

Union Calendar No. 355

107TH CONGRESS
2^D SESSION

H. R. 1462

[Report No. 107–451, Part I]

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

MAY 9, 2002

Reported from the Committee on Resources with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

MAY 9, 2002

Referral to the Committee on Agriculture extended for a period ending not later than June 10, 2002

JUNE 10, 2002

Referral to the Committee on Agriculture extended for a period ending not later than July 19, 2002

JULY 19, 2002

Additional sponsors: Mr. SCHAFFER, Mr. UDALL of Colorado, Mrs. CUBIN, Mr. HASTINGS of Washington, Mr. SIMPSON, Mr. MCINNIS, Mr. GIBBONS, Mr. NETHERCUTT, Mr. CALVERT, Mr. SMITH of Washington, Mr. TANCREDO, Ms. DEGETTE, Mr. PALLONE, Ms. MCCOLLUM, Mr. INSLEE, Mr. OSBORNE, Mr. WALDEN of Oregon, and Mr. FALEOMAVAEGA

JULY 19, 2002

Committee on Agriculture discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on April 4, 2001]

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 Weed*
5 *Control Act of 2002”.*

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

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

8 *(1) There exists no dedicated, coordinated Fed-*
9 *eral effort to address, control, or eradicate harmful,*
10 *invasive terrestrial weeds.*

11 *(2) Public and private land in the United States*
12 *faces unprecedented and severe stress from harmful,*
13 *invasive weeds.*

14 *(3) The economic and resource value of the land*
15 *is being destroyed as harmful invasive weeds overtake*

1 *native vegetation, making the land unusable for for-*
2 *age and for diverse plant and animal communities.*

3 *(4) Damage caused by harmful invasive weeds*
4 *has been estimated to run in the hundreds of millions*
5 *of dollars annually.*

6 *(5) Successfully fighting this scourge will require*
7 *coordinated action by all affected stakeholders, which*
8 *may include Federal, State, and local governments,*
9 *private landowners, and nongovernmental organiza-*
10 *tions.*

11 *(6) The fight must begin at the local level, since*
12 *it is at the local level that persons feel the loss caused*
13 *by harmful invasive weeds and will therefore have the*
14 *greatest motivation to take effective action.*

15 *(7) To date, effective action has been hampered*
16 *by inadequate funding at all levels of government and*
17 *by inadequate coordination.*

18 *(b) PURPOSES.—The purposes of this Act are the fol-*
19 *lowing:*

20 *(1) To direct the Secretary to coordinate with the*
21 *National Invasive Species Council to develop a dedi-*
22 *cated program to combat harmful, invasive terrestrial*
23 *weeds.*

24 *(2) To provide assistance to eligible weed man-*
25 *agement entities in carrying out projects to control or*

1 *eradicate harmful, invasive weeds on public and pri-*
2 *vate land.*

3 (3) *To coordinate projects with existing weed*
4 *management entities, areas, districts, and ongoing*
5 *partnerships.*

6 (4) *In locations in which no weed management*
7 *entity, area, or district exists, to stimulate the forma-*
8 *tion of additional local or regional cooperative weed*
9 *management entities, such as entities for weed man-*
10 *agement areas or districts, that organize locally af-*
11 *ected stakeholders to control or eradicate weeds.*

12 (5) *To leverage additional funds from a variety*
13 *of public and private sources to control or eradicate*
14 *weeds through local stakeholders.*

15 (6) *To promote healthy, diverse, and desirable*
16 *plant communities by abating through a variety of*
17 *measures the threat posed by harmful, invasive weeds.*

18 **SEC. 3. DEFINITIONS.**

19 *In this Act:*

20 (1) **COUNCIL.**—*The term “Council” means the*
21 *National Invasive Species Council established by Ex-*
22 *ecutive Order 13112 of February 3, 1999.*

23 (2) **INDIAN TRIBE.**—*The term “Indian tribe” has*
24 *the meaning given the term in section 4 of the Indian*

