

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 8353¹ 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,

¹ See Reference in Text note below.

swine, sheep, goats, poultry, bees, honey and beehives, or any other animal generally used for food or in the production of food or fiber.

(B) Inclusion

The term “livestock” includes guard animals actively engaged in the protection of livestock described in subparagraph (A).

(5) Program

The term “program” means the grant program established under subsection (b)(1).

(6) Secretaries

The term “Secretaries” means—

(A) the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service; and

(B) the Secretary of Agriculture, acting through the Administrator of the Animal and Plant Health Inspection Service.

(b) Grant program for losses of livestock due to depredation by federally protected species

(1) In general

The Secretaries shall establish a program to provide grants to States and Indian Tribes to supplement amounts provided by States, Indian Tribes, or State agencies under 1 or more programs established by the States and Indian Tribes (including programs established after October 30, 2020)—

(A) to assist livestock producers in carrying out—

(i) proactive and nonlethal activities to reduce the risk of livestock loss due to depredation by federally protected species occurring on—

(I) Federal, State, or private land within the applicable State; or

(II) land owned by, or held in trust for the benefit of, the applicable Indian Tribe; and

(ii) research relating to the activities described in clause (i); and

(B) to compensate livestock producers for livestock losses due to depredation by federally protected species occurring on—

(i) Federal, State, or private land within the applicable State; or

(ii) land owned by, or held in trust for the benefit of, the applicable Indian Tribe.

(2) Allocation of funding

(A) Reports to the secretaries

Not later than September 30 of each year, a State or Indian Tribe desiring to receive a grant under the program shall submit to the Secretaries a report describing, for the 1-year period ending on that September 30, the losses of livestock due to depredation by federally protected species occurring on—

(i) Federal, State, or private land within the applicable State; or

(ii) land owned by, or held in trust for the benefit of, the applicable Indian Tribe.

(B) Allocation

The Secretaries shall allocate available funding to carry out this Act among States and Indian Tribes for a 1-year period ending

on September 30 based on the losses described in the reports submitted for the previous 1-year period ending on September 30 under subparagraph (A).

(3) Eligibility

To be eligible to receive a grant under paragraph (1), a State or Indian Tribe shall—

(A) designate an appropriate agency of the State or Indian Tribe to administer the 1 or more programs supplemented by the grant funds;

(B) establish 1 or more accounts to receive grant funds;

(C) maintain files of all claims received and paid under grant-funded programs, including supporting documentation; and

(D) submit to the Secretaries—

(i) annual reports that include—

(I) a summary of claims and expenditures under the program during the year; and

(II) a description of any action taken on the claims; and

(ii) such other reports as the Secretaries may require to assist the Secretaries in determining the effectiveness of assisted activities under this section.

(c) Sense of Congress

It is the sense of Congress that—

(1) no State or Indian Tribe is required to participate in the program; and

(2) the program supplements, and does not replace or supplant, any State compensation programs for depredation.

(d) Authorization of appropriations

There is authorized to be appropriated to carry out this section \$15,000,000 for each of fiscal years 2021 through 2030, of which—

(1) \$5,000,000 shall be used to provide grants for the purposes described in subsection (b)(1)(A); and

(2) \$10,000,000 shall be used to provide grants for the purpose described in subsection (b)(1)(B).

(Pub. L. 116–188, title I, §102, Oct. 30, 2020, 134 Stat. 908; Pub. L. 118–198, title I, §101, Dec. 23, 2024, 138 Stat. 2678.)

Editorial Notes

REFERENCES IN TEXT

The Act of June 8, 1940 (commonly known as the “Bald and Golden Eagle Protection Act”), referred to in subsec. (a)(2)(A), is act June 8, 1940, ch. 278, 54 Stat. 250, which is classified generally to subchapter II of chapter 5A (§668 et seq.) of Title 16, Conservation. The Act is also commonly known as the Bald Eagle Protection Act. For complete classification of this Act to the Code, see Tables.

The Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), referred to in subsec. (a)(2)(B), is Pub. L. 93–205, Dec. 28, 1973, 87 Stat. 884, which is classified principally to chapter 35 (§1531 et seq.) of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 1531 of Title 16 and Tables.

The Migratory Bird Treaty Act (16 U.S.C. 703 et seq.), referred to in subsec. (a)(2)(C), is act July 3, 1918, ch. 128, 40 Stat. 755, which is classified generally to subchapter II (§703 et seq.) of chapter 7 of Title 16, Con-

servation. For complete classification of this Act to the Code, see section 710 of Title 16 and Tables.

