

109TH CONGRESS  
1ST SESSION

# S. 126

To improve the administration of the Animal and Plant Health Inspection  
Service of the Department of Agriculture, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 24, 2005

Mrs. LINCOLN introduced the following bill; which was read twice and referred  
to the Committee on Environment and Public Works

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## A BILL

To improve the administration of the Animal and Plant  
Health Inspection Service of the Department of Agri-  
culture, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. ANIMAL AND PLANT HEALTH INSPECTION**  
4       **SERVICE.**

5       (a) DEFINITIONS.—In this section:

6               (1) SECRETARY.—The term “Secretary” means  
7       the Secretary of Agriculture, acting through the Ad-  
8       ministrators of the Service.

1           (2) SERVICE.—The term “Service” means the  
2       Animal and Plant Health Inspection Service of the  
3       Department of Agriculture.

4       (b) EXEMPTION.—Notwithstanding any other provi-  
5       sion of law, any migratory bird management carried out  
6       by the Secretary shall be exempt from the National Envi-  
7       ronmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)  
8       (including regulations).

9       (c) PERMITS; MANAGEMENT.—An agent, officer, or  
10      employee of the Service that carries out any activity relat-  
11      ing to migratory bird management may, under the Migra-  
12      tory Bird Treaty Act (16 U.S.C. 703 et seq.)—

13           (1) issue a depredation permit to a stakeholder  
14           or cooperator of the Service; and

15           (2) manage and take migratory birds.

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