

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec. (e)(2), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

The Food and Agriculture Act of 1977, referred to in subsec. (e)(2), is Pub. L. 95-113, Sept. 29, 1977, 91 Stat. 913, as amended. Title XVIII of the Act is classified generally to chapter 55A (§2281 et seq.) of this title. For complete classification of this Act to the Code, see Short Title of 1977 Amendment note set out under section 1281 of this title and Tables.

PRIOR PROVISIONS

A prior section 390b, Pub. L. 88-74, §3, July 22, 1963, 77 Stat. 90; Pub. L. 95-113, title XIV, §1416(l), Sept. 29, 1977, 91 Stat. 994; Pub. L. 99-198, title XIV, §1411(c), Dec. 23, 1985, 99 Stat. 1547, related to definitions, prior to the general amendment of this subchapter by Pub. L. 104-127.

A prior section 4 of Pub. L. 88-74 was classified to section 390c of this title prior to the general amendment of this subchapter by Pub. L. 104-127.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 390 of this title.

§ 390c. Applicability of Federal Advisory Committee Act

The Federal Advisory Committee Act (5 U.S.C. App.) and title XVIII of the Food and Agriculture Act of 1977 (7 U.S.C. 2281 et seq.) shall not apply to a panel or board created solely for the purpose of reviewing applications or proposals submitted under this subchapter.

(Pub. L. 88-74, §5, as added Pub. L. 104-127, title VIII, §884(a), Apr. 4, 1996, 110 Stat. 1179.)

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in text, is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

The Food and Agriculture Act of 1977, referred to in text, is Pub. L. 95-113, Sept. 29, 1977, 91 Stat. 913, as amended. Title XVIII of the Act is classified generally to chapter 55A (§2281 et seq.) of this title. For complete classification of this Act to the Code, see Short Title of 1977 Amendment note set out under section 1281 of this title and Tables.

PRIOR PROVISIONS

A prior section 390c, Pub. L. 88-74, §4, July 22, 1963, 77 Stat. 91; Pub. L. 95-113, title XIV, §1416(2), Sept. 29, 1977, 91 Stat. 994; Pub. L. 97-98, title XIV, §1416, Dec. 22, 1981, 95 Stat. 1304; Pub. L. 99-198, title XIV, §1411(d), Dec. 23, 1985, 99 Stat. 1548; Pub. L. 101-624, title XVI, §1601(a), Nov. 28, 1990, 104 Stat. 3703, related to appropriations and administrative authority, prior to the general amendment of this subchapter by Pub. L. 104-127.

A prior section 5 of Pub. L. 88-74 was classified to section 390d of this title prior to the general amendment of this subchapter by Pub. L. 104-127.

§ 390d. Authorization of appropriations

(a) In general

Subject to subsection (b) of this section, there are authorized to be appropriated such sums as are necessary for fiscal years 1996 and 1997 for the study, plan, design, structure, and related costs of agricultural research facilities under this subchapter.

(b) Allowable administrative costs

Not more than 3 percent of the funds made available for any project for an agricultural re-

search facility shall be available for administration of the project.

(Pub. L. 88-74, §6, as added Pub. L. 104-127, title VIII, §884(a), Apr. 4, 1996, 110 Stat. 1179.)

PRIOR PROVISIONS

A prior section 390d, Pub. L. 88-74, §5, July 22, 1963, 77 Stat. 91; Pub. L. 95-113, title XIV, §1416(2), Sept. 29, 1977, 91 Stat. 995; Pub. L. 99-198, title XIV, §1411(e), Dec. 23, 1985, 99 Stat. 1548, related to payment eligibility and facility proposals, prior to the general amendment of this subchapter by Pub. L. 104-127.

A prior section 6 of Pub. L. 88-74 was classified to section 390f of this title prior to the general amendment of this subchapter by Pub. L. 104-127.

Another prior section 6 of Pub. L. 88-74 was classified to section 390e of this title prior to repeal by Pub. L. 99-198.

A prior section 390e, Pub. L. 88-74, §6, July 22, 1963, 77 Stat. 91; Pub. L. 95-113, title XIV, §1416(2), Sept. 29, 1977, 91 Stat. 995, related to continuing availability of unused allotments to eligible institutions for a period of five fiscal years following the fiscal year of initial availability thereof, prior to repeal by Pub. L. 99-198, title XIV, §1411(f), Dec. 23, 1985, 99 Stat. 1548.