This Act, referred to in subsec. (b)(2)(B), is Pub. L. 116-188, Oct. 30, 2020, 134 Stat. 905, known as the America's Conservation Enhancement Act. For complete classification of this Act to the Code, see Short Title note set out under section 8201 of Title 16, Conservation, and Tables.

AMENDMENTS

2024—Subsec. (d). Pub. L. 118-198 substituted “2030” for “2025” in introductory provisions.

§ 8356. Depredation permits for black vultures and common ravens; black vulture livestock protection program

(a) Depredation permits for black vultures and common ravens

(1) In general

The Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service (referred to in this section as the “Secretary”), may issue depredation permits to livestock producers authorizing takings of black vultures or common ravens otherwise prohibited by Federal law to prevent those vultures or common ravens from taking livestock during the calving season or lambing season.

(2) Limited to affected States or regions

The Secretary may issue permits under paragraph (1) only to livestock producers in States and regions in which livestock producers are affected or have been affected in the previous year by black vultures or common ravens, as determined by Secretary.

(3) Reporting

The Secretary shall require, as a condition of a permit under paragraph (1), that the permit holder shall report to the appropriate enforcement agencies the takings of black vultures or common ravens pursuant to the permit.

(b) Black vulture livestock protection program

(1) In general

The Secretary, in coordination with States, shall carry out, through fiscal year 2030, a black vulture livestock protection program (referred to in this subsection as the “program”) that allows 1 public entity or Farm Bureau organization per State to hold a state-wide depredation permit to protect commercial agriculture livestock from black vulture predation.

(2) Requirements

Each public entity or Farm Bureau organization that holds a depredation permit under the program—

(A) shall—

(i) demonstrate sufficient experience and capacity to provide government regulated services to the public, as determined by the Secretary;

(ii) submit a complete depredation permit application, as determined by the Secretary, for review and approval according to procedures of the United States Fish and Wildlife Service;

(iii) be responsible for complying with, and ensuring subpermittee compliance with, as applicable, all permit conditions; and

(iv) be responsible for collecting, managing, and reporting required information under the permit; and

(B) may subpermit to livestock producers to take black vultures for the purposes of livestock protection.

(3) Study

The Secretary, in consultation with the Secretary of Agriculture, acting through the Administrator of the Animal and Plant Health Inspection Service, shall carry out a study on whether prescribed take levels of black vultures may be increased for subpermittees within a biologically sustainable take level for the population.

(4) Report

Not later than 1 year after December 23, 2024, the Secretary, in consultation with the Secretary of Agriculture, acting through the Administrator of the Animal and Plant Health Inspection Service, shall submit to the Chair and Ranking Member of the Committee on Environment and Public Works of the Senate and the Chair and Ranking Member of the Committee on Natural Resources of the House of Representatives a report on the status of the program, including the results of the study required under paragraph (3).

(Pub. L. 116-188, title I, §103, Oct. 30, 2020, 134 Stat. 911; Pub. L. 118-198, title I, §102, Dec. 23, 2024, 138 Stat. 2678.)

Editorial Notes

AMENDMENTS

2024—Pub. L. 118-198, §102(2), (4), (5), designated existing provisions as subsec. (a) and inserted heading, redesignated former subsecs. (a) to (c) as pars. (1) to (3), respectively, of subsec. (a) and realigned margins, and added subsec. (b).

Pub. L. 118-198, §102(1), inserted “; black vulture livestock protection program” after “common ravens” in section catchline.

Subsec. (a)(2), (3). Pub. L. 118-198, §102(3), substituted “paragraph (1)” for “subsection (a)”.

Subsecs. (b), (c). Pub. L. 118-198, §102(2), (5), added subsec. (b) and redesignated former subsecs. (b) and (c) as pars. (2) and (3), respectively, of subsec. (a).

CHAPTER 110—ENHANCING CONTROLS ON DANGEROUS BIOLOGICAL AGENTS AND TOXINS

SUBCHAPTER I—DEPARTMENT OF AGRICULTURE

Sec.

8401. Regulation of certain biological agents and toxins.

SUBCHAPTER II—INTERAGENCY COORDINATION REGARDING OVERLAP AGENTS AND TOXINS

8411. Interagency coordination.