  
15 increase, to a maximum of 100 percent,  
16 such Federal share of a project that the  
17 Governor determines is necessary to meet  
18 the needs of an underserved area.

19 (iii) FORM OF MATCHING FUNDS.—  
20 Under subparagraph (A), the non-Federal  
21 share of the cost of carrying out a project  
22 described in subsection (d) may be pro-  
23 vided—

24 (I) in cash or in kind; or

1 (II) in the form of Federal funds  
2 made available under a Federal law  
3 other than this Act.

4 (2) ELIGIBILITY OF WEED MANAGEMENT ENTI-  
5 TIES.—To be eligible to obtain an incentive payment  
6 under paragraph (1) for a fiscal year, a weed man-  
7 agement entity in a State shall—

8 (A)(i) for the first fiscal year for which the  
9 entity receives an incentive payment under this  
10 subsection, provide to the State in which it is  
11 established a description of—

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

14 (II) any projects to be carried out to  
15 accomplish those purposes; and

16 (ii) for any subsequent fiscal year for  
17 which the entity receives an incentive payment,  
18 provide to the State—

19 (I) a description of the activities car-  
20 ried out by the entity in the previous fiscal  
21 year—

22 (aa) to control or eradicate harm-  
23 ful, invasive weeds on public or pri-  
24 vate land; or

1 (bb) to increase public knowledge  
2 and education concerning the need to  
3 control or eradicate harmful, invasive  
4 weeds on public or private land; and  
5 (II) the results of each such activity;

6 and

7 (B) meet such additional eligibility require-  
8 ments, and conform to such process for deter-  
9 mining eligibility, as the State may establish.

10 (c) FINANCIAL AWARDS.—

11 (1) USE BY WEED MANAGEMENT ENTITIES.—

12 (A) IN GENERAL.—Financial awards under  
13 subsection (a)(2) shall be used by weed man-  
14 agement entities to pay the Federal share of  
15 the cost of carrying out projects described in  
16 subsection (d) that are selected by the State in  
17 accordance with subsection (d).

18 (B) FEDERAL SHARE.—

19 (i) IN GENERAL.—Except as provided  
20 in clause (ii), for purposes of subparagraph  
21 (A), the Federal share of the cost of car-  
22 rying out a project described in subsection  
23 (d) shall not exceed 50 percent.

24 (ii) ADJUSTMENT.—After consultation  
25 with the Secretary, the Governor of a State

1 that makes either an incentive payment or  
2 financial award under subsection (a) may  
3 increase, to a maximum of 100 percent,  
4 such Federal share of a project that the  
5 Governor determines is necessary to meet  
6 the needs of an underserved area.

7 (iii) FORM OF MATCHING FUNDS.—

8 Under subparagraph (A), the non-Federal  
9 share of the cost of carrying out a project  
10 described in subsection (d) may be pro-  
11 vided—

12 (I) in cash or in kind; or

13 (II) in the form of Federal funds  
14 made available under a Federal law  
15 other than this Act.

16 (2) ELIGIBILITY OF WEED MANAGEMENT ENTI-  
17 TIES.—To be eligible to obtain a financial award  
18 under paragraph (1) for a fiscal year, a weed man-  
19 agement entity in a State shall—

20 (A) meet the requirements for eligibility  
21 for an incentive payment under subsection  
22 (b)(2); and

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

1 (d) PROJECTS.—

2 (1) IN GENERAL.—A weed management entity  
3 may use a financial award received under this sec-  
4 tion to carry out a project to control or eradicate  
5 harmful, invasive weeds on public or private land, in-  
6 cluding—

7 (A) education, inventories and mapping,  
8 management, monitoring, and similar activities,  
9 including the payment of the cost of personnel  
10 and equipment that promote such control or  
11 eradication; and

12 (B) other activities to promote such control  
13 or eradication, if the results of the activities are  
14 disseminated to the public.

15 (2) SELECTION OF PROJECTS.—A State shall  
16 select projects for funding under this section on a  
17 competitive basis, taking into consideration—

18 (A) the seriousness of the harmful,  
19 invasive weed problem or potential problem ad-  
20 dressed by the project;

21 (B) the likelihood that the project will pre-  
22 vent or resolve the problem, or increase knowl-  
23 edge about resolving similar problems in the fu-  
24 ture;

1 (C) the extent to which the payment will  
2 leverage non-Federal funds to address the  
3 harmful, invasive weed problem addressed by  
4 the project;

5 (D) the extent to which the recipient weed  
6 management entity has made progress in ad-  
7 dressing harmful, invasive weed problems;

8 (E) the extent to which the project will  
9 provide a comprehensive approach to the con-  
10 trol or eradication of harmful, invasive weeds;

11 (F) the extent to which the project will re-  
12 duce the total population of a harmful, invasive  
13 weed within the State;

14 (G) the extent to which the project uses  
15 the principles of integrated vegetation manage-  
16 ment and sound science; and

17 (H) other factors that the State deter-  
18 mines to be relevant.