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

3 (3) *LOCAL STAKEHOLDER.*—

4 (A) *IN GENERAL.*—*The term “local stake-*
5 *holder” means an interested party that partici-*
6 *pates in the establishment of a weed management*
7 *entity in a State.*

8 (B) *INCLUSIONS.*—*The term “local stake-*
9 *holder” includes a Federal, State, local, tribal, or*
10 *private landowner.*

11 (4) *SECRETARY.*—*The term “Secretary” means*
12 *the Secretary of the Interior.*

13 (5) *STATE.*—*The term “State” means each of the*
14 *several States of the United States, the District of Co-*
15 *lumbia, the Commonwealth of Puerto Rico, the Virgin*
16 *Islands, Guam, the Commonwealth of the Northern*
17 *Mariana Islands, and any other territory or posses-*
18 *sion of the United States.*

19 (6) *WEED.*—*The term “weed” means any para-*
20 *sitic or other kind of plant at any living stage (in-*
21 *cluding seeds and reproductive parts of such a plant),*
22 *that—*

23 (A) *is of foreign origin;*

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

1 (C) can directly or indirectly impact other
2 useful plants, livestock, wildlife resources, or the
3 public health.

4 (7) *WEED MANAGEMENT ENTITY*.—The term
5 “weed management entity” means an entity that—

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

8 (B) is established by and includes local
9 stakeholders;

10 (C) is established for the purpose of control-
11 ling or eradicating harmful, invasive weeds on
12 public or private land and increasing public
13 knowledge and education concerning the need to
14 control or eradicate harmful, invasive weeds on
15 public or private land; and

16 (D) is multijurisdictional and multidisci-
17 plinary in nature.

18 **SEC. 4. ESTABLISHMENT OF PROGRAM.**

19 The Secretary, in coordination with the Council, shall
20 establish in the Office of the Secretary a program to provide
21 financial assistance through States to eligible weed manage-
22 ment entities to control or eradicate harmful, invasive
23 weeds on public and private land.

1 **SEC. 5. ALLOCATION OF FUNDS TO STATES AND INDIAN**
2 **TRIBES.**

3 (a) *ALLOCATION.*—

4 (1) *IN GENERAL.*—*Subject to paragraph (2), in*
5 *consultation with the Council, the Secretary shall al-*
6 *locate funds made available for each fiscal year under*
7 *section 12 to States and Indian tribes to provide*
8 *funding in accordance with sections 6 and 7 to weed*
9 *management entities to carry out projects approved*
10 *by States and Indian tribes to control or eradicate*
11 *harmful, invasive weeds on public and private land.*

12 (2) *FEDERAL ALLOCATION TO INDIAN TRIBES.*—
13 *Of the funds made available for allocation under sec-*
14 *tion 12 for each fiscal year, 5 percent shall be—*

15 (A) *reserved for allocation to Indian tribes;*
16 *and*

17 (B) *administered by the Council.*

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

24 (1) *the severity or potential severity of the harm-*
25 *ful, invasive weed problem;*

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

4 (3) *the extent to which the State or Indian tribe*
 5 *has made progress in addressing harmful, invasive*
 6 *weed problems; and*

7 (4) *other factors recommended by the Council*
 8 *and approved by the Secretary.*

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

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

12 (1) *not more than 25 percent of the allocation to*
 13 *make an incentive payment to each weed management*
 14 *entity established in the State, in accordance with*
 15 *subsection (b); and*

16 (2) *not less than 75 percent of the allocation to*
 17 *make financial awards to weed management entities*
 18 *established in the State, in accordance with subsection*
 19 *(c).*

20 (b) *INCENTIVE PAYMENTS.*—

21 (1) *USE BY WEED MANAGEMENT ENTITIES.*—

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

1 (i) to encourage the formation of new
2 weed management entities; or

3 (ii) to carry out 1 or more projects de-
4 scribed in subsection (d) to improve the ef-
5 fectiveness of existing weed management en-
6 tities or programs.

