Legal Authorities of Wildlife Services

Last Modified:

The WS Program's primary statutory authorities are found in two acts of Congress: The Act of March 2, 1931, (46 Stat. 1468-69; 7 USC §§ 8351-8352) as amended, and the Act of December 22, 1987 (Public Law No. 100-202, § 101(k), 101 Stat. 1329-331, 7 USC § 8353).

The Act of March 2, 1931, as amended (7 U.S.C. § 8351 – Predatory and other wild animals and § 8352 – Authorization of expenditures for the eradication and control of predatory and other wildlife animals), authorizes the Secretary of Agriculture to conduct a program of wildlife services with respect to injurious animal species and take any action the Secretary deems necessary in conducting the program. The Secretary of Agriculture has delegated this authority to WS.

The Act of December 22, 1987 (7 U.S.C. § 8353 - Control of nuisance mammals and birds and those constituting reservoirs of zoonotic diseases; exception) authorizes, except for urban rodent control, the Secretary of Agriculture to conduct activities and to enter into agreements with States, local jurisdictions, individuals, and public and private organizations and institutions for the control of nuisance mammals and birds and those mammal and bird species that are reservoirs of zoonotic diseases. The Secretary of Agriculture has delegated this authority to WS.

Additionally, the Brown Tree Snake Control and Eradication Act of 2004 (7 U.S.C. § 8501-8503 – Brown tree snake control and eradication) authorizes the Secretaries of the Department of Agriculture and the Department of the Interior, with respect to

matters under their respective jurisdictions, to provide for the control and eradication of the brown tree snake on the island of Guam and reduce the risk of the introduction or spread of any brown tree snake to areas in the United States and the Freely Associated States in which the brown tree snake is not established. The Secretary of Agriculture has delegated this authority to WS.

Background: Transfer of Functions

Prior to 1939, wildlife damage management functions were under the Secretary of Agriculture administered through the Bureau of Biological Survey. On July 1, 1939, functions relating to conservation of wildlife, game, and migratory birds, including, wildlife damage management, were transferred to the Secretary of Interior, United States Fish and Wildlife Service (The 1939 Reorganization Plan No. II, § 4(f)). On December 19, 1985, the wildlife damage management functions were transferred back to the Secretary of Agriculture (Public Law 99–190, §101(a) [H.R. 3037, title I, §101], Dec. 19 1985, 99 Stat. 1185).

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