

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

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

**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. 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.

**§ 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 veteri-

nary 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 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, 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.

**§ 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.

**§ 394. Overtime of employees engaged in enforcement of Meat Inspection Act**

The Secretary of Agriculture is authorized, in his discretion, to pay employees of the Bureau of Animal Industry employed in establishments subject to the provisions of the Meat Inspection Act of June 30, 1906, for all overtime work performed at such establishments, at such rates as he may determine, and to accept from such establishments wherein such overtime work is performed reimbursement for any sums paid out by him for such overtime work.

(July 24, 1919, ch. 26, 41 Stat. 241.)

REFERENCES IN TEXT

Act of June 30, 1906, referred to in text, is act June 30, 1906, ch. 3913, 34 Stat. 670, which generally made appropriations for the Department of Agriculture for the fiscal year ending June 30, 1907. The meat inspection provisions of that Act were not classified to the Code. For the "Meat Inspection Act", see subchapters I to IV (§ 601 et seq.) of chapter 12 of Title 21, Food and Drugs.

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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 5 section 5549; title 21 section 695.

**§ 394a. Overtime of employees working at establishments which prepare virus, serum, toxin, and analogous products**

The Secretary of Agriculture is authorized to pay employees of the Bureau of Animal Industry employed in establishments subject to the provisions of section 157 of title 21, for all overtime,

night, or holiday work performed at such establishments, at such rates as he may determine, and to accept from such establishments wherein such overtime work is performed reimbursement for any sums paid out by him for such overtime work.

(Aug. 4, 1949, ch. 392, 63 Stat. 495.)

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.

**§ 395. Fees for rabies diagnoses; disposition of moneys**

Fees shall be charged for all diagnoses in connection with rabies, except those performed for agencies of the United States Government, in such amounts as the Secretary shall prescribe, and such fees shall be covered into the Treasury as miscellaneous receipts.

(Sept. 21, 1944, ch. 412, title I, § 101(e), 58 Stat. 734.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following prior Department of Agriculture Appropriation Acts:

June 28, 1944, ch. 296, 58 Stat. 433.

July 12, 1943, ch. 215, 57 Stat. 401.

July 22, 1942, ch. 516, 56 Stat. 674.

APPROPRIATIONS

Section 101(g) of act Sept. 21, 1944, provided that Congress may appropriate such funds as are necessary to accomplish the purpose of this section.

**§ 396. Inspection of livestock, hides, animal products, etc.; place; charges; disposition of funds**

The Secretary of Agriculture upon application of any exporter, importer, packer, or owner of, or the agent thereof, or dealer in, livestock, hides, skins, meat, or other animal products may, in his discretion, cause to be made inspections and examinations at places other than the headquarters of inspectors for the convenience of said applicants, who may be charged for the expenses of travel and subsistence incurred for such inspections and examinations, the funds derived from such charges to be deposited in the Treasury of the United States to the credit of the appropriation from which the expenses are paid.

(Sept. 21, 1944, ch. 412, title I, § 101(c), 58 Stat. 734.)

CODIFICATION

Section was formerly classified to section 228a of this title.

PRIOR PROVISIONS

Provisions similar to those in this section were carried in the following prior Department of Agriculture Appropriation Acts:

June 28, 1944, ch. 296, 58 Stat. 433.

July 12, 1943, ch. 215, 57 Stat. 400.

July 22, 1942, ch. 516, 56 Stat. 673.

July 1, 1941, ch. 267, 55 Stat. 415.

June 25, 1940, ch. 421, 54 Stat. 539.

June 30, 1939, ch. 253, title I, 53 Stat. 948.

June 16, 1938, ch. 464, title I, 52 Stat. 719.