

107TH CONGRESS
1ST SESSION

H. R. 1462

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

APRIL 4, 2001

Mr. HEFLEY (for himself, Mr. OTTER, Mr. CANNON, and Mr. KENNEDY of Rhode Island) 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 Nonnative
5 Weed Control Act of 2001”.

1 **SEC. 2. FINDINGS AND PURPOSES.**

2 (a) FINDINGS.—Congress finds that—

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

6 (2) the economic and resource value of the land
7 is being destroyed as harmful nonnative weeds over-
8 take native vegetation, making the land unusable for
9 forage and for diverse plant and animal commu-
10 nities;

11 (3) damage caused by harmful nonnative weeds
12 has been estimated to run in the hundreds of mil-
13 lions of dollars annually;

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

19 (5) the fight must begin at the local level, since
20 it is at the local level that persons feel the loss
21 caused by harmful nonnative weeds and will there-
22 fore have the greatest motivation to take effective
23 action; and

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

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

2 (1) to provide assistance to eligible weed man-
3 agement entities in carrying out projects to control
4 or eradicate harmful, nonnative weeds on public and
5 private land;

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

8 (3) in locations in which no weed management
9 entity, area, or district exists, to stimulate the for-
10 mation of additional local or regional cooperative
11 weed management entities, such as entities for weed
12 management areas or districts, that organize locally
13 affected stakeholders to control or eradicate weeds;

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

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

21 **SEC. 3. DEFINITIONS.**

22 In this Act:

23 (1) **ADVISORY COMMITTEE.**—The term “Advi-
24 sory Committee” means the advisory committee es-
25 tablished under section 5.

1 (2) AGRICULTURAL COMMODITY.—

2 (A) IN GENERAL.—The term “agricultural
3 commodity” has the meaning given the term in
4 section 102 of the Agricultural Trade Act of
5 1978 (7 U.S.C. 5602).

6 (B) EXCLUSIONS.—The term “agricultural
7 commodity” does not include—

8 (i) livestock (as defined in section 602
9 of the Agricultural Act of 1949 (7 U.S.C.
10 1471));

11 (ii) insects; or

12 (iii) any animal- or insect-based prod-
13 uct.

14 (3) INDIAN TRIBE.—The term ‘Indian tribe’
15 has the meaning given the term in section 4 of the
16 Indian Self-Determination and Education Assistance
17 Act (25 U.S.C. 450b).

18 (4) LOCAL STAKEHOLDER.—

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

23 (B) INCLUSIONS.—The term “local stake-
24 holder” includes a Federal, State, local, or pri-
25 vate landowner.

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

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

9 **SEC. 4. ESTABLISHMENT OF PROGRAM.**

10 The Secretary shall establish in the Office of the Sec-
11 retary a program to provide financial assistance through
12 States to eligible weed management entities to control or
13 eradicate harmful, nonnative weeds on public and private
14 land.

15 **SEC. 5. ADVISORY COMMITTEE.**

16 (a) IN GENERAL.—The Secretary shall establish in
17 the Department of the Interior an advisory committee to
18 make recommendations to the Secretary regarding—

19 (1) the annual allocation of funds to States and
20 Indian tribes under section 6; and

21 (2) other issues related to funding under this
22 Act.

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

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

3 (2) represent the range of economic, conserva-
4 tion, geographic, and social interests affected by
5 harmful, nonnative weeds.

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

8 (d) COMPENSATION.—

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

12 (2) TRAVEL EXPENSES.—A member of the Ad-
13 visory Committee shall be allowed travel expenses,
14 including per diem in lieu of subsistence, at rates
15 authorized for an employee of an agency under sub-
16 chapter I of chapter 57 of title 5, United States
17 Code, while away from the home or regular place of
18 business of the member in the performance of the
19 duties of the Advisory Committee.

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

23 **SEC. 6. ALLOCATION OF FUNDS TO STATES AND INDIAN**
24 **TRIBES.**

25 (a) ALLOCATION.—

1 (1) IN GENERAL.—Subject to paragraph (2), in
2 consultation with the Advisory Committee, the Sec-
3 retary shall allocate funds made available for each
4 fiscal year under section 11 to States and Indian
5 tribes to provide funding in accordance with sections
6 7 and 8 to eligible weed management entities to
7 carry out projects approved by States and Indian
8 tribes to control or eradicate harmful, nonnative
9 weeds on public and private land.

