

(4) Encouragement of owners and operators of privately held land containing species of trees in the genus *Acer*—

(A) to initiate or expand maple-sugaring activities on the land; or

(B) to voluntarily make the land available, including by lease or other means, for access by the public for maple-sugaring activities.

(b) Application

In submitting an application for a competitive grant under this section, a State, tribal government, or research institution shall include—

(1) a description of the activities to be supported using the grant funds;

(2) a description of the benefits that the State, tribal government, or research institution intends to achieve as a result of engaging in such activities; and

(3) an estimate of the increase in maple-sugaring activities or maple syrup production that the State, tribal government, or research institution anticipates will occur as a result of engaging in such activities.

(c) Rule of construction

Nothing in this section shall be construed so as to preempt a State or tribal government law, including a State or tribal government liability law.

(d) Definition of maple-sugaring

In this section, the term “maple-sugaring” means the collection of sap from any species of tree in the genus *Acer* for the purpose of boiling to produce food.

(e) Regulations

The Secretary of Agriculture shall promulgate such regulations as are necessary to carry out this section.

(f) Authorization of appropriations

There are authorized to be appropriated to carry out this section \$20,000,000 for each of fiscal years 2014 through 2023.

(Pub. L. 113-79, title XII, §12306, Feb. 7, 2014, 128 Stat. 988; Pub. L. 115-334, title XII, §12501, Dec. 20, 2018, 132 Stat. 4982.)

Editorial Notes

CODIFICATION

Section was enacted as part of the Agricultural Act of 2014, and not as part of the Agricultural Marketing Act of 1946 which comprises this chapter.

AMENDMENTS

2018—Subsec. (f). Pub. L. 115-334 substituted “2023” for “2018”.

§ 1632d. Dairy business innovation initiatives

(a) Definitions

In this section:

(1) Dairy business

The term “dairy business” means a business that develops, produces, markets, or distributes dairy products.

(2) Initiative

The term “initiative” means a dairy product and business innovation initiative established under subsection (b).

(b) Establishment

The Secretary shall establish not less than 3 regionally-located dairy product and business innovation initiatives for the purposes of—

(1) diversifying dairy product markets to reduce risk and develop higher-value uses for dairy products;

(2) promoting business development that diversifies farmer income through processing and marketing innovation; and

(3) encouraging the use of regional milk production.

(c) Selection of initiatives

An initiative—

(1) shall be positioned to draw on existing dairy industry resources, including activities conducted by the National Dairy Promotion and Research Board and other dairy promotion entities, research capacity, academic and industry expertise, a density of dairy farms or farmland suitable for dairying, and dairy businesses; and

(2) may serve a certain product niche, such as specialty cheese, or serve dairy businesses with dairy products derived from the milk of a specific type of dairy animal, including dairy products made from cow milk, sheep milk, and goat milk.

(d) Entities eligible to host initiative

(1) In general

Subject to paragraph (2), any of the following entities may submit to the Secretary an application to host an initiative:

(A) A State department of agriculture or other State entity.

(B) A nonprofit organization.

(C) An institution of higher education.

(D) A cooperative extension service.

(2) Capacity of eligible entity

Any entity described in subparagraphs (A) through (D) of paragraph (1) shall be eligible to submit an application under that paragraph if the entity has—

(A) a capacity to provide consultation and expertise necessary to advance the purpose and activities of the proposed initiative; and

(B) expertise in grant distribution and tracking.

(3) Ineligible entity

A dairy promotion program shall not be eligible to host an initiative under this section.

(e) Partners

(1) In general

An entity described in subsection (d)(1) may establish as a partner an organization or entity described in paragraph (2)—

(A) prior to the submission of the application under that subsection; or

(B) after approval of the application, in consultation with the Secretary.

(2) Partner described

A partner under paragraph (1) shall be an organization or entity with expertise or experience in dairy, including the marketing, research, education, or promotion of dairy.

(f) Activities of initiatives

(1) Direct assistance to dairy businesses

An initiative shall provide nonmonetary assistance directly to dairy businesses through

private consultation or widely available distribution—

(A) by the entity that hosts the initiative under subsection (d)(1);

(B) through contracting with industry experts;

(C) through the provision of technical assistance, such as informational websites, webinars, conferences, trainings, plant tours, and field days; or

(D) through research institutions, including cooperative extension services.