19 (3) SCOPE OF PROJECTS.—

20 (A) IN GENERAL.—A weed management  
21 entity shall determine the geographic scope of  
22 the harmful, invasive weed problem to be ad-  
23 dressed through a project using an incentive  
24 payment or financial award received under this  
25 section.

1 (B) MULTIPLE STATES.—A weed manage-  
2 ment entity may use an incentive payment or fi-  
3 nancial award under this section to carry out a  
4 project to address the harmful, invasive weed  
5 problem of more than 1 State only if the entity  
6 meets the requirements of all applicable State  
7 laws.

8 (4) LAND.—A weed management entity may  
9 use an incentive payment or financial award received  
10 under this section to carry out a project to control  
11 or eradicate weeds on any public land, or on any pri-  
12 vate land with the approval of the owner or operator  
13 of the land.

14 (5) PROHIBITION ON USE OF FUNDS.—An in-  
15 centive payment or financial award under this Act  
16 may not be used to carry out a project—

17 (A) to control or eradicate animal pests; or

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

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

1 (ii) an animal- or insect-based prod-  
2 uct.

3 (e) ADMINISTRATIVE COSTS.—Not more than 5 per-  
4 cent of the funds made available under section 12 for a  
5 fiscal year may be used by the Federal Government to pay  
6 the administrative costs of the program established by this  
7 Act, including the costs of complying with Federal envi-  
8 ronmental laws.

9 (f) REPORT.—As a condition of the receipt of an in-  
10 centive payment or financial award under this Act, a weed  
11 management entity in a State that received such a pay-  
12 ment or award shall submit to the Committee a report  
13 that describes the purposes and results of each project for  
14 which the payment or award was used, by not later than  
15 6 months after completion of the projects.

16 **SEC. 7. USE OF FUNDS ALLOCATED TO INDIAN TRIBES.**

17 (a) IN GENERAL.—The requirements for the use of  
18 funds allocated to States described in section 6 shall apply  
19 to the use of funds allocated to Indian tribes under section  
20 5(a)(2).

21 (b) INSUFFICIENT OR EXCESS FUNDS.—

22 (1) INSUFFICIENT FUNDS.—If, in any fiscal  
23 year, the funds allocated to Indian tribes under sec-  
24 tion 5(a)(2) are not sufficient to provide incentive  
25 payments or financial awards to each weed manage-

1       ment entity of an Indian tribe, an Indian tribe may  
2       seek additional funds by participating as a local  
3       stakeholder in the establishment of a weed manage-  
4       ment entity that receives assistance under section 6.

5           (2) EXCESS FUNDS.—Any excess funds remain-  
6       ing after the provision of incentive payments or fi-  
7       nancial awards to weed management entities of In-  
8       dian tribes shall be reserved by the Committee for  
9       use in carrying out this Act in the following fiscal  
10      year.

11       (c) REPORT.—As a condition of the receipt of an in-  
12      centive payment or financial award under this Act, not  
13      later than October 30 of each year, a weed management  
14      entity of an Indian tribe that received such a payment or  
15      award in the preceding fiscal year shall submit to the  
16      Committee a report that describes, for that preceding fis-  
17      cal year, the purposes for which the payment or award  
18      was used.

19      **SEC. 8. FUNDING RECOMMENDATIONS.**

20       The Secretary of Agriculture and the Committee shall  
21      make recommendations to the Secretary regarding—

22           (1) the annual allocation of funds to States and  
23       Indian tribes under section 5; and

24           (2) other issues related to funding under this  
25      Act.

1 **SEC. 9. LAND-RELATED CONDITIONS.**

2 (a) CONSENT OF LANDOWNER.—Any activity involv-  
3 ing real property may be carried out under this Act only  
4 with the consent of the landowner.

5 (b) NO EFFECT ON PILT PAYMENTS.—The provi-  
6 sion of funds to any entity under this Act shall have no  
7 effect on the amount of any payment received by a county  
8 from the Federal Government under chapter 69 of title  
9 31, United States Code (commonly known as “payments  
10 in lieu of taxes”).

11 **SEC. 10. APPLICABILITY OF OTHER LAWS.**

12 Any activity carried out under this Act shall comply  
13 with all other Federal laws (including regulations), includ-  
14 ing the Endangered Species Act of 1973 (16 U.S.C. 1531  
15 et seq.).

16 **SEC. 11. RELATIONSHIP TO OTHER PROGRAMS.**

17 Assistance authorized under this Act is intended to  
18 supplement, and not replace, assistance available to weed  
19 management entities, areas, and districts for control or  
20 eradication of harmful, invasive weeds on public lands and  
21 private lands, including funding available under the Pull-  
22 ing Together Initiative of the National Fish and Wildlife  
23 Foundation.

1 **SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

2       To carry out this Act there is authorized to be appro-  
3 priated to the Secretary \$100,000,000 for each of fiscal  
4 years 2003 through 2007.

○