10 (2) ALLOCATION TO INDIAN TRIBES.—Of the
11 funds made available for allocation under section 11
12 for each fiscal year, 5 percent shall be—

13 (A) reserved for allocation to Indian tribes;

14 and

15 (B) administered by the Advisory Com-
16 mittee.

17 (b) AMOUNT.—The Secretary shall determine the
18 amount of Federal funds allocated to a State or Indian
19 tribe for a fiscal year under this section to be used to ad-
20 dress a harmful, nonnative weed problem in the State or
21 portion of the State, or on land under the jurisdiction of
22 the Indian tribe, on the basis of—

23 (1) the severity of the harmful, nonnative weed
24 problem;

1 (2) the extent to which the Federal funds will
2 be used to leverage non-Federal funds to address the
3 harmful, nonnative weed problem;

4 (3) the extent to which the State or Indian
5 tribe has made progress in addressing harmful, non-
6 native weed problem; and

7 (4) other factors recommended by the Advisory
8 Committee and approved by the Secretary.

9 **SEC. 7. USE OF FUNDS ALLOCATED TO STATES.**

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

12 (1) not more than 25 percent of the allocation
13 to make an incentive payment to each weed manage-
14 ment entity in accordance with subsection (b); and

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

18 (b) INCENTIVE PAYMENTS.—

19 (1) USE BY WEED MANAGEMENT ENTITIES.—

20 (A) IN GENERAL.—Incentive payments
21 under subsection (a)(1) shall be used by weed
22 management entities—

23 (i) to encourage the formation of new
24 weed management entities; or

1 (ii) to carry out 1 or more projects de-
2 scribed in subsection (d) to improve the ef-
3 fectiveness of weed management entities
4 that are least effective in controlling or
5 eradicating harmful, nonnative weeds on
6 public and private land.

7 (B) DURATION OF PAYMENTS.—A weed
8 management entity may be eligible to receive an
9 incentive payment under subparagraph (A) for
10 not more than 5 years in the aggregate.

11 (C) FEDERAL SHARE.—

12 (i) IN GENERAL.—Except as provided
13 in clause (ii), under subparagraph (A), the
14 Federal share of the cost of carrying out a
15 project described in subsection (d) shall
16 not exceed 50 percent.

17 (ii) ADJUSTMENT.—The Governor of
18 a State that makes incentive payments
19 under subsection (a)(1) may increase, to a
20 maximum of 100 percent, the Federal
21 share of the cost of carrying out a project
22 described in subsection (d) that the Gov-
23 ernor determines is necessary to meet the
24 needs of an underserved area.

1 (iii) FORM OF MATCHING FUNDS.—

2 Under subparagraph (A), the non-Federal
3 share of the cost of carrying out a project
4 described in subsection (d) may be
5 provided—

6 (I) in cash or in kind; or

7 (II) in the form of Federal funds
8 made available under a Federal law
9 other than this Act.

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

14 (A) be recognized by the State;

15 (B) be established by local stakeholders—

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

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

23 (C)(i) for the first fiscal year for which the
24 entity receives an incentive payment, provide to
25 the State a description of—

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

3 (II) any projects carried out to accom-
4 plish those purposes; and

5 (ii) for any subsequent fiscal year for
6 which the entity receives an incentive payment,
7 provide to the State—

8 (I) a description of the activities car-
9 ried out by the entity in the previous fiscal
10 year—

11 (aa) to control or eradicate harm-
12 ful, nonnative weeds on public or pri-
13 vate land; or

14 (bb) to increase public knowledge
15 and education concerning the need to
16 control or eradicate harmful, non-
17 native weeds on public or private land;
18 and

19 (II) the results of each such activity;
20 and

21 (D) meet such additional eligibility require-
22 ments, and conform to such process for deter-
23 mining eligibility, as the State may establish.

24 (c) FINANCIAL AWARDS.—

25 (1) USE BY WEED MANAGEMENT ENTITIES.—

1 (A) IN GENERAL.—Financial awards under
2 subsection (a)(2) shall be used by weed man-
3 agement entities to pay the Federal share of
4 the cost of carrying out projects described in
5 subsection (d) that are selected by the State in
6 accordance with subsection (d).

7 (B) FEDERAL SHARE.—

8 (i) IN GENERAL.—Under subpara-
9 graph (A), the Federal share of the cost of
10 carrying out a project described in sub-
11 section (d) shall not exceed 50 percent.

