

§ 98. Transferred**Editorial Notes**

CODIFICATION

Section, act June 5, 1948, ch. 423, 62 Stat. 344, which related to payment of cost of meat inspection, was transferred to section 695 of this title.

§ 99. Repealed. July 28, 1953, ch. 251, title I, § 101, 67 Stat. 208

Section, act Aug. 31, 1951, ch. 374, title I, § 101, 65 Stat. 229, related to reimbursement for excess expenses of meat inspection.

SUBCHAPTER II—IMPORTATION OF CATTLE AND QUARANTINE

§ 101. Suspension of importation of all animals

Whenever, in the opinion of the President, it shall be necessary for the protection of animals in the United States against infectious or contagious diseases, he may, by proclamation, suspend the importation of all or any class of animals for a limited time, and may change, modify, revoke, or renew such proclamation, as the public good may require; and during the time of such suspension the importation of any such animals shall be unlawful.

(Aug. 30, 1890, ch. 839, § 9, 26 Stat. 416.)

§§ 102 to 105. Repealed. Pub. L. 107-171, title X, § 10418(a)(6), May 13, 2002, 116 Stat. 507

Section 102, act Aug. 30, 1890, ch. 839, § 7, 26 Stat. 416, related to quarantine of imported animals.

Section 103, act Aug. 30, 1890, ch. 839, § 8, 26 Stat. 416, related to prohibition of importation of animals except at quarantine ports, slaughter of infected animals, appraisal, and payment.

Section 104, act Aug. 30, 1890, ch. 839, § 6, 26 Stat. 416; June 28, 1926, ch. 700, § 2, 44 Stat. 775; Feb. 28, 1931, ch. 348, 46 Stat. 1460; July 22, 1954, ch. 558, § 32, 68 Stat. 510; Jan. 28, 1956, ch. 12, § 1, 70 Stat. 5; Pub. L. 97-461, § 4, Jan. 12, 1983, 96 Stat. 2524; Pub. L. 103-182, title III, § 361(b), Dec. 8, 1993, 107 Stat. 2122; Pub. L. 103-465, title IV, § 431(h), Dec. 8, 1994, 108 Stat. 4969, related to importation of animals.

Section 105, act Aug. 30, 1890, ch. 839, § 10, 26 Stat. 417; Pub. L. 103-182, title III, § 361(c), Dec. 8, 1993, 107 Stat. 2122; Pub. L. 103-465, title IV, § 431(i), Dec. 8, 1994, 108 Stat. 4969, related to inspection of animals.

§§ 106, 107. Omitted**Editorial Notes**

CODIFICATION

Sections, acts Aug. 10, 1917, ch. 52, § 9, 40 Stat. 275; Nov. 21, 1918, ch. 212, § 3, 40 Stat. 1048, related to slaughter of tick-infested cattle. Section 12 of act Aug. 10, 1917, provided that the act should cease to be in effect when the national emergency resulting from World War I had passed.

SUBCHAPTER III—PREVENTION OF INTRODUCTION AND SPREAD OF CONTAGION

§§ 111, 112. Repealed. Pub. L. 107-171, title X, § 10418(a)(7), (8), May 13, 2002, 116 Stat. 507, 508

Section 111, act Feb. 2, 1903, ch. 349, § 2, 32 Stat. 792; July 22, 1954, ch. 558, § 33, 68 Stat. 510; Jan. 28, 1956, ch. 12, § 2, 70 Stat. 5, related to regulations to prevent contagious diseases.

Section 112, act May 29, 1884, ch. 60, § 4, 23 Stat. 32; Feb. 2, 1903, ch. 349, § 1, 32 Stat. 791; Feb. 7, 1928, ch. 30, 45 Stat. 59, related to investigations as to pleuropneumonia and other diseases and regulations.

Statutory Notes and Related Subsidiaries

SHORT TITLE

Act Feb. 2, 1903, ch. 349, 32 Stat. 791, classified to former sections 112 and 120 to 122 of this title, is popularly known as the Cattle Contagious Diseases Act of 1903.

Act May 29, 1884, ch. 60, 23 Stat. 31, classified to former sections 112, 113 to 114a-1, 115, 116, 117 to 120, and 130 of this title and section 391 of Title 7, Agriculture, is popularly known as the Animal Industry Act.

§ 112a. Omitted**Editorial Notes**

CODIFICATION

Section, act Feb. 7, 1928, ch. 30, 45 Stat. 59, amended acts May 29, 1884, ch. 60, 23 Stat. 31; Feb. 2, 1903, ch. 349, 32 Stat. 791; and Mar. 3, 1905, ch. 1496, 33 Stat. 1264, to include live poultry in their provisions, added “and/or live poultry” following “live stock” wherever the term “live stock” appeared, and extended the penalties, terms, and provisions of said acts to live poultry. For complete classification of such acts to the Code, see Short Title note set out under section 112 of this title and Tables.

