

Union Calendar No. 423

108TH CONGRESS
2^D SESSION

H. R. 3479

[Report No. 108-687]

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.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 7, 2003

Ms. BORDALLO (for herself, Mr. ABERCROMBIE, and Mr. CASE) introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

SEPTEMBER 15, 2004

Additional sponsors: Mr. ACEVEDO-VILÁ, Mrs. CHRISTENSEN, Mr. FALEOMAVAEGA, Mr. ORTIZ, and Mr. RODRIGUEZ

SEPTEMBER 15, 2004

Reported from the Committee on Resources with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

SEPTEMBER 15, 2004

Referral to the Committee on Agriculture extended for a period ending not later than September 15, 2004

SEPTEMBER 15, 2004

The Committee on Agriculture discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Brown Tree Snake Con-*
5 *trol and Eradication Act of 2004”.*

6 **SEC. 2. FINDINGS.**

7 *Congress finds the following:*

8 (1) *The brown tree snake, an invasive species, is*
9 *believed to have been introduced to the island of*
10 *Guam as a passive stowaway in a military cargo*
11 *ship that moved materiel after World War II. The*
12 *historic range of the brown tree snake is portions of*
13 *Indonesia, New Guinea, the Solomon Islands, and*
14 *Australia.*

15 (2) *Upon arrival in Guam, the brown tree snake*
16 *encountered an abundant food supply and an absence*
17 *of natural predators.*

1 (3) *The brown tree snake's accidental introduc-*
2 *tion to Guam placed the species beyond its historic*
3 *range, triggering a cascade of extinctions and an eco-*
4 *logical disaster. The brown tree snake has been the*
5 *principal cause of the destruction of Guam's native*
6 *bird population and has imposed significant stress on*
7 *Guam's economic and agricultural interests, thereby*
8 *harming the integrity and environmental stability of*
9 *Guam's ecosystems and economy.*

10 (4) *The presence of the brown tree snake is a doc-*
11 *umented economic and human health hazard in*
12 *Guam. The brown tree snake occurs in Guam at ex-*
13 *tremely high densities. Due to its high abundance the*
14 *brown tree snake has been accidentally transported*
15 *from Guam to other sites worldwide through infested*
16 *civilian and military vessels and cargo. The brown*
17 *tree snake is a growing threat to the biodiversity,*
18 *economy, and human health within the Pacific re-*
19 *gion. The brown tree snake poses a direct, significant,*
20 *and growing threat of dispersal to other areas outside*
21 *of its historic range, including the Commonwealth of*
22 *the Northern Mariana Islands, the State of Hawaii,*
23 *and the mainland of the United States.*

24 (5) *A number of Federal agencies, including the*
25 *Department of the Interior, the Department of Agri-*

1 *culture, and the Department of Defense, and the gov-*
2 *ernments of Guam, Hawaii, the Northern Mariana*
3 *Islands, and the Freely Associated States have oper-*
4 *ational, environmental, economic, and human health*
5 *interests in and responsibilities for controlling the*
6 *brown tree snake.*

7 *(6) The present Brown Tree Snake Control Com-*
8 *mittee was established in response to section 1209 of*
9 *the Nonindigenous Aquatic Nuisance Prevention and*
10 *Control Act of 1990 (16 U.S.C. 4728), and the multi-*
11 *agency Memorandum of Agreement on Brown Tree*
12 *Snake Control, originally signed in 1992 and renewed*
13 *in 1999, will expire in March 2004. It is a purpose*
14 *of this Act to legislatively establish the Brown Tree*
15 *Snake Control and Eradication Committee to ensure*
16 *the ongoing activities and enhance the effectiveness of*
17 *the present Committee.*

18 *(7) Annual funding for brown tree snake control*
19 *and research has come from relatively few Federal*
20 *agencies, which have then distributed those funds*
21 *amongst a number of agencies actually conducting the*
22 *work. While current funding is commendable on the*
23 *part of these agencies, the absence of direct funding*
24 *through the agencies actually conducting the work has*
25 *impaired the progress of both operational and re-*