12 (ii) FORM OF MATCHING FUNDS.—
13 Under subparagraph (A), the non-Federal
14 share of the cost of carrying out a project
15 described in subsection (d) may be
16 provided—

17 (I) in cash or in kind; or

18 (II) in the form of Federal funds
19 made available under a Federal law
20 other than this Act.

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

1 (A) meet the requirements for eligibility
2 for an incentive payment under subsection
3 (b)(2); and

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

7 (d) PROJECTS.—

8 (1) IN GENERAL.—An eligible weed manage-
9 ment entity may use a financial award received
10 under this section to carry out a project relating to
11 the control or eradication of harmful, nonnative
12 weeds on public or private land, including—

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

17 (B) other activities, the results of which
18 are disseminated to the public.

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

1 (A) the seriousness of the harmful, non-
2 native weed problem or potential problem ad-
3 dressed by the project;

4 (B) the likelihood that the project will pre-
5 vent or resolve the problem, or increase knowl-
6 edge about resolving similar problems in the fu-
7 ture;

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

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

15 (E) the extent to which the project will
16 provide a comprehensive approach to the con-
17 trol or eradication of harmful, nonnative weeds;

18 (F) the extent to which the project will re-
19 duce the total population of a harmful, non-
20 native weed within the State;

21 (G) the extent to which the project uses
22 the principles of integrated vegetation manage-
23 ment; and

24 (H) other factors that the State deter-
25 mines to be relevant.

1 (3) SCOPE OF PROJECTS.—

2 (A) IN GENERAL.—A weed management
3 entity shall determine the geographic scope of
4 the harmful, nonnative weed problem to be ad-
5 dressed through a project using an incentive
6 payment or financial award received under this
7 section.

8 (B) MULTIPLE STATES.—A weed manage-
9 ment entity shall not use any incentive payment
10 or financial award to carry out a project to ad-
11 dress the harmful, nonnative weed problem in
12 more than 1 State.

13 (4) LAND.—A weed management entity may
14 use an incentive payment or financial award received
15 under this section to carry out a project to control
16 or eradicate weeds on any public or private land
17 with the approval of the owner of the land, other
18 than land that is used for production of an agricul-
19 tural commodity.

20 (5) PROHIBITION ON PROJECTS TO CONTROL
21 AQUATIC NOXIOUS WEEDS OR ANIMAL PESTS.—An
22 incentive payment or financial award under this sec-
23 tion may not be used to carry out a project to con-
24 trol or eradicate submerged or floating aquatic nox-
25 ious weeds or animal pests.

1 (e) ADMINISTRATIVE COSTS.—Not more than 5 per-
2 cent of the funds made available under section 11 for a
3 fiscal year may be used by the States or the Federal Gov-
4 ernment to pay the administrative costs of the program
5 established by this Act, including the costs of complying
6 with Federal environmental laws.

7 (f) REPORT.—As a condition of the receipt of an in-
8 centive payment or financial award under this Act, not
9 later than October 30 of each year, a weed management
10 entity in a State that received such a payment or award
11 in the preceding fiscal year shall submit to the Advisory
12 Committee a report that describes, for that preceding fis-
13 cal year, the purposes for which the payment or award
14 was used.

15 **SEC. 8. USE OF FUNDS ALLOCATED TO INDIAN TRIBES.**

16 (a) IN GENERAL.—The requirements for the use of
17 funds allocated to States described in section 7 shall apply
18 to the use of funds allocated to Indian tribes under section
19 6(a)(2).

20 (b) INSUFFICIENT OR EXCESS FUNDS.—

21 (1) INSUFFICIENT FUNDS.—If, in any fiscal
22 year, the funds allocated to Indian tribes under sec-
23 tion 6(a)(2) are not sufficient to provide incentive
24 payments or financial awards to each weed manage-
25 ment entity of an Indian tribe, an Indian tribe may

1 seek additional funds by participating as a local
2 stakeholder in the establishment of a weed manage-
3 ment entity that receives assistance under section 7.

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

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

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

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

22 (b) **NO EFFECT ON PILT PAYMENTS.**—The provi-
23 sion of funds to any entity under this Act shall have no
24 effect on the amount of any payment received by a county
25 from the Federal Government under chapter 69 of title

1 31, United States Code (commonly known as “payments
2 in lieu of taxes”).

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

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

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