(2) Types of assistance

Eligible forms of assistance include—

(A) business consulting, including business plan development for processed dairy products, strategic planning assistance, and distribution and supply chain innovation;

(B) marketing and branding assistance, including market messaging, packaging innovation, consumer assessments, innovation in emerging market opportunities, and evaluation of regional, national, and international markets;

(C) assistance in product innovation, including the development of value-added products, innovation in byproduct reprocessing and use maximization, and dairy product production training, including in new, rare, or innovative techniques; and

(D) other nonmonetary assistance, as determined by the Secretary.

(3) Grants to dairy businesses

(A) In general

An initiative shall provide grants on a competitive basis to new and existing dairy businesses for the purposes of—

(i) modernization, specialization, and grazing transition on dairy farms;

(ii) value chain and commodity innovation and facility and process updates for dairy processors; and

(iii) product development, packaging, and marketing of dairy products.

(B) Grants to certain entities

An initiative may provide a grant on a noncompetitive basis to an entity that receives assistance under paragraph (1) to advance the business activities recommended as a result of that assistance.

(C) Grant amounts

Grants provided under this paragraph shall not exceed \$500,000, unless a greater amount is approved by the Secretary.

(4) Consultation

An entity that hosts an initiative shall consult with the National Dairy Promotion and Research Board, the Secretary, and the Administrator of the Agricultural Marketing Service in carrying out the initiative.

(5) Conflict of interest

(A) In general

The Secretary shall establish guidelines and procedures to prevent any conflict of interest or the appearance of a conflict of interest by an initiative (including a partner

of the initiative) during the allocation of direct assistance under paragraph (1) or grant funding under paragraph (3).

(B) Penalty

The Secretary may suspend or terminate an initiative if the initiative (including a partner of the initiative) is found to be in violation of the guidelines and procedures established under subparagraph (A).

(g) Distribution of funds

(1) In general

Using the funds made available to carry out this section, the Secretary—

(A) shall provide not less than 3 awards to eligible entities described in subsection (d) for the purposes of carrying out the activities under subsection (f); and

(B) is encouraged to award funds under subparagraph (A) in multiyear funding allocations.

(2) Use of funds

Not less than 50 percent of the funds made available under subsection (i) shall be allocated to grants under subsection (f)(3).

(3) Priority

An entity hosting an initiative shall give priority to the provision of direct assistance under subsection (f)(1) and grants under subsection (f)(3) to—

(A) dairy farms and dairy businesses with limited access to other forms of assistance;

(B) employee-owned dairy businesses;

(C) cooperatives; and

(D) dairy businesses that seek to create dairy products that add substantial value in processing or marketing, such as specialty cheeses.

(4) Requirement

Assistance or a grant shall not be made available to a foreign person making direct investment (as those terms are defined in section 801.2 of title 15, Code of Federal Regulations (or successor regulations)) in the United States in the case of—

(A) direct assistance under subsection (f)(1) that is provided to a specific dairy business and is not publicly available, as determined by the Secretary; or

(B) a grant under subsection (f)(3).

(5) Supplementation

To the extent practicable, the Secretary shall ensure that funds provided to an initiative supplement, and do not duplicate or replace, existing dairy product research, development, and promotion activities.

(h) Report

Not later than January 31, 2022, the Secretary shall submit to Congress a report on the outcomes of the program under this section and any related activities and opportunities to further increase dairy innovation.

(i) Authorization of appropriations

There is authorized to be appropriated to carry out this section \$20,000,000 for each fiscal year.

(Pub. L. 115-334, title XII, §12513, Dec. 20, 2018, 132 Stat. 4996.)

Editorial Notes

CODIFICATION

Section was enacted as part of the Agriculture Improvement Act of 2018, and not as part of the Agricultural Marketing Act of 1946 which comprises this chapter.

Statutory Notes and Related Subsidiaries

DEFINITION OF “SECRETARY”

“Secretary” means the Secretary of Agriculture, see section 2 of Pub. L. 115-334, set out as a note under section 9001 of this title.