1 *search efforts by limiting stability in staffing and*
2 *year-to-year program implementation. It is a purpose*
3 *of this Act to authorize funding for brown tree snake*
4 *control, interdiction, research, and eradication though*
5 *and by the agencies performing the specific tasks.*

6 **SEC. 3. DEFINITIONS.**

7 *In this Act:*

8 (1) *BROWN TREE SNAKE.*—*The term “brown tree*
9 *snake” means the species of the snake Boiga*
10 *irregularis that is an invasive species in Guam and*
11 *a threat to spread elsewhere.*

12 (2) *COMMITTEE.*—*The term “Committee” means*
13 *the Brown Tree Snake Control and Eradication Com-*
14 *mittee established under section 6.*

15 (3) *COMPACT OF FREE ASSOCIATION.*—*The term*
16 *“Compact of Free Association” means a Compact of*
17 *Free Association entered into between the United*
18 *States and the government of a Freely Associated*
19 *State.*

20 (4) *FREELY ASSOCIATED STATE.*—*The term*
21 *“Freely Associated State” means the Republic of*
22 *Palau, the Federated States of Micronesia, or the Re-*
23 *public of the Marshall Islands.*

24 (5) *INTRODUCTION.*—*The terms “introduce” and*
25 *“introduction” refer to the expansion of brown tree*

1 *snakes outside of the range where this species is en-*
2 *demic.*

3 (6) *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 De-*
7 *partment of the Interior; and*

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

11 (7) *SECRETARIES.*—*The term “Secretaries”*
12 *means both the Secretary of the Interior and the Sec-*
13 *retary of Agriculture.*

14 (8) *TERRITORIAL.*—*The term “territorial”, when*
15 *used to refer to a government, means the Government*
16 *of Guam, the Government of American Samoa, or the*
17 *Government of the Commonwealth of the Northern*
18 *Mariana Islands. The term includes such quasi-gov-*
19 *ernmental entities as the University of Guam.*

20 (9) *UNITED STATES.*—*The term “United States”,*
21 *when used in the geographic sense, means the several*
22 *States, the District of Colombia, American Samoa,*
23 *Guam, the Commonwealth of the Northern Mariana*
24 *Islands, the Commonwealth of Puerto Rico, the*
25 *United States Virgin Islands, the Freely Associated*

1 *States, any other possession of the United States, and*
2 *any waters within the jurisdiction of the United*
3 *States.*

4 **SEC. 4. STATEMENT OF POLICY REGARDING FEDERAL OBLI-**
5 **GATIONS RELATED TO BROWN TREE SNAKES**
6 **INTRODUCTION, CONTROL, AND ERADI-**
7 **CATION.**

8 *(a) SENSE OF CONGRESS.—It is the sense of Congress*
9 *that there exists a need for improved and better coordinated*
10 *control, interdiction, research, and eradication of the brown*
11 *tree snake on the part of the United States and other inter-*
12 *ested parties.*

13 *(b) UNITED STATES POLICY.—It is the policy of the*
14 *United States to fund and support coordinated and con-*
15 *certed programs and activities to control, interdict, and*
16 *eradicate the brown tree snake in Guam and to prevent the*
17 *introduction of brown tree snakes to other areas of the*
18 *United States.*

19 *(c) PREVENTING INTRODUCTION.—Notwithstanding*
20 *any other provision of law, to the extent practicable, no*
21 *Federal agency may authorize, fund, or carry out any ac-*
22 *tion that would likely cause or promote the introduction*
23 *or spread of the brown tree snake in the United States. All*
24 *Federal agencies must consider brown tree snake interdic-*
25 *tion issues, to the extent possible, when planning any activ-*

1 *ity that may cause the accidental introduction of brown tree*
2 *snakes to uninfested areas in the United States.*

3 *(d) CONTROL AND ERADICATION.—All Federal agen-*
4 *cies, to the extent possible, that manage lands where brown*
5 *tree snakes occur shall fund the control and eradication of*
6 *this species.*

7 *(e) ACCESS.—All Federal agencies, to the extent pos-*
8 *sible, shall facilitate access to Federal, State, and territorial*
9 *employees, or their designees, who conduct control, interdic-*
10 *tion, or research regarding brown tree snakes on lands and*
11 *facilities under the jurisdiction of the Federal agency*
12 *through a memorandum of understanding with the respec-*
13 *tive State or Territorial government in accordance with the*
14 *guidelines developed under subsection (g).*

