

**§ 198. Definitions**

Except as provided in section 198b(a) of this title, in this part:

**(1) Market**

The term “market” means the sale or disposition of swine, pork, or pork products in commerce.

**(2) Packer**

The term “packer” has the meaning given the term in section 1635i of this title.

**(3) Pork**

The term “pork” means the meat of a porcine animal.

**(4) Pork product**

The term “pork product” means a product or byproduct produced or processed in whole or in part from pork.

**(5) State**

The term “State” means each of the 50 States.

**(6) Swine**

The term “swine” means a porcine animal raised to be a feeder pig, raised for seedstock, or raised for slaughter.

**(7) Type of contract**

The term “type of contract” means the classification of contracts or risk management agreements for the purchase of swine by—

(A) the mechanism used to determine the base price for swine committed to a packer, grouped into practicable classifications by the Secretary (including swine or pork market formula purchases, other market formula purchases, and other purchase arrangements); and

(B) the presence or absence of an accrual account or ledger that must be repaid by the producer or packer that receives the benefit of the contract pricing mechanism in relation to negotiated prices.

**(8) Other terms**

Except as provided in this part, a term has the meaning given the term in section 1635a or 1635i of this title.

(Aug. 15, 1921, ch. 64, title II, § 221, as added Pub. L. 106–78, title IX, § 934(2), Oct. 22, 1999, 113 Stat. 1208.)

**TERMINATION OF SECTION**

*For termination of section by section 942 of Pub. L. 106–78, see Livestock Mandatory Reporting note set out under section 1635 of this title.*

**Statutory Notes and Related Subsidiaries****TERMINATION DATE**

Section to terminate Sept. 30, 2023, see section 942 of Pub. L. 106–78, set out in a Livestock Mandatory Reporting note under section 1635 of this title.

**§ 198a. Swine packer marketing contracts offered to producers****(a) In general**

Subject to the availability of appropriations to carry out this section, the Secretary shall es-

tablish and maintain a library or catalog of each type of contract offered by packers to swine producers for the purchase of all or part of the producers’ production of swine (including swine that are purchased or committed for delivery), including all available noncarcass merit premiums.

**(b) Availability**

The Secretary shall make available to swine producers and other interested persons information on the types of contracts described in subsection (a), including notice (on a real-time basis if practicable) of the types of contracts that are being offered by each individual packer to, and are open to acceptance by, producers for the purchase of swine.

**(c) Confidentiality**

The reporting requirements under subsections (a) and (b) shall be subject to the confidentiality protections provided under section 1636 of this title.

**(d) Information collection****(1) In general**

The Secretary shall—

(A) obtain (by a filing or other procedure required of each individual packer) information indicating what types of contracts for the purchase of swine are available from each packer; and

(B) make the information available in a monthly report to swine producers and other interested persons.

**(2) Contracted swine numbers**

Each packer shall provide, and the Secretary shall collect and publish in the monthly report required under paragraph (1)(B), information specifying—

(A) the types of existing contracts for each packer;

(B) the provisions contained in each contract that provide for expansion in the numbers of swine to be delivered under the contract for the following 6-month and 12-month periods;

(C) an estimate of the total number of swine committed by contract for delivery to all packers within the 6-month and 12-month periods following the date of the report, reported by reporting region and by type of contract; and

(D) an estimate of the maximum total number of swine that potentially could be delivered within the 6-month and 12-month periods following the date of the report under the provisions described in subparagraph (B) that are included in existing contracts, reported by reporting region and by type of contract.

**(e) Violations**

It shall be unlawful and a violation of this subchapter for any packer to willfully fail or refuse to provide to the Secretary accurate information required under, or to willfully fail or refuse to comply with any requirement of, this section.

**(f) Authorization of appropriations**

There are authorized to be appropriated such sums as necessary to carry out this section.

(Aug. 15, 1921, ch. 64, title II, §222, as added Pub. L. 106-78, title IX, §934(2), Oct. 22, 1999, 113 Stat. 1208.)

#### TERMINATION OF SECTION

*For termination of section by section 942 of Pub. L. 106-78, see Livestock Mandatory Reporting note set out under section 1635 of this title.*

#### Statutory Notes and Related Subsidiaries

##### TERMINATION DATE

Section to terminate Sept. 30, 2023, see section 942 of Pub. L. 106-78, set out in a Livestock Mandatory Reporting note under section 1635 of this title.

