

Calendar No. 600

107TH CONGRESS
2D SESSION

S. 198

[Report No. 107–281]

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 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, Mr. SMITH of Oregon, Mr. INOUE, Mr. WYDEN, Mr. BROWNBACK, Mr. AKAKA, Mr. ALLARD, Mr. ENSIGN, Ms. CANTWELL, and Mr. HAGEL) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

SEPTEMBER 17, 2002

Reported by Mr. BINGAMAN, with an amendment

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

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Harmful Nonnative
3 Weed Control Act of 2000”.

4 **SEC. 2. FINDINGS AND PURPOSES.**

5 (a) FINDINGS.—Congress finds that—

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

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

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

17 (4) successfully fighting this scourge will re-
18 quire coordinated action by all affected stakeholders,
19 including Federal, State, and local governments, pri-
20 vate landowners, and nongovernmental organiza-
21 tions;

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

1 (6) to date, effective action has been hampered
2 by inadequate funding at all levels of government
3 and by inadequate coordination.

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

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

9 (2) to coordinate the projects with existing
10 weed management areas and districts;

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

17 (4) to leverage additional funds from a variety
18 of public and private sources to control or eradicate
19 weeds through local stakeholders; and

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

24 **SEC. 3. DEFINITIONS.**

25 In this Act:

1 (1) ~~ADVISORY COMMITTEE.~~—The term “Advi-
 2 sory Committee” means the advisory committee es-
 3 tablished under section 5.

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

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

12 **SEC. 4. ESTABLISHMENT OF PROGRAM.**

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

18 **SEC. 5. ADVISORY COMMITTEE.**

19 (a) ~~IN GENERAL.~~—The Secretary shall establish in
 20 the Department of the Interior an advisory committee to
 21 make recommendations to the Secretary regarding the an-
 22 nual allocation of funds to States under section 6 and
 23 other issues related to funding under this Act.

1 (b) COMPOSITION.—The Advisory Committee shall be
2 composed of not more than 10 individuals appointed by
3 the Secretary who—

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

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

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

11 (d) COMPENSATION.—

12 (1) IN GENERAL.—A member of the Advisory
13 Committee shall receive no compensation for the
14 service of the member on the Advisory Committee.

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

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

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

2 (a) **IN GENERAL.**—In consultation with the Advisory
3 Committee, the Secretary shall allocate funds made avail-
4 able for each fiscal year under section 8 to States to pro-
5 vide funding in accordance with section 7 to eligible weed
6 management entities to carry out projects approved by
7 States to control or eradicate harmful, nonnative weeds
8 on public and private land.

9 (b) **AMOUNT.**—The Secretary shall determine the
10 amount of funds allocated to a State for a fiscal year
11 under this section on the basis of—

12 (1) the seriousness of the harmful, nonnative
13 weed problem or potential problem in the State, or
14 a portion of the State;

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

18 (3) the extent to which the State has made
19 progress in addressing harmful, nonnative weed
20 problems in the State;

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

24 (5) other factors recommended by the Advisory
25 Committee and approved by the Secretary.

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

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

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

7 ~~(2)~~ not less than 75 percent of the allocation to
8 make financial awards to weed management entities
9 in accordance with subsection (c).

10 ~~(b) BASE PAYMENTS.~~—

11 ~~(1) USE BY WEED MANAGEMENT ENTITIES.~~—

12 ~~(A) IN GENERAL.~~—Base payments under
13 subsection (a)(1) shall be used by weed man-
14 agement entities—

15 ~~(i)~~ to pay the Federal share of the
16 cost of carrying out projects described in
17 subsection (d) that are selected by the
18 State in accordance with subsection (d); or

19 ~~(ii)~~ for any other purpose relating to
20 the activities of the weed management en-
21 tities, subject to guidelines established by
22 the State.

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

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

5 (A) be established by local stakeholders—

6 (i) to control or eradicate harmful,
 7 nonnative weeds on public or private land;
 8 or

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

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

16 (I) the purposes for which the entity
 17 was established; and

18 (II) any projects carried out to accom-
 19 plish those purposes; and

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

23 (I) a description of the activities ear-
 24 ried out by the entity in the previous fiscal
 25 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 (H) 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 ear-
 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.