15 *(f) COOPERATIVE SUPPORT.—All Federal agencies, to*
16 *the extent possible, shall provide cooperative support, such*
17 *as office space, laboratory space, laboratory animal holding*
18 *facilities, kennel facilities, short- and long-term housing for*
19 *staff, power, water, and communication lines, to Federal*
20 *agencies conducting brown tree snake control, interdiction,*
21 *research, and eradication.*

22 *(g) GUIDELINES.—The Brown Tree Snake Control and*
23 *Eradication Committee shall develop, in consultation with*
24 *the Invasive Species Council established pursuant to Execu-*
25 *tive Order No. 13112 (42 U.S.C. 4321 note), guidelines for*

1 *Federal agencies to analyze their actions and carry out*
2 *their duties under this section.*

3 **SEC. 5. BROWN TREE SNAKE CONTROL, INTERDICTION, RE-**
4 **SEARCH AND ERADICATION.**

5 (a) *FUNDING AUTHORITY.*—*Subject to the availability*
6 *of appropriations to carry out this section, the Secretaries*
7 *shall provide funds to support brown tree snake control,*
8 *interdiction, research, and eradication efforts carried out*
9 *by the Department of the Interior and the Department of*
10 *Agriculture, other Federal agencies, States, territorial gov-*
11 *ernments, local governments, and private sector entities.*
12 *Funds may be provided through grants, contracts, reim-*
13 *bursable agreements, or other legal mechanisms available to*
14 *the Secretaries for the transfer of Federal funds.*

15 (b) *AUTHORIZED ACTIVITIES.*—*Brown tree snake con-*
16 *trol, interdiction, research, and eradication efforts author-*
17 *ized by this section shall include at a minimum the fol-*
18 *lowing:*

19 (1) *Expansion of science-based eradication and*
20 *control programs in Guam to reduce the undesirable*
21 *impact of the brown tree snake in Guam and reduce*
22 *the risk of the introduction or spread of brown tree*
23 *snakes to areas in the United States in which the*
24 *brown tree snake is not established.*

1 (2) *Expansion of interagency and intergovern-*
2 *mental rapid response teams in Guam, the Common-*
3 *wealth of the Northern Mariana Islands, and Hawaii*
4 *to assist local governments with detecting brown tree*
5 *snakes and incipient brown tree snake populations.*

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

9 (4) *Continuation, expansion, and provision of*
10 *sustained research funding related to brown tree*
11 *snakes, including research conducted at institutions*
12 *located in areas affected by the brown tree snake.*

13 (5) *Expansion of long-term research into chem-*
14 *ical, biological, and other control techniques that*
15 *could lead to large-scale reduction of brown tree snake*
16 *populations in Guam or other areas where the brown*
17 *tree snake might become established.*

18 (6) *Expansion of short, medium, and long-term*
19 *research, funded by all Federal agencies interested in*
20 *or affected by brown tree snakes, into interdiction, de-*
21 *tection, and early control of brown tree snakes.*

22 (7) *Provision of planning assistance for the con-*
23 *struction or renovation of centralized multi-agency fa-*
24 *cilities in Guam to support Federal, State, and terri-*
25 *torial brown tree snake control, interdiction, research*

1 *and eradication efforts, including office space, labora-*
2 *tory space, animal holding facilities, and snake detec-*
3 *tor dog kennels.*

4 *(8) Provision of technical assistance to the Freely*
5 *Associated States on matters related to brown tree*
6 *snakes through the mechanisms contained within a*
7 *Compact of Free Association dealing with environ-*
8 *mental, quarantine, economic, and human health*
9 *issues.*

10 *(c) AUTHORIZATION OF APPROPRIATIONS.—There is*
11 *authorized to be appropriated to the Secretaries to carry*
12 *out this section (other than subsection (b)(7)) the following*
13 *amounts:*

14 *(1) For activities conducted through the Animal*
15 *and Plant Health Inspection Service, Wildlife Serv-*
16 *ices, Operations, not more than \$2,600,000 for each of*
17 *the fiscal years 2005 through 2010.*

