

## AMENDMENTS

1998—Subsec. (c)(2)(C)(ii). Pub. L. 105-185, § 106(a), substituted “national or multistate needs” for “regional needs”.

Subsec. (e). Pub. L. 105-185, § 106(b), added subsec. (e).

**§ 390b. Repealed. Pub. L. 107-171, title VII, § 7308(a), May 13, 2002, 116 Stat. 455**

Section, Pub. L. 88-74, § 4, as added Pub. L. 104-127, title VIII, § 884(a), Apr. 4, 1996, 110 Stat. 1178; amended Pub. L. 105-185, title I, § 106(c), (d), June 23, 1998, 112 Stat. 530, related to task force on 10-year strategic plan for agricultural research facilities.

A prior section 390b, Pub. L. 88-74, § 3, July 22, 1963, 77 Stat. 90; Pub. L. 95-113, title XIV, § 1416(1), 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.

**§ 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 each of fiscal years 1996 through 2012 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 research 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; amended Pub. L. 105-185, title III, § 301(d), June 23, 1998, 112 Stat. 563; Pub. L. 107-171, title VII, § 7135, May 13, 2002, 116 Stat. 436; Pub. L. 110-234, title VII, § 7405, May 22, 2008, 122 Stat. 1247; Pub. L. 110-246, § 4(a), title VII, § 7405, June 18, 2008, 122 Stat. 1664, 2008.)

## CODIFICATION

The authorities provided by each provision of, and each amendment made by, Pub. L. 110-246, as in effect on Sept. 30, 2012, to continue, and the Secretary of Agriculture to carry out the authorities, until the later of Sept. 30, 2013, or the date specified in the provision of, or amendment made by, Pub. L. 110-246, see section 701(a) of Pub. L. 112-240, set out in a 1-Year Extension of Agricultural Programs note under section 8701 of this title.

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

## 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(1), 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.

#### AMENDMENTS

2008—Subsec. (a). Pub. L. 110-246, §7405, substituted “2012” for “2007”.

2002—Subsec. (a). Pub. L. 107-171 substituted “2007” for “2002”.

1998—Subsec. (a). Pub. L. 105-185 substituted “each of fiscal years 1996 through 2002” for “fiscal years 1996 and 1997”.

#### EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

### CHAPTER 15—BUREAU OF ANIMAL INDUSTRY

Sec.	
391.	Establishment of bureau; appointment of chief; duties.
392.	Repealed.
393.	Sale of pathological and zoological specimens; disposition of moneys.
394.	Repealed.
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.

#### § 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 Agri-

culture 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 Secretary 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, section 181 et seq. 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.

#### § 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.

#### § 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 sanita-