

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) shall use the grant funds to carry out a project authorized by subsection (d) 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—

- (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 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.)

**Editorial Notes**

## 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.