18 *(2) For activities conducted through the Animal*
19 *and Plant Health Inspection Service, Wildlife Serv-*
20 *ices, National Wildlife Research Center, Methods De-*
21 *velopment, not more than \$2,200,000 for each of the*
22 *fiscal years 2005 through 2010.*

23 *(3) For activities conducted through the Office of*
24 *Insular Affairs, not more than \$4,600,000 for each of*
25 *the fiscal years 2005 through 2010.*

1 (4) *For activities conducted through the Fish*
 2 *and Wildlife Service, not more than \$2,600,000 for*
 3 *each of the fiscal years 2005 through 2010.*

4 (5) *For activities conducted through the United*
 5 *States Geological Survey, Biological Resources, not*
 6 *more than \$1,300,000 for each of the fiscal years 2005*
 7 *through 2010.*

8 (d) **CONSTRUCTION PLANNING ASSISTANCE.**—*There is*
 9 *authorized to be appropriated to carry out subsection (b)(7)*
 10 *the following amounts:*

11 (1) *To the Secretary of Agriculture, not more*
 12 *than \$2,300,000 for each of the fiscal years 2005*
 13 *through 2010.*

14 (2) *To the Secretary of the Interior, not more*
 15 *than \$2,300,000 for each of the fiscal years 2005*
 16 *through 2010.*

17 **SEC. 6. LEGAL MECHANISMS TO CONTROL THE INTRODUC-**
 18 **TION AND SPREAD OF BROWN TREE SNAKES.**

19 (a) **DESIGNATION OF AGRICULTURAL PEST.**—*The*
 20 *brown tree snake is hereby designated as an agricultural*
 21 *pest in the United States under section 28 of the Federal*
 22 *Insecticide, Fungicide, and Rodenticide Act (7 U.S.C.*
 23 *136w–3).*

24 (b) **QUARANTINE PROTOCOLS.**—

1 (1) *ESTABLISHMENT.*—*The Secretaries shall es-*
2 *tablish a system of pre-departure quarantine protocols*
3 *for persons traveling from, and baggage, cargo and*
4 *other items being shipped from, Guam and other*
5 *United States locations where brown tree snakes may*
6 *have become established to prevent the introduction or*
7 *spread of the brown tree snake. Under the quarantine*
8 *protocols system, Federal quarantine, natural re-*
9 *source, conservation, and law enforcement officers and*
10 *inspectors may enforce State and territorial laws re-*
11 *garding the illegal importation, possession, or intro-*
12 *duction of brown tree snakes.*

13 (2) *COOPERATION AND CONSULTATION.*—*The ac-*
14 *tivities of the Secretaries under paragraph (1) shall*
15 *be carried out in cooperation with the appropriate*
16 *State and territorial quarantine, natural resource,*
17 *conservation, and law enforcement officers. In the case*
18 *of Guam, the Secretaries shall enter into a memo-*
19 *randum of agreement with the Government of Guam*
20 *to obtain the assistance and cooperation of the Gov-*
21 *ernment of Guam in establishing of the system of pre-*
22 *departure quarantine protocols under paragraph (1).*

23 (3) *IMPLEMENTATION.*—*The system of pre-depar-*
24 *ture quarantine protocols to be established under*

1 *paragraph (1) shall not be implemented until funds*
2 *are specifically appropriated for that purpose.*

3 (c) *NONMAILABLE MATTER.*—*Consistent with sub-*
4 *section (c), brown tree snakes constitute nonmailable matter*
5 *under section 3015 of title 39, United States Code.*

6 **SEC. 7. BROWN TREE SNAKE CONTROL AND ERADICATION**
7 **COMMITTEE.**

8 (a) *ESTABLISHMENT.*—*The Secretaries shall establish*
9 *a committee, to be known as the Brown Tree Snake Control*
10 *and Eradication Committee, for the purpose of providing*
11 *coordination among Federal agencies, and between the*
12 *United States Government and State, territorial, and local*
13 *governments, with respect to efforts related to brown tree*
14 *snake control, interdiction, research, and eradication in*
15 *Guam, the Commonwealth of the Northern Mariana Is-*
16 *lands, Hawaii, the Freely Associated States, and other*
17 *areas of the United States in which the brown tree snake*
18 *is, or may be, introduced.*

