

108TH CONGRESS
1ST SESSION

H. R. 3479

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

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
5 Control and Eradication Act of 2003”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) The brown tree snake, an invasive species,
2 is believed to have been introduced to the island of
3 Guam as a passive stowaway in a military cargo ship
4 that moved materiel after World War II. The his-
5 toric range of the brown tree snake is portions of In-
6 donesia, New Guinea, the Solomon Islands, and Aus-
7 tralia.

8 (2) Upon arrival in Guam, the brown tree snake
9 encountered an abundant food supply and an ab-
10 sence of natural predators.

11 (3) The brown tree snake's accidental introduc-
12 tion to Guam placed the species beyond its historic
13 range, triggering a cascade of extinctions and an ec-
14 ological disaster. The brown tree snake has been the
15 principal cause of the destruction of Guam's native
16 bird population and has imposed significant stress
17 on Guam's economic and agricultural interests,
18 thereby harming the integrity and environmental
19 stability of Guam's ecosystems and economy.

20 (4) The presence of the brown tree snake is a
21 documented economic and human health hazard in
22 Guam. The brown tree snake occurs in Guam at ex-
23 tremely high densities. Due to its high abundance
24 the brown tree snake has been accidentally trans-
25 ported from Guam to other sites worldwide through

1 infested civilian and military vessels and cargo. The
2 brown tree snake is a growing threat to the biodiver-
3 sity, economy, and human health within the Pacific
4 region. The brown tree snake poses a direct, signifi-
5 cant, and growing threat of dispersal to other areas
6 outside of its historic range, including the Common-
7 wealth of the Northern Mariana Islands, the State
8 of Hawaii, and the mainland of the United States.

9 (5) A number of Federal agencies, including the
10 Department of the Interior, the Department of Agri-
11 culture, and the Department of Defense, and the
12 governments of Guam, Hawaii, the Northern Mar-
13 iana Islands, and the Freely Associated States have
14 operational, environmental, economic, and human
15 health interests in and responsibilities for controlling
16 the brown tree snake.

17 (6) The present Brown Tree Snake Control
18 Committee was established in response to section
19 1209 of the Nonindigenous Aquatic Nuisance Pre-
20 vention and Control Act of 1990 (16 U.S.C. 4728),
21 and the multi-agency Memorandum of Agreement on
22 Brown Tree Snake Control, originally signed in
23 1992 and renewed in 1999, will expire in March
24 2004. It is a purpose of this Act to legislatively es-
25 tablish the Brown Tree Snake Control and Eradi-

1 cation Committee to ensure the ongoing activities
2 and enhance the effectiveness of the present Com-
3 mittee.

4 (7) Annual funding for brown tree snake con-
5 trol and research has come from relatively few Fed-
6 eral agencies, which have then distributed those
7 funds amongst a number of agencies actually con-
8 ducting the work. While current funding is com-
9 mendable on the part of these agencies, the absence
10 of direct funding through the agencies actually con-
11 ducting the work has impaired the progress of both
12 operational and research efforts by limiting stability
13 in staffing and year-to-year program implementa-
14 tion. It is a purpose of this Act to authorize funding
15 for brown tree snake control, interdiction, research,
16 and eradication through and by the agencies per-
17 forming the specific tasks.

18 **SEC. 3. DEFINITIONS.**

19 In this Act:

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

1 (2) COMMITTEE.—The term “Committee”
2 means the Brown Tree Snake Control and Eradi-
3 cation Committee established under section 6.

4 (3) COMPACT OF FREE ASSOCIATION.—The
5 term “Compact of Free Association” means a Com-
6 pact of Free Association entered into between the
7 United States and the government of a Freely Asso-
8 ciated State.

9 (4) FREELY ASSOCIATED STATE.—The term
10 “Freely Associated State” means the Republic of
11 Palau, the Federated States of Micronesia, or the
12 Republic of the Marshall Islands.

13 (5) INTRODUCTION.—The terms “introduce”
14 and “introduction” refer to the expansion of brown
15 tree snakes outside of the range where this species
16 is endemic.

17 (6) SECRETARY.—The term “Secretary con-
18 cerned” means—

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

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

1 (7) SECRETARIES.—The term “Secretaries”
2 means both the Secretary of the Interior and the
3 Secretary of Agriculture.