A prior section 390f, Pub. L. 88-74, §6, formerly §7, July 22, 1963, 77 Stat. 91; Pub. L. 95-113, title XIV, §1416(2), Sept. 29, 1977, 91 Stat. 995; renumbered §6 and amended Pub. L. 99-198, title XIV, §1411(g), (k), Dec. 23, 1985, 99 Stat. 1548, related to fund support basis for multiple-purpose equipment and physical facilities, prior to the general amendment of this subchapter by Pub. L. 104-127.

A prior section 390g, Pub. L. 88-74, §8, July 22, 1963, 77 Stat. 91; Pub. L. 95-113, title XIV, §1416(2), Sept. 29, 1977, 91 Stat. 995, related to ascertainment of the amount of the allocation to which each institution was entitled and written notification to each such institution, prior to repeal by Pub. L. 99-198, title XIV, §1411(h), Dec. 23, 1985, 99 Stat. 1548.

A prior section 390h, Pub. L. 88-74, §7, formerly §9, July 22, 1963, 77 Stat. 91; Pub. L. 94-273, §7(l), Apr. 21, 1976, 90 Stat. 378; Pub. L. 95-113, title XIV, §1416(2), Sept. 29, 1977, 91 Stat. 995; renumbered §7 and amended Pub. L. 99-198, title XIV, §1411(i), (k), Dec. 23, 1985, 99 Stat. 1548, related to fiscal accountability, prior to the general amendment of this subchapter by Pub. L. 104-127.

A prior section 390i, Pub. L. 88-74, §8, formerly §10, July 22, 1963, 77 Stat. 92; Pub. L. 95-113, title XIV, §1416(2), Sept. 29, 1977, 91 Stat. 995; renumbered §8 and amended Pub. L. 99-198, title XIV, §1411(j), (k), Dec. 23, 1985, 99 Stat. 1548, directed Secretary to submit annual reports to Congress with respect to research facility payments, prior to repeal by Pub. L. 104-66, title I, §1011(w), Dec. 21, 1995, 109 Stat. 711.

A prior section 8 of Pub. L. 88-74 was classified to section 390g of this title prior to repeal by Pub. L. 99-198.

A prior section 390j, Pub. L. 88-74, §9, formerly §11, July 22, 1963, 77 Stat. 92; Pub. L. 95-113, title XIV, §1416(2), Sept. 29, 1977, 91 Stat. 995; renumbered §9, Pub. L. 99-198, title XIV, §1411(k), Dec. 23, 1985, 99 Stat. 1548, related to availability of appropriated funds for administration, prior to the general amendment of this subchapter by Pub. L. 104-127.

A prior section 9 of Pub. L. 88-74 was renumbered section 7 and was classified to section 390h of this title, prior to the general amendment of this subchapter by Pub. L. 104-127.

A prior section 390k, Pub. L. 88-74, §12, July 22, 1963, 77 Stat. 92, authorized appropriation of such sums as might be necessary for proper administration of this subchapter, prior to repeal by Pub. L. 95-113, title XIV, §1416(2), Sept. 29, 1977, 91 Stat. 994, effective Oct. 1, 1977.

CHAPTER 15—BUREAU OF ANIMAL INDUSTRY

Sec.
391. Establishment of bureau; appointment of chief; duties.

Sec.	
392.	Repealed.
393.	Sale of pathological and zoological specimens; disposition of moneys.
394.	Overtime of employees engaged in enforcement of Meat Inspection Act.
394a.	Overtime of employees working at establishments which prepare virus, serum, toxin, and analogous products.
395.	Fees for rabies diagnoses; disposition of moneys.
396.	Inspection of livestock, hides, animal products, etc.; place; charges; disposition of funds.
397.	Omitted.

CROSS REFERENCES

Animals, meats, and meat and dairy products, see section 603 et seq. of Title 21, Food and Drugs.

Packers and stockyards, see section 181 et seq. of this title.

§ 391. Establishment of bureau; appointment of chief; duties

There shall be in the Department of Agriculture a Bureau of Animal Industry. The Secretary of Agriculture is authorized to appoint a chief thereof, who shall be a competent veterinary surgeon, and whose duty it shall be to investigate and report upon the condition of the domestic animals and live poultry of the United States, their protection and use, and also inquire into and report the causes of contagious, infectious, and communicable diseases among them, and the means for the prevention and cure of the same, and to collect such information on these subjects as shall be valuable to the agricultural and commercial interests of the country.

(May 29, 1884, ch. 60, § 1, 23 Stat. 31; July 14, 1890, ch. 707, 26 Stat. 288; Feb. 7, 1928, ch. 30, 45 Stat. 59.)

