

(Pub. L. 93-428, § 18, Oct. 1, 1974, 88 Stat. 1178.)

### § 2718. Authorization of appropriations

There is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated such funds as are necessary to carry out the provisions of this chapter. The funds so appropriated shall not be available for payment of the expenses or expenditures of the Egg Board in administering any provisions of any order issued pursuant to the terms of this chapter.

(Pub. L. 93-428, § 20, Oct. 1, 1974, 88 Stat. 1179.)

## CHAPTER 61—NOXIOUS WEEDS

Sec.

2801 to 2813. Repealed.

2814. Management of undesirable plants on Federal lands.

- (a) Duties of agencies.
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- (c) Cooperative agreements with State agencies.
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### §§ 2801 to 2813. Repealed. Pub. L. 106-224, title IV, § 438(a)(4), June 20, 2000, 114 Stat. 454

Section 2801, Pub. L. 93-629, § 2, Jan. 3, 1975, 88 Stat. 2148, set forth congressional findings regarding importation or distribution in interstate commerce of noxious weeds.

Section 2802, Pub. L. 93-629, § 3, Jan. 3, 1975, 88 Stat. 2148; Pub. L. 105-86, title VII, § 728, Nov. 18, 1997, 111 Stat. 2108, defined terms as used in this chapter.

Section 2803, Pub. L. 93-629, § 4, Jan. 3, 1975, 88 Stat. 2149; Pub. L. 100-449, title III, § 301(f)(4), Sept. 28, 1988, 102 Stat. 1869; Pub. L. 103-465, title IV, § 431(f), Dec. 8, 1994, 108 Stat. 4968, prohibited movement of noxious weeds into or through the United States or interstate, unless in accordance with regulations to prevent dissemination.

Section 2804, Pub. L. 93-629, § 5, Jan. 3, 1975, 88 Stat. 2149, authorized promulgation of quarantines and other regulations requiring inspection of articles and means of conveyance.

Section 2805, Pub. L. 93-629, § 6, Jan. 3, 1975, 88 Stat. 2149, authorized Secretary of Agriculture to seize, quarantine, treat, destroy, or otherwise dispose of infested articles or means of conveyance.

Section 2806, Pub. L. 93-629, § 7, Jan. 3, 1975, 88 Stat. 2150, authorized warrantless inspections of articles and means of conveyance and searches of premises pursuant to warrants.

Section 2807, Pub. L. 93-629, § 8, Jan. 3, 1975, 88 Stat. 2151, set forth penalties for violations of sections 2803, 2804, and regulations promulgated under this chapter.

Section 2808, Pub. L. 93-629, § 9, Jan. 3, 1975, 88 Stat. 2151, related to cooperation with Federal, State, and local agencies and appointment of employees thereof as collaborators to assist in administration of provisions of this chapter.

Section 2809, Pub. L. 93-629, § 10, Jan. 3, 1975, 88 Stat. 2151, authorized promulgation of regulations necessary to effectuate provisions of this chapter.

Section 2810, Pub. L. 93-629, § 11, Jan. 3, 1975, 88 Stat. 2151, authorized appropriations and described availability of sums and limitations on their use.

Section 2811, Pub. L. 93-629, § 12, Jan. 3, 1975, 88 Stat. 2152, related to inapplicability of provisions of this chapter to shipments of seed subject to certain other laws.

Section 2812, Pub. L. 93-629, § 13, Jan. 3, 1975, 88 Stat. 2152, provided that provisions of this chapter would not

invalidate provisions of State and local laws, except as such laws would permit prohibited actions.

Section 2813, Pub. L. 93-629, § 14, Jan. 3, 1975, 88 Stat. 2152, related to separability of provisions.

### SHORT TITLE

Section 1 of Pub. L. 93-629 provided: "That this Act [enacting this chapter] may be cited as the 'Federal Noxious Weed Act of 1974'."

### § 2814. Management of undesirable plants on Federal lands

#### (a) Duties of agencies

Each Federal agency shall—

(1) designate an office or person adequately trained in the management of undesirable plant species to develop and coordinate an undesirable plants management program for control of undesirable plants on Federal lands under the agency's jurisdiction;

(2) establish and adequately fund an undesirable plants management program through the agency's budgetary process;

(3) complete and implement cooperative agreements with State agencies regarding the management of undesirable plant species on Federal lands under the agency's jurisdiction; and

(4) establish integrated management systems to control or contain undesirable plant species targeted under cooperative agreements.

