

biomedical, agricultural or veterinary research, education, or other such purposes.

(4) To ensure that registration information for overlap agents and toxins under the section 351A and section 212 programs is contained in both the national database under the section 351A program and the national database under the section 212 program.

(c) Memorandum of understanding

(1) In general

Promptly after June 12, 2002, the Secretary of Agriculture and the Secretary of Health and Human Services shall enter into a memorandum of understanding regarding overlap agents and toxins that is in accordance with paragraphs (2) through (4) and contains such additional provisions as the Secretary of Agriculture and the Secretary of Health and Human Services determine to be appropriate.

(2) Single registration system regarding registered persons

The memorandum of understanding under paragraph (1) shall provide for the development and implementation of a single system of registration for persons who possess, use, or transfer overlap agents or toxins and are required to register under both the section 351A program and the section 212 program. For purposes of such system, the memorandum shall provide for the development and implementation of the following:

(A) A single registration form through which the person submitting the form provides all information that is required for registration under the section 351A program and all information that is required for registration under the section 212 program.

(B) A procedure through which a person may choose to submit the single registration form to the agency administering the section 351A program (in the manner provided under such program), or to the agency administering the section 212 program (in the manner provided under such program).

(C) A procedure through which a copy of a single registration form received pursuant to subparagraph (B) by the agency administering one of such programs is promptly provided to the agency administering the other program.

(D) A procedure through which the agency receiving the single registration form under one of such programs obtains the concurrence of the agency administering the other program that the requirements for registration under the other program have been met.

(E) A procedure through which—

(i) the agency receiving the single registration form under one of such programs informs the agency administering the other program whether the receiving agency has denied the registration; and

(ii) each of such agencies ensures that registrations are entered into the national database of registered persons that is maintained by each such agency.

(3) Process of identification

With respect to the process of identification under the section 351A program and the sec-

tion 212 program for names and other identifying information submitted to the Attorney General (relating to certain categories of individuals and entities), the memorandum of understanding under paragraph (1) shall provide for the development and implementation of the following:

(A) A procedure through which a person who is required to submit information pursuant to such process makes (in addition to the submission to the Attorney General) a submission, at the option of the person, to either the agency administering the section 351A program or the agency administering the section 212 program, but not both, which submission satisfies the requirement of submission for both of such programs.

(B) A procedure for the sharing by both of such agencies of information received from the Attorney General by one of such agencies pursuant to the submission under subparagraph (A).

(C) A procedure through which the agencies administering such programs concur in determinations that access to overlap agents and toxins will be granted.

(4) Coordination of inspections and enforcement

The memorandum of understanding under paragraph (1) shall provide for the development and implementation of procedures under which Federal personnel under the section 351A program and the section 212 program may share responsibilities for inspections and enforcement activities under such programs regarding overlap agents and toxins. Activities carried out under such procedures by one of such programs on behalf of the other may be carried out with or without reimbursement by the agency that administers the other program.

(5) Date certain for implementation

The memorandum of understanding under paragraph (1) shall be implemented not later than 180 days after June 12, 2002. Until the single system of registration under paragraph (2) is implemented, persons who possess, use, or transfer overlap agents or toxins shall register under both the section 351A program and the section 212 program.

(d) Joint regulations

Not later than 18 months after the date on which the single system of registration under subsection (c)(2) is implemented, the Secretary of Health and Human Services and the Secretary of Agriculture shall jointly issue regulations for the possession, use, and transfer of overlap agents and toxins that meet the requirements of both the section 351A program and the section 212 program.

(Pub. L. 107-188, title II, §221, June 12, 2002, 116 Stat. 657.)

CHAPTER 111—BROWN TREE SNAKE CONTROL AND ERADICATION

Sec. 8501. Definitions.
8502. Sense of Congress regarding need for improved and better coordinated Federal policy for brown tree snake introduction, control, and eradication.

