

Feb. 7, 2014, 128 Stat. 895; Pub. L. 115–334, title VII, § 7503(d), Dec. 20, 2018, 132 Stat. 4821.)

Editorial Notes

CODIFICATION

The authorities provided by each provision of, and each amendment made by, Pub. L. 115–334, as in effect on Sept. 30, 2023, to continue, and authorities to be carried out, until the later of Sept. 30, 2024, or the date specified in the provision of, or amendment made by, Pub. L. 115–334, see section 102(a) of Pub. L. 118–22, set out in an Extension of Agricultural Programs note under section 9001 of this title.

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 L. 110–234 were repealed by section 4(a) of Pub.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

2018—Subsec. (a). Pub. L. 115–334, § 7503(d)(1), substituted “subsections (b), (c), and (d),” for “subsection (b),” and “2023” for “2018” and inserted at end “Funds appropriated pursuant to the preceding sentence shall be available until expended.”

Subsecs. (c), (d). Pub. L. 115–334, § 7503(d)(2), added subsecs. (c) and (d).

2014—Subsec. (a). Pub. L. 113–79 substituted “2018” for “2012”.

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”.

Statutory Notes and Related Subsidiaries

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.
398.	Purchase and testing of serums or analogous products; dissemination of test results.
399.	Domestic raising of fur-bearing animals; classification.

§ 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.)

Editorial Notes

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".

Executive Documents

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 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.)

Executive Documents

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. Repealed. Pub. L. 107-171, title X, § 10703(c)(3), May 13, 2002, 116 Stat. 518

Section, act July 24, 1919, ch. 26, 41 Stat. 241, related to 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

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.)

Executive Documents

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.)

Editorial Notes

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.

Statutory Notes and Related Subsidiaries

AUTHORIZATION OF APPROPRIATION

Act Sept. 21, 1944, ch. 412, title I, §101(g), 58 Stat. 735, provided that: "There are hereby authorized to be appropriated for the purposes of this section [enacting this section, sections 396 and 398 of this title, former section 429 of this title, section 626 of Title 21, Food and Drugs, and former section 114a of Title 21] such sums as the Congress may from time to time determine to be necessary."

§ 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.)

Editorial Notes

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.
June 29, 1937, ch. 404, 50 Stat. 403.
June 4, 1936, ch. 489, 49 Stat. 1429.

Statutory Notes and Related Subsidiaries

AUTHORIZATION OF APPROPRIATION

Authorization of appropriation of sums necessary for the purposes of this section, see note under section 395 of this title.

§ 397. Omitted

Editorial Notes

CODIFICATION

Section, acts Aug. 28, 1954, ch. 1041, title II, §204(e), 68 Stat. 900; Apr. 2, 1956, ch. 159, §2, 70 Stat. 87, authorized

transfer of Commodity Credit Corporation funds not to exceed \$17,000,000 for fiscal year ending June 30, 1956 and not to exceed \$20,000,000 for each of fiscal years 1957 and 1958 for brucellosis eradication, indemnification for destroyed cattle and administrative expenses and authorized appropriations to reimburse the Commodity Credit Corporation for the expenditures.

§ 398. Purchase and testing of serums or analogous products; dissemination of test results

The Secretary of Agriculture may purchase in the open market from applicable appropriations samples of all tuberculin, serums, antitoxins, or analogous products, of foreign or domestic manufacture, which are sold in the United States, for the detection, prevention, treatment, or cure of diseases of domestic animals, test the same, and disseminate the results of said tests in such manner as he may deem best.

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

Editorial Notes

CODIFICATION

Section was formerly classified to section 430 of this title prior to editorial reclassification and renumbering as this section.

Statutory Notes and Related Subsidiaries

AUTHORIZATION OF APPROPRIATION

Authorization of appropriation of sums necessary for the purposes of this section, see note under section 395 of this title.

§ 399. Domestic raising of fur-bearing animals; classification

For the purposes of all classification and administration of Acts of Congress, Executive orders, administrative orders, and regulations pertaining to—

(a) fox, rabbit, mink, chinchilla, marten, fisher, muskrat, karakul and all other fur-bearing animals, raised in captivity for breeding or other useful purposes shall be deemed domestic animals;

(b) such animals and the products thereof shall be deemed agricultural products; and

(c) the breeding, raising, producing, or marketing of such animals or their products by the producer shall be deemed an agricultural pursuit.

(Apr. 30, 1946, ch. 242, §1, 60 Stat. 127.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 433 of this title prior to editorial reclassification and renumbering as this section.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Act Apr. 30, 1946, ch. 242, §3, 60 Stat. 128, provided that: "This Act [enacting this section and provisions set out as a note below] shall take effect sixty days after the date of its enactment [Apr. 30, 1946]."