10 **SECTION 1. SHORT TITLE.**

11 *This Act may be cited as the “Noxious Weed Control*
 12 *Act of 2002”.*

13 **SEC. 2. DEFINITIONS.**

14 *In this Act:*

15 (1) *NOXIOUS WEED.*—*The term “noxious weed”*
 16 *has the same meaning as in the Plant Protection Act*
 17 *(7 U.S.C. 7702(10)).*

18 (2) *SECRETARY.*—*The term “Secretary” means*
 19 *the Secretary of the Interior.*

20 (3) *STATE.*—*The term “State” means each of the*
 21 *several States of the United States, the District of Co-*
 22 *lumbia, the Commonwealth of Puerto Rico, the Virgin*
 23 *Islands, Guam, the Commonwealth of the Northern*
 24 *Mariana Islands, and any other territory or posses-*
 25 *sion of the United States.*

1 (4) *INDIAN TRIBE*.—*The term “Indian tribe” has*
 2 *the meaning given the term in section 4 of the Indian*
 3 *Self-Determination and Education Assistance Act (25*
 4 *U.S.C. 450b).*

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

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

9 (C) *is established for the purpose of control-*
 10 *ling or eradicating harmful, invasive weeds and*
 11 *increasing public knowledge and education con-*
 12 *cerning the need to control or eradicate harmful,*
 13 *invasive weeds; and*

14 (D) *is multijurisdictional and multidisci-*
 15 *plinary in nature.*

16 **SEC. 3. ESTABLISHMENT OF PROGRAM.**

17 *The Secretary shall establish a program to provide fi-*
 18 *nancial assistance through States to eligible weed manage-*
 19 *ment entities to control or eradicate weeds. In developing*
 20 *the program, the Secretary shall consult with the National*
 21 *Invasive Species Council, the Invasive Species Advisory*
 22 *Committee, representatives from States and Indian tribes*
 23 *with weed management entities or that have particular*
 24 *problems with noxious weeds, and public and private enti-*
 25 *ties with experience in noxious weed management.*

1 **SEC. 4. ALLOCATION OF FUNDS TO STATES AND INDIAN**
2 **TRIBES.**

3 *The Secretary shall allocate funds to States to provide*
4 *funding to weed management entities to carry out projects*
5 *approved by States to control or eradicate weeds on the*
6 *basis of the severity or potential severity of the noxious weed*
7 *problem, the extent to which the Federal funds will be used*
8 *to leverage non-Federal funds, the extent to which the State*
9 *has made progress in addressing noxious weed problems,*
10 *and such other factors as the Secretary deems relevant. The*
11 *Secretary shall provide special consideration for States with*
12 *approved weed management entities established by Indian*
13 *tribes, and may provide an additional allocation to a State*
14 *to meet the particular needs and projects that such a weed*
15 *management entity will address.*

16 **SEC. 5. ELIGIBILITY AND USE OF FUNDS.**

17 (a) *REQUIREMENTS.*—*The Secretary shall prescribe re-*
18 *quirements for applications by States for funding, includ-*
19 *ing provisions for auditing of and reporting on the use of*
20 *funds and criteria to ensure that weed management entities*
21 *recognized by the States are capable of carrying out*
22 *projects, monitoring and reporting on the use of funds, and*
23 *are knowledgeable about and experienced in noxious weed*
24 *management and represent private and public interests ad-*
25 *versely affected by noxious weeds. Eligible activities for*
26 *funding shall include—*

1 (1) *applied research to solve locally significant*
2 *weed management problems and solutions, except that*
3 *such research may not exceed 8 percent of the avail-*
4 *able funds in any year;*

5 (2) *incentive payments to encourage the forma-*
6 *tion of new weed management entities, except that*
7 *such payments may not exceed 25 percent of the*
8 *available funds in any year; and*

9 (3) *projects relating to the control or eradication*
10 *of noxious weeds, including education, inventories*
11 *and mapping, management, monitoring, and similar*
12 *activities, including the payment of the cost of per-*
13 *sonnel and equipment that promote such control or*
14 *eradication, and other activities to promote such con-*
15 *trol or eradication, if the results of the activities are*
16 *disseminated to the public.*

