

- (ii) scientific evidence and current technology;
- (iii) the physiology and habitat of a plant species; and
- (iv) the economic, social, and ecological consequences of implementing the program.

**(6) State agencies**

The term “State agency” means a State department of agriculture, or other State agency or political subdivision thereof, responsible for the administration or implementation of undesirable plants laws of a State.

**(7) Undesirable plant species**

The term “undesirable plants” means plant species that are classified as undesirable, noxious, harmful, exotic, injurious, or poisonous, pursuant to State or Federal law. Species listed as endangered by the Endangered Species Act of 1973 [16 U.S.C. 1531 et seq.] shall not be designated as undesirable plants under this section and shall not include plants indigenous to an area where control measures are to be taken under this section.

**(f) Coordination**

**(1) In general**

The Secretary of Agriculture and the Secretary of the Interior shall take such actions as may be necessary to coordinate Federal agency programs for control, research, and educational efforts associated with Federal, State, and locally designated noxious weeds.

**(2) Duties**

The Secretary, in consultation with the Secretary of the Interior, shall—

- (A) identify regional priorities for noxious weed control;
- (B) incorporate into existing technical guides regionally appropriate technical information; and
- (C) disseminate such technical information to interested State, local, and private entities.

**(3) Cost share assistance**

The Secretary may provide cost share assistance to State and local agencies to manage noxious weeds in an area if a majority of landowners in that area agree to participate in a noxious weed management program.

**(g) Authorization of appropriations**

There is authorized to be appropriated such sums as may be necessary in each of fiscal years 1991 through 1995 to carry out this section.

(Pub. L. 93-629, §15, as added Pub. L. 101-624, title XIV, §1453, Nov. 28, 1990, 104 Stat. 3611.)

REFERENCES IN TEXT

The National Environmental Policy Act of 1969, referred to in subsec. (b), is Pub. L. 91-190, Jan. 1, 1970, 83 Stat. 852, as amended, which is classified generally to chapter 55 (§4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables.

The Endangered Species Act of 1973, referred to in subsec. (e)(7), is Pub. L. 93-205, Dec. 28, 1973, 87 Stat. 884, as amended, which is classified generally to chapter 35

(§1531 et seq.) of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 1531 of Title 16 and Tables.

**CHAPTER 62—BEEF RESEARCH AND INFORMATION**

Sec.	
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**§ 2901. Congressional findings and declaration of policy**

(a) Congress finds that—

(1) beef and beef products are basic foods that are a valuable part of human diet;

(2) the production of beef and beef products plays a significant role in the Nation's economy, beef and beef products are produced by thousands of beef producers and processed by numerous processing entities, and beef and beef products are consumed by millions of people throughout the United States and foreign countries;

(3) beef and beef products should be readily available and marketed efficiently to ensure that the people of the United States receive adequate nourishment;

(4) the maintenance and expansion of existing markets for beef and beef products are vital to the welfare of beef producers and those concerned with marketing, using, and producing beef products, as well as to the general economy of the Nation;

(5) there exist established State and national organizations conducting beef promotion, research, and consumer education programs that are invaluable to the efforts of promoting the consumption of beef and beef products; and

(6) beef and beef products move in interstate and foreign commerce, and beef and beef products that do not move in such channels of commerce directly burden or affect interstate commerce of beef and beef products.

(b) It, therefore, is declared to be the policy of Congress that it is in the public interest to authorize the establishment, through the exercise of the powers provided herein, of an orderly procedure for financing (through assessments on all cattle sold in the United States and on cattle, beef, and beef products imported into the United States) and carrying out a coordinated program of promotion and research designed to strengthen the beef industry's position in the marketplace and to maintain and expand domestic and foreign markets and uses for beef and beef products. Nothing in this chapter shall be construed to limit the right of individual producers to raise cattle.

(Pub. L. 94-294, §2, May 28, 1976, 90 Stat. 529; Pub. L. 99-198, title XVI, §1601(b), Dec. 23, 1985, 99 Stat. 1597.)

#### AMENDMENTS

1985—Pub. L. 99-198 amended section generally.

##### EFFECTIVE DATE OF 1985 AMENDMENT

Pub. L. 99-198, title XVI, §1601(c), Dec. 23, 1985, 99 Stat. 1606, provided that: "The amendments made by this section [amending this section and sections 2902 to 2911 of this title, omitting sections 2912 to 2918 of this title and provisions set out as a note under this section, and enacting provisions set out as a note under this section] shall take effect on January 1, 1986."

