

CODIFICATION

Section was enacted as part of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002, and not as part of the Animal Health Protection Act which comprises this chapter.

§ 8321. Pest and Disease Response Fund**(a) Establishment**

There is established on the books of the Treasury an account to be known as the “Pest and Disease Response Fund”. There shall be deposited into the Fund any proceeds received by the Secretary of Agriculture as reimbursement for services provided by the Secretary using amounts in the Fund.

(b) Availability

Amounts in the Fund shall remain available until expended.

(c) Use of Fund

In implementing the Animal Health Protection Act (7 U.S.C. 8301 et seq.) and the Plant Protection Act (7 U.S.C. 7701 et seq.), the Secretary of Agriculture shall have complete discretion regarding the use of amounts in the Fund to support emergency eradication and research activities in response to economic and health threats posed by pests and diseases affecting agricultural commodities.

(d) Authorization of appropriations

For each of the fiscal years 2005 through 2009, there is authorized to be appropriated to the Secretary of Agriculture \$1,000,000 for deposit in the Fund.

(Pub. L. 108-465, title IV, §401, Dec. 21, 2004, 118 Stat. 3886.)

REFERENCES IN TEXT

The Animal Health Protection Act, referred to in subsec. (c), is subtitle E (§§10401–10418) of title X of Pub. L. 107-171, May 13, 2002, 116 Stat. 494, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 8301 of this title and Tables.

The Plant Protection Act, referred to in subsec. (c), is title IV of Pub. L. 106-224, June 20, 2000, 114 Stat. 438, as amended, which is classified principally to chapter 104 (§7701 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 7701 of this title and Tables.

CODIFICATION

Section was enacted as part of the Specialty Crops Competitiveness Act of 2004, and not as part of the Animal Health Protection Act which comprises this chapter.

§ 8322. National aquatic animal health plan**(a) In general**

The Secretary of Agriculture may enter into a cooperative agreement with an eligible entity to carry out a project under a national aquatic animal health plan under the authority of the Secretary under section 10411 of the Animal Health Protection Act (7 U.S.C. 8310) for the purpose of detecting, controlling, or eradicating diseases of aquaculture species and promoting species-specific best management practices.

(b) Cooperative agreements between eligible entities and the Secretary**(1) Duties**

As a condition of entering into a cooperative agreement with the Secretary under this section, an eligible entity shall agree to—

(A) assume responsibility for the non-Federal share of the cost of carrying out the project under the national aquatic health plan, as determined by the Secretary in accordance with paragraph (2); and

(B) act in accordance with applicable disease and species specific best management practices relating to activities to be carried out under such project.

(2) Non-Federal share

The Secretary shall determine the non-Federal share of the cost of carrying out a project under the national aquatic health plan on a case-by-case basis for each such project. Such non-Federal share may be provided in cash or in-kind.

(c) Applicability of other laws

In carrying out this section, the Secretary may make use of the authorities under the Animal Health Protection Act (7 U.S.C. 8301 et seq.), including the authority to carry out operations and measures to detect, control, and eradicate pests and diseases and the authority to pay claims arising out of the destruction of any animal, article, or means of conveyance.

(d) Eligible entity defined

In this section, the term “eligible entity” means a State, a political subdivision of a State, Indian tribe, or other appropriate entity, as determined by the Secretary of Agriculture.

(Pub. L. 110-234, title XI, §11013, May 22, 2008, 122 Stat. 1361; Pub. L. 110-246, §4(a), title XI, §11013, June 18, 2008, 122 Stat. 1664, 2122; Pub. L. 113-79, title XII, §12103, Feb. 7, 2014, 128 Stat. 979; Pub. L. 115-334, title XII, §12105, Dec. 20, 2018, 132 Stat. 4943.)

REFERENCES IN TEXT

The Animal Health Protection Act, referred to in subsec. (c), is subtitle E (§§10401–10418) of title X of Pub. L. 107-171, May 13, 2002, 116 Stat. 494, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 8301 of this title and Tables.

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 enacted identical sections. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

Section was enacted as part of the Food, Conservation, and Energy Act of 2008, and not as part of the Animal Health Protection Act, which in part comprises this chapter.

AMENDMENTS

2018—Subsecs. (d), (e). Pub. L. 115-334 redesignated subsec. (e) as (d) and struck out former subsec. (d). Prior to amendment, text of subsec. (d) read as follows: “There is authorized to be appropriated such sums as may be necessary to carry out this section for each of fiscal years 2008 through 2018.”

2014—Subsec. (d). Pub. L. 113-79 substituted “2018” for “2012”.

EFFECTIVE DATE

Enactment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the

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.
8355.	Losses of livestock due to depredation by federally protected species.
8356.	Depredation permits for black vultures and common ravens.

§ 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 service 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 depredate 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