

“(f) DISPOSITION OF BIOMASS.—

“(1) IN GENERAL.—Not later than 1 year after the date on which funds are made available to carry out this Act, the Secretary, in cooperation with the Secretary of Agriculture, shall complete an analysis of economic means to use or dispose of biomass created as a result of removal of salt cedar and Russian olive trees.

“(2) REQUIREMENTS.—The analysis shall—

“(A) determine conditions under which removal of biomass is economically viable;

“(B) consider and build upon existing research by the Department of Agriculture and other agencies on beneficial uses of salt cedar and Russian olive tree fiber; and

“(C) consider economic development opportunities, including manufacture of wood products using biomass resulting from demonstration projects under subsection (e) as a means of defraying costs of control.

“(g) COSTS.—

“(1) IN GENERAL.—With respect to projects and activities carried out under this Act—

“(A) the assessment under subsection (c) shall be carried out at a cost of not more than \$4,000,000;

“(B) the identification and documentation of long-term management strategies under subsection (d)(1) and the provision of grants under subsection (d)(2) shall be carried out at a cost of not more than \$2,000,000;

“(C) each demonstration project under subsection (e) shall be carried out at a Federal cost of not more than \$7,000,000 (including costs of planning, design, implementation, maintenance, and monitoring); and

“(D) the analysis under subsection (f) shall be carried out at a cost of not more than \$3,000,000.

“(2) COST-SHARING.—

“(A) IN GENERAL.—The assessment under subsection (c), the identification and documentation of long-term management strategies under subsection (d), a demonstration project or portion of a demonstration project under subsection (e) that is carried out on Federal land, and the analysis under subsection (f) shall be carried out at full Federal expense.

“(B) DEMONSTRATION PROJECTS CARRIED OUT ON NON-FEDERAL LAND.—

“(i) IN GENERAL.—The Federal share of the costs of any demonstration project funded under subsection (e) that is not carried out on Federal land shall not exceed 75 percent.

“(ii) FORM OF NON-FEDERAL SHARE.—The non-Federal share of the costs of a demonstration project that is not carried out on Federal land may be provided in the form of in-kind contributions, including services provided by a State agency or any other public or private partner.

“(h) COOPERATION.—In carrying out the assessment under subsection (c), the demonstration projects under subsection (e), and the analysis under subsection (f), the Secretary shall cooperate with and use the expertise of Federal agencies and the other entities specified in subsection (e)(1) that are actively conducting research on or implementing salt cedar and Russian olive tree control activities.

“(i) INDEPENDENT REVIEW.—The Secretary shall subject to independent review—

“(1) the assessment under subsection (c);

“(2) the identification and documentation of long-term management strategies under subsection (d);

“(3) the demonstration projects under subsection (e); and

“(4) the analysis under subsection (f).

“(j) REPORTING.—

“(1) IN GENERAL.—The Secretary shall submit to Congress an annual report that describes the results of carrying out this Act, including a synopsis of any independent review under subsection (i) [sic] and details of the manner and purposes for which funds are expended.

“(2) PUBLIC ACCESS.—The Secretary shall facilitate public access to all information that results from carrying out this Act.

“(k) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There are authorized to be appropriated to carry out this Act—

“(A) \$20,000,000 for fiscal year 2006; and

“(B) \$15,000,000 for each of fiscal years 2007 through 2010.

“(2) ADMINISTRATIVE COSTS.—Not more than 15 percent of amounts made available under paragraph (1) shall be used to pay the administrative costs of carrying out the program established under subsection (a).

“(l) TERMINATION OF AUTHORITY.—This Act and the authority provided by this Act terminate on the date that is 5 years after the date of the enactment of this Act [Oct. 11, 2006].”

§ 7782. 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 7786(a) of this title, the Secretary shall make grants under section 7783 of this title to weed management entities for the control or eradication of noxious weeds.

(c) Agreements

Subject to the availability of appropriations under section 7786(b) of this title, the Secretary shall enter into agreements under section 7784 of this title with weed management entities to provide financial and technical assistance for the control or eradication of noxious weeds.

(Pub. L. 106–224, title IV, § 453, as added Pub. L. 108–412, § 1, Oct. 30, 2004, 118 Stat. 2321.)

§ 7783. Grants to weed management entities**(a) Consultation and consent**

In carrying out a grant under this subchapter, 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) of this section shall

use the grant funds to carry out a project authorized by subsection (d) of this section 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.

(Pub. L. 106-224, title IV, §454, as added Pub. L. 108-412, §1, Oct. 30, 2004, 118 Stat. 2321.)

§ 7784. 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 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—