CODIFICATION

Section is composed of part of section 1 of act May 29, 1884.

Section 1 of that act as originally enacted contained this further provision: "And the Commissioner of Agriculture is hereby authorized to employ a force sufficient for the purpose, not to exceed 20 persons at any one time." This provision was practically superseded by subsequent appropriations for an enlarged force.

Section 1 also contained a provision as to salary of the Chief of the Bureau and a clerk for said bureau, that has been omitted as obsolete. The salaries are now fixed under chapter 51 and subchapter III of chapter 53 of Title 5, Government Organization and Employees.

AMENDMENTS

1928—Joint Res. Feb. 7, 1928, inserted "and live poultry" after "domestic animals".

TRANSFER OF FUNCTIONS

Section 301 of 1947 Reorg. Plan No. 1, eff. July 1, 1947, 12 F.R. 4534, 61 Stat. 952, provided: "The functions of the following agencies of the Department of Agriculture, namely, the Bureau of Animal Industry, the Bureau of Dairy Industry, the Bureau of Plant Industry, Soils, and Agricultural Engineering, the Bureau of Entomology and Plant Quarantine, the Bureau of Agricultural and Industrial Chemistry, the Bureau of Human Nutrition and Home Economics, the Office of Experiment Stations, and the Agricultural Research Center, together with the functions of the Agricultural Research Administrator, are transferred to the Sec-

retary of Agriculture and shall be performed by the Secretary or, subject to his direction and control, by such officers and agencies of the Department of Agriculture as he may designate." For provisions concerning transfer of records, property, personnel, and funds, see full text of this Plan, set out in the Appendix to Title 5, Government Organization and Employees.

The President's message, set out in the Appendix to Title 5, Government Organization and Employees, transmitting this Reorg. Plan to Congress pointed out that the Plan would make it possible to continue the consolidation of the agencies concerned in the Agricultural Research Administration which was affected on a temporary wartime basis by Ex. Ord. No. 9069, Feb. 23, 1942, 7 F.R. 1409, and to make further adjustments in the organization of agricultural research activities.

Functions of Bureau of Animal Industry which were transferred to Secretary of Agriculture were transferred to Agricultural Research Service under Secretary's memorandum 1320, supp. 4, of Nov. 2, 1953.

As of July 1, 1927, by order of the Secretary of Agriculture, the Packers and Stockyards administration was abolished, and the enforcement of the Packers and Stockyards Act of 1921, sections 181 to 229 of this title, put under the control of the chief of the Bureau of Animal Industry.

Authority formerly granted to Commissioner of Agriculture by section 1 of act of May 29, 1884, vested in Secretary of Agriculture by act July 14, 1890. See also sections 2202 and 2205 of this title.

Functions of Bureau of Animal Industry of Agricultural Research Administration concerned primarily with regulatory activities consolidated with other agencies into Food Distribution Administration, which was consolidated into War Food Administration, which was terminated and its functions transferred to Secretary of Agriculture, by Ex. Ord. No. 9577.

CROSS REFERENCES

Importation of cattle and quarantine, see section 101 et seq. of Title 21, Food and Drugs.

Improvement in the breeding of horses suitable to needs of United States, see section 437 of this title.

Leave of absence of employees of the Bureau of Animal Industry, see section 6301 et seq. of Title 5, Government Organization and Employees.

Penalty for interference with an officer or employee of the Bureau of Animal Industry in the execution of his duties, see section 111 of Title 18, Crimes and Criminal Procedure.

Prevention of introduction and spread of contagion among livestock, see section 111 et seq. of Title 21.

§ 392. Repealed. Oct. 31, 1951, ch. 654, § 1(11), 65 Stat. 701

Section, act Aug. 10, 1912, ch. 284, 37 Stat. 274, related to sale or exchange of animals not needed. See section 484 of Title 40, Public Buildings, Property, and Works.

§ 393. Sale of pathological and zoological specimens; disposition of moneys

The Secretary of Agriculture is authorized to prepare and sell at cost such pathological and zoological specimens as he may deem of scientific or educational value to scientists or others engaged in the work of hygiene and sanitation: *Provided*, That all moneys received from the sale of such specimens shall be deposited in the Treasury as miscellaneous receipts.

(Mar. 4, 1913, ch. 145, § 1 [part], 37 Stat. 833.)

TRANSFER OF FUNCTIONS

Functions of Bureau of Animal Industry transferred to Secretary of Agriculture by 1947 Reorg. Plan No. 1, § 301, eff. July 1, 1947, 12 F.R. 4534, 61 Stat. 952. See note set out under section 391 of this title.