

108TH CONGRESS
2D SESSION

H. R. 3479

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 29, 2004

Received

AN ACT

To provide for the control and eradication of the brown tree snake on the island of Guam and the prevention of the introduction of the brown tree snake to other areas of the United States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Brown Tree Snake
3 Control and Eradication Act of 2004”.

4 **SEC. 2. DEFINITIONS.**

5 In this Act:

6 (1) BROWN TREE SNAKE.—The term “brown
7 tree snake” means the species of the snake *Boiga*
8 *irregularis*.

9 (2) COMPACT OF FREE ASSOCIATION.—The
10 term “Compact of Free Association” means the
11 Compacts of Free Association entered into between
12 the United States and the governments of the Fed-
13 erated States of Micronesia and the Republic of the
14 Marshall Islands, as approved by and contained in
15 Public Law 108–188 (117 Stat. 2720; 48 U.S.C.
16 1921 et seq.), and the Compact of Free Association
17 entered into between the United States and the gov-
18 ernment of the Republic of Palau, as approved by
19 and contained in Public Law 99–658 (100 Stat.
20 3673; 48 U.S.C. 1931 et seq.).

21 (3) FREELY ASSOCIATED STATES.—The term
22 “Freely Associated States” means the Republic of
23 Palau, the Federated States of Micronesia, and the
24 Republic of the Marshall Islands.

25 (4) INTRODUCTION.—The terms “introduce”
26 and “introduction” refer to the expansion of the

1 brown tree snake outside of the range where this
2 species is endemic.

3 (5) SECRETARY.—The term “Secretary con-
4 cerned” means—

5 (A) the Secretary of the Interior, with re-
6 spect to matters under the jurisdiction of the
7 Department of the Interior; and

8 (B) the Secretary of Agriculture, with re-
9 spect to matters under the jurisdiction of the
10 Department of Agriculture.

11 (6) SECRETARIES.—The term “Secretaries”
12 means both the Secretary of the Interior and the
13 Secretary of Agriculture.

14 (7) TECHNICAL WORKING GROUP.—The term
15 “Technical Working Group” means Brown Tree
16 Snake Technical Working Group established under
17 the authority of section 1209 of the Nonindigenous
18 Aquatic Nuisance Prevention and Control Act of
19 1990 (16 U.S.C. 4728).

20 (8) TERRITORIAL.—The term “territorial”,
21 when used to refer to a government, means the Gov-
22 ernment of Guam, the Government of American
23 Samoa, and the Government of the Commonwealth
24 of the Northern Mariana Islands, as well as autono-

1 mous agencies and instrumentalities of such a gov-
2 ernment.

3 (9) UNITED STATES.—The term “United
4 States”, when used in the geographic sense, means
5 the several States, the District of Colombia, Amer-
6 ican Samoa, Guam, the Commonwealth of the
7 Northern Mariana Islands, the Commonwealth of
8 Puerto Rico, the United States Virgin Islands, any
9 other possession of the United States, and any wa-
10 ters within the jurisdiction of the United States.

11 **SEC. 3. SENSE OF CONGRESS REGARDING NEED FOR IM-**
12 **PROVED AND BETTER COORDINATED FED-**
13 **ERAL POLICY FOR BROWN TREE SNAKE IN-**
14 **TRODUCTION, CONTROL, AND ERADICATION.**

15 It is the sense of Congress that there exists a need
16 for improved and better coordinated control, interdiction,
17 research, and eradication of the brown tree snake on the
18 part of the United States and other interested parties.

19 **SEC. 4. BROWN TREE SNAKE CONTROL, INTERDICTION, RE-**
20 **SEARCH AND ERADICATION.**

21 (a) FUNDING AUTHORITY.—Subject to the avail-
22 ability of appropriations to carry out this section, the Sec-
23 retaries shall provide funds to support brown tree snake
24 control, interdiction, research, and eradication efforts car-
25 ried out by the Department of the Interior and the De-

1 partment of Agriculture, other Federal agencies, States,
2 territorial governments, local governments, and private
3 sector entities. Funds may be provided through grants,
4 contracts, reimbursable agreements, or other legal mecha-
5 nisms available to the Secretaries for the transfer of Fed-
6 eral funds.