##### EFFECTIVE DATE

Pub. L. 94-294, §21, May 28, 1976, 90 Stat. 538, provided that: "This Act [enacting this chapter and provisions set out as notes under this section] shall take effect upon enactment [May 28, 1976]."

##### SHORT TITLE OF 1985 AMENDMENT

Pub. L. 99-198, title XVI, §1601(a), Dec. 23, 1985, 99 Stat. 1597, provided that: "This section [amending this section and sections 2902 to 2911 of this title, omitting sections 2912 to 2918 of this title and provisions set out as a note under this section, and enacting provisions set out as a note under this section] may be cited as the 'Beef Promotion and Research Act of 1985'."

##### SHORT TITLE

Pub. L. 94-294, §1, May 28, 1976, 90 Stat. 529, provided: "That this Act [enacting this chapter and provisions set out as notes under this section] shall be known as the 'Beef Research and Information Act'."

##### SEPARABILITY

Pub. L. 94-294, §19, May 28, 1976, 90 Stat. 537, which provided that if any provision of this Act [enacting this chapter and provisions set out as notes under this section] or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby, was omitted in the general revision of sections 2 through 20 of Pub. L. 94-294 by Pub. L. 99-198, title XVI, §1601(b), Dec. 28, 1985, 99 Stat. 1597.

## § 2902. Definitions

For purposes of this chapter—

- (1) the term "beef" means flesh of cattle;
- (2) the term "beef products" means edible products produced in whole or in part from beef, exclusive of milk and products made therefrom;
- (3) the term "Board" means the Cattlemen's Beef Promotion and Research Board established under section 2904(1) of this title;
- (4) the term "cattle" means live domesticated bovine animals regardless of age;
- (5) the term "Committee" means the Beef Promotion Operating Committee established under section 2904(5) of this title;
- (6) the term "consumer information" means nutritional data and other information that will assist consumers and other persons in making evaluations and decisions regarding the purchasing, preparing, and use of beef and beef products;
- (7) the term "Department" means the Department of Agriculture.<sup>1</sup>

<sup>1</sup> So in original. The period probably should be a semicolon.

(8) the term "importer" means any person who imports cattle, beef, or beef products from outside the United States;

(9) the term "industry information" means information and programs that will lead to the development of new markets, marketing strategies, increased efficiency, and activities to enhance the image of the cattle industry;

(10) The<sup>2</sup> term "order" means a beef promotion and research order issued under section 2903 of this title.<sup>1</sup>

(11) the term "person" means any individual, group of individuals, partnership, corporation, association, cooperative, or any other entity;

(12) the term "producer" means any person who owns or acquires ownership of cattle, except that a person shall not be considered to be a producer if the person's only share in the proceeds of a sale of cattle or beef is a sales commission, handling fee, or other service fee;

(13) the term "promotion" means any action, including paid advertising, to advance the image and desirability of beef and beef products with the express intent of improving the competitive position and stimulating sales of beef and beef products in the marketplace;

(14) the term "qualified State beef council" means a beef promotion entity that is authorized by State statute or is organized and operating within a State, that receives voluntary contributions and conducts beef promotion, research, and consumer information programs, and that is recognized by the Board as the beef promotion entity within such State;

(15) the term "research" means studies testing the effectiveness of market development and promotion efforts, studies relating to the nutritional value of beef and beef products, other related food science research, and new product development;

(16) the term "Secretary" means the Secretary of Agriculture;

(17) The<sup>2</sup> term "State" means each of the 50 States; and

(18) the term "United States" means the several States and the District of Columbia.

(Pub. L. 94-294, §3, May 28, 1976, 90 Stat. 530; Pub. L. 99-198, title XVI, §1601(b), Dec. 23, 1985, 99 Stat. 1598.)

#### AMENDMENTS

1985—Pub. L. 99-198 amended section generally.

##### EFFECTIVE DATE OF 1985 AMENDMENT

Amendment by Pub. L. 99-198 effective Jan. 1, 1986, see section 1601(c) of Pub. L. 99-198, set out as a note under section 2901 of this title.

## § 2903. Issuance of orders

(a) During the period beginning on January 1, 1986, and ending thirty days after receipt of a proposal for a beef promotion and research order, the Secretary shall publish such proposed order and give due notice and opportunity for public comment on such proposed order. Such proposal may be submitted by any organization meeting the requirements for certification under section 2905 of this title or any interested person, including the Secretary.

<sup>2</sup> So in original. Probably should not be capitalized.