4 (8) TERRITORIAL.—The term “territorial”,
5 when used to refer to government, means the Gov-
6 ernment of Guam, the Government of American
7 Samoa, or the Government of the Commonwealth of
8 the Northern Mariana Islands.

9 (9) UNITED STATES.—The term “United
10 States”, when used in the geographic sense, means
11 the several States, the District of Colombia, Amer-
12 ican Samoa, Guam, the Commonwealth of the
13 Northern Mariana Islands, the Commonwealth of
14 Puerto Rico, the United States Virgin Islands, the
15 Freely Associated States, any other possession of the
16 United States, and any waters within the jurisdic-
17 tion of the United States.

18 **SEC. 4. STATEMENT OF POLICY REGARDING FEDERAL OB-**
19 **LIGATIONS RELATED TO BROWN TREE**
20 **SNAKES INTRODUCTION, CONTROL, AND**
21 **ERADICATION.**

22 (a) SENSE OF CONGRESS.—It is the sense of Con-
23 gress that there exists a need for improved and better co-
24 ordinated control, interdiction, research, and eradication

1 of the brown tree snake on the part of the United States
2 and other interested parties.

3 (b) UNITED STATES POLICY.—It is the policy of the
4 United States to fund and support coordinated and con-
5 certed programs and activities to control, interdict, and
6 eradicate the brown tree snake in Guam and to prevent
7 the introduction of brown tree snakes to other areas of
8 the United States.

9 (c) PREVENTING INTRODUCTION.—Notwithstanding
10 any other provision of law, to the extent practicable, no
11 Federal agency may authorize, fund, or carry out any ac-
12 tion that would likely cause or promote the introduction
13 or spread of the brown tree snake in the United States.
14 All Federal agencies must consider brown tree snake inter-
15 diction issues, to the extent possible, when planning any
16 activity that may cause the accidental introduction of
17 brown tree snakes to uninfested areas in the United
18 States.

19 (d) CONTROL AND ERADICATION.—All Federal agen-
20 cies, to the extent possible, that manage lands where
21 brown tree snakes occur shall fund the control and eradi-
22 cation of this species.

23 (e) ACCESS.—All Federal agencies, to the extent pos-
24 sible, shall facilitate access to Federal, State, and terri-
25 torial employees, or their designees, who conduct control,

1 interdiction, or research regarding brown tree snakes on
2 lands and facilities under their jurisdiction.

3 (f) COOPERATIVE SUPPORT.—All Federal agencies,
4 to the extent possible, shall provide cooperative support,
5 such as office space, laboratory space, laboratory animal
6 holding facilities, kennel facilities, short- and long-term
7 housing for staff, power, water, and communication lines,
8 to Federal agencies conducting brown tree snake control,
9 interdiction, research, and eradication.

10 (g) GUIDELINES.—The Brown Tree Snake Control
11 and Eradication Committee shall develop, in consultation
12 with the Invasive Species Council established pursuant to
13 Executive Order No. 13112 (42 U.S.C. 4321 note), guide-
14 lines for Federal agencies to analyze their actions and
15 carry out their duties under this section.

16 **SEC. 5. BROWN TREE SNAKE CONTROL, INTERDICTION, RE-**
17 **SEARCH AND ERADICATION.**

18 (a) FUNDING AUTHORITY.—Subject to the avail-
19 ability of appropriations to carry out this section, the Sec-
20 retaries shall provide funds to support brown tree snake
21 control, interdiction, research, and eradication efforts car-
22 ried out by the Department of the Interior and the De-
23 partment of Agriculture, other Federal agencies, States,
24 territorial governments, local governments, and private
25 sector entities. Funds may be provided through grants,

1 contracts, reimbursable agreements, or other legal mecha-
2 nisms available to the Secretaries for the transfer of Fed-
3 eral funds.

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

8 (1) Expansion of science-based eradication and
9 control programs in Guam to reduce the undesirable
10 impact of the brown tree snake in Guam and reduce
11 the risk of the introduction or spread of brown tree
12 snakes to areas in the United States in which the
13 brown tree snake is not established.

