

property to be used in violation of this chapter or chapter 3 of this title or laws or regulations with respect to intoxicating liquor, was incorporated in section 3116 of Internal Revenue Code of 1939.

Section 158, act Aug. 27, 1935, ch. 740, § 9, 49 Stat. 875, related to rights, privileges, powers, and protection of Commissioner and his assistants and employees, was incorporated in section 3121(a) of Internal Revenue Code of 1939.

Section 159, act Aug. 27, 1935, ch. 740, § 10, 49 Stat. 875, related to penalties prescribed for violation of provisions of this chapter, was incorporated in section 3115(b) of Internal Revenue Code of 1939.

Section 160, act Aug. 27, 1935, ch. 740, § 11, 49 Stat. 875, related to privileges and immunities of witnesses, was incorporated in section 3119 of Internal Revenue Code of 1939.

Section 161, act Aug. 27, 1935, ch. 740, § 12, 49 Stat. 875, related to place of sale when delivery is made by a carrier for purposes of prosecution or revocation of any permit, was incorporated in section 3114(d) of Internal Revenue Code of 1939.

Section 162, act Aug. 27, 1935, ch. 740, § 13, 49 Stat. 875, related to affidavits, information, and indictments for violation of this chapter, was incorporated in section 3120 of Internal Revenue Code of 1939.

Section 163, act Aug. 27, 1935, ch. 740, § 14, 49 Stat. 876, related to inspection of records, liquor, and property with respect to this chapter by Commissioner, was incorporated in section 3121(c) of Internal Revenue Code of 1939.

Section 164, act Aug. 27, 1935, ch. 740, § 2, 49 Stat. 872, authorized Commissioner to designate assistants or agents to perform certain duties, was incorporated in section 3121(d) of Internal Revenue Code of 1939.

Section 165, act Aug. 27, 1935, ch. 740, § 15, 49 Stat. 876, provided that a conviction under this chapter or chapter 3 of this title will bar a subsequent prosecution under another law relating to intoxicating liquors, was incorporated in section 3115(c) of Internal Revenue Code of 1939.

Section 166, act Aug. 27, 1935, ch. 740, § 16, 49 Stat. 876, provided that no tax will be assessed or collected where distilled spirits are lost, stolen, or destroyed by fire or other casualty, was incorporated in section 3113(a) of Internal Revenue Code of 1939.

Section 167, act Aug. 27, 1935, ch. 740, § 1, 49 Stat. 872, provided that this chapter may be cited as "Liquor Law Repeal and Enforcement Act".

## CHAPTER 8—FEDERAL ALCOHOL ADMINISTRATION ACT

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## SUBCHAPTER I—FEDERAL ALCOHOL ADMINISTRATION

### § 201. Short title

This subchapter may be cited as the "Federal Alcohol Administration Act".

(Aug. 29, 1935, ch. 814, title I, § 101, formerly § 1, 49 Stat. 977; renumbered title I, § 101, and amended Pub. L. 100-690, title VIII, § 8001(a)(1), (2), (b)(1), Nov. 18, 1988, 102 Stat. 4517, 4521.)

#### AMENDMENTS

1988—Pub. L. 100-690, § 8001(b)(1), amended section generally, substituting "subchapter" for "chapter".

#### SHORT TITLE

Act Aug. 29, 1935, title II, § 201, as added Nov. 18, 1988, Pub. L. 100-690, title VIII, § 8001(a)(3), 102 Stat. 4518, provided that: "This title [enacting subchapter II of this chapter] may be cited as the 'Alcoholic Beverage Labeling Act of 1988'."

#### TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Bureau of Alcohol, Tobacco and Firearms, including the related functions of the Secretary of the Treasury, to the Department of Justice, see section 531(c) of Title 6, Domestic Security, and section 599A(c)(1) of Title 28, Judiciary and Judicial Procedure.

Federal Alcohol Administration and offices of members and Administrator thereof were abolished and their functions directed to be administered under direction and supervision of Secretary of Treasury through Bureau of Internal Revenue [now Internal Revenue Service] in Department of Treasury, by Reorg. Plan No. III of 1940, § 2, eff. June 30, 1940, 5 F.R. 2107, 54 Stat. 1232, set out in the Appendix to Title 5, Government Organization and Employees. See also, sections 8 and 9 of said plan for provisions relating to transfer of records, property, personnel, and funds. Section 2 of Reorg. Plan No. III of 1940 was repealed as executed by Pub. L. 97-258, § 5(b), Sept. 13, 1982, 96 Stat. 1068, 1085, the first section of which enacted Title 31, Money and Finance. Department of the Treasury Order 221 of July 1, 1972, established the Bureau of Alcohol, Tobacco and Firearms and transferred to it functions of the Internal Revenue Service arising under certain laws relating to alcohol, tobacco, firearms, and explosives.

### § 202. General provisions

#### (a) to (d) Omitted

#### (e) Expenditures

Appropriations to carry out powers and duties of the Secretary of the Treasury under this chapter shall be available for expenditure, among other purposes, for personal services and rent in the District of Columbia and elsewhere, expenses for travel and subsistence, for law books, books of reference, magazines, periodicals, and newspapers, for contract stenographic reporting services, for subscriptions for library services, for purchase of samples for analysis or use as evidence, and for holding conferences of State and Federal liquor control officials.

#### (f) Utilization of other governmental agencies

The Secretary of the Treasury may, with the consent of the department or agency affected,

utilize the services of any department or other agency of the Government to the extent necessary to carry out his powers and duties under this chapter and authorize officers and employees thereof to act as his agents.