#### (b) Environmental impact statements

In the event an environmental assessment or environmental impact statement is required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) to implement plant control agreements, Federal agencies shall complete such assessments or statements within 1 year after the requirement for such assessment or statement is ascertained.

#### (c) Cooperative agreements with State agencies

##### (1) In general

Federal agencies, as appropriate, shall enter into cooperative agreements with State agencies to coordinate the management of undesirable plant species on Federal lands.

##### (2) Contents of plan

A cooperative agreement entered into pursuant to paragraph (1) shall—

(A) prioritize and target undesirable plant species or group of species to be controlled or contained within a specific geographic area;

(B) describe the integrated management system to be used to control or contain the targeted undesirable plant species or group of species; and

(C) detail the means of implementing the integrated management system, define the duties of the Federal agency and the State agency in prosecuting that method, and establish a timeframe for the initiation and completion of the tasks specified in the integrated management system.

#### (d) Exception

A Federal agency is not required under this section to carry out programs on Federal lands

unless similar programs are being implemented generally on State or private lands in the same area.

**(e) Definitions**

As used in this section:

**(1) Cooperative agreement**

The term “cooperative agreement” means a written agreement between a Federal agency and a State agency entered into pursuant to this section.

**(2) Federal agency**

The term “Federal agency” means a department, agency, or bureau of the Federal Government responsible for administering or managing Federal lands under its jurisdiction.

**(3) Federal lands**

The term “Federal lands” means lands managed by or under the jurisdiction of the Federal Government.

**(4) Integrated management system**

The term “integrated management systems” means a system for the planning and implementation of a program, using an interdisciplinary approach, to select a method for containing or controlling an undesirable plant species or group of species using all available methods, including—

- (A) education;
- (B) preventive measures;
- (C) physical or mechanical methods;
- (D) biological agents;
- (E) herbicide methods;
- (F) cultural methods; and
- (G) general land management practices such as manipulation of livestock or wildlife grazing strategies or improving wildlife or livestock habitat.

**(5) Interdisciplinary approach**

The term “interdisciplinary approach” means an approach to making decisions regarding the containment or control of an undesirable plant species or group of species, which—

- (A) includes participation by personnel of Federal or State agencies with experience in areas including weed science, range science, wildlife biology, land management, and forestry; and
- (B) includes consideration of—
  - (i) the most efficient and effective method of containing or controlling the undesirable plant species;
  - (ii) scientific evidence and current technology;
  - (iii) the physiology and habitat of a plant species; and
  - (iv) the economic, social, and ecological consequences of implementing the program.

**(6) State agencies**

The term “State agency” means a State department of agriculture, or other State agency or political subdivision thereof, responsible for the administration or implementation of undesirable plants laws of a State.

**(7) Undesirable plant species**

The term “undesirable plants” means plant species that are classified as undesirable, nox-

ious, harmful, exotic, injurious, or poisonous, pursuant to State or Federal law. Species listed as endangered by the Endangered Species Act of 1973 [16 U.S.C. 1531 et seq.] shall not be designated as undesirable plants under this section and shall not include plants indigenous to an area where control measures are to be taken under this section.

**(f) Coordination**

**(1) In general**

The Secretary of Agriculture and the Secretary of the Interior shall take such actions as may be necessary to coordinate Federal agency programs for control, research, and educational efforts associated with Federal, State, and locally designated noxious weeds.

**(2) Duties**

The Secretary, in consultation with the Secretary of the Interior, shall—

- (A) identify regional priorities for noxious weed control;
- (B) incorporate into existing technical guides regionally appropriate technical information; and
- (C) disseminate such technical information to interested State, local, and private entities.

**(3) Cost share assistance**

The Secretary may provide cost share assistance to State and local agencies to manage noxious weeds in an area if a majority of landowners in that area agree to participate in a noxious weed management program.

**(g) Authorization of appropriations**

There is authorized to be appropriated such sums as may be necessary in each of fiscal years 1991 through 1995 to carry out this section.

(Pub. L. 93-629, §15, as added Pub. L. 101-624, title XIV, §1453, Nov. 28, 1990, 104 Stat. 3611.)

REFERENCES IN TEXT

The National Environmental Policy Act of 1969, referred to in subsec. (b), is Pub. L. 91-190, Jan. 1, 1970, 83 Stat. 852, as amended, which is classified generally to chapter 55 (§4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables.

The Endangered Species Act of 1973, referred to in subsec. (e)(7), is Pub. L. 93-205, Dec. 28, 1973, 87 Stat. 884, as amended, which is classified generally to chapter 35 (§1531 et seq.) of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 1531 of Title 16 and Tables.

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