

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.
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 en-

tered 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,<sup>1</sup> 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.

<sup>1</sup> So in original. Probably should be “Columbia.”.

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.

(2) Expansion of interagency and intergovernmental rapid response teams in Guam, the Commonwealth of the Northern Mariana Islands, Hawaii, and the Freely Associated States to assist the governments of such areas with detecting the brown tree snake and incipient brown tree snake populations.

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

(4) Establishment and sustained funding for an Animal Plant and Health Inspection Service, Wildlife Services, Operations Program State Office located in Hawaii dedicated to vertebrate pest management in Hawaii and United States Pacific territories and possessions. Concurrently, the Animal Plant and

Health Inspection Service, Wildlife Services Operations Program shall establish and sustain funding for a District Office in Guam dedicated to brown tree snake control and managed by the Hawaii State Office.

(5) Continuation, expansion, and provision of sustained research funding related to the brown tree snake, including research conducted at institutions located in areas affected by the brown tree snake.

(6) Continuation, expansion, and provision of sustained research funding for the Animal Plant and Health Inspection Service, Wildlife Services, National Wildlife Research Center of the Department of Agriculture related to the brown tree snake, including the establishment of a field station in Guam related to the control and eradication of the brown tree snake.

(7) Continuation, expansion, and provision of sustained research funding for the Fort Collins Science Center of the United States Geological Survey related to the brown tree snake, including the establishment of a field station in Guam related to the control and eradication of the brown tree snake.

(8) Expansion of long-term research into chemical, biological, and other control techniques that could lead to large-scale reduction of brown tree snake populations in Guam or other areas where the brown tree snake might become established.

(9) Expansion of short, medium, and long-term research, funded by all Federal agencies interested in or affected by the brown tree snake, into interdiction, detection, and early control of the brown tree snake.

(10) Provision of planning assistance for the construction or renovation of centralized multi-agency facilities in Guam to support Federal, State, and territorial brown tree snake control, interdiction, research and eradication efforts, including office space, laboratory space, animal holding facilities, and snake detector dog kennels.

(11) Provision of technical assistance to the Freely Associated States on matters related to the brown tree snake through the mechanisms contained within a Compact of Free Association dealing with environmental, quarantine, economic, and human health issues.

**(c) Authorization of appropriations**

There is authorized to be appropriated to the Secretaries to carry out this section (other than subsection (b)(10)) the following amounts:

(1) For activities conducted through the Animal and Plant Health Inspection Service, Wildlife Services, Operations, not more than \$2,600,000 for each of the fiscal years 2006 through 2010.

(2) For activities conducted through the Animal and Plant Health Inspection Service, Wildlife Services, National Wildlife Research Center, Methods Development, not more than \$1,500,000 for each of the fiscal years 2006 through 2010.

(3) For activities conducted through the Office of Insular Affairs, not more than \$3,000,000 for each of the fiscal years 2006 through 2010.

(4) For activities conducted through the Fish and Wildlife Service, not more than