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

11 (C) FEDERAL SHARE.—

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

17 (ii) ADJUSTMENT.—After consultation
18 with the Secretary, the Governor of a State
19 that makes either an incentive payment or
20 financial award under subsection (a) may
21 increase, to a maximum of 100 percent,
22 such Federal share of a project 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)(i) *for the first fiscal year for which the*
 15 *entity receives an incentive payment under this*
 16 *subsection, provide to the State in which it is*
 17 *established a description of—*

18 (I) *the purposes for which the entity*
 19 *was established; and*

20 (II) *any projects to be carried out to*
 21 *accomplish those purposes; and*

22 (ii) *for any subsequent fiscal year for which*
 23 *the entity receives an incentive payment, provide*
 24 *to the State—*

1 (I) a description of the activities car-
 2 ried out by the entity in the previous fiscal
 3 year—

4 (aa) to control or eradicate harm-
 5 ful, invasive weeds on public or private
 6 land; or

7 (bb) to increase public knowledge
 8 and education concerning the need to
 9 control or eradicate harmful, invasive
 10 weeds on public or private land; and

11 (II) the results of each such activity;

12 and

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

16 (c) *FINANCIAL AWARDS.*—

17 (1) *USE BY WEED MANAGEMENT ENTITIES.*—

18 (A) *IN GENERAL.*—*Financial awards under*
 19 *subsection (a)(2) shall be used by weed manage-*
 20 *ment entities to pay the Federal share of the cost*
 21 *of carrying out projects described in subsection*
 22 *(d) that are selected by the State in accordance*
 23 *with subsection (d).*

24 (B) *FEDERAL SHARE.*—

1 (i) *IN GENERAL.*—*Except as provided*
 2 *in clause (ii), for purposes of subparagraph*
 3 *(A), the Federal share of the cost of carrying*
 4 *out a project described in subsection (d)*
 5 *shall not exceed 50 percent.*

6 (ii) *ADJUSTMENT.*—*After consultation*
 7 *with the Secretary, the Governor of a State*
 8 *that makes either an incentive payment or*
 9 *financial award under subsection (a) may*
 10 *increase, to a maximum of 100 percent,*
 11 *such Federal share of a project that the Gov-*
 12 *ernor determines is necessary to meet the*
 13 *needs of an underserved area.*

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

19 *(I) in cash or in kind; or*

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

23 (2) *ELIGIBILITY OF WEED MANAGEMENT ENTI-*
 24 *TIES.*—*To be eligible to obtain a financial award*

1 *under paragraph (1) for a fiscal year, a weed man-*
2 *agement entity in a State shall—*

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

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

8 *(d) PROJECTS.—*

9 *(1) IN GENERAL.—A weed management entity*
10 *may use a financial award received under this section*
11 *to carry out a project to control or eradicate harmful,*
12 *invasive 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 that promote such control or*
17 *eradication; and*

18 *(B) other activities to promote such control*
19 *or eradication, if the results of the activities are*
20 *disseminated to the public.*

21 *(2) SELECTION OF PROJECTS.—A State shall se-*
22 *lect projects for funding under this section on a com-*
23 *petitive basis, taking into consideration—*

1 (A) the seriousness of the harmful, invasive
2 weed problem or potential problem addressed by
3 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 le-
9 verage non-Federal funds to address the harmful,
10 invasive weed problem addressed by the project;

11 (D) the extent to which the recipient weed
12 management entity has made progress in ad-
13 dressing harmful, invasive weed problems;

14 (E) the extent to which the project will pro-
15 vide a comprehensive approach to the control or
16 eradication of harmful, invasive weeds;

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

20 (G) the extent to which the project uses the
21 principles of integrated vegetation management
22 and sound science; and

23 (H) other factors that the State determines
24 to be relevant.