§ 113. Repealed. Pub. L. 107-171, title X, § 10418(a)(7), (8), May 13, 2002, 116 Stat. 507, 508

Section, act May 29, 1884, ch. 60, § 5, 23 Stat. 32; Feb. 2, 1903, ch. 349, § 1, 32 Stat. 791; Feb. 7, 1928, ch. 30, 45 Stat. 59, related to measures to prevent exportation of diseased livestock and live poultry.

§ 113a. Establishment of research laboratories for foot-and-mouth disease and other animal diseases; research contracts; employment of technicians and scientists; appropriations

The Secretary of Agriculture is authorized to establish research laboratories, including the acquisition of necessary land, buildings, or facilities, and also the making of research contracts under the authority contained in section 3105(a) of title 7, for research and study, in the United States or elsewhere, of foot-and-mouth disease and other animal diseases which in the opinion of the Secretary constitute a threat to the livestock industry of the United States: *Provided*, That no live virus of foot-and-mouth disease may be introduced for any purpose into any part of the mainland of the United States (except coastal islands separated therefrom by water navigable for deep-water navigation and which shall not be connected with the mainland by any tunnel) unless the Secretary determines that it is necessary and in the public interest for the conduct of research and study in the United States (except at Brookhaven National Laboratory in Upton, New York) and issues a permit under such rules as the Secretary shall promulgate to protect animal health, except that the Secretary of Agriculture may transport said virus in the original package across the mainland under adequate safeguards, and except further, that in the event of outbreak of foot-and-mouth disease in this country, the Secretary of

Agriculture may, at his discretion, permit said virus to be brought into the United States under adequate safeguards. To carry out the provisions of this section, the Secretary is authorized to employ technical experts or scientists: *Provided*, That the number so employed shall not exceed five and that the maximum compensation for each shall not exceed the highest rate of grade 18 of the General Schedule. There is authorized to be appropriated such sums as Congress may deem necessary; in addition, the Secretary is authorized to utilize in carrying out this section, funds otherwise available for the control or eradication of such diseases.

(May 29, 1884, ch. 60, §12, as added Apr. 24, 1948, ch. 229, 62 Stat. 198; amended July 31, 1956, ch. 804, title I, §119, 70 Stat. 742; Pub. L. 85-573, July 31, 1958, 72 Stat. 454; Pub. L. 87-793, §1001(e), Oct. 11, 1962, 76 Stat. 864; Pub. L. 88-426, title III, §305(1), Aug. 14, 1964, 78 Stat. 422; Pub. L. 101-624, title XVI, §1618(b), Nov. 28, 1990, 104 Stat. 3733.)

Editorial Notes

CODIFICATION

Provisions that authorized the Secretary to employ technical experts and scientists “without regard to the Classification Act”, meaning the Classification Act of 1923, were omitted as obsolete. Sections 1202 and 1204 of the Classification Act of 1949, 63 Stat. 972, 973, repealed the 1923 Act and all laws or parts of laws inconsistent with the 1949 Act. While section 1106(a) of the 1949 Act provided that references in other laws to the 1923 Act should be held and considered to mean the 1949 Act, it did not have the effect of continuing the exception contained in this section because of section 1106(b) which provided that the application of the 1949 Act to any position, officer, or employee shall not be affected by section 1106(a). The Classification Act of 1949 was repealed by Pub. L. 89-554, Sept. 6, 1966, §8(a), 80 Stat. 632 (the first section of which revised and enacted Title 5, Government Organization and Employees, into law). Section 5102 of Title 5 contains the applicability provisions of the 1949 Act, and section 5103 of Title 5 authorizes the Office of Personnel Management to determine the applicability to specific positions and employees.

AMENDMENTS

1990—Pub. L. 101-624 substituted “United States (except” for “United States except” and “tunnel) unless the Secretary determines that it is necessary and in the public interest for the conduct of research and study in the United States (except at Brookhaven National Laboratory in Upton, New York) and issues a permit under such rules as the Secretary shall promulgate to protect animal health.” for “tunnel, and”.

1962—Pub. L. 87-793 substituted “shall not exceed the highest rate of grade 18 of the General Schedule” for “shall not exceed \$19,000 per annum”.