7 (b) AUTHORIZED ACTIVITIES.—Brown tree snake
8 control, interdiction, research, and eradication efforts au-
9 thorized by this section shall include at a minimum the
10 following:

11 (1) Expansion of science-based eradication and
12 control programs in Guam to reduce the undesirable
13 impact of the brown tree snake in Guam and reduce
14 the risk of the introduction or spread of any brown
15 tree snake to areas in the United States and the
16 Freely Associated States in which the brown tree
17 snake is not established.

18 (2) Expansion of interagency and intergovern-
19 mental rapid response teams in Guam, the Common-
20 wealth of the Northern Mariana Islands, Hawaii,
21 and the Freely Associated States to assist the gov-
22 ernments of such areas with detecting the brown
23 tree snake and incipient brown tree snake popu-
24 lations.

1 (3) Expansion of efforts to protect and restore
2 native wildlife in Guam or elsewhere in the United
3 States damaged by the brown tree snake.

4 (4) Establishment and sustained funding for an
5 Animal Plant and Health Inspection Service, Wild-
6 life Services, Operations Program State Office lo-
7 cated in Hawaii dedicated to vertebrate pest man-
8 agement in Hawaii and United States Pacific terri-
9 tories and possessions. Concurrently, the Animal
10 Plant and Health Inspection Service, Wildlife Serv-
11 ices Operations Program shall establish and sustain
12 funding for a District Office in Guam dedicated to
13 brown tree snake control and managed by the Ha-
14 waii State Office.

15 (5) Continuation, expansion, and provision of
16 sustained research funding related to the brown tree
17 snake, including research conducted at institutions
18 located in areas affected by the brown tree snake.

19 (6) Continuation, expansion, and provision of
20 sustained research funding for the Animal Plant and
21 Health Inspection Service, Wildlife Services, Na-
22 tional Wildlife Research Center of the Department
23 of Agriculture related to the brown tree snake, in-
24 cluding the establishment of a field station in Guam

1 related to the control and eradication of the brown
2 tree snake.

3 (7) Continuation, expansion, and provision of
4 sustained research funding for the Fort Collins
5 Science Center of the United States Geological Sur-
6 vey related to the brown tree snake, including the
7 establishment of a field station in Guam related to
8 the control and eradication of the brown tree snake.

9 (8) Expansion of long-term research into chem-
10 ical, biological, and other control techniques that
11 could lead to large-scale reduction of brown tree
12 snake populations in Guam or other areas where the
13 brown tree snake might become established.

14 (9) Expansion of short, medium, and long-term
15 research, funded by all Federal agencies interested
16 in or affected by the brown tree snake, into interdic-
17 tion, detection, and early control of the brown tree
18 snake.

19 (10) Provision of planning assistance for the
20 construction or renovation of centralized multi-agen-
21 cy facilities in Guam to support Federal, State, and
22 territorial brown tree snake control, interdiction, re-
23 search and eradication efforts, including office space,
24 laboratory space, animal holding facilities, and snake
25 detector dog kennels.

1 (11) Provision of technical assistance to the
2 Freely Associated States on matters related to the
3 brown tree snake through the mechanisms contained
4 within a Compact of Free Association dealing with
5 environmental, quarantine, economic, and human
6 health issues.

7 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
8 authorized to be appropriated to the Secretaries to carry
9 out this section (other than subsection (b)(10)) the fol-
10 lowing amounts:

11 (1) For activities conducted through the Animal
12 and Plant Health Inspection Service, Wildlife Serv-
13 ices, Operations, not more than \$2,600,000 for each
14 of the fiscal years 2006 through 2010.

15 (2) For activities conducted through the Animal
16 and Plant Health Inspection Service, Wildlife Serv-
17 ices, National Wildlife Research Center, Methods
18 Development, not more than \$1,500,000 for each of
19 the fiscal years 2006 through 2010.