Sec.	
8503.	Brown tree snake control, interdiction, research and eradication.
8504.	Establishment of quarantine protocols to control the introduction and spread of the brown tree snake.
8505.	Treatment of brown tree snakes as non-mailable matter.
8506.	Role of brown tree snake Technical Working Group.
8507.	Miscellaneous matters.

§ 8501. Definitions

In this chapter:

(1) Brown tree snake

The term “brown tree snake” means the species of the snake *Boiga irregularis*.

(2) Compact of Free Association

The term “Compact of Free Association” means the Compacts of Free Association entered into between the United States and the governments of the Federated States of Micronesia and the Republic of the Marshall Islands, as approved by and contained in Public Law 108-188 (117 Stat. 2720; 48 U.S.C. 1921 et seq.), and the Compact of Free Association entered into between the United States and the government of the Republic of Palau, as approved by and contained in Public Law 99-658 (100 Stat. 3673; 48 U.S.C. 1931 et seq.).

(3) Freely Associated States

The term “Freely Associated States” means the Republic of Palau, the Federated States of Micronesia, and the Republic of the Marshall Islands.

(4) Introduction

The terms “introduce” and “introduction” refer to the expansion of the brown tree snake outside of the range where this species is endemic.

(5) Secretary

The term “Secretary concerned” means—

(A) the Secretary of the Interior, with respect to matters under the jurisdiction of the Department of the Interior; and

(B) the Secretary of Agriculture, with respect to matters under the jurisdiction of the Department of Agriculture.

(6) Secretaries

The term “Secretaries” means both the Secretary of the Interior and the Secretary of Agriculture.

(7) Technical Working Group

The term “Technical Working Group” means Brown Tree Snake Technical Working Group established under the authority of section 4728 of title 16.

(8) Territorial

The term “territorial”, when used to refer to a government, means the Government of Guam, the Government of American Samoa, and the Government of the Commonwealth of the Northern Mariana Islands, as well as autonomous agencies and instrumentalities of such a government.

(9) United States

The term “United States”, when used in the geographic sense, means the several States,

the District of Columbia,¹ American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, the United States Virgin Islands, any other possession of the United States, and any waters within the jurisdiction of the United States.

(Pub. L. 108-384, §2, Oct. 30, 2004, 118 Stat. 2221.)

REFERENCES IN TEXT

Public Law 108-188, referred to in par. (2), is Pub. L. 108-188, Dec. 17, 2003, 117 Stat. 2720, which is classified principally to part B (§1921 et seq.) of subchapter I of chapter 18 of Title 48, Territories and Insular Possessions. For complete classification of this Act to the Code, see Short Title of 2003 Amendment note set out under section 1921 of Title 48 and Tables.

Public Law 99-658, referred to in par. (2), is Pub. L. 99-658, Nov. 14, 1986, 100 Stat. 3672, as amended, which is classified generally to part A (§1931 et seq.) of subchapter II of chapter 18 of Title 48, Territories and Insular Possessions. For complete classification of this Act to the Code, see Tables.

SHORT TITLE

Pub. L. 108-384, §1, Oct. 30, 2004, 118 Stat. 2221, provided that: “This Act [enacting this chapter] may be cited as the ‘Brown Tree Snake Control and Eradication Act of 2004.’”

§ 8502. Sense of Congress regarding need for improved and better coordinated Federal policy for brown tree snake introduction, control, and eradication

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

(Pub. L. 108-384, §3, Oct. 30, 2004, 118 Stat. 2222.)

§ 8503. Brown tree snake control, interdiction, research and eradication

(a) Funding authority

Subject to the availability of appropriations to carry out this section, the Secretaries shall provide funds to support brown tree snake control, interdiction, research, and eradication efforts carried out by the Department of the Interior and the Department of Agriculture, other Federal agencies, States, territorial governments, local governments, and private sector entities. Funds may be provided through grants, contracts, reimbursable agreements, or other legal mechanisms available to the Secretaries for the transfer of Federal funds.

(b) Authorized activities

Brown tree snake control, interdiction, research, and eradication efforts authorized by this section shall include at a minimum the following:

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

¹ So in original. Probably should be “Columbia.”