19 (b) *VOTING MEMBERS.*—

20 (1) *APPOINTMENT.*—*Subject to paragraph (2),*
21 *the voting members of the Committee shall consist of*
22 *one representative from each of the following agencies:*

23 (A) *The Office of Insular Affairs, appointed*
24 *by the Secretary of the Interior.*

1 (B) *The United States Fish and Wildlife*
2 *Service, appointed by the Secretary of the Inte-*
3 *rior.*

4 (C) *The United States Geological Survey,*
5 *appointed by the Secretary of the Interior.*

6 (D) *The Animal and Plant Health Inspec-*
7 *tion Service, Wildlife Services, Operations*
8 *Branch, appointed by the Secretary of Agri-*
9 *culture.*

10 (E) *The Animal and Plant Health Inspec-*
11 *tion Service, Wildlife Services, National Wildlife*
12 *Research Center, appointed by the Secretary of*
13 *Agriculture.*

14 (F) *The Department of Commerce, ap-*
15 *pointed by the Secretary of Commerce.*

16 (G) *The Department of Transportation, ap-*
17 *pointed by the Secretary of Transportation.*

18 (H) *The Department of Homeland Security,*
19 *appointed by the Secretary of Homeland Secu-*
20 *rity.*

21 (I) *The Armed Forces Pest Management*
22 *Board of the Department of Defense, appointed*
23 *by the Secretary of Defense.*

24 (J) *The Department of the Air Force, ap-*
25 *pointed by the Secretary of the Air Force.*

1 (K) *The Department of the Navy, appointed*
2 *by the Secretary of the Navy.*

3 (L) *The Department of Agriculture of the*
4 *Government of Guam, appointed by the Gov-*
5 *ernor of Guam.*

6 (M) *The Department of Land and Natural*
7 *Resources of the State of Hawaii, appointed by*
8 *the Governor of Hawaii.*

9 (N) *The Department of Agriculture of the*
10 *State of Hawaii, appointed by the Governor of*
11 *Hawaii.*

12 (O) *The Department of Land and Natural*
13 *Resources of the Commonwealth of the Northern*
14 *Mariana Islands, appointed by the Governor of*
15 *the Commonwealth of the Northern Mariana Is-*
16 *lands.*

17 (P) *Such additional voting members as*
18 *may be designated under paragraph (3).*

19 (2) *BLOC VOTING REQUIREMENTS.—The mem-*
20 *bers of the Committee appointed by the same executive*
21 *branch official or State or territorial governor shall*
22 *be required to vote as a single entity, so that a total*
23 *of nine votes may be cast by the representatives speci-*
24 *fied in subparagraphs (A) through (O) of paragraph*

1 (1) *plus the votes cast by any additional voting mem-*
2 *bers designated under paragraph (3).*

3 (3) *ADDITIONAL VOTING MEMBERS.—With the*
4 *concurrence of a majority of the voting members of*
5 *the Committee, the chairperson of the Committee may*
6 *designate additional voting members to the Committee*
7 *from Federal, State, territorial, or local government*
8 *agencies, and private sector entities with significant*
9 *responsibilities concerning brown tree snake control,*
10 *interdiction, research, and eradication.*

11 (c) *NONVOTING MEMBERS.—*

12 (1) *APPOINTMENT.—Nonvoting membership to*
13 *the Committee shall be extended to representatives of*
14 *the Freely Associated States as follows:*

15 (A) *The Republic of Palau, appointed by*
16 *the President of Palau.*

17 (B) *The Federated States of Micronesia, ap-*
18 *pointed by the President of the Federated States*
19 *of Micronesia.*

20 (C) *The Republic of the Marshall Islands,*
21 *appointed by the President of the Marshall Is-*
22 *lands.*

23 (D) *Such additional non-voting members as*
24 *may be designated under paragraph (2).*

1 (2) *ADDITIONAL NONVOTING MEMBERS.*—With
2 the concurrence of a majority of the voting members
3 of the Committee, the chairperson of the Committee
4 may designate additional nonvoting members to the
5 Committee from Federal, State, territorial, or local
6 government agencies, and private sector entities with
7 significant responsibilities concerning brown tree
8 snake control, interdiction, research, and eradication.

