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S. 144

One Hundred Eighth Congress of the United States of America

AT THE SECOND SESSION

Begun and held at the City of Washington on Tuesday, the twentieth day of January, two thousand and four

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.

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

SECTION 1. NOXIOUS WEED CONTROL AND ERADICATION.

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

"Subtitle E—Noxious Weed Control and Eradication

"SEC. 451. SHORT TITLE.

"This subtitle may be cited as the 'Noxious Weed Control and Eradication Act of 2004'.

"SEC. 452. DEFINITIONS.

"In this subtitle:

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

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

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

"(B) is established for the purpose of or has demonstrable expertise and significant experience in controlling or eradicating noxious weeds and increasing public knowledge and education concerning the need to control or eradicate noxious weeds;

"(C) may be multijurisdictional and multidisciplinary in nature;

"(D) may include representatives from Federal, State, local, or, where applicable, Indian Tribe governments, private organizations, individuals, and State-recognized conservation districts or State-recognized weed management districts; and

"(E) has existing authority to perform land management activities on Federal land if the proposed project or activity is on Federal lands.

"(3) FEDERAL LANDS.—The term 'Federal lands' means those lands owned and managed by the United States Forest Service or the Bureau of Land Management.

"SEC. 453. ESTABLISHMENT OF PROGRAM.

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

"(b) GRANTS.—Subject to the availability of appropriations under section 457(a), the Secretary shall make grants under section 454 to weed management entities for the control or eradication of noxious weeds.

"(c) AGREEMENTS.—Subject to the availability of appropriations under section 457(b), the Secretary shall enter into agreements under section 455 with weed management entities to provide financial and technical assistance for the control or eradication of noxious weeds.

"SEC. 454. GRANTS TO WEED MANAGEMENT ENTITIES.

"(a) CONSULTATION AND CONSENT.—In carrying out a grant under this subtitle, the weed management entity and the Secretary shall—

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

"(2) obtain the written consent of the non-Federal landowner.

"(b) GRANT CONSIDERATIONS.—In determining the amount of a grant to a weed management entity, the Secretary shall consider—

"(1) the severity or potential severity of the noxious weed problem;

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

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

"(4) other factors that the Secretary determines to be relevant.

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

"(1) USE OF GRANTS.—A weed management entity that receives a grant under subsection (a) shall use the grant funds to carry out a project authorized by subsection (d) for the control or eradication of a noxious weed.

"(2) COST SHARES.—

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

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

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

"(1) Education, inventories and mapping, management, monitoring, methods development, and other capacity building activities, including the payment of the cost of personnel and equipment that promote control or eradication of noxious weeds.

"(2) Other activities to control or eradicate noxious weeds or promote control or eradication of noxious weeds.

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

"(f) SELECTION OF PROJECTS.—Projects funded under this section shall be selected by the Secretary on a competitive basis, taking into consideration the following:

"(1) The severity 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.

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

"(4) The extent to which the program will improve the overall capacity of the United States to address noxious weed control and management.

"(5) The extent to which the weed management entity has made progress in addressing noxious weed problems.

"(6) The extent to which the project will provide a comprehensive approach to the control or eradication of noxious weeds.

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

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

"(9) Other factors that the Secretary determines to be relevant.

"(g) REGIONAL, STATE, AND LOCAL INVOLVEMENT.—In determining which projects receive funding under this section, the Secretary shall, to the maximum extent practicable—

"(1) rely on technical and merit reviews provided by regional, State, or local weed management experts; and

"(2) give priority to projects that maximize the involvement of State, local and, where applicable, Indian Tribe governments.

"(h) SPECIAL CONSIDERATION.—The Secretary shall give special consideration to 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 the weed management entity plans to address.

"SEC. 455. AGREEMENTS.

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

"(1) if the activities funded under the agreement will take place on Federal land, consult with the heads of the Federal agencies having jurisdiction over the land; or

"(2) obtain the written consent of the non-Federal landowner.

"(b) APPLICATION OF OTHER LAWS.—The Secretary may enter into agreements under this section with weed management entities notwithstanding sections 6301 through 6309 of title 31, United

States Code, and other laws relating to the procurement of goods and services for the Federal Government.

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

"(1) Education, inventories and mapping, management, monitoring, methods development, and other capacity building activities, including the payment of the cost of personnel and equipment that promote control or eradication of noxious weeds.

"(2) Other activities to control or eradicate noxious weeds.

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

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

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

"(3) The extent to which the activity will provide a comprehensive approach to the control or eradication of noxious weeds.

"(4) The extent to which the program will improve the overall capacity of the United States to address noxious weed control and management.

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

"(6) Other factors that the Secretary determines to be relevant.

"(e) REGIONAL, STATE, AND LOCAL INVOLVEMENT.—In determining which activities receive funding under this section, the Secretary shall, to the maximum extent practicable—

"(1) rely on technical and merit reviews provided by regional, State, or local weed management experts; and

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

"(f) RAPID RESPONSE PROGRAM.—At the request of the Governor of a State, the Secretary may enter into a cooperative agreement with a weed management entity in that State to enable rapid response to outbreaks of noxious weeds at a stage which rapid eradication and control is possible and to ensure eradication or immediate control of the noxious weeds if—

"(1) there is a demonstrated need for the assistance;

"(2) the noxious weed is considered to be a significant threat to native fish, wildlife, or their habitats, as determined by the Secretary;

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

"(4) the proposed response to such threat—

"(A) is technically feasible;

"(B) economically responsible; and

"(C) minimizes adverse impacts to the structure and function of an ecosystem and adverse effects on nontarget species and ecosystems.

"SEC. 456. RELATIONSHIP TO OTHER PROGRAMS.

"Funds under this Act (other than those made available for section 455(f)) are intended to supplement, not replace, assistance available to weed management entities, areas, and districts for control or eradication of noxious weeds on Federal lands and non-Federal lands. The provision of funds to a weed management entity under this Act (other than those made available for section 455(f)) 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.

"SEC. 457. AUTHORIZATION OF APPROPRIATIONS.

"(a) GRANTS.—To carry out section 454, there are authorized to be appropriated to the Secretary $7,500,000 for each of fiscal years 2005 through 2009, 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.

"(b) AGREEMENTS.—To carry out section 455 of this subtitle, there are authorized to be appropriated to the Secretary $7,500,000 for each of fiscal years 2005 through 2009, 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.".

SEC. 2. TECHNICAL AMENDMENT.

The table of sections in section 1(b) of the Agricultural Risk Protection Act of 2000 is amended by inserting 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.".

Speaker of the House of Representatives.

Vice President of the United States and President of the Senate.