

(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 develop-

ment, 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—

(1) rely on technical and merit reviews provided by regional, State, or local weed management experts; and

(2) give priority to activities that maximize the involvement of State, local, and, where applicable, representatives of Indian Tribe governments.

(f) Rapid response program

At the request of the Governor of a State, the Secretary may enter into a cooperative agreement with a weed management entity in that State to enable rapid response to outbreaks of noxious weeds at a stage which rapid eradication and control is possible and to ensure eradication or immediate control of the noxious weeds if—

(1) there is a demonstrated need for the assistance;

(2) the noxious weed is considered to be a significant threat to native fish, wildlife, or their habitats, as determined by the Secretary;

(3) the economic impact of delaying action is considered by the Secretary to be substantial; and

(4) the proposed response to such threat—

(A) is technically feasible;

(B) economically responsible; and

(C) minimizes adverse impacts to the structure and function of an ecosystem and adverse effects on nontarget species and ecosystems.

(Pub. L. 106-224, title IV, §455, as added Pub. L. 108-412, §1, Oct. 30, 2004, 118 Stat. 2322.)

§ 7785. Relationship to other programs

Funds under this Act (other than those made available for section 7784(f) of this title) are in-

tended to supplement, not replace, assistance available to weed management entities, areas, and districts for control or eradication of noxious weeds on Federal lands and non-Federal lands. The provision of funds to a weed management entity under this Act (other than those made available for section 7784(f) of this title) shall have no effect on the amount of any payment received by a county from the Federal Government under chapter 69 of title 31.

(Pub. L. 106-224, title IV, §456, as added Pub. L. 108-412, §1, Oct. 30, 2004, 118 Stat. 2324.)

REFERENCES IN TEXT

This Act, referred to in text, probably means the Noxious Weed Control and Eradication Act of 2004, subtitle E (§§451-457) of title IV of Pub. L. 106-224, as added by Pub. L. 108-412, §1, Oct. 30, 2004, 118 Stat. 2320, which enacted this subchapter. For complete classification of this Act to the Code, see Short Title note set out under section 7701 of this title and Tables.

§ 7786. Authorization of appropriations

(a) Grants

To carry out section 7783 of this title, there are authorized to be appropriated to the Secretary \$7,500,000 for each of fiscal years 2005 through 2009, of which not more than 5 percent of the funds made available for a fiscal year may be used by the Secretary for administrative costs.

(b) Agreements

To carry out section 7784 of this title, there are authorized to be appropriated to the Secretary \$7,500,000 for each of fiscal years 2005 through 2009, of which not more than 5 percent of the funds made available for a fiscal year may be used by the Secretary for administrative costs of Federal agencies.

(Pub. L. 106-224, title IV, §457, as added Pub. L. 108-412, §1, Oct. 30, 2004, 118 Stat. 2324.)

CHAPTER 105—HASS AVOCADO PROMOTION, RESEARCH, AND INFORMATION

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§ 7801. Findings and declaration of policy

(a) Findings

Congress finds the following:

(1) Hass avocados are an integral food source in the United States that are a valuable and healthy part of the human diet and are enjoyed by millions of persons every year for a multitude of everyday and special occasions.

(2) Hass avocados are a significant tree fruit crop grown by many individual producers, but

virtually all domestically produced Hass avocados for the commercial market are grown in the State of California.

(3) Hass avocados move in interstate and foreign commerce, and Hass avocados that do not move in interstate or foreign channels of commerce but only in intrastate commerce directly affect interstate commerce in Hass avocados.

(4) In recent years, large quantities of Hass avocados have been imported into the United States from other countries.

(5) The maintenance and expansion of markets in existence on October 28, 2000, and the development of new or improved markets or uses for Hass avocados are needed to preserve and strengthen the economic viability of the domestic Hass avocado industry for the benefit of producers and other persons associated with the producing, marketing, processing, and consuming of Hass avocados.

(6) An effective and coordinated program of promotion, research, industry information, and consumer information regarding Hass avocados is necessary for the maintenance, expansion, and development of domestic markets for Hass avocados.

(b) Purpose

It is the purpose of this chapter to authorize the establishment, through the exercise of the powers provided in this chapter, of an orderly procedure for the development and financing (through an adequate assessment on Hass avocados sold by producers and importers in the United States) of an effective and coordinated program of promotion, research, industry information, and consumer information, including funds for marketing and market research activities, that is designed to—

(1) strengthen the position of the Hass avocado industry in the domestic marketplace; and

(2) maintain, develop, and expand markets and uses for Hass avocados in the domestic marketplace.

(c) Limitation

Nothing in this chapter may be construed to provide for the control of production or otherwise limit the right of any person to produce, handle, or import Hass avocados.

(Pub. L. 106-387, §1(a) [title XII, §1202], Oct. 28, 2000, 114 Stat. 1549, 1549A-79.)

SHORT TITLE

Pub. L. 106-387, §1(a) [title XII, §1201], Oct. 28, 2000, 114 Stat. 1549, 1549A-79, provided that: "This title [enacting this chapter] may be cited as the 'Hass Avocado Promotion, Research, and Information Act of 2000'."

§ 7802. Definitions

As used in this chapter:

(1) Board

The terms "Avocado Board" and "Board" mean the Hass Avocado Board established under section 7804 of this title.

(2) Conflict of interest

The term "conflict of interest" means a situation in which a member or employee of the