9 (d) *TERM AND MEETINGS.*—

10 (1) *TERM.*—The term of a member of the Com-
11 mittee shall be three years. A member may be re-
12 appointed for additional terms. Vacancies shall be
13 filed in the same manner as the original appoint-
14 ment.

15 (2) *COMMITTEE MEETINGS.*—The Committee
16 shall meet at least annually, at the call of the chair-
17 person.

18 (e) *DUTIES AND FUNCTIONS OF THE COMMITTEE.*—
19 The Committee shall ensure that Federal, State, territorial,
20 and local agency efforts concerning the brown tree snake
21 are coordinated, effective, complementary, and cost-effective.
22 Specific functions of the Committee include the following:

23 (1) *Evaluate Federal, State, and territorial ac-*
24 *tivities, programs and policies that are likely to cause*
25 *or promote the introduction or spread of the brown*

1 *tree snake in the United States and recommend gov-*
2 *ernmental actions to minimize the risk of introduc-*
3 *tion or further spread of the brown tree snake.*

4 (2) *Recommend activities, programs, and poli-*
5 *cies to reduce and eventually eradicate the brown tree*
6 *snake in Guam or other areas within the United*
7 *States where the snake may be established and to*
8 *monitor the implementation of those activities, pro-*
9 *grams, and policies.*

10 (3) *Within 18 months after the date of the enact-*
11 *ment of this Act, revise the Brown Tree Snake Control*
12 *Plan that was prepared by the Brown Tree Snake*
13 *Control Committee of the Aquatic Nuisance Species*
14 *Task Force, as required by section 1209 of the Non-*
15 *indigenous Aquatic Nuisance Prevention and Control*
16 *Act of 1990 (16 U.S.C. 4728), to coordinate Federal,*
17 *State, territorial, and local government efforts to con-*
18 *trol, interdict, eradicate or conduct research on the*
19 *brown tree snake, and subsequently revise and update*
20 *this Plan every five years thereafter.*

21 (4) *Develop and submit to Congress a biennial*
22 *report containing the following:*

23 (A) *Description of progress that will lead*
24 *toward large-scale population reduction or eradi-*

1 *cation of the brown tree snake in Guam or other*
2 *sites that are infested by the brown tree snake.*

3 *(B) Description of interdiction and other*
4 *activities that will reduce the risk of introduc-*
5 *tion of brown tree snakes or other nonindigenous*
6 *snake species in Guam, the Commonwealth of the*
7 *Northern Mariana Islands, Hawaii, and Amer-*
8 *ican Samoa.*

9 *(C) Description of applied and basic re-*
10 *search that will lead to improved brown tree*
11 *snake control, interdiction and eradication ef-*
12 *forts conducted by Federal, State, territorial, and*
13 *local governments.*

14 *(D) Programs and activities for brown tree*
15 *snake control, interdiction, research and eradi-*
16 *cation that have been funded, implemented, and*
17 *planned by Federal, State, territorial, and local*
18 *governments.*

19 *(E) A list of priorities, ranked in high, me-*
20 *dium, and low categories, of Federal, State, ter-*
21 *ritorial, and local efforts and programs in the*
22 *following areas:*

23 *(i) Control.*

24 *(ii) Interdiction.*

25 *(iii) Research.*

1 (iv) *Eradication.*

2 (F) *An assessment of current funding short-*
3 *falls and future funding needs to support Fed-*
4 *eral, State, territorial, and local government ef-*
5 *forts to control, interdict, eradicate, or conduct*
6 *research on the brown tree snake.*

7 (G) *An assessment of regulatory limitations*
8 *that hinder Federal, State, territorial, and local*
9 *government efforts to control, interdict, eradicate*
10 *or conduct research on the brown tree snake.*

