

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 Sections 1202 and 1204 of the Classification Act of 1949, 63 Stat. 972, 973, repealed the 1923 Act and all laws or parts of laws inconsistent with the 1949 Act.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 The Classification Act of 1949 was repealed by Pub.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.

Section 114d, act Feb. 28, 1947, ch. 8, §3, as added Pub. L. 101-255, §1(3), Mar. 15, 1990, 104 Stat. 114, related to sale of sterile screwworms.

A prior section 114d, act Feb. 28, 1947, ch. 8, §3, 61 Stat. 8, related to reports by Secretary of Agriculture to Congress with respect to activities carried on under sections 114b and 114c of this title, prior to repeal by Pub. L. 86-533, §1(20), June 29, 1960, 74 Stat. 249.

Section 114d-1, act Feb. 28, 1947, ch. 8, §5, as added Pub. L. 89-521, §2, July 27, 1966, 80 Stat. 330; amended Pub. L. 101-255, §1(5), Mar. 15, 1990, 104 Stat. 114, related to cooperation with public and private entities.

#### Statutory Notes and Related Subsidiaries

##### SHORT TITLE

Section 6 of act Feb. 28, 1947, ch. 8, as added by Pub. L. 101-255, §1(6), Mar. 15, 1990, 104 Stat. 114, provided that the act Feb. 28, 1947, ch. 8, which enacted sections 114b to 114d-1 of this title and provisions set out as a note under former section 114b of this title, could be referred to as the “Animal Disease Control Cooperation Act of 1947”.

#### §§ 114d-2 to 114d-6. Repealed. Pub. L. 92-152, §3, Nov. 5, 1971, 85 Stat. 419

Section 114d-2, Pub. L. 90-388, §1, July 6, 1968, 82 Stat. 294, provided for cooperation with Central America in control and eradication of foot-and-mouth disease or rinderpest.

Section 114d-3, Pub. L. 90-388, §2, July 6, 1968, 82 Stat. 294, provided for uses of funds.

Section 114d-4, Pub. L. 90-388, §3, July 6, 1968, 82 Stat. 294, defined governments of Central America.

Section 114d-5, Pub. L. 90-388, §4, July 6, 1968, 82 Stat. 294, provided for cooperation with public and private organizations and individuals.

Section 114d-6, Pub. L. 90-388, §5, July 6, 1968, 82 Stat. 294, provided for authorization of appropriations.

#### §§ 114e to 114h. Repealed. Pub. L. 107-171, title X, § 10418(a)(10), (11), May 13, 2002, 116 Stat. 508

Section 114e, act June 16, 1948, ch. 477, §1, 62 Stat. 458, related to research and investigations into the control and eradication of cattle grubs.

Section 114f, act June 16, 1948, ch. 477, §2, 62 Stat. 458, defined the term “State” and authorized appropriations.

Section 114g, Pub. L. 87-209, §1, Sept. 6, 1961, 75 Stat. 481, related to hog cholera eradication program.

Section 114h, Pub. L. 87-209, §2, Sept. 6, 1961, 75 Stat. 481, related to advisory committee.

#### § 114i. Pseudorabies eradication

##### (a) Findings

Congress finds that efforts to eradicate pseudorabies in United States swine populations by the Department of Agriculture in cooperation with State agencies and the pork industry have a high priority and should be continued until pseudorabies is completely eradicated in the United States.

##### (b) Establishment of program

The Secretary of Agriculture shall establish and carry out a program for the eradication of pseudorabies in United States swine populations.

##### (c) Use of funds for testing and control of pseudorabies

The Secretary shall ensure that not less than 65 percent of the funds appropriated for the program established under subsection (b) shall be used for testing and screening of animals and for

other purposes directly related to the eradication or control of pseudorabies. This requirement on the use of appropriated funds for this program shall not be implemented in a manner that would adversely affect any other animal or plant disease or pest eradication or control program.

##### (d) Authorization of appropriations

There are authorized to be appropriated for each of the fiscal years 1991 through 2007 such sums as may be necessary for the purpose of carrying out the program established under subsection (b).