TRANSFER OF FUNCTIONS

Act Apr. 30, 1946, ch. 242, §2, 60 Stat. 127; 1970 Reorg. Plan No. 2, §102, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085, provided that:

“(a) All the functions of the Secretary of the Interior and the Fish and Wildlife Service of the Department of the Interior, which affect the breeding, raising, producing, marketing, or any other phase of the production or distribution, of domestically raised fur-bearing animals, or products thereof, are hereby transferred to and vested in the Secretary of Agriculture.

“(b) Appropriations and unexpended balances of appropriations, or parts thereof, which the Director of the Office of Management and Budget determines to be available for expenditure for the administration of any function transferred by this Act [enacting this section and provisions set out as a note above], shall be available for expenditure for the continued administration of such function by the officer to whom such function is so transferred.

“(c) All records and property (including office furniture and equipment) under the jurisdiction of the Secretary of the Interior and the Fish and Wildlife Service of the Department of the Interior used primarily in connection with the administration of functions transferred by this Act are hereby transferred to the jurisdiction of the Secretary of Agriculture.”

[Section 2 of act Apr. 30, 1946, ch. 242, set out above, was formerly classified to section 434 of this title prior to editorial reclassification as this note.]

CHAPTER 16—BUREAU OF DAIRY INDUSTRY

Sec.

- 401. Establishment of bureau.
- 402. Chief of bureau; appointment and duties.
- 403. Transfer of activities of Department of Agriculture to bureau; employment of clerks, etc.
- 404. Authorization of appropriations.

§ 401. Establishment of bureau

There is established in the Department of Agriculture a bureau to be known as the “Bureau of Dairy Industry.”

(May 29, 1924, ch. 208, § 1, 43 Stat. 243; May 11, 1926, ch. 286, 44 Stat. 499.)

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

“Bureau of Dairying” established by act May 29, 1924, designated “Bureau of Dairy Industry” by act May 11, 1926.

Executive Documents

TRANSFER OF FUNCTIONS

Functions of Bureau of Dairy 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.

Bureau of Dairy Industry consolidated with other agencies into Agricultural Research Administration for duration of World War II by Ex. Ord. No. 9069, Feb. 23, 1942, 7 F.R. 1409.

§ 402. Chief of bureau; appointment and duties

A Chief of the Bureau of Dairy Industry shall be appointed by the Secretary of Agriculture, who shall be subject to the general direction of the Secretary of Agriculture. He shall devote his time to the investigation of the dairy industry, and the dissemination of information for the promotion of the dairy industry.

(May 29, 1924, ch. 208, § 2, 43 Stat. 243; May 11, 1926, ch. 286, 44 Stat. 499.)

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

“Bureau of Dairying” established by act May 29, 1924, designated “Bureau of Dairy Industry” by act May 11, 1926.

Executive Documents

TRANSFER OF FUNCTIONS

Functions of Bureau of Dairy 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.

Bureau of Dairy Industry consolidated with other agencies into Agricultural Research Administration for duration of World War II by Ex. Ord. No. 9069, Feb. 23, 1942, 7 F.R. 1409.

§ 403. Transfer of activities of Department of Agriculture to bureau; employment of clerks, etc.

For the purpose of enabling the Secretary of Agriculture and the Chief of the Bureau of Dairy Industry to carry out the purposes of this chapter, the Secretary of Agriculture is authorized to transfer to the Bureau of Dairy Industry such activities of the Department of Agriculture as he may designate which relate primarily to the dairy industry, and to employ such additional persons in the city of Washington and elsewhere, as may be necessary.

(May 29, 1924, ch. 208, § 3, 43 Stat. 243; May 11, 1926, ch. 286, 44 Stat. 499.)

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

“Bureau of Dairying” established by act May 29, 1924, designated “Bureau of Dairy Industry” by act May 11, 1926.

Executive Documents

TRANSFER OF FUNCTIONS

Functions of all officers, agencies, and employees of Department of Agriculture transferred, with certain exceptions, to Secretary of Agriculture by 1953 Reorg. Plan No. 2, § 1, eff. June 4, 1953, 18 F.R. 3219, 67 Stat. 633, set out as a note under section 2201 of this title.

Functions of Bureau of Dairy 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.

Bureau of Dairy Industry consolidated with other agencies into Agricultural Research Administration for duration of World War II by Ex. Ord. No. 9069, Feb. 23, 1942, 7 F.R. 1409.

§ 404. Authorization of appropriations

For the purpose of carrying out the provisions of this chapter and the activities of the Bureau of Dairy Industry, such sums of money as Congress may deem necessary are authorized to be appropriated.

(May 29, 1924, ch. 208, § 4, 43 Stat. 243; May 11, 1926, ch. 286, 44 Stat. 499.)

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

“Bureau of Dairying” established by act May 29, 1924, designated “Bureau of Dairy Industry” by act May 11, 1926.