14 (2) Expansion of interagency and intergovern-
15 mental rapid response teams in Guam, the Common-
16 wealth of the Northern Mariana Islands, and Hawaii
17 to assist local governments with detecting brown tree
18 snakes and incipient brown tree snake populations.

19 (3) Expansion of science-based efforts to pro-
20 tect and restore native wildlife in Guam or elsewhere
21 in the United States damaged by the brown tree
22 snake.

23 (4) Continuation, expansion, and provision of
24 sustained research funding for the Animal and Plant
25 Health Inspection Service, Wildlife Services, Na-

1 tional Wildlife Research Center of the Department
2 of Agriculture related to brown tree snakes.

3 (5) Continuation, expansion, and provision of
4 sustained research funding related to brown tree
5 snakes for the Fort Collins Science Center of the
6 United States Geological Survey and other research
7 institutions located in areas affected by the brown
8 tree snake.

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

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

19 (8) Provision of planning assistance for the con-
20 struction or renovation of centralized multi-agency
21 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 (9) Provision of technical assistance to the
2 Freely Associated States on matters related to
3 brown tree snakes through the mechanisms con-
4 tained within a Compact of Free Association dealing
5 with environmental, quarantine, economic, and
6 human 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)(8)) 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 2005 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 \$2,200,000 for each of
19 the fiscal years 2005 through 2010.

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

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

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

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

8 (1) To the Secretary of Agriculture, not more
9 than \$2,300,000 for each of the fiscal years 2005
10 through 2010.

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

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

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

21 (b) QUARANTINE PROTOCOLS.—Not later than two
22 years after of the date of the enactment of this Act, the
23 Secretaries shall establish, by regulation, a system of pre-
24 departure quarantine protocols for persons traveling from,
25 and baggage, cargo and other items being shipped from,

1 Guam and other United States locations where brown tree
2 snakes may have become established to prevent the intro-
3 duction or spread of the brown tree snake. Under such
4 system, Federal quarantine, natural resource, conserva-
5 tion, and law enforcement officers and inspectors may en-
6 force State and territorial laws regarding the illegal impor-
7 tation, possession, or introduction of brown tree snakes.
8 These efforts shall be conducted in cooperation with the
9 appropriate State and territorial quarantine, natural re-
10 source, conservation, and law enforcement officers.

11 (c) NONMAILABLE MATTER.—Consistent with sub-
12 section (c), brown tree snakes constitute nonmailable mat-
13 ter under section 3015 of title 39, United States Code.

14 **SEC. 7. BROWN TREE SNAKE CONTROL AND ERADICATION**
15 **COMMITTEE.**

16 (a) ESTABLISHMENT.—The Secretaries shall estab-
17 lish a committee, to be known as the Brown Tree Snake
18 Control and Eradication Committee, for the purpose of
19 providing coordination among Federal agencies, and be-
20 tween the United States Government and State, terri-
21 torial, and local governments, with respect to efforts re-
22 lated to brown tree snake control, interdiction, research,
23 and eradication in Guam, the Commonwealth of the
24 Northern Mariana Islands, Hawaii, the Freely Associated

1 States, and other areas of the United States in which the
2 brown tree snake is, or may be, introduced.

3 (b) MEMBERSHIP.—

4 (1) VOTING MEMBERS.—The voting members of
5 the Committee shall consist of at least one rep-
6 resentative from each of the following agencies:

7 (A) The Office of Insular Affairs, ap-
8 pointed by the Secretary of the Interior.

9 (B) The United States Fish and Wildlife
10 Service, appointed by the Secretary of the Inte-
11 rior.

12 (C) The United State Geological Survey,
13 appointed by the Secretary of the Interior.

14 (D) The Animal and Plant Health Inspec-
15 tion Service, Wildlife Services, Operations
16 Branch, appointed by the Secretary of Agri-
17 culture.

18 (E) The Animal and Plant Health Inspec-
19 tion Service, Wildlife Services, National Wildlife
20 Research Center, appointed by the Secretary of
21 Agriculture.

22 (F) The Department of Commerce, ap-
23 pointed by the Secretary of Commerce.

24 (G) The Department of Transportation,
25 appointed by the Secretary of Transportation.

1 (H) The Department of Homeland Secu-
2 rity, appointed by the Secretary of Homeland
3 Security.