25 (3) SCOPE OF PROJECTS.—

1 (A) *IN GENERAL.*—A weed management en-
2 tity shall determine the geographic scope of the
3 harmful, invasive weed problem to be addressed
4 through a project using an incentive payment or
5 financial award received under this section.

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

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

19 (5) *PROHIBITION ON USE OF FUNDS.*—An incen-
20 tive payment or financial award under this Act may
21 not be used to carry out a project—

22 (A) to control or eradicate animal pests or
23 submerged or floating harmful, invasive aquatic
24 weeds; or

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

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

7 (ii) an animal- or insect-based prod-
8 uct.

9 (e) *ADMINISTRATIVE COSTS.*—Not more than 5 percent
10 of the funds made available under section 12 for a fiscal
11 year may be used by the Federal Government to pay the
12 administrative costs of the program established by this Act,
13 including the costs of complying with Federal environ-
14 mental laws.

15 (f) *REPORT.*—As a condition of the receipt of an incen-
16 tive payment or financial award under this Act, a weed
17 management entity in a State that received such a payment
18 or award shall submit to the Council a report that describes
19 the purposes and results of each project for which the pay-
20 ment or award was used, by not later than 6 months after
21 completion of the projects.

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

23 (a) *IN GENERAL.*—The requirements for the use of
24 funds allocated to States described in section 6 shall apply

1 *to the use of funds allocated to Indian tribes under section*
2 *5(a)(2).*

3 *(b) INSUFFICIENT OR EXCESS FUNDS.—*

4 *(1) INSUFFICIENT FUNDS.—If, in any fiscal*
5 *year, the funds allocated to Indian tribes under sec-*
6 *tion 5(a)(2) are not sufficient to provide incentive*
7 *payments or financial awards to each weed manage-*
8 *ment entity of an Indian tribe, an Indian tribe may*
9 *seek additional funds by participating as a local*
10 *stakeholder in the establishment of a weed manage-*
11 *ment entity that receives assistance under section 6.*

12 *(2) EXCESS FUNDS.—Any excess funds remain-*
13 *ing after the provision of incentive payments or fi-*
14 *nancial awards to weed management entities of In-*
15 *dian tribes shall be reserved by the Council for use in*
16 *carrying out this Act in the following fiscal year.*

17 *(c) REPORT.—As a condition of the receipt of an in-*
18 *centive payment or financial award under this Act, not*
19 *later than October 30 of each year, a weed management*
20 *entity of an Indian tribe that received such a payment or*
21 *award in the preceding fiscal year shall submit to the Coun-*
22 *cil a report that describes, for that preceding fiscal year,*
23 *the purposes for which the payment or award was used.*

1 **SEC. 8. FUNDING RECOMMENDATIONS.**

2 *The Secretary of Agriculture and the Council shall*
3 *make recommendations to the Secretary regarding—*

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

6 *(2) other issues related to funding under this*
7 *Act.*

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

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

12 *(b) NO EFFECT ON PILT PAYMENTS.—The provision*
13 *of funds to any entity under this Act shall have no effect*
14 *on the amount of any payment received by a county from*
15 *the Federal Government under chapter 69 of title 31, United*
16 *States Code (commonly known as “payments in lieu of*
17 *taxes”).*

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

19 *Any activity carried out under this Act shall comply*
20 *with all other Federal laws (including regulations), includ-*
21 *ing the Endangered Species Act of 1973 (16 U.S.C. 1531*
22 *et seq.).*

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

24 *Assistance authorized under this Act is intended to*
25 *supplement, and not replace, assistance available to weed*
26 *management entities, areas, and districts for control or*

1 *eradication of harmful, invasive weeds on public lands and*
2 *private lands, including funding available under the Pull-*
3 *ing Together Initiative of the National Fish and Wildlife*
4 *Foundation.*

5 **SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

6 *To carry out this Act there is authorized to be appro-*
7 *priated to the Secretary \$100,000,000 for each of fiscal*
8 *years 2002 through 2006.*

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