11 (f) *COMMITTEE CHAIRPERSON AND COORDINATOR.—*

12 (1) *ELECTION OF CHAIRPERSON.—The voting*
13 *members of the Committee shall elect a member of the*
14 *Committee to serve as chairperson of the Committee.*
15 *The chairperson shall have a term of three years.*

16 (2) *APPOINTMENT OF COORDINATOR.—The Secre-*
17 *taries shall hire a Federal Interagency Brown Tree*
18 *Snake Coordinator to serve on the staff of the chair-*
19 *person.*

20 (3) *DUTIES.—The chairperson shall ensure that*
21 *Federal, State, territorial, and local agency efforts*
22 *concerning the brown tree snake are maximally co-*
23 *ordinated, effective, complementary, and cost-effective*
24 *through the Committee. Specific duties of the chair-*
25 *person include the following:*

1 (A) Coordinate and oversee the meetings of
2 the Committee.

3 (B) Coordinate and oversee the Committee's
4 work to produce the biennial brown tree snake
5 control, research, interdiction, and eradication
6 reporting documents for Congress.

7 (C) Coordinate and oversee revision of the
8 Brown Tree Snake Control Plan.

9 (D) Coordinate and oversee preparation of
10 other reports and documents dealing with brown
11 tree snakes.

12 (E) Under direction of the Secretaries, and
13 in collaboration with the Committee, evaluate
14 Federal, State, and territorial activities, pro-
15 grams, and policies that are likely to—

16 (i) cause or promote the introduction
17 or spread of the brown tree snake in the
18 United States and recommend actions by
19 Federal, State, territorial, or Freely Associ-
20 ated State governments to prevent the intro-
21 duction and spread of brown tree snakes;
22 and

23 (ii) reduce and eventually eradicate the
24 brown tree snake in Guam and in any other

1 *areas in the United States where the snake*
2 *may be established.*

3 *(F) Monitor the implementation of those*
4 *policies by Federal, State, territorial, and local*
5 *agencies and other persons.*

6 *(G) Provide, or arrange for the provision of,*
7 *technical assistance dealing with brown tree*
8 *snake control, interdiction, research, and eradi-*
9 *cation to Federal, State, territorial, and Freely*
10 *Associated State governments.*

11 *(H) Serve as the primary contact for the*
12 *Secretaries for inquiries or requests by Congress*
13 *and the Administration regarding brown tree*
14 *snakes.*

15 *(I) Serve as the primary representative for*
16 *the Secretaries on brown tree snake issues to the*
17 *National Invasive Species Council and provide*
18 *assistance to the National Invasive Species*
19 *Council related to brown tree snakes.*

20 *(4) LIMITATION.—Notwithstanding paragraph*
21 *(3), the chairperson shall not have control over fund-*
22 *ing decisions or spending authority with respect to*
23 *funds provided by any of the Committee members for*
24 *the purposes of this Act. Federal and other agencies*
25 *represented on the Committee shall retain control over*

1 *decisions regarding their respective funds, although*
2 *the chairperson may participate in planning and im-*
3 *plementation of activities with respect to such funds.*

4 *(g) STAFF.—The Secretaries may hire staff to assist*
5 *the Committee and the chairperson in carrying out their*
6 *respective duties and functions.*

7 *(h) AUTHORIZATION OF APPROPRIATIONS.—There is*
8 *authorized to be appropriated to each of the Secretaries not*
9 *more than \$450,000 for each of the fiscal years 2005*
10 *through 2010 to carry out this section.*

11 **SEC. 8. MISCELLANEOUS MATTERS.**

12 *(a) AVAILABILITY OF APPROPRIATED FUNDS.—*
13 *Amounts appropriated under this Act shall remain avail-*
14 *able until expended.*

15 *(b) ADMINISTRATIVE EXPENSES.—Of the amounts ap-*
16 *propriated to carry out this Act for a fiscal year, the Secre-*
17 *taries may expend not more than five percent to cover the*
18 *administrative expenses necessary to carry out this Act.*

○

Union Calendar No. 433

108TH CONGRESS
2^D Session

H. R. 3479

[Report No. 108-687]

A BILL

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.

SEPTEMBER 15, 2004

The Committee on Agriculture discharged: committed to the Committee of the Whole House on the State of the Union and ordered to be printed