§ 1633. Cooperation with State agencies in administration and enforcement of laws relating to marketing of agricultural products and control or eradication of plant and animal diseases and pests; coordination of administration of Federal and State laws

In order to avoid duplication of functions, facilities, and personnel, and to attain closer coordination and greater effectiveness and economy in administration of Federal and State laws and regulations relating to the marketing of agricultural products and to the control or eradication of plant and animal diseases and pests, the Secretary of Agriculture is authorized, in the administration and enforcement of such Federal laws within his area of responsibility, whenever he deems it feasible and in the public interest, to enter into cooperative arrangements with State departments of agriculture and other State agencies charged with the administration and enforcement of such State laws and regulations and to provide that any such State agency which has adequate facilities, personnel, and procedures, as determined by the Secretary, may assist the Secretary in the administration and enforcement of such Federal laws and regulations to the extent and in the manner he deems appropriate in the public interest.

Further, the Secretary is authorized to coordinate the administration of such Federal laws and regulations with such State laws and regulations wherever feasible. However, nothing herein shall affect the jurisdiction of the Secretary of Agriculture under any Federal law, or any authority to cooperate with State agencies or other agencies or persons under existing provisions of law, or affect any restrictions of law upon such cooperation.

(Pub. L. 87-718, Sept. 28, 1962, 76 Stat. 663.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 450 of this title prior to editorial reclassification and renumbering as this section.

Section was enacted as Pub. L. 87-718, popularly known as the Talmadge-Aiken Act, and not as part of the Agricultural Marketing Act of 1946 which comprises this chapter.

SUBCHAPTER II—LIVESTOCK MANDATORY REPORTING

PART A—PURPOSE; DEFINITIONS

§ 1635. Purpose

The purpose of this subchapter is to establish a program of information regarding the marketing of cattle, swine, lambs, and products of such livestock that—

(1) provides information that can be readily understood by producers, packers, and other market participants, including information with respect to the pricing, contracting for purchase, and supply and demand conditions for livestock, livestock production, and livestock products;

(2) improves the price and supply reporting services of the Department of Agriculture; and

(3) encourages competition in the marketplace for livestock and livestock products.

(Aug. 14, 1946, ch. 966, title II, §211, as added Pub. L. 106-78, title IX, §911(2), Oct. 22, 1999, 113 Stat. 1188.)

Statutory Notes and Related Subsidiaries

LIVESTOCK MANDATORY REPORTING

Pub. L. 106-78, title IX, Oct. 22, 1999, 113 Stat. 1188, as amended by Pub. L. 108-444, §1, Dec. 3, 2004, 118 Stat. 2635; Pub. L. 109-296, §1(b), Oct. 5, 2006, 120 Stat. 1464; Pub. L. 111-239, §2(a)(2), Sept. 27, 2010, 124 Stat. 2501; Pub. L. 114-54, title I, §101(b), Sept. 30, 2015, 129 Stat. 513, provided that:

“SEC. 901. SHORT TITLE.

“This title [enacting sections 198 to 198b and 1635 to 1636h of this title and this note, amending sections 192 and 5712 of this title, repealing section 229a of this title, and amending provisions set out as a note under section 1421 of this title] may be cited as the ‘Livestock Mandatory Reporting Act of 1999’.

“Subtitle A—Livestock Mandatory Reporting

“SEC. 911. LIVESTOCK MANDATORY REPORTING.

“[Enacted this subchapter.]

“SEC. 912. UNJUST DISQUALIFICATION.

“[Amended section 192 of this title.]

“SEC. 913. CONFORMING AMENDMENTS.

“(a) [Repealed section 229a of this title.]

“(b) [Amended section 101(a) [title XI, §1127] of Pub. L. 105-277, former 7 U.S.C. 1421 note.]

“Subtitle B—Related Beef Reporting Provisions

“SEC. 921. BEEF EXPORT REPORTING.

“[Amended section 5712 of this title.]

“SEC. 922. EXPORT CERTIFICATES FOR MEAT AND MEAT FOOD PRODUCTS.

“Not later than 1 year after the date of the enactment of this Act [Oct. 22, 1999], the Secretary of Agriculture shall fully implement a program, through the use of a streamlined electronic online system, to issue and report export certificates for all meat and meat products.

“SEC. 923. IMPORTS OF BEEF, BEEF VARIETY MEATS, AND CATTLE.

“(a) IN GENERAL.—The Secretary of Agriculture shall—

“(1) obtain information regarding the import of beef and beef variety meats (consistent with the information categories reported for beef exports under section 602(a) of the Agricultural Trade Act of 1978 (7 U.S.C. 5712(a))) and cattle using available information sources; and