

“(1) eradicate or control feral swine in the pilot areas; and

“(2) restore damage caused by feral swine.

“(d) COORDINATION.—The Secretary shall ensure that the Natural Resources Conservation Service and the Animal and Plant Health Inspection Service coordinate for purposes of this section through State technical committees established under section 1261(a) of the Food Security Act of 1985 (16 U.S.C. 3861(a)).

“(e) PILOT AREAS.—The Secretary shall carry out the pilot program in areas of States in which feral swine have been identified as a threat to agriculture, native ecosystems, or human or animal health, as determined by the Secretary.

“(f) COST SHARING.—

“(1) FEDERAL SHARE.—The Federal share of the costs of activities under the pilot program may not exceed 75 percent of the total costs of such activities.

“(2) IN-KIND CONTRIBUTIONS.—The non-Federal share of the costs of activities under the pilot program may be provided in the form of in-kind contributions of materials or services.

“(g) FUNDING.—

“(1) MANDATORY FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section \$75,000,000 for the period of fiscal years 2019 through 2023.

“(2) DISTRIBUTION OF FUNDS.—Of the funds made available under paragraph (1)—

“(A) 50 percent shall be allocated to the Natural Resources Conservation Service to carry out the pilot program, including the provision of financial assistance to producers for on-farm trapping and technology related to capturing and confining feral swine; and

“(B) 50 percent shall be allocated to the Animal and Plant Health Inspection Service to carry out the pilot program, including the use of established, and testing of innovative, population reduction methods.

“(3) LIMITATION ON ADMINISTRATIVE EXPENSES.—Not more than 10 percent of funds made available under this section may be used for administrative expenses of the pilot program.”

WOLF LIVESTOCK LOSS DEMONSTRATION PROJECT

Pub. L. 111–11, title VI, subtitle C, Mar. 30, 2009, 123 Stat. 1170, provided that:

“SEC. 6201. DEFINITIONS.

“In this subtitle:

“(1) INDIAN TRIBE.—The term ‘Indian tribe’ has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b) [now 25 U.S.C. 5304].

“(2) LIVESTOCK.—The term ‘livestock’ means cattle, swine, horses, mules, sheep, goats, livestock guard animals, and other domestic animals, as determined by the Secretary.

“(3) PROGRAM.—The term ‘program’ means the demonstration program established under section 6202(a).

“(4) SECRETARIES.—The term ‘Secretaries’ means the Secretary of the Interior and the Secretary of Agriculture, acting jointly.

“SEC. 6202. WOLF COMPENSATION AND PREVENTION PROGRAM.

“(a) IN GENERAL.—The Secretaries shall establish a 5-year demonstration program to provide grants to States and Indian tribes—

“(1) to assist livestock producers in undertaking proactive, non-lethal activities to reduce the risk of livestock loss due to predation by wolves; and

“(2) to compensate livestock producers for livestock losses due to such predation.

“(b) CRITERIA AND REQUIREMENTS.—The Secretaries shall—

“(1) establish criteria and requirements to implement the program; and

“(2) when promulgating regulations to implement the program under paragraph (1), consult with States

that have implemented State programs that provide assistance to—

“(A) livestock producers to undertake proactive activities to reduce the risk of livestock loss due to predation by wolves; or

“(B) provide compensation to livestock producers for livestock losses due to such predation.

“(c) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), a State or Indian tribe shall—

“(1) designate an appropriate agency of the State or Indian tribe to administer the 1 or more programs funded by the grant;

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

“(3) maintain files of all claims received under programs funded by the grant, including supporting documentation;

“(4) submit to the Secretary—

“(A) 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

“(B) such other reports as the Secretary may require to assist the Secretary in determining the effectiveness of activities provided assistance under this section; and

“(5) promulgate rules for reimbursing livestock producers under the program.

“(d) ALLOCATION OF FUNDING.—The Secretaries shall allocate funding made available to carry out this subtitle—

“(1) equally between the uses identified in paragraphs (1) and (2) of subsection (a); and

“(2) among States and Indian tribes based on—

“(A) the level of livestock predation in the State or on the land owned by, or held in trust for the benefit of, the Indian tribe;

“(B) whether the State or Indian tribe is located in a geographical area that is at high risk for livestock predation; or

“(C) any other factors that the Secretaries determine are appropriate.

“(e) ELIGIBLE LAND.—Activities and losses described in subsection (a) may occur on Federal, State, or private land, or land owned by, or held in trust for the benefit of, an Indian tribe.

“(f) FEDERAL COST SHARE.—The Federal share of the cost of any activity provided assistance made available under this subtitle shall not exceed 50 percent of the total cost of the activity.

“SEC. 6203. AUTHORIZATION OF APPROPRIATIONS.

“There is authorized to be appropriated to carry out this subtitle \$1,000,000 for fiscal year 2009 and each fiscal year thereafter.”

§ 8352. Authorization of expenditures for the eradication and control of predatory and other wild animals

The Secretary of Agriculture is authorized to make such expenditures for equipment, supplies, and materials, including the employment of persons and means in the District of Columbia and elsewhere, and to employ such means as may be necessary to execute the functions imposed upon him by section 8351 of this title.

(Mar. 2, 1931, ch. 370, § 3, 46 Stat. 1469.)

CODIFICATION

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

TRANSFER OF FUNCTIONS

Functions of Secretary of Agriculture administered through Bureau of Biological Survey, relating to con-

servation 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.)

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.)

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

¹ See Reference in Text note below.

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.

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.

SUBCHAPTER I—DEPARTMENT OF AGRICULTURE

§ 8401. Regulation of certain biological agents and toxins

(a) Regulatory control of certain biological agents and toxins

(1) List of biological agents and toxins

(A) In general

The Secretary of Agriculture shall by regulation establish and maintain a list of each biological agent and each toxin that the Secretary determines has the potential to pose a severe threat to animal or plant health, or to animal or plant products.

(B) Criteria

In determining whether to include an agent or toxin on the list under subparagraph (A), the Secretary shall—

(i) consider—

(I) the effect of exposure to the agent or toxin on animal or plant health, and on the production and marketability of animal or plant products;

(II) the pathogenicity of the agent or the toxicity of the toxin and the methods by which the agent or toxin is transferred to animals or plants;

(III) the availability and effectiveness of pharmacotherapies and prophylaxis to treat and prevent any illness caused by the agent or toxin;

(IV)(aa) whether such inclusion would have a substantial negative impact on the research and development of solutions for the animal or plant disease caused by the agent or toxin; and

(bb) whether the negative impact described in item (aa) would substantially outweigh the risk posed by the agent or toxin to animal or plant health if it is not included on the list; and