

117TH CONGRESS
1ST SESSION

H. R. 388

To amend the Farm Security and Rural Investment Act of 2002 by requiring preclearance quarantine inspections for all movement to or from the State of Hawaii by either domestic or international travel, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 21, 2021

Mr. CASE (for himself and Mr. KAHELE) introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To amend the Farm Security and Rural Investment Act of 2002 by requiring preclearance quarantine inspections for all movement to or from the State of Hawaii by either domestic or international travel, 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 “Hawaii Invasive Spe-
5 cies Protection Act”.

1 **SEC. 2. REQUIRING PRECLEARANCE QUARANTINE INSPEC-**
2 **TIONS FOR ALL MOVEMENT TO OR FROM THE**
3 **STATE OF HAWAII.**

4 Section 10811 of the Farm Security and Rural In-
5 vestment Act of 2002 (7 U.S.C. 8307 note) is amended
6 to read as follows:

7 **“SEC. 10811. PRECLEARANCE QUARANTINE INSPECTIONS.**

8 “(a) PRECLEARANCE INSPECTIONS REQUIRED.—The
9 Secretary of Agriculture, acting through the Adminis-
10 trator of the Animal and Plant Health Inspection Service,
11 in cooperation with the Secretary of the Interior, the Sec-
12 retary of Homeland Security, the Secretary of Commerce,
13 the Secretary of the Treasury, the government of Hawaii,
14 and each of their respective quarantine, natural resource,
15 conservation, and law enforcement agencies and officers,
16 as appropriate, shall conduct visual, x-ray, and canine
17 preclearance quarantine inspections of persons, baggage,
18 cargo, and any other articles destined for direct movement
19 to or from the State of Hawaii by either domestic or inter-
20 national travel for high-risk invasive species and agricul-
21 tural materials.

22 “(b) INSPECTION LOCATIONS.—The domestic
23 preclearance quarantine inspections required by sub-
24 section (a) shall be conducted prior to direct travel to or
25 from the State of Hawaii at all—

26 “(1) departure and interline airports;

1 “(2) ports of departure; and

2 “(3) destination sectional center facilities of the
3 United States Postal Service.

4 “(c) INVASIVE SPECIES AND AGRICULTURAL MATE-
5 RIALS.—The Secretary of Agriculture, acting through the
6 Administrator of the Animal and Plant Health Inspection
7 Service and in consultation with the government of Ha-
8 waii, shall develop a list of items subject to inspection for
9 purposes of screening pursuant to subsection (a).

10 “(d) PUBLICATION IN FEDERAL REGISTER.—Not
11 later than 180 days after the date of the enactment of
12 the Hawaii Invasive Species Protection Act, the Secretary
13 of Agriculture, acting through the Administrator of the
14 Animal and Plant Health Inspection Service and in co-
15 operation with the government of Hawaii, shall publish in
16 the Federal Register the list developed pursuant to sub-
17 section (c).

18 “(e) SEIZURE AND DISPOSAL.—High-risk invasive
19 species and agricultural material discovered under sub-
20 section (a) may be seized and disposed of in accordance
21 with section 10407.”.

22 **SEC. 3. PRECLEARANCE QUARANTINE INSPECTIONS FOR**
23 **PLANTS.**

24 Section 421(b) of the Plant Protection Act (7 U.S.C.
25 7731(b)) is amended—

1 (1) in paragraph (1), by inserting before the
2 semicolon at the end the following: “(including high-
3 risk invasive species and agricultural materials into
4 the State of Hawaii in accordance with section
5 10811(c) of the Farm Security and Rural Invest-
6 ment Act of 2002 (7 U.S.C. 8307(c) note)”;

7 (2) in paragraph (2), by inserting before the
8 semicolon at the end the following: “(including high-
9 risk invasive species and agricultural materials into
10 the State of Hawaii in accordance with section
11 10811(c) of the Farm Security and Rural Invest-
12 ment Act of 2002 (7 U.S.C. 8307(c) note)”;

13 (3) in paragraph (3), by inserting before the pe-
14 riod at the end the following: “(including high-risk
15 invasive species and agricultural materials into the
16 State of Hawaii in accordance with section 10811(c)
17 of the Farm Security and Rural Investment Act of
18 2002 (7 U.S.C. 8307(c) note)”.

19 **SEC. 4. COLLECTION OF FEES FOR INSPECTION SERVICES.**

20 Section 2509 of the Food, Agricultural, Conservation
21 and Trade Act of 1990 (21 U.S.C. 136a(a)) is amended—

22 (1) in subsection (a)(1)(A), by inserting “in-
23 cluding the cost of such services provided in connec-
24 tion with the arrival in Hawaii, with respect to
25 screening for high-risk invasive species under section

1 10811 of the Farm Security and Rural Investment
2 Act of 2002 (7 U.S.C. 8307 note),” after “port in
3 the customs territory of the United States,”; and

4 (2) in subsection (c)(1), by inserting before the
5 period at the end the following: “, including with re-
6 spect to screening conducted in connection with re-
7 spect to the import, entry, and exportation to or
8 from Hawaii of high-risk invasive species under sec-
9 tion 10811 of the Farm Security and Rural Invest-
10 ment Act of 2002 (7 U.S.C. 8307 note)”.

11 **SEC. 5. FEES FOR INSPECTION OF PLANTS FOR EXPORTING**
12 **OR TRANSITING.**

13 Section 102(f) of the Department of Agriculture Or-
14 ganic Act of 1944 (7 U.S.C. 7759(f)) is amended by add-
15 ing at the end the following new paragraph:

16 “(3) The Secretary of Agriculture shall pre-
17 scribe and collect user fees sufficient to cover the
18 full cost of preclearance quarantine inspections con-
19 ducted under section 10811 of the Farm Security
20 and Rural Investment Act of 2002 (7 U.S.C. 8307
21 note).”.

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