

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 intended 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**

Sec.	
7801.	Findings and declaration of policy.
7802.	Definitions.
7803.	Issuance of orders.
7804.	Required terms in orders.
7805.	Referenda.
7806.	Petition and review.
7807.	Enforcement.
7808.	Investigations and power to subpoena.
7809.	Confidentiality.
7810.	Authority for Secretary to suspend or terminate order.
7811.	Rules of construction.
7812.	Regulations.
7813.	Authorization of appropriations.

**§ 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.