17 (b) *PROJECT SELECTION.*—*A State shall select projects*
18 *for funding to a weed management entity on a competitive*
19 *basis considering—*

20 (1) *the seriousness of the noxious weed problem*
21 *or potential problem addressed by the project;*

22 (2) *the likelihood that the project will prevent or*
23 *resolve the problem, or increase knowledge about re-*
24 *solving similar problems in the future;*

1 (3) *the extent to which the payment will leverage*
2 *non-Federal funds to address the noxious weed prob-*
3 *lem addressed by the project;*

4 (4) *the extent to which the weed management en-*
5 *tity has made progress in addressing noxious weed*
6 *problems;*

7 (5) *the extent to which the project will provide*
8 *a comprehensive approach to the control or eradi-*
9 *cation of noxious weeds;*

10 (6) *the extent to which the project will reduce the*
11 *total population of a noxious weed;*

12 (7) *the extent to which the project uses the prin-*
13 *ciples of integrated vegetation management and sound*
14 *science; and*

15 (8) *such other factors that the State determines*
16 *to be relevant.*

17 (c) *INFORMATION AND REPORT.*—*As a condition of the*
18 *receipt of funding, States shall require such information*
19 *from grant recipients as necessary and shall submit to the*
20 *Secretary a report that describes the purposes and results*
21 *of each project for which the payment or award was used,*
22 *by not later than 6 months after completion of the projects.*

23 (d) *FEDERAL SHARE.*—*The Federal share of any*
24 *project or activity approved by a State or Indian tribe*
25 *under this Act may not exceed 50 percent unless the State*

1 *meets criteria established by the Secretary that accommo-*
 2 *dates situations where a higher percentage is necessary to*
 3 *meet the needs of an underserved area or addresses a critical*
 4 *need that cannot be met otherwise.*

5 **SEC. 6. LIMITATIONS.**

6 (a) *LANDOWNER CONSENT; LAND UNDER CULTIVA-*
 7 *TION.*—Any activity involving real property, either private
 8 or public, may be carried out under this Act only with the
 9 consent of the landowner and no project may be undertaken
 10 on property that is devoted to the cultivation of row crops,
 11 fruits, or vegetables.

12 (b) *COMPLIANCE WITH STATE LAW.*—A weed manage-
 13 ment entity may carry out a project to address the noxious
 14 weed problem in more than one State only if the entity
 15 meets the requirements of the State laws in all States in
 16 which the entity will undertake the project.

17 (c) *USE OF FUNDS.*—Funding under this Act may not
 18 be used to carry out a project—

19 (1) *to control or eradicate animals, pests, or sub-*
 20 *merged or floating noxious aquatic weeds; or*

21 (2) *to protect an agricultural commodity (as de-*
 22 *fined in section 102 of the Agricultural Trade Act of*
 23 *1978 (7 U.S.C. 5602)) other than—*

1 (A) livestock (as defined in section 602 of
2 the Agricultural Trade Act of 1949 (7 U.S.C.
3 1471); or

4 (B) an animal- or insect-based product.

5 **SEC. 7. RELATIONSHIP TO OTHER PROGRAMS.**

6 Assistance authorized under this Act is intended to
7 supplement, and not replace, assistance available to weed
8 management entities, areas, and districts for control or
9 eradication of harmful, invasive weeds on public lands and
10 private lands, including funding available under the Pull-
11 ing Together Initiative of the National Fish and Wildlife
12 Foundation; and the provision of funds to any entity under
13 this Act shall have no effect on the amount of any payment
14 received by a county from the Federal Government under
15 chapter 69 of title 31, United States Code (commonly
16 known as the Payments in Lieu of Taxes Act).

17 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

18 To carry out this Act there is authorized to be appro-
19 priated to the Secretary \$100,000,000 for each of fiscal
20 years 2002 through 2006, of which not more than 5 percent
21 of the funds made available for a fiscal year may be used
22 by the Secretary for administrative costs of Federal agen-
23 cies.

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