

**Executive Documents****TRANSFER OF FUNCTIONS**

Functions of Secretary of Agriculture administered through Bureau of Biological Survey, relating to conservation of wildlife, game, and migratory birds, transferred to Secretary of the Interior by 1939 Reorg. Plan No. II, §4(f), eff. July 1, 1939, set out in the Appendix to Title 5, Government Organization and Employees. See also sections 401 to 404 of said plan for provisions relating to transfer of functions, records, property, personnel, and funds.

**§ 8353. Control of nuisance mammals and birds and those constituting reservoirs of zoonotic diseases; exception**

On and after December 22, 1987, the Secretary of Agriculture is authorized, except for urban rodent control, to conduct activities and to enter into agreements with States, local jurisdictions, individuals, and public and private agencies, organizations, and institutions in the control of nuisance mammals and birds and those mammal and bird species that are reservoirs for zoonotic diseases, and to deposit any money collected under any such agreement into the appropriation accounts that incur the costs to be available immediately and to remain available until expended for Animal Damage Control activities.

(Pub. L. 100-202, §101(k) [title I], Dec. 22, 1987, 101 Stat. 1329-322, 1329-331.)

**Editorial Notes****CODIFICATION**

Section was formerly classified to section 426c of this title prior to editorial reclassification and renumbering as this section.

**§ 8354. Expenditures for cooperative agreements to lease aircraft**

On and after November 10, 2005, notwithstanding any other provision of law, the Secretary of Agriculture may use appropriations available to the Secretary for activities authorized under sections 8351 to 8353<sup>1</sup> of this title, under this or any other Act, to enter into cooperative agreements, with a State, political subdivision, or agency thereof, a public or private agency, organization, or any other person, to lease aircraft if the Secretary determines that the objectives of the agreement will: (1) serve a mutual interest of the parties to the agreement in carrying out the programs administered by the Animal and Plant Health Inspection Service, Wildlife Services; and (2) all parties will contribute resources to the accomplishment of these objectives; award of a cooperative agreement authorized by the Secretary may be made for an initial term not to exceed 5 years.

(Pub. L. 109-97, title VII, §749, Nov. 10, 2005, 119 Stat. 2156.)

**Editorial Notes****REFERENCES IN TEXT**

Sections 8351 to 8353 of this title, referred to in text, was in the original a reference to “sections 426-426c of

title 7, United States Code” and was translated as meaning act Mar. 2, 1931, ch. 370, 46 Stat. 1468, and Pub. L. 100-202, §101(k) [title I], Dec. 22, 1987, 101 Stat. 1329-322, 1329-331, which were formerly classified to sections 426 to 426c of this title. Sections 1 and 3 of the act of Mar. 2, 1931, which were formerly classified to sections 426 and 426b of this title, were editorially reclassified as sections 8351 and 8352, respectively, of this title. Section 2 of the act of Mar. 2, 1931, which was formerly classified to section 426a of this title, was omitted from the Code as obsolete. Pub. L. 100-202, §101(k) [title I], Dec. 22, 1987, 101 Stat. 1329-322, 1329-331, which was formerly classified to section 426c of this title, was editorially reclassified as section 8353 of this title.

**CODIFICATION**

Section was formerly classified to section 426d of this title prior to editorial reclassification and renumbering as this section.

**PRIOR PROVISIONS**

Provisions similar to those in this section were contained in the following prior appropriation acts:

Pub. L. 108-447, div. A, title VII, §758, Dec. 8, 2004, 118 Stat. 2846.

Pub. L. 108-199, div. A, title VII, §776, Jan. 23, 2004, 118 Stat. 41.

**§ 8355. Losses of livestock due to depredation by federally protected species**

**(a) Definitions**

In this section:

**(1) Depredation****(A) In general**

The term “depredation” means actual death, injury, or destruction of livestock that is caused by a federally protected species.

**(B) Exclusions**

The term “depredation” does not include damage to real or personal property other than livestock, including—

- (i) damage to—
  - (I) other animals;
  - (II) vegetation;
  - (III) motor vehicles; or
  - (IV) structures;
- (ii) diseases;
- (iii) lost profits; or
- (iv) consequential damages.

**(2) Federally protected species**

The term “federally protected species” means a species that is or previously was protected under—

- (A) the Act of June 8, 1940 (commonly known as the “Bald and Golden Eagle Protection Act”) (54 Stat. 250, chapter 278; 16 U.S.C. 668 et seq.);
- (B) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); or
- (C) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.).

**(3) Indian Tribe**

The term “Indian Tribe” has the meaning given to the term “Indian tribe” in section 5304 of title 25.

**(4) Livestock****(A) In general**

The term “livestock” means horses, mules and asses, rabbits, llamas, cattle, bison,

<sup>1</sup> See Reference in Text note below.