

108<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S. 144**

---

**AMENDMENTS**



***In the House of Representatives, U. S.,***

*October 4, 2004.*

*Resolved*, That the bill from the Senate (S. 144) entitled “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”, do pass with the following

**AMENDMENTS:**

Strike out all after the enacting clause and insert:

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 Con-*  
8 *trol 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*

1 *Indian Self-Determination and Education Assistance*  
2 *Act (25 U.S.C. 450b).*

3 “(2) *WEED MANAGEMENT ENTITY.*—*The term*  
4 *‘weed management entity’ means an entity that—*

5 “(A) *is recognized by the State in which it*  
6 *is established;*

7 “(B) *is established for the purpose of or has*  
8 *demonstrable expertise and significant experience*  
9 *in controlling or eradicating noxious weeds and*  
10 *increasing public knowledge and education con-*  
11 *cerning the need to control or eradicate noxious*  
12 *weeds;*

13 “(C) *may be multijurisdictional and multi-*  
14 *disciplinary in nature;*

15 “(D) *may include representatives from Fed-*  
16 *eral, State, local, or, where applicable, Indian*  
17 *Tribe governments, private organizations, indi-*  
18 *viduals, and State-recognized conservation dis-*  
19 *tricts or State-recognized weed management dis-*  
20 *tricts; and*

21 “(E) *has existing authority to perform land*  
22 *management activities on Federal land if the*  
23 *proposed project or activity is on Federal lands.*

24 “(3) *FEDERAL LANDS.*—*The term ‘Federal lands’*  
25 *means those lands owned and managed by the United*

1       *States Forest Service or the Bureau of Land Manage-*  
2       *ment.*

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

4       “(a) *IN GENERAL.*—*The Secretary shall establish a*  
5       *program to provide financial and technical assistance to*  
6       *control or eradicate noxious weeds.*

7       “(b) *GRANTS.*—*Subject to the availability of appro-*  
8       *priations under section 457(a), the Secretary shall make*  
9       *grants under section 454 to weed management entities for*  
10      *the control or eradication of noxious weeds.*

11      “(c) *AGREEMENTS.*—*Subject to the availability of ap-*  
12      *propriations under section 457(b), the Secretary shall enter*  
13      *into agreements under section 455 with weed management*  
14      *entities to provide financial and technical assistance for the*  
15      *control or eradication of noxious weeds.*

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

17      “(a) *CONSULTATION AND CONSENT.*—*In carrying out*  
18      *a grant under this subtitle, the weed management entity*  
19      *and the Secretary shall—*

20              “(1) *if the activities funded under the grant will*  
21              *take place on Federal land, consult with the heads of*  
22              *the Federal agencies having jurisdiction over the land;*  
23              *or*

24              “(2) *obtain the written consent of the non-Fed-*  
25              *eral landowner.*

1       “(b) *GRANT CONSIDERATIONS.*—*In determining the*  
2 *amount of a grant to a weed management entity, the Sec-*  
3 *retary shall consider—*

4               “(1) *the severity or potential severity of the nox-*  
5 *ious weed problem;*

6               “(2) *the extent to which the Federal funds will*  
7 *be used to leverage non-Federal funds to address the*  
8 *noxious weed problem;*

9               “(3) *the extent to which the weed management*  
10 *entity has made progress in addressing the noxious*  
11 *weeds problem; and*

12               “(4) *other factors that the Secretary determines*  
13 *to be relevant.*

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

15               “(1) *USE OF GRANTS.*—*A weed management en-*  
16 *tity that receives a grant under subsection (a) shall*  
17 *use the grant funds to carry out a project authorized*  
18 *by subsection (d) for the control or eradication of a*  
19 *noxious weed.*

20               “(2) *COST SHARES.*—

21                       “(A) *FEDERAL COST SHARE.*—*The Federal*  
22 *share of the cost of carrying out an authorized*  
23 *project under this section exclusively on non-Fed-*  
24 *eral land shall not exceed 50 percent.*

