

107TH CONGRESS  
1ST SESSION

# S. 198

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.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 29, 2001

Mr. CRAIG (for himself, Mr. DASCHLE, Mr. BAUCUS, Mr. BURNS, Mr. CONRAD, Mr. CRAPO, Mr. DORGAN, Mr. JOHNSON, and Mr. SMITH of Oregon) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## 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 2000”.

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

7       (a) FINDINGS.—Congress finds that—

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

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

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

12           (4) successfully fighting this scourge will re-  
13 quire coordinated action by all affected stakeholders,  
14 including Federal, State, and local governments, pri-  
15 vate landowners, and nongovernmental organiza-  
16 tions;

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

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

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

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

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

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

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

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

20 **SEC. 3. DEFINITIONS.**

21          In this Act:

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

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

3           (3) 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 the an-  
19         nual allocation of funds to States under section 6 and  
20         other issues related to funding under this Act.

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

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

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

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

6           (d) COMPENSATION.—

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

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

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

21       **SEC. 6. ALLOCATION OF FUNDS TO STATES.**

22          (a) IN GENERAL.—In consultation with the Advisory  
23          Committee, the Secretary shall allocate funds made avail-  
24          able for each fiscal year under section 8 to States to pro-  
25          vide funding in accordance with section 7 to eligible weed

1 management entities to carry out projects approved by  
2 States to control or eradicate harmful, nonnative weeds  
3 on public and private land.

4 (b) AMOUNT.—The Secretary shall determine the  
5 amount of funds allocated to a State for a fiscal year  
6 under this section on the basis of—

7 (1) the seriousness of the harmful, nonnative  
8 weed problem or potential problem in the State, or  
9 a portion of the State;

10 (2) the extent to which the Federal funds will  
11 be used to leverage non-Federal funds to address the  
12 harmful, nonnative weed problems in the State;

13 (3) the extent to which the State has made  
14 progress in addressing harmful, nonnative weed  
15 problems in the State;

16 (4) the extent to which weed management enti-  
17 ties in a State are eligible for base payments under  
18 section 7; and

19 (5) other factors recommended by the Advisory  
20 Committee and approved by the Secretary.

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

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

1           (1) not more than 25 percent of the allocation  
2           to make a base payment to each weed management  
3           entity in accordance with subsection (b); and

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

7           (b) BASE PAYMENTS.—

8           (1) USE BY WEED MANAGEMENT ENTITIES.—

9           (A) IN GENERAL.—Base payments under  
10          subsection (a)(1) shall be used by weed man-  
11          agement entities—

12           (i) to pay the Federal share of the  
13           cost of carrying out projects described in  
14           subsection (d) that are selected by the  
15           State in accordance with subsection (d); or

16           (ii) for any other purpose relating to  
17           the activities of the weed management en-  
18           tities, subject to guidelines established by  
19           the State.

20          (B) FEDERAL SHARE.—Under subpara-  
21          graph (A), the Federal share of the cost of car-  
22          rying out a project described in subsection (d)  
23          shall not exceed 50 percent.

24          (2) ELIGIBILITY OF WEED MANAGEMENT ENTI-  
25          TIES.—To be eligible to obtain a base payment

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

3 (A) be established by local stakeholders—

4 (i) to control or eradicate harmful,  
 5 nonnative weeds on public or private land;

6 or

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

11 (B)(i) for the first fiscal year for which the  
 12 entity receives a base payment, provide to the  
 13 State a description of—

14 (I) the purposes for which the entity  
 15 was established; and

16 (II) any projects carried out to accom-  
 17 plish those purposes; and

18 (ii) for any subsequent fiscal year for  
 19 which the entity receives a base payment, pro-  
 20 vide to the State—

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



1 (aa) to control or eradicate harm-  
2 ful, nonnative weeds on public or pri-  
3 vate land; or

4 (bb) to increase public knowledge  
5 and education concerning the need to  
6 control or eradicate harmful, non-  
7 native weeds on public or private land;  
8 and

9 (II) the results of each such activity;  
10 and

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

14 (c) FINANCIAL AWARDS.—

15 (1) USE BY WEED MANAGEMENT ENTITIES.—

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

22 (B) FEDERAL SHARE.—Under subpara-  
23 graph (A), the Federal share of the cost of car-  
24 rying out a project described in subsection (d)  
25 shall not exceed 50 percent.

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

5                   (A) meet the requirements for eligibility  
6                   for a base payment under subsection (b)(2);  
7                   and

8                   (B) submit to the State a description of  
9                   the project for which the financial award is  
10                  sought.

11          (d) PROJECTS.—

12           (1) IN GENERAL.—An eligible weed manage-  
13           ment entity may use a base payment or financial  
14           award received under this section to carry out a  
15           project relating to the control or eradication of  
16           harmful, nonnative weeds on public or private land,  
17           including—

18                   (A) education, inventories and mapping,  
19                   management, monitoring, and similar activities,  
20                   including the payment of the cost of personnel  
21                   and equipment; and

22                   (B) innovative projects, with results that  
23                   are disseminated to the public.

24           (2) SELECTION OF PROJECTS.—A State shall  
25           select projects for funding under this section on a

1 competitive basis, taking into consideration (with  
2 equal consideration given to economic and natural  
3 values)—

4 (A) the seriousness of the harmful, non-  
5 native weed problem or potential problem ad-  
6 dressed by the project;

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

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

15 (D) the extent to which the entity has  
16 made progress in addressing harmful, nonnative  
17 weed problems;

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

21 (F) the extent to which the project will re-  
22 duce the total population of a harmful, non-  
23 native weed within the State; and

24 (G) other factors that the State determines  
25 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 a base payment  
6 or financial award received under this section.

7 (B) MULTIPLE STATES.—A weed manage-  
8 ment entity may use the base payment or finan-  
9 cial award to carry out a project to address the  
10 harmful, nonnative weed problem of more than  
11 1 State if the entity meets the requirements of  
12 applicable State laws.

13 (4) LAND.—A weed management entity may  
14 use a base 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 or operator of the  
18 land, other than land that is devoted to the cultiva-  
19 tion of row crops, fruits, or vegetables.

20 (5) PROHIBITION ON PROJECTS TO CONTROL  
21 AQUATIC NOXIOUS WEEDS OR ANIMAL PESTS.—A  
22 base payment or financial award under this section  
23 may not be used to carry out a project to control or  
24 eradicate aquatic noxious weeds or animal pests.

1           (e) ADMINISTRATIVE COSTS.—Not more than 5 per-  
2 cent of the funds made available under section 8 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 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

8           There are authorized to be appropriated such sums  
9 as are necessary to carry out this Act.

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