4 (I) The Armed Forces Pest Management
5 Board of the Department of Defense, appointed
6 by the Secretary of Defense.

7 (J) The Department of the Air Force, ap-
8 pointed by the Secretary of the Air Force.

9 (K) The Department of the Navy, ap-
10 pointed by the Secretary of the Navy.

11 (L) The Department of Agriculture of the
12 Government of Guam, appointed by the Gov-
13 ernor of Guam.

14 (M) The Department of Land and Natural
15 Resources of the State of Hawaii, appointed by
16 the Governor of Hawaii.

17 (N) The Department of Agriculture of the
18 State of Hawaii, appointed by the Governor of
19 Hawaii.

20 (O) The Department of Land and Natural
21 Resources of the Commonwealth of the North-
22 ern Mariana Islands, appointed by the Governor
23 of the Commonwealth of the Northern Mariana
24 Islands.

1 (P) Such additional voting members as
2 may be designated under paragraph (3).

3 (2) NONVOTING MEMBERS.—Nonvoting mem-
4 bership to the Committee shall be extended to rep-
5 resentatives of the Freely Associated States as fol-
6 lows:

7 (A) The Republic of Palau, appointed by
8 the President of Palau.

9 (B) The Federated States of Micronesia,
10 appointed by the President of the Federated
11 States of Micronesia.

12 (C) The Republic of the Marshall Islands,
13 appointed by the President of the Marshall Is-
14 lands.

15 (D) Such additional non-voting members
16 as may be designated under paragraph (3).

17 (3) ADDITIONAL MEMBERS.—With the concur-
18 rence of a majority of the voting members of the
19 Committee, the chairperson of the Committee may
20 designate additional voting and nonvoting members
21 to the Committee from Federal, State, territorial, or
22 local government agencies, and private sector enti-
23 ties with significant responsibilities concerning
24 brown tree snake control, interdiction, research, and
25 eradication.

1 (4) TERM.—The term of a voting or nonvoting
2 member’s representative on the Committee shall be
3 three years. A member may be reappointed for addi-
4 tional terms. Vacancies shall be filed in the same
5 manner as the original appointment.

6 (5) COMMITTEE MEETINGS.—The Committee
7 shall meet at least annually, at the call of the chair-
8 person.

9 (c) DUTIES AND FUNCTIONS OF THE COMMITTEE.—
10 The Committee shall ensure that Federal, State, terri-
11 torial, and local agency efforts concerning the brown tree
12 snake are coordinated, effective, complementary, and cost-
13 effective. Specific functions of the Committee include the
14 following:

15 (1) Evaluate Federal, State, and territorial ac-
16 tivities, programs and policies that are likely to
17 cause or promote the introduction or spread of the
18 brown tree snake in the United States and rec-
19 ommend governmental actions to minimize the risk
20 of introduction or further spread of the brown tree
21 snake.

22 (2) Recommend activities, programs, and poli-
23 cies to reduce and eventually eradicate the brown
24 tree snake in Guam or other areas within the United
25 States where the snake may be established and to

1 monitor the implementation of those activities, pro-
2 grams, and policies.

3 (3) Within 18 months after the date of the en-
4 actment of this Act, revise the Brown Tree Snake
5 Control Plan that was prepared by the Brown Tree
6 Snake Control Committee of the Aquatic Nuisance
7 Species Task Force, as required by section 1209 of
8 the Nonindigenous Aquatic Nuisance Prevention and
9 Control Act of 1990 (16 U.S.C. 4728), to coordinate
10 Federal, State, territorial, and local government ef-
11 forts to control, interdict, eradicate or conduct re-
12 search on the brown tree snake, and subsequently
13 revise and update this Plan every five years there-
14 after.

15 (4) Develop and submit to Congress a biennial
16 report containing the following:

17 (A) Description of progress that will lead
18 toward large-scale population reduction or
19 eradication of the brown tree snake in Guam or
20 other sites that are infested by the brown tree
21 snake.

22 (B) Description of interdiction and other
23 activities that will reduce the risk of introduc-
24 tion of brown tree snakes or other nonindige-
25 nous snake species in Guam, the Common-

1 wealth of the Northern Mariana Islands, Ha-
2 warii, and American Samoa.

