

109TH CONGRESS
1ST SESSION

H. R. 3468

To recognize the unique ecosystems of the Hawaiian islands and the threat to these ecosystems posed by non-native plants, animals, and plant and animal diseases, to require the Secretary of Agriculture and the Secretary of the Interior to expand Federal efforts to prevent the introduction in Hawaii of non-native plants, animals, and plant and animal diseases, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 27, 2005

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

A BILL

To recognize the unique ecosystems of the Hawaiian islands and the threat to these ecosystems posed by non-native plants, animals, and plant and animal diseases, to require the Secretary of Agriculture and the Secretary of the Interior to expand Federal efforts to prevent the introduction in Hawaii of non-native plants, animals, and plant and animal diseases, 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 “Hawaii Invasive Spe-
3 cies Prevention Act”.

4 **SEC. 2. FINDINGS.**

5 Congress finds the following:

6 (1) The uniqueness of the Hawaiian islands lies
7 in part due to their isolation from continental
8 landmasses, their great topographic and climatic di-
9 versity, and the intervals between natural coloniza-
10 tion (colonization without human assistance) of the
11 Hawaiian islands by new plant or animal species,
12 which have been on the order of thousands of years.

13 (2) The resulting evolution in isolation over
14 time has often led to the generation of species en-
15 tirely unique to particular islands and found no-
16 where else, and such isolation also often meant the
17 absence of natural predatory or competitive species.

18 (3) The natural geographic isolation of the Ha-
19 waiian islands is no match for the advancement of
20 human activities, including transportation and global
21 commerce, and native biota and ecosystems are
22 being overwhelmed by the introduction and estab-
23 lishment of non-native plant and animal species and
24 plant and animal diseases associated with such spe-
25 cies.

1 (4) More than 5,000 species of non-native
2 plants and animals have become established in the
3 Hawaiian islands in the past 200 years, which rep-
4 represents a rate of successful colonization of new spe-
5 cies every 18 days.

6 (5) Although not all new species introductions
7 alter ecosystem function and structure, damage agri-
8 culture, or cause human health or other safety haz-
9 ards, the introduction of invasive species to the Ha-
10 waiian islands has resulted in the extinction of na-
11 tive species, the destruction of native forests, and
12 the spread of disease and costs the State of Hawaii
13 millions of dollars in crop losses.

14 (6) For example, *Miconia calvescens*, an aggres-
15 sive weedy tree from South America, has established
16 itself in Hawaii and threatens Hawaii's tropical for-
17 ests and the watersheds those forests support, and
18 the resulting decreased water infiltration in just two
19 of Hawaii's priority watersheds could amount to ad-
20 ditional water costs of \$13 million annually.

21 (7) Just one new invasive species, such as the
22 the brown tree snake, could change the very char-
23 acter of the Hawaiian islands. In addition to its dev-
24 astating impacts on fragile native bird populations,
25 the venomous brown tree snake poses a public health

1 risk because it bites people and pets, threatens poul-
2 try farms because it feeds on chickens and eggs, and
3 presents the risk of dangerous and costly power out-
4 ages because it climbs electrical lines causing short
5 circuits in power supply.

6 (8) Although Congress responded to the danger
7 of the brown tree snake by enacting the Brown Tree
8 Snake Control and Eradication Act of 2004 (Public
9 Law 108–384; 7 U.S.C. 8501 et seq.), many more
10 invasive species, including fire ants and West Nile
11 Virus, threaten to invade Hawaii and cause further
12 environmental and economic damage.

13 (9) The current Federal statutory and regu-
14 latory regime is not sufficient to minimize the intro-
15 duction of invasive species into Hawaii and the envi-
16 ronmental, economic, and social harm that would re-
17 sult from the introduction of additional invasive spe-
18 cies.

19 **SEC. 3. DEFINITIONS.**

20 In this Act:

21 (1) DISEASE.—The term “disease” means any
22 living stage of a bacterium, a fungus, a virus or
23 viroid, an infectious agent or other pathogen, or any
24 other article similar to or allied with any of these
25 specified articles, that can directly or indirectly

1 cause economic or environmental harm or harm to
2 human health.

3 (2) INTRODUCTION.—The terms “introduce”
4 and “introduction” refer to the intentional or unin-
5 tentional dissemination, placement, release, or es-
6 cape of a species as a result of human activity out-
7 side of the range where the species is commonly
8 found.

9 (3) INVASIVE SPECIES.—The term “invasive
10 species” means any species, including its seeds, eggs,
11 spores, or other biological material capable of propa-
12 gating that species, whose introduction does or is
13 likely to cause economic or environmental harm or
14 harm to human health.

15 (4) SECRETARY.—The term “Secretary con-
16 cerned” means—

17 (A) the Secretary of the Interior, with re-
18 spect to matters under the jurisdiction of the
19 Department of the Interior; and

20 (B) the Secretary of Agriculture, with re-
21 spect to matters under the jurisdiction of the
22 Department of Agriculture.

23 (5) SECRETARIES.—The term “Secretaries”
24 means both the Secretary of the Interior and the
25 Secretary of Agriculture.

1 (6) SPECIES.—The term “species” means a
2 group of organisms all of which have a high degree
3 of physical and genetic similarity, generally
4 interbreed only among themselves, and show per-
5 sistent differences from members of allied groups of
6 organisms.

