

ties 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—

- (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 ap-

plicable, 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 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