1958—Pub. L. 85-573 inserted in proviso clause of first sentence the exception clause respecting transportation of virus in original package across mainland under adequate safeguards.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1962 AMENDMENT

Amendment by Pub. L. 87-793 effective on first day of first pay period which begins on or after Oct. 11, 1962.

REPEALS

Act July 31, 1956, ch. 804, title I, §119, 70 Stat. 742, which increased the maximum compensation of technical experts or scientists, was repealed by Pub. L. 88-426, title III, §305(1), Aug. 14, 1964, 78 Stat. 422.

LIVE VIRUS FOOT AND MOUTH DISEASE RESEARCH

Pub. L. 110-234, title VII, §7524, May 22, 2008, 122 Stat. 1273, and Pub. L. 110-246, §4(a), title VII, §7524, June 18, 2008, 122 Stat. 1664, 2034, provided that:

“(a) IN GENERAL.—The Secretary [of Agriculture] shall issue a permit required under section 12 of the Act of May 29, 1884 (21 U.S.C. 113a) to the Secretary of Homeland Security for work on the live virus of foot and mouth disease at any facility that is a successor to the Plum Island Animal Disease Center and charged with researching high-consequence biological threats involving zoonotic and foreign animal diseases (referred to in this section as the ‘successor facility’).

“(b) LIMITATION TO SINGLE FACILITY.—Not more than 1 facility shall be issued a permit under subsection (a).

“(c) LIMITATION ON VALIDITY.—The permit issued under this section shall be valid unless the Secretary determines that the study of live foot and mouth disease virus at the successor facility is not being carried out in accordance with the regulations promulgated by the Secretary pursuant to the Agricultural Bioterrorism Protection Act of 2002 (7 U.S.C. 8401 et seq.).

“(d) AUTHORITY.—The suspension, revocation, or other impairment of the permit issued under this section—

“(1) shall be made by the Secretary; and

“(2) is a nondelegable function.”

[Pub. L. 110-234 and Pub. L. 110-246 enacted identical provisions. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246, set out as a note under section 8701 of Title 7, Agriculture.]

REFERENCES IN OTHER LAWS TO GS-16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS-16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, §101(c)(1)] of Pub. L. 101-509, set out in a note under section 5376 of Title 5.

§§ 114 to 114d-1. Repealed. Pub. L. 107-171, title X, §10418(a)(8), (9), May 13, 2002, 116 Stat. 508

Section 114, act May 29, 1884, ch. 60, §3, 23 Stat. 32, related to regulations for suppression of diseases and cooperation of States and Territories.

Section 114a, act May 29, 1884, ch. 60, §11, as added Sept. 21, 1944, ch. 412, title I, §101(a), 58 Stat. 734; amended Oct. 30, 1951, ch. 637, §1, 65 Stat. 693; Aug. 8, 1953, ch. 381, 67 Stat. 493; Aug. 3, 1956, ch. 950, §2, 70 Stat. 1032; Pub. L. 87-518, §7, July 2, 1962, 76 Stat. 131; Pub. L. 101-624, title XXV, §2509(c)(2), Nov. 28, 1990, 104 Stat. 4071, related to control and eradication of diseases, cooperation of States and farmers' associations, purchase and destruction of diseased animals, and defined “State” for statutory purposes.

A prior section 11 of act May 29, 1884, required annual reports to Congress concerning the suppression of contagious diseases among domestic animals, and was classified to section 560 of former Title 5, prior to repeal by act May 29, 1928, ch. 901, §1, 45 Stat. 993.

Section 114a-1, act May 29, 1884, ch. 60, §13, as added Oct. 30, 1951, ch. 637, §2, 65 Stat. 693, related to interstate movement of domestic animals reacting to tests for brucellosis, immediate slaughter, and rules and regulations.

Section 114b, act Feb. 28, 1947, ch. 8, §1, 61 Stat. 7; Pub. L. 89-521, §1, July 27, 1966, 80 Stat. 330; Pub. L. 92-152, §1, Nov. 5, 1971, 85 Stat. 418; Pub. L. 94-231, §3, Mar. 15, 1976, 90 Stat. 216; Pub. L. 101-255, §1(1), Mar. 15, 1990, 104 Stat. 114; Pub. L. 101-624, title XXV, §2505, Nov. 28, 1990, 104 Stat. 4068, related to cooperation in animal disease control.

Section 114c, act Feb. 28, 1947, ch. 8, §2, 61 Stat. 7; Aug. 3, 1956, ch. 950, §3, 70 Stat. 1033; Pub. L. 92-152, §2, Nov. 5, 1971, 85 Stat. 419; Pub. L. 101-255, §1(2), Mar. 15, 1990, 104 Stat. 114, related to use of funds.