

108TH CONGRESS  
2D SESSION

# H. R. 3479

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 29, 2004

Received

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## 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.*