20 (3) For activities conducted through the Office
21 of Insular Affairs, not more than \$3,000,000 for
22 each of the fiscal years 2006 through 2010.

23 (4) For activities conducted through the Fish
24 and Wildlife Service, not more than \$2,000,000 for
25 each of the fiscal years 2006 through 2010.

1 (5) For activities conducted through the United
2 States Geological Survey, Biological Resources, not
3 more than \$1,500,000 for each of the fiscal years
4 2006 through 2010.

5 (d) PLANNING ASSISTANCE.—There is authorized to
6 be appropriated to the Secretary of Agriculture and the
7 Secretary of the Interior such amounts as may be required
8 to carry out subsection (b)(10).

9 **SEC. 5. ESTABLISHMENT OF QUARANTINE PROTOCOLS TO**
10 **CONTROL THE INTRODUCTION AND SPREAD**
11 **OF THE BROWN TREE SNAKE.**

12 (a) ESTABLISHMENT OF QUARANTINE PROTO-
13 COLS.—Not later than two years after the date of the en-
14 actment of this Act, but subject to the memorandum of
15 agreement required by subsection (b) with respect to
16 Guam, the Secretaries shall establish and cause to be oper-
17 ated at Federal expense a system of pre-departure quar-
18 antine protocols for cargo and other items being shipped
19 from Guam and any other United States location where
20 the brown tree snake may become established to prevent
21 the introduction or spread of the brown tree snake. The
22 Secretaries shall establish the quarantine protocols system
23 by regulation. Under the quarantine protocols system,
24 Federal quarantine, natural resource, conservation, and
25 law enforcement officers and inspectors may enforce State

1 and territorial laws regarding the transportation, posses-
2 sion, or introduction of any brown tree snake.

3 (b) COOPERATION AND CONSULTATION.—The activi-
4 ties of the Secretaries under subsection (a) shall be carried
5 out in cooperation with other Federal agencies and the
6 appropriate State and territorial quarantine, natural re-
7 source, conservation, and law enforcement officers. In the
8 case of Guam, as a precondition on the establishment of
9 the system of pre-departure quarantine protocols under
10 such subsection, the Secretaries shall enter into a memo-
11 randum of agreement with the Government of Guam to
12 obtain the assistance and cooperation of the Government
13 of Guam in establishing the system of pre-departure quar-
14 antine protocols.

15 (c) IMPLEMENTATION.—The system of pre-departure
16 quarantine protocols to be established under subsection
17 (a) shall not be implemented until funds are specifically
18 appropriated for that purpose.

19 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
20 authorized to be appropriated to carry out this section the
21 following amounts:

22 (1) To the Secretary of Agriculture, not more
23 than \$3,000,000 for each of the fiscal years 2006
24 through 2010.

1 (2) To the Secretary of the Interior, not more
2 than \$1,000,000 for each of the fiscal years 2006
3 through 2010.

4 **SEC. 6. TREATMENT OF BROWN TREE SNAKES AS NON-**
5 **MAILABLE MATTER.**

6 A brown tree snake constitutes nonmailable matter
7 under section 3015 of title 39, United States Code.

8 **SEC. 7. ROLE OF BROWN TREE SNAKE TECHNICAL WORK-**
9 **ING GROUP.**

10 (a) PURPOSE.—The Technical Working Group shall
11 ensure that Federal, State, territorial, and local agency
12 efforts concerning the brown tree snake are coordinated,
13 effective, complementary, and cost-effective.

14 (b) SPECIFIC DUTIES AND ACTIVITIES.—The Tech-
15 nical Working Group shall be responsible for the following:

16 (1) The evaluation of Federal, State, and terri-
17 torial activities, programs and policies that are likely
18 to cause or promote the introduction or spread of
19 the brown tree snake in the United States or the
20 Freely Associated States and the preparation of rec-
21 ommendations for governmental actions to minimize
22 the risk of introduction or further spread of the
23 brown tree snake.