3 (C) Description of applied and basic re-
4 search that will lead to improved brown tree
5 snake control, interdiction and eradication ef-
6 forts conducted by Federal, State, territorial,
7 and local governments.

8 (D) Programs and activities for brown tree
9 snake control, interdiction, research and eradi-
10 cation that have been funded, implemented, and
11 planned by Federal, State, territorial, and local
12 governments.

13 (E) A list of priorities, ranked in high, me-
14 dium, and low categories, of Federal, State, ter-
15 ritorial, and local efforts and programs in the
16 following areas:

- 17 (i) Control.
18 (ii) Interdiction.
19 (iii) Research.
20 (iv) Eradication.

21 (F) An assessment of current funding
22 shortfalls and future funding needs to support
23 Federal, State, territorial, and local government
24 efforts to control, interdict, eradicate, or con-
25 duct research on the brown tree snake.

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

6 (d) COMMITTEE CHAIRPERSON AND COORDI-
7 NATOR.—

8 (1) APPOINTMENT.—The Secretaries shall—

9 (A) appoint a member of the Committee to
10 serve as chairperson of the Committee, with a
11 term of three years; and

12 (B) hire a Federal Interagency Brown
13 Tree Snake Coordinator to serve on the staff of
14 the chairperson.

15 (2) DUTIES.—The chairperson shall ensure that
16 Federal, State, territorial, and local agency efforts
17 concerning the brown tree snake are maximally co-
18 ordinated, effective, complementary, and cost-effec-
19 tive through the Committee. Specific duties of the
20 chairperson include the following:

21 (A) Coordinate and oversee the meetings of
22 the Committee.

23 (B) Coordinate and oversee the Commit-
24 tee's work to produce the biennial brown tree

1 snake control, research, interdiction, and eradi-
2 cation reporting documents for Congress.

3 (C) Coordinate and oversee revision of the
4 Brown Tree Snake Control Plan.

5 (D) Coordinate and oversee preparation of
6 other reports and documents dealing with
7 brown tree snakes.

8 (E) Under direction of the Secretaries, and
9 in collaboration with the Committee, evaluate
10 Federal, State, and territorial activities, pro-
11 grams, and policies that are likely to—

12 (i) cause or promote the introduction
13 or spread of the brown tree snake in the
14 United States and recommend actions by
15 Federal, State, territorial, or Freely Asso-
16 ciated State governments to prevent the in-
17 troduction and spread of brown tree
18 snakes; and

19 (ii) reduce and eventually eradicate
20 the brown tree snake in Guam and in any
21 other areas in the United States where the
22 snake may be established.

23 (F) Monitor the implementation of those
24 policies by Federal, State, territorial, and local
25 agencies and other persons.

1 (G) Provide, or arrange for the provision
2 of, technical assistance dealing with brown tree
3 snake control, interdiction, research, and eradi-
4 cation to Federal, State, territorial, and Freely
5 Associated State governments.

6 (H) Serve as the primary contact for the
7 Secretaries for inquires or requests by Congress
8 and the Administration regarding brown tree
9 snakes.

10 (I) Serve as the primary representative for
11 the Secretaries on brown tree snake issues to
12 the National Invasive Species Council and pro-
13 vide assistance to the National Invasive Species
14 Council related to brown tree snakes.

15 (3) LIMITATION.—Notwithstanding paragraph
16 (2), the chairperson shall not have control over fund-
17 ing decisions or spending authority with respect to
18 funds provided by any of the Committee members
19 for the purposes of this Act. Federal and other agen-
20 cies represented on the Committee shall retain con-
21 trol over decisions regarding their respective funds,
22 although the chairperson may participate in plan-
23 ning and implementation of activities with respect to
24 such funds.

1 (e) STAFF.—The Secretaries may hire staff to assist
2 the Committee and the chairperson in carrying out their
3 respective duties and functions.

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

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

9 (a) AVAILABILITY OF APPROPRIATED FUNDS.—
10 Amounts appropriated under this Act shall remain avail-
11 able until expended.

12 (b) ADMINISTRATIVE EXPENSES.—Of the amounts
13 appropriated to carry out this Act for a fiscal year, the
14 Secretaries may expend not more than five percent to
15 cover the administrative expenses necessary to carry out
16 this Act.

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