

date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as a note under section 8701 of this title.

CHAPTER 109A—CONTROL OF WILD ANIMALS

Sec.	
8351.	Predatory and other wild animals.
8352.	Authorization of expenditures for the eradication and control of predatory and other wild animals.
8353.	Control of nuisance mammals and birds and those constituting reservoirs of zoonotic diseases; exception.
8354.	Expenditures for cooperative agreements to lease aircraft.

§ 8351. Predatory and other wild animals

(a) In general

The Secretary of Agriculture may conduct a program of wildlife services with respect to injurious animal species and take any action the Secretary considers necessary in conducting the program.

(b) Administration

The Secretary shall administer the program in a manner consistent with all of the wildlife services authorities in effect on the day before October 28, 2000.

(c) Action by FWS

The Director of the United States Fish and Wildlife Service shall use the most expeditious procedure practicable to process and administer permits for take of—

(1) a depredating eagle under the Act of June 8, 1940 (commonly known as the “Bald Eagle Protection Act”) (54 Stat. 250, chapter 278; 16 U.S.C. 668 et seq.), or sections 22.11 through 22.32 of title 50, Code of Federal Regulations (or successor regulations) (including depredation of livestock, wildlife, and species protected under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) or any other Federal management program); or

(2) a migratory bird included on the list under section 10.13 of title 50, Code of Federal Regulations (or successor regulations) that is posing a conflict.

(Mar. 2, 1931, ch. 370, §1, 46 Stat. 1468; Pub. L. 102-237, title X, §1013(d), Dec. 13, 1991, 105 Stat. 1901; Pub. L. 106-387, §1(a) [title VII, §767], Oct. 28, 2000, 114 Stat. 1549, 1549A-44; Pub. L. 115-270, title IV, §4307, Oct. 23, 2018, 132 Stat. 3886.)

REFERENCES IN TEXT

The Act of June 8, 1940 (commonly known as the Bald Eagle Protection Act), referred to in subsec. (c)(1), 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. For complete classification of this Act to the Code, see Tables.

The Endangered Species Act of 1973, referred to in subsec. (c)(1), 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.

CODIFICATION

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

AMENDMENTS

2018—Pub. L. 115-270 designated first and second sentences as subsecs. (a) and (b), respectively, inserted subsec. headings, and added subsec. (c).

2000—Pub. L. 106-387 inserted section catchline and amended text generally. Prior to amendment, text read as follows: “The Secretary of Agriculture is authorized and directed to conduct such investigations, experiments, and tests as he may deem necessary in order to determine, demonstrate, and promulgate the best methods of eradication, suppression, or bringing under control on national forests and other areas of the public domain as well as on State, Territory, or privately owned lands of mountain lions, wolves, coyotes, bobcats, prairie dogs, gophers, ground squirrels, jack rabbits, brown tree snakes, and other animals injurious to agriculture, horticulture, forestry, animal husbandry, wild game animals, fur-bearing animals, and birds, and for the protection of stock and other domestic animals through the suppression of rabies and tularemia in predatory or other wild animals; and to conduct campaigns for the destruction or control of such animals: *Provided*, That in carrying out the provisions of this section the Secretary of Agriculture may cooperate with States, individuals, and public and private agencies, organizations, and institutions.”

1991—Pub. L. 102-237 inserted “brown tree snakes,” after “rabbits.”

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.

Pub. L. 99-190, §101(a) [H.R. 3037, title I, §101], Dec. 19, 1985, 99 Stat. 1185; Pub. L. 100-202, §106, Dec. 22, 1987, 101 Stat. 1329-433, provided in part: “That effective upon the date of enactment of this Act [Dec. 19, 1985] and notwithstanding any other provision of law, the authorities of the Secretary of Agriculture under the Act of March 2, 1931 (46 Stat. 1468; 7 U.S.C. 426-426b) [now 7 U.S.C. 8351, 8352], (transferred to the Secretary of the Interior pursuant to section 4(f) of 1939 Reorganization Plan No. II) and all personnel, property, records, unexpended balances of appropriations, allocations and other funds of the Fish and Wildlife Service, United States Department of the Interior used, held, available or to be made available in connection with the administration of such Act, are hereby transferred from the Secretary of the Interior to the Secretary of Agriculture, and this appropriation shall be available to carry out such authorities.”

FERAL SWINE ERADICATION AND CONTROL PILOT PROGRAM

Pub. L. 115-334, title II, §2408, Dec. 20, 2018, 132 Stat. 4574, provided that:

“(a) IN GENERAL.—The Secretary [of Agriculture] shall establish a feral swine eradication and control pilot program to respond to the threat feral swine pose to agriculture, native ecosystems, and human and animal health.

“(b) DUTIES OF THE SECRETARY.—In carrying out the pilot program, the Secretary shall—

“(1) study and assess the nature and extent of damage to the pilot areas caused by feral swine;

“(2) develop methods to eradicate or control feral swine in the pilot areas;

“(3) develop methods to restore damage caused by feral swine; and

“(4) provide financial assistance to agricultural producers in pilot areas.

“(c) ASSISTANCE.—The Secretary may provide financial assistance to agricultural producers under the pilot program to implement methods to—