24 (2) The preparation of recommendations for ac-
25 tivities, programs, and policies to reduce and eventu-

1 ally eradicate the brown tree snake in Guam or
2 other areas within the United States where the
3 snake may be established and the monitoring of the
4 implementation of those activities, programs, and
5 policies.

6 (3) Any revision of the Brown Tree Snake Con-
7 trol Plan, originally published in June 1996, which
8 was prepared to coordinate Federal, State, terri-
9 torial, and local government efforts to control, inter-
10 dict, eradicate or conduct research on the brown tree
11 snake.

12 (c) REPORTING REQUIREMENT.—

13 (1) REPORT.—Subject to the availability of ap-
14 propriations for this purpose, the Technical Working
15 Group shall prepare a report describing—

16 (A) the progress made toward a large-scale
17 population reduction or eradication of the
18 brown tree snake in Guam or other sites that
19 are infested by the brown tree snake;

20 (B) the interdiction and other activities re-
21 quired to reduce the risk of introduction of the
22 brown tree snake or other nonindigenous snake
23 species in Guam, the Commonwealth of the
24 Northern Mariana Islands, Hawaii, American
25 Samoa, and the Freely Associated States;

1 (C) the applied and basic research activi-
2 ties that will lead to improved brown tree snake
3 control, interdiction and eradication efforts con-
4 ducted by Federal, State, territorial, and local
5 governments; and

6 (D) the programs and activities for brown
7 tree snake control, interdiction, research and
8 eradication that have been funded, imple-
9 mented, and planned by Federal, State, terri-
10 torial, and local governments.

11 (2) PRIORITIES.—The Technical Working
12 Group shall include in the report a list of priorities,
13 ranked in high, medium, and low categories, of Fed-
14 eral, State, territorial, and local efforts and pro-
15 grams in the following areas:

16 (A) Control.

17 (B) Interdiction.

18 (C) Research.

19 (D) Eradication.

20 (3) ASSESSMENTS.—Technical Working Group
21 shall include in the report the following assessments:

22 (A) An assessment of current funding
23 shortfalls and future funding needs to support
24 Federal, State, territorial, and local government

1 efforts to control, interdict, eradicate, or con-
2 duct research on the brown tree snake.

3 (B) An assessment of regulatory limita-
4 tions that hinder Federal, State, territorial, and
5 local government efforts to control, interdict,
6 eradicate or conduct research on the brown tree
7 snake.

8 (4) SUBMISSION.—Subject to the availability of
9 appropriations for this purpose, the Technical Work-
10 ing Group shall submit the report to Congress not
11 later than one year after the date of the enactment
12 of this Act.

13 (d) MEETINGS.—The Technical Working Group shall
14 meet at least annually.

15 (e) INCLUSION OF GUAM.—The Secretaries shall en-
16 sure that adequate representation is afforded to the gov-
17 ernment of Guam in the Technical Working Group.

18 (f) SUPPORT.—To the maximum extent practicable,
19 the Secretaries shall make adequate resources available to
20 the Technical Working Group to ensure its efficient and
21 effective operation. The Secretaries may provide staff to
22 assist the Technical Working Group in carrying out its
23 duties and functions.

24 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
25 authorized to be appropriated to each of the Secretaries

1 not more than \$450,000 for each of the fiscal years 2006
2 through 2010 to carry out this section.

3 **SEC. 8. MISCELLANEOUS MATTERS.**

4 (a) AVAILABILITY OF APPROPRIATED FUNDS.—
5 Amounts appropriated under this Act shall remain avail-
6 able until expended.

7 (b) ADMINISTRATIVE EXPENSES.—Of the amounts
8 appropriated to carry out this Act for a fiscal year, the
9 Secretaries may expend not more than five percent to
10 cover the administrative expenses necessary to carry out
11 this Act.

Passed the House of Representatives September 28,
2004.

Attest:

JEFF TRANDAHL,
Clerk.