(Pub. L. 101-624, title XXV, §2506, Nov. 28, 1990, 104 Stat. 4068; Pub. L. 104-127, title IX, §916, Apr. 4, 1996, 110 Stat. 1187; Pub. L. 107-171, title X, §10505, May 13, 2002, 116 Stat. 511.)

#### Editorial Notes

##### AMENDMENTS

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

1996—Subsec. (d). Pub. L. 104-127 substituted “2002” for “1995”.

#### §§ 115 to 128. Repealed. Pub. L. 107-171, title X, § 10418(a)(7), (8), (12)–(14), May 13, 2002, 116 Stat. 507, 508

Section 115, act May 29, 1884, ch. 60, §6, 23 Stat. 32; June 28, 1926, ch. 700, §1, 44 Stat. 774; Feb. 7, 1928, ch. 30, 45 Stat. 59; Pub. L. 87-763, Oct. 9, 1962, 76 Stat. 762, prohibited transportation of diseased livestock and live poultry.

Section 116, act May 29, 1884, ch. 60, 23 Stat. 31; May 31, 1920, ch. 217, 41 Stat. 699, related to excepted shipment of certain cattle.

Section 117, act May 29, 1884, ch. 60, §7, 23 Stat. 32; Feb. 7, 1928, ch. 30, 45 Stat. 59; Pub. L. 95-439, §1, Oct. 10, 1978, 92 Stat. 1061; Pub. L. 97-461, §5, Jan. 12, 1983, 96 Stat. 2524, related to penalties for transportation of diseased livestock or live poultry.

Section 118, act May 29, 1884, ch. 60, §9, 23 Stat. 33; June 25, 1948, ch. 646, §1, 62 Stat. 909, related to duty of United States attorneys.

Section 119, act May 29, 1884, ch. 60, §2, 23 Stat. 31; Feb. 9, 1889, ch. 122, §1, 25 Stat. 659; July 14, 1890, ch. 707, 26 Stat. 288; Feb. 7, 1928, ch. 30, 45 Stat. 59, related to appointment of agents to examine and report on methods of treatment of animals, and means for suppression of diseases.

Section 120, act May 29, 1884, ch. 60, §§4, 5, 23 Stat. 32; Feb. 2, 1903, ch. 349, §1, 32 Stat. 791; Feb. 7, 1928, ch. 30, 45 Stat. 59, related to regulation of exportation and transportation of infected livestock and live poultry.

Section 121, act Feb. 2, 1903, ch. 349, §1, 32 Stat. 791; Feb. 7, 1928, ch. 30, 45 Stat. 59, related to shipments from areas suspected to be infected and to control of animals and live poultry.

Section 122, act Feb. 2, 1903, ch. 349, §3, 32 Stat. 792; Pub. L. 97-461, §6, Jan. 12, 1983, 96 Stat. 2525, related to offenses and penalties.

Section 123, act Mar. 3, 1905, ch. 1496, §1, 33 Stat. 1264; Feb. 7, 1928, ch. 30, 45 Stat. 59; Pub. L. 87-518, §8(a), July 2, 1962, 76 Stat. 131; Pub. L. 95-439, §2, Oct. 10, 1978, 92 Stat. 1061, related to quarantine.

Section 124, act Mar. 3, 1905, ch. 1496, §2, 33 Stat. 1264; Feb. 7, 1928, ch. 30, 45 Stat. 59; Pub. L. 87-518, §8(b), July 2, 1962, 76 Stat. 131, prohibited transportation or delivery therefor from quarantined State or Territory or portion thereof, of quarantined animals and live poultry.

Section 125, act Mar. 3, 1905, ch. 1496, §3, 33 Stat. 1265; Feb. 7, 1928, ch. 30, 45 Stat. 59; Pub. L. 87-518, §8(b), July 2, 1962, 76 Stat. 131; Pub. L. 95-439, §3, Oct. 10, 1978, 92