#### § 198b. Report on the Secretary's jurisdiction, power, duties, and authorities

##### (a) Definition of packer

In this section, the term “packer” has the meaning given the term in section 191 of this title.

##### (b) Report

Not later than 90 days after October 22, 1999, the Comptroller General of the United States shall provide to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the jurisdiction, powers, duties, and authorities of the Secretary that relate to packers and other persons involved in procuring, slaughtering, or processing swine, pork, or pork products that are covered by this Act and other laws, including—

- (1) the Federal Trade Commission Act (15 U.S.C. 41 et seq.), especially sections 6, 8, 9, and 10 of that Act (15 U.S.C. 46, 48, 49, and 50); and
- (2) the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.).

##### (c) Contents

The Comptroller General shall include in the report an analysis of—

- (1) burdens on and obstructions to commerce in swine, pork, and pork products by packers, and other persons that enter into arrangements with the packers, that are contrary to, or do not protect, the public interest;
- (2) noncompetitive pricing arrangements between or among packers, or other persons involved in the processing, distribution, or sale of pork and pork products, including arrangements provided for in contracts for the purchase of swine;
- (3) the effective monitoring of contracts entered into between packers and swine producers;
- (4) investigations that relate to, and affect, the disclosure of—
  - (A) transactions involved in the business conduct and practices of packers; and
  - (B) the pricing of swine paid to producers by packers and the pricing of products in the pork and pork product merchandising chain;
- (5) the adequacy of the authority of the Secretary to prevent a packer from unjustly or arbitrarily refusing to offer a producer, or disqualifying a producer from eligibility for, a

particular contract or type of contract for the purchase of swine; and

(6) the ability of the Secretary to cooperate with and enhance the enforcement of actions initiated by other Federal departments and agencies, or Federal independent agencies, to protect trade and commerce in the pork and pork product industries against unlawful restraints and monopolies.

(Aug. 15, 1921, ch. 64, title II, §223, as added Pub. L. 106-78, title IX, §934(2), Oct. 22, 1999, 113 Stat. 1209.)

#### TERMINATION OF SECTION

*For termination of section by section 942 of Pub. L. 106-78, see Livestock Mandatory Reporting note set out under section 1635 of this title.*

#### Editorial Notes

##### REFERENCES IN TEXT

The Federal Trade Commission Act, referred to in subsec. (b)(1), is act Sept. 26, 1914, ch. 311, 38 Stat. 717, which is classified generally to subchapter I (§41 et seq.) of chapter 2 of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see section 58 of Title 15 and Tables.

The Agricultural Marketing Act of 1946, referred to in subsec. (b)(2), is title II of act Aug. 14, 1946, ch. 966, 60 Stat. 1087, which is classified generally to chapter 38 (§1621 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1621 of this title and Tables.

#### Statutory Notes and Related Subsidiaries

##### TERMINATION DATE

Section to terminate Sept. 30, 2023, see section 942 of Pub. L. 106-78, set out in a Livestock Mandatory Reporting note under section 1635 of this title.

#### SUBCHAPTER III—STOCKYARDS AND STOCKYARD DEALERS

#### § 201. “Stockyard owner”; “stockyard services”; “market agency”; “dealer”; defined

In this chapter:

(a) The term “stockyard owner” means any person engaged in the business of conducting or operating a stockyard.

(b) The term “stockyard services” means services or facilities furnished at a stockyard in connection with the receiving, buying, or selling on a commission basis or otherwise, marketing, feeding, watering, holding, delivery, shipment, weighing, or handling in commerce, of livestock.

(c) The term “market agency” means any person engaged in the business of (1) buying or selling in commerce livestock on a commission basis or (2) furnishing stockyard services. Beginning on October 7, 2016, such term includes any person who engages in the business of buying or selling livestock, on a commission or other fee basis, through the use of online, video, or other electronic methods when handling or providing the means to handle receivables or proceeds from such buying or selling, so long as such person’s annual average of online, video, or electronic sales of livestock, on a commission or other fee basis, exceeds \$250,000.

(d) The term “dealer” means any person, not a market agency, engaged in the business of