**(g) Applicability of other laws**

The provisions including penalties, of sections 49 and 50 of title 15, shall be applicable to the jurisdiction, powers, and duties of the Secretary of the Treasury under this chapter, and to any person (whether or not a corporation) subject to the provisions of laws administered by the Secretary of the Treasury under this chapter.

**(h) Reports to Secretary**

The Secretary of the Treasury is authorized to require, in such manner and form as he shall prescribe, such reports as are necessary to carry out his powers and duties under this chapter.

(Aug. 29, 1935, ch. 814, title I, §102, formerly §2, 49 Stat. 977; 1940 Reorg. Plan No. III, §2, eff. June 30, 1940, 5 F.R. 2108, 54 Stat. 1232; Aug. 7, 1946, ch. 770, §1(46), 60 Stat. 870; renumbered title I, §102, Pub. L. 100-690, title VIII, §8001(a)(1), (2), Nov. 18, 1988, 102 Stat. 4517.)

CODIFICATION

Subsections (a) to (d) provided for the creation of a Federal Alcohol Administration as a division of the Treasury Department. By act June 26, 1936, ch. 830, title V, 49 Stat. 1964, however, those subsections were repealed and a new Administration created as an independent agency. The repealing act was to be effective when the new administrators authorized thereby were appointed. While the officers so authorized were never appointed and the repeal therefore never became effective, subsections (a) to (d) have been omitted in view of Reorg. Plan No. III of 1940, set out in the Appendix to Title 5, Government Organization and Employees, which abolished the Administration and transferred its functions to the Secretary of the Treasury to be administered through the Bureau of Internal Revenue [now Internal Revenue Service]. See, also, Transfer of Functions note set out under section 201 of this title.

AMENDMENTS

1946—Subsec. (i). Act Aug. 7, 1946, struck out subsec. (i) which related to reports to Congress by the Secretary of the Treasury with respect to the administration of the functions charged to the Secretary under this chapter.

**§§ 202a, 202b. Repealed. Pub. L. 89-554, §8(a), Sept. 6, 1966, 80 Stat. 649**

Section 202a, act June 26, 1936, ch. 830, title V, §501, 49 Stat. 1964, established the Federal Alcohol Administration, and provided for appointment, duties, and pay of its employees.

Section 202b, act June 26, 1936, ch. 830, title V, §502, 49 Stat. 1964, provided for appointment, pay, tenure, and powers of members of the Federal Alcohol Administration.

**§ 202c. Omitted**

CODIFICATION

Section, act June 26, 1936, ch. 830, title V, §503, 49 Stat. 1965, which provided for repeal of former laws, was to have taken effect when a majority of the members authorized to be appointed took office under section 202b of this title. The members, however, were never appointed.

**§ 203. Unlawful businesses without permit; application to State agency**

In order effectively to regulate interstate and foreign commerce in distilled spirits, wine, and malt beverages, to enforce the twenty-first amendment, and to protect the revenue and enforce the postal laws with respect to distilled spirits, wine, and malt beverages:

(a) It shall be unlawful, except pursuant to a basic permit issued under this subchapter by the Secretary of the Treasury—

(1) to engage in the business of importing into the United States distilled spirits, wine, or malt beverages; or

(2) for any person so engaged to sell, offer or deliver for sale, contract to sell, or ship, in interstate or foreign commerce, directly or indirectly or through an affiliate, distilled spirits, wine, or malt beverages so imported.

(b) It shall be unlawful, except pursuant to a basic permit issued under this subchapter by the Secretary of the Treasury—

(1) to engage in the business of distilling distilled spirits, producing wine, rectifying or blending distilled spirits or wine, or bottling, or warehousing and bottling, distilled spirits; or

(2) for any person so engaged to sell, offer or deliver for sale, contract to sell, or ship, in interstate or foreign commerce, directly or indirectly or through an affiliate, distilled spirits or wine so distilled, produced, rectified, blended, or bottled, or warehoused and bottled.

(c) It shall be unlawful, except pursuant to a basic permit issued under this subchapter by the Secretary of the Treasury—

(1) to engage in the business of purchasing for resale at wholesale distilled spirits, wine, or malt beverages; or

(2) for any person so engaged to receive or to sell, offer or deliver for sale, contract to sell, or ship, in interstate or foreign commerce, directly or indirectly or through an affiliate, distilled spirits, wine, or malt beverages so purchased.

This subsection shall take effect July 1, 1936.

This section shall not apply to any agency of a State or political subdivision thereof or any officer or employee of any such agency, and no such agency or officer or employee shall be required to obtain a basic permit under this subchapter.

(Aug. 29, 1935, ch. 814, title I, §103, formerly §3, 49 Stat. 978; Feb. 29, 1936, ch. 105, §1, 49 Stat. 1152; 1940 Reorg. Plan No. III, §2, eff. June 30, 1940, 5 F.R. 2108, 54 Stat. 1232; renumbered title I, §103, and amended Pub. L. 100-690, title VIII, §8001(a)(1), (2), (b)(2), Nov. 18, 1988, 102 Stat. 4517, 4521.)

CODIFICATION

In the original, subsections (a) and (b) of this section contained a final paragraph which provided as follows: "This subsection shall take effect sixty days after the date upon which the Administrator first appointed under this title takes office."

AMENDMENTS

1988—Pub. L. 100-690, §8001(b)(2), substituted "subchapter" for "chapter" wherever appearing.