

## Animal Damage Control Act

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### **§ 426. Predatory and other wild animals.**

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. 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.

CREDIT(S)

(Mar. 2, 1931, c. 370, § 1, 46 Stat. 1468; Dec. 13, 1991, Pub.L. 102-237, Title X, § 1013(d), 105 Stat. 1901; Oct. 28, 2000, Pub.L. 106-387, § 1(a) [Title VII, § 767], 114 Stat. 1549, 1549A-44.)

#### **Notes:**

#### **Transfer of Functions**

Provisions under the headings "Agricultural Programs" and "Advisory Committees" in H.R. 3037 [Agriculture, Rural Development, and Related Agencies Appropriations Act, 1986] as set out in the conference report and joint explanatory statement of the Committee of Conference filed in the House of Representatives on December 12,

1985, falling within the purview of the joint resolution making continuing appropriations for fiscal year 1986 [Pub.L. 99- 190, § 101(a), Dec. 19, 1985, 99 Stat. 1185], and as enacted into law by Pub.L. 100-202, § 106, Dec. 22, 1987, 101 Stat. 1329-433, provided: "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) [sections 426 to 426b of this title], (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."

Functions of Secretary of Agriculture administered through the Bureau of Biological Survey, relating to conservation of wildlife, game, and migratory birds were transferred to Secretary of 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.

### **Prevention of Introduction of Brown Tree Snakes to Hawaii from Guam**

Pub.L. 102-237, Title X, § 1013(a) to (c), Dec. 13, 1991, 105 Stat. 1901, as amended Pub.L. 105-277, Div. A, § 101(a) [Title VII, § 743], Oct. 21, 1998, 112 Stat. 2681-31, provided that:

"(a) In general.--The Secretary of Agriculture shall, take such action as may be necessary to prevent the inadvertent introduction of brown tree snakes into other areas of the United States from Guam.

"(b) Introduction into Hawaii.--The Secretary shall initiate a program to prevent, the introduction of the brown tree snake into Hawaii from Guam. In carrying out this section, the Secretary shall consider the use of sniffer or tracking dogs, snake traps, and other preventative processes or devices at aircraft and vessel loading facilities on Guam, Hawaii, or intermediate sites serving as transportation points that could result in the introduction of brown tree snakes into Hawaii.

"(c) Authority.--The Secretary shall use the authority provided under the Federal Plant Pest Act (7 U.S.C. 150aa et seq.) [section 150aa et seq. of this title] to carry out subsections (a) and (b)."

[Section 1013(a) to (c) of Pub.L. 102-237 effective Dec. 13, 1991, see section 1101(a) of Pub.L. 102-237, set out as a note under section 1421 of this title.]

### **Prevention of Transportation of Brown Tree Snakes on Aircraft and Vessels of Department of Defense**

Pub.L. 102-190, Div. A, Title III, § 348, Dec. 5, 1991, 105 Stat. 1348, provided that: "The Secretary of Defense shall take such action as may be necessary to prevent the inadvertent introduction of brown tree snakes from Guam to Hawaii in aircraft and vessels transporting personnel or cargo for the Department of Defense. In carrying out this section, the Secretary shall consider the use of sniffer or tracking dogs, snake traps, and other preventive processes or devices at aircraft and vessel loading facilities in Guam or Hawaii or at intermediate transit points for personnel or cargo transported between Guam and Hawaii."

### **§ 426a. Omitted**

### **§ 426b. 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 426 of this title.

CREDIT(S)

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

### **§ 426c. 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.

CREDIT(S)

(Pub.L. 100-202, § 101(k) [Title I], Dec. 22, 1987, 101 Stat. 1329-331.)

**§ 426d. Expenditures for cooperative agreements to lease aircraft [\[FN1\]](#)**

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 426--426c 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.

CREDIT(S)

(Pub.L. 109-97, Title VII, § 749, Nov. 10, 2005, 119 Stat. 2156.)

[\[FN1\]](#) Section nameline was editorially supplied.