7 **SEC. 4. STATEMENT OF POLICY REGARDING FEDERAL OB-**
8 **LIGATIONS RELATED TO PREVENTING THE**
9 **INTRODUCTION OF INVASIVE SPECIES IN HA-**
10 **WAI.**

11 (a) SENSE OF CONGRESS.—It is the sense of Con-
12 gress that there exists a need for improved and better co-
13 ordinated control, interdiction, and eradication of invasive
14 species and diseases on the part of the United States and
15 other interested parties to prevent the introduction or
16 spread of invasive species or diseases in Hawaii.

17 (b) UNITED STATES POLICY.—It is the policy of the
18 United States to fund and support coordinated and con-
19 certed programs and activities to control, interdict, and
20 prevent the introduction or spread of invasive species and
21 diseases in Hawaii.

22 (c) PREVENTING INTRODUCTION.—Notwithstanding
23 any other provision of law, to the extent practicable, no
24 Federal agency may authorize, fund, or carry out any ac-
25 tion that would likely cause or promote the introduction

1 or spread of invasive species and diseases in Hawaii. All
2 Federal agencies shall consider invasive species and dis-
3 ease issues, to the extent possible, when planning any ac-
4 tivity that may cause the accidental introduction of
5 invasive species and diseases in Hawaii.

6 **SEC. 5. LEGAL MECHANISMS TO CONTROL THE INTRODUC-**
7 **TION AND SPREAD OF INVASIVE SPECIES OR**
8 **DISEASES IN HAWAII.**

9 (a) IMPOSITION OF QUARANTINE.—Using the au-
10 thorities available to the Secretary concerned under sec-
11 tion 412 of the Plant Protection Act (7 U.S.C. 7712), sec-
12 tion 10406 of the Animal Health Protection Act (7 U.S.C.
13 8305), section 42 of title 18, United States Code, section
14 3015 of title 39, United States Code, the Alien Species
15 Prevention and Enforcement Act of 1992 (section 631 of
16 Public Law 102–393; 39 U.S.C. 3015 note), section 3 of
17 the Lacey Act Amendments of 1981 (16 U.S.C. 3372),
18 and the Nonindigenous Aquatic Nuisance Prevention and
19 Control Act of 1990 (16 U.S.C. 4702 et seq.), the Secre-
20 taries shall impose a quarantine on the State of Hawaii
21 to prevent the introduction of invasive species and diseases
22 in Hawaii.

23 (b) ESTABLISHMENT OF SYSTEM OF QUARANTINE
24 PROTOCOLS.—

1 (1) RULEMAKING.—Not later than two years
2 after the date of the enactment of this Act, the Sec-
3 retaries shall issue rules regarding the establishment
4 of a system of post-arrival quarantine protocols for
5 all persons, baggage, cargo, containers, packing ma-
6 terials, and other items travelling or being shipped
7 to Hawaii from domestic and foreign locations.

8 (2) FUNDING SOURCE FOR REGULATIONS.—The
9 Secretaries shall use funds otherwise available for
10 the operation of the Department of Agriculture and
11 the Department of the Interior to issue the rules re-
12 quired by paragraph (1).

13 (3) CONDITIONS ON IMPLEMENTATION OF
14 QUARANTINE PROTOCOLS.—The system of post-ar-
15 rival quarantine protocols established by rulemaking
16 pursuant to paragraph (1) shall be operated at Fed-
17 eral expense and, as a result, may not be imple-
18 mented until—

19 (A) funds are specifically appropriated for
20 the implementation of the system; or

21 (B) a means of financing the system is
22 specifically designated.

23 (c) USE OF FEDERAL OFFICIALS TO ASSIST STATE
24 AND LOCAL EFFORTS.—Federal quarantine, natural re-
25 source, conservation, and law enforcement officers and in-

1 spectors may enforce State and local laws of Hawaii re-
2 garding the importation, possession, or introduction of
3 invasive species or diseases.

4 (d) COOPERATION.—The activities described in this
5 section shall be carried out in cooperation with the Sec-
6 retary of Homeland Security, the Secretary of Commerce,
7 the Secretary of the Treasury, the government of Hawaii,
8 and each of their respective quarantine, natural resource,
9 conservation, and law enforcement agencies and officers,
10 as appropriate.

11 (e) ADDITIONAL STATE AND LOCAL EFFORTS.—

12 (1) EXPEDITED CONSIDERATION OF STATE AND
13 LOCAL CONTROL PROPOSALS.—Not later than two
14 years after the date of the enactment of this Act, the
15 Secretaries shall establish an expedited process for
16 the State of Hawaii and its political subdivisions to
17 seek the approval of the Secretaries to impose gen-
18 eral or specific prohibitions or restrictions upon the
19 introduction or movement of invasive species or dis-
20 eases from domestic or foreign locations to Hawaii
21 that are in addition to any prohibitions or restric-
22 tions imposed by the Secretaries.

23 (2) RESPONSE TO EMERGENCY THREATS.—In
24 the event of an emergency or imminent threat from
25 an invasive species or disease, the State of Hawaii

1 may impose, for not longer than two years pending
2 approval by the Secretaries under paragraph (1),
3 general or specific prohibitions or restrictions upon
4 the introduction or movement of that invasive spe-
5 cies or disease that are in addition to the prohibi-
6 tions or restrictions imposed by the Secretaries.

7 (3) FUNDING SOURCE.—The Secretaries shall
8 use funds otherwise available for the operation of
9 the Department of Agriculture and the Department
10 of the Interior to carry out this subsection.

11 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

12 There is authorized to be appropriated to the Sec-
13 retary concerned to carry out this Act for fiscal years 2007
14 through 2011 such sums as may be necessary.

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