

(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 2025, 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.)

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, Conservation. 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.

§ 8356. Depredation permits for black vultures and common ravens

(a) 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.

(b) Limited to affected States or regions

The Secretary may issue permits under subsection (a) 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.

(c) Reporting

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

(Pub. L. 116-188, title I, §103, Oct. 30, 2020, 134 Stat. 911.)

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

(V) any other criteria that the Secretary considers appropriate to protect animal or plant health, or animal or plant products; and

(ii) consult with appropriate Federal departments and agencies and with scientific experts representing appropriate professional groups.

(2) Biennial review

The Secretary shall review and republish the list under paragraph (1) biennially, or more often as needed, and shall by regulation revise the list as necessary in accordance with such paragraph.

(b) Regulation of transfers of listed agents and toxins

The Secretary shall by regulation provide for—

(1) the establishment and enforcement of safety procedures for the transfer of listed agents and toxins, including measures to ensure—

(A) proper training and appropriate skills to handle such agents and toxins; and

(B) proper laboratory facilities to contain and dispose of such agents and toxins;

(2) the establishment and enforcement of safeguard and security measures to prevent access to such agents and toxins for use in domestic or international terrorism or for any other criminal purpose;

(3) the establishment of procedures to protect animal and plant health, and animal and plant products, in the event of a transfer or potential transfer of such an agent or toxin in violation of the safety procedures established under paragraph (1) or the safeguard and security measures established under paragraph (2); and

(4) appropriate availability of biological agents and toxins for research, education, and other legitimate purposes.

(c) Possession and use of listed agents and toxins

The Secretary shall by regulation provide for the establishment and enforcement of standards and procedures governing the possession and use of listed agents and toxins, including the provisions described in paragraphs (1) through (4) of subsection (b), in order to protect animal and plant health, and animal and plant products.

(d) Registration; identification; database

(1) Registration

Regulations under subsections (b) and (c) shall require registration with the Secretary of the possession, use, and transfer of listed agents and toxins, and shall include provisions to ensure that persons seeking to register under such regulations have a lawful purpose to possess, use, or transfer such agents and toxins, including provisions in accordance with subsection (e)(6).

(2) Identification; database

Regulations under subsections (b) and (c) shall require that registration include (if available to the person registering) information regarding the characterization of listed agents and toxins to facilitate their identification, including their source. The Secretary shall maintain a national database that includes the names and locations of registered persons, the listed agents and toxins such persons are possessing, using, or transferring, and information regarding the characterization of such agents and toxins.

(e) Safeguard and security requirements for registered persons

(1) In general

Regulations under subsections (b) and (c) shall include appropriate safeguard and security requirements for persons possessing, using, or transferring a listed agent or toxin commensurate with the risk such agent or toxin poses to animal and plant health, and animal and plant products (including the risk of use in domestic or international terrorism). The Secretary shall establish such requirements in collaboration with the Secretary of Homeland Security and the Attorney General, and shall ensure compliance with such requirements as part of the registration system under such regulations.

(2) Limiting access to listed agents and toxins

Requirements under paragraph (1) shall include provisions to ensure that registered persons—