1                   “(B) *FORM OF NON-FEDERAL COST*  
2                   *SHARE.—The non-Federal share of the cost of*  
3                   *carrying out an authorized project under this*  
4                   *section may be provided in cash or in kind.*

5                   “(d) *AUTHORIZED PROJECTS.—Projects funded by*  
6 *grants under this section include the following:*

7                   “(1) *Education, inventories and mapping, man-*  
8                   *agement, monitoring, methods development, and other*  
9                   *capacity building activities, including the payment of*  
10                   *the cost of personnel and equipment that promote con-*  
11                   *trol or eradication of noxious weeds.*

12                   “(2) *Other activities to control or eradicate nox-*  
13                   *ious weeds or promote control or eradication of nox-*  
14                   *ious weeds.*

15                   “(e) *APPLICATION.—To be eligible to receive assistance*  
16 *under this section, a weed management entity shall prepare*  
17 *and submit to the Secretary an application containing such*  
18 *information as the Secretary shall by regulation require.*

19                   “(f) *SELECTION OF PROJECTS.—Projects funded under*  
20 *this section shall be selected by the Secretary on a competi-*  
21 *tive basis, taking into consideration the following:*

22                   “(1) *The severity of the noxious weed problem or*  
23                   *potential problem addressed by the project.*

1           “(2) *The likelihood that the project will prevent*  
2 *or resolve the problem, or increase knowledge about*  
3 *resolving similar problems.*

4           “(3) *The extent to which the Federal funds will*  
5 *leverage non-Federal funds to address the noxious*  
6 *weed problem addressed by the project.*

7           “(4) *The extent to which the program will im-*  
8 *prove the overall capacity of the United States to ad-*  
9 *dress noxious weed control and management.*

10           “(5) *The extent to which the weed management*  
11 *entity has made progress in addressing noxious weed*  
12 *problems.*

13           “(6) *The extent to which the project will provide*  
14 *a comprehensive approach to the control or eradi-*  
15 *cation of noxious weeds.*

16           “(7) *The extent to which the project will reduce*  
17 *the total population of noxious weeds.*

18           “(8) *The extent to which the project promotes co-*  
19 *operation and participation between States that have*  
20 *common interests in controlling and eradicating nox-*  
21 *ious weeds.*

22           “(9) *Other factors that the Secretary determines*  
23 *to be relevant.*

24           “(g) *REGIONAL, STATE, AND LOCAL INVOLVEMENT.—*  
25 *In determining which projects receive funding under this*

1 *section, the Secretary shall, to the maximum extent*  
2 *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 projects that maximize the*  
7 *involvement of State, local and, where applicable, In-*  
8 *dian Tribe governments.*

9           “(h) *SPECIAL CONSIDERATION.—The Secretary shall*  
10 *give special consideration to States with approved weed*  
11 *management entities established by Indian Tribes and may*  
12 *provide an additional allocation to a State to meet the par-*  
13 *ticular needs and projects that the weed management entity*  
14 *plans to address.*

15 **“SEC. 455. AGREEMENTS.**

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

18           “(1) *if the activities funded under the agreement*  
19 *will take place on Federal land, consult with the*  
20 *heads of the Federal agencies having jurisdiction over*  
21 *the land; or*

22           “(2) *obtain the written consent of the non-Fed-*  
23 *eral landowner.*

24           “(b) *APPLICATION OF OTHER LAWS.—The Secretary*  
25 *may enter into agreements under this section with weed*

1 *management entities notwithstanding sections 6301 through*  
2 *6309 of title 31, United States Code, and other laws relating*  
3 *to the procurement of goods and services for the Federal*  
4 *Government.*

5 “(c) *ELIGIBLE ACTIVITIES.*—*Activities carried out*  
6 *under an agreement under this section may include the fol-*  
7 *lowing:*

8 “(1) *Education, inventories and mapping, man-*  
9 *agement, monitoring, methods development, and other*  
10 *capacity building activities, including the payment of*  
11 *the cost of personnel and equipment that promote con-*  
12 *trol or eradication of noxious weeds.*

13 “(2) *Other activities to control or eradicate nox-*  
14 *ious weeds.*

15 “(d) *SELECTION OF ACTIVITIES.*—*Activities funded*  
16 *under this section shall be selected by the Secretary taking*  
17 *into consideration the following:*

18 “(1) *The severity of the noxious weeds problem or*  
19 *potential problem addressed by the activities.*

20 “(2) *The likelihood that the activity will prevent*  
21 *or resolve the problem, or increase knowledge about*  
22 *resolving similar problems.*

23 “(3) *The extent to which the activity will provide*  
24 *a comprehensive approach to the control or eradi-*  
25 *cation of noxious weeds.*

1           “(4) *The extent to which the program will im-*  
2           *prove the overall capacity of the United States to ad-*  
3           *dress noxious weed control and management.*

4           “(5) *The extent to which the project promotes co-*  
5           *operation and participation between States that have*  
6           *common interests in controlling and eradicating nox-*  
7           *ious weeds.*

8           “(6) *Other factors that the Secretary determines*  
9           *to be relevant.*

10          “(e) *REGIONAL, STATE, AND LOCAL INVOLVEMENT.—*  
11          *In determining which activities receive funding under this*  
12          *section, the Secretary shall, to the maximum extent*  
13          *practicable—*

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

17                 “(2) *give priority to activities that maximize the*  
18                 *involvement of State, local, and, where applicable,*  
19                 *representatives of Indian Tribe governments.*

20          “(f) *RAPID RESPONSE PROGRAM.—At the request of*  
21          *the Governor of a State, the Secretary may enter into a*  
22          *cooperative agreement with a weed management entity in*  
23          *that State to enable rapid response to outbreaks of noxious*  
24          *weeds at a stage which rapid eradication and control is*

1 possible and to ensure eradication or immediate control of  
 2 the noxious weeds if—

3 “(1) there is a demonstrated need for the assist-  
 4 ance;

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

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

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

11 “(A) is technically feasible;

12 “(B) economically responsible; and

13 “(C) minimizes adverse impacts to the  
 14 structure and function of an ecosystem and ad-  
 15 verse effects on nontarget species and ecosystems.

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

17 “Funds under this Act (other than those made avail-  
 18 able for section 455(f)) are intended to supplement, not re-  
 19 place, assistance available to weed management entities,  
 20 areas, and districts for control or eradication of noxious  
 21 weeds on Federal lands and non-Federal lands. The provi-  
 22 sion of funds to a weed management entity under this Act  
 23 (other than those made available for section 455(f)) shall  
 24 have no effect on the amount of any payment received by

1 *a county from the Federal Government under chapter 69*  
 2 *of title 31, United States Code.*

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

4       “(a) *GRANTS.*—*To carry out section 454, there are au-*  
 5 *thorized to be appropriated to the Secretary \$7,500,000 for*  
 6 *each of fiscal years 2005 through 2009, of which not more*  
 7 *than 5 percent of the funds made available for a fiscal year*  
 8 *may be used by the Secretary for administrative costs.*

9       “(b) *AGREEMENTS.*—*To carry out section 455 of this*  
 10 *subtitle, there are authorized to be appropriated to the Sec-*  
 11 *retary \$7,500,000 for each of fiscal years 2005 through*  
 12 *2009, of which not more than 5 percent of the funds made*  
 13 *available for a fiscal year may be used by the Secretary*  
 14 *for administrative costs of Federal agencies.”.*

15 **SEC. 2. TECHNICAL AMENDMENT.**

16       *The table of sections in section 1(b) of the Agricultural*  
 17 *Risk Protection Act of 2000 is amended by inserting after*  
 18 *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.”.

Amend the title so as to read “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.”.

Attest:

*Clerk.*