

Calendar No. 512

111TH CONGRESS
2^D SESSION

S. 3656

To amend the Agricultural Marketing Act of 1946 to improve the reporting on sales of livestock and dairy products, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 27, 2010

Mrs. LINCOLN (for herself, Mr. CHAMBLISS, Mr. GRASSLEY, Mr. NELSON of Nebraska, Mr. JOHANNES, Mr. BAUCUS, Mr. BENNET, Mr. HARKIN, Mr. ROBERTS, Mr. BROWN of Ohio, Mr. COCHRAN, Mrs. GILLIBRAND, Ms. KLOBUCHAR, Mr. LEAHY, Mr. THUNE, Mr. CASEY, Mr. CONRAD, Mr. CORNYN, Mr. LUGAR, and Ms. STABENOW) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

AUGUST 5, 2010

Reported by Mrs. LINCOLN, without amendment

A BILL

To amend the Agricultural Marketing Act of 1946 to improve the reporting on sales of livestock and dairy products, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Mandatory Price Re-
3 porting Act of 2010”.

4 **SEC. 2. LIVESTOCK MANDATORY REPORTING.**

5 (a) **EXTENSION OF AUTHORITY.—**

6 (1) **IN GENERAL.**—Section 260 of the Agricul-
7 tural Marketing Act of 1946 (7 U.S.C. 1636i) is
8 amended by striking “September 30, 2010” and in-
9 serting “September 30, 2015”.

10 (2) **CONFORMING AMENDMENT AND EXTEN-**
11 **SION.**—Section 942 of the Livestock Mandatory Re-
12 porting Act of 1999 (7 U.S.C. 1635 note; Public
13 Law 106–78) is amended by striking “September
14 30, 2010” and inserting “September 30, 2015”.

15 (b) **WHOLESALE PORK CUTS.—**

16 (1) **REPORTING.**—Chapter 3 of subtitle B of
17 the Agricultural Marketing Act of 1946 (7 U.S.C.
18 1635i et seq.) is amended by adding at the end the
19 following new section:

20 **“SEC. 233. MANDATORY REPORTING OF WHOLESALE PORK**
21 **CUTS.**

22 “(a) **REPORTING.**—The corporate officers or officially
23 designated representatives of each packer shall report to
24 the Secretary information concerning the price and volume
25 of wholesale pork cuts, as the Secretary determines is nec-
26 essary and appropriate.

1 “(b) PUBLICATION.—The Secretary shall publish in-
 2 formation reported under subsection (a) as the Secretary
 3 determines necessary and appropriate.”.

4 (2) NEGOTIATED RULEMAKING.—The Secretary
 5 of Agriculture shall establish a negotiated rule-
 6 making process pursuant to subchapter III of chap-
 7 ter 5 of title 5, United States Code, to negotiate and
 8 develop a proposed rule to implement the amend-
 9 ment made by paragraph (1).

10 (3) NEGOTIATED RULEMAKING COMMITTEE.—

11 (A) REPRESENTATION.—Any negotiated
 12 rulemaking committee established by the Sec-
 13 retary of Agriculture pursuant to paragraph (2)
 14 shall include representatives from—

15 (i) organizations representing swine
 16 producers;

17 (ii) organizations representing packers
 18 of pork, processors of pork, retailers of
 19 pork, and buyers of wholesale pork;

20 (iii) the Department of Agriculture;
 21 and

22 (iv) among interested parties that par-
 23 ticipate in swine or pork production.

24 (B) INAPPLICABILITY OF FEDERAL ADVI-
 25 SORY COMMITTEE ACT.—Any negotiated rule-

1 making committee established by the Secretary
 2 of Agriculture pursuant to paragraph (2) shall
 3 not be subject to the Federal Advisory Com-
 4 mittee Act (5 U.S.C. App.).

5 (4) TIMING OF PROPOSED AND FINAL RULES.—

6 In carrying out the negotiated rulemaking process
 7 under paragraph (2), the Secretary of Agriculture
 8 shall ensure that—

9 (A) any recommendation for a proposed
 10 rule or report is provided to the Secretary of
 11 Agriculture not later than 180 days after the
 12 date of the enactment of this Act; and

13 (B) a final rule is promulgated not later
 14 than one and a half years after the date of the
 15 enactment of this Act.

16 (c) PORK EXPORT REPORTING.—Section 602(a)(1)
 17 of the Agricultural Trade Act of 1978 (7 U.S.C.
 18 5712(a)(1)) is amended by striking “cotton,” and insert-
 19 ing “cotton, pork,”.

20 **SEC. 3. DAIRY MANDATORY REPORTING.**

21 (a) ELECTRONIC REPORTING REQUIRED.—Sub-
 22 section (d) of section 273 of the Agricultural Marketing
 23 Act of 1946 (7 U.S.C. 1637b) is amended to read as fol-
 24 lows:

25 “(d) ELECTRONIC REPORTING.—

1 “(1) ELECTRONIC REPORTING SYSTEM RE-
2 QUIRED.—The Secretary shall establish an electronic
3 reporting system to carry out this section.

4 “(2) PUBLICATION.—Not later than 3:00 p.m.
5 Eastern Time on the Wednesday of each week, the
6 Secretary shall publish a report containing the infor-
7 mation obtained under this section for the preceding
8 week.”.

9 (b) IMPLEMENTATION.—Not later than one year
10 after the date of enactment of this Act, the Secretary of
11 Agriculture shall implement the electronic reporting sys-
12 tem required by subsection (d) of section 273 of the Agri-
13 cultural Marketing Act of 1946 (7 U.S.C. 1637b), as
14 amended by subsection (a). Until the electronic reporting
15 system is implemented, the Secretary shall continue to
16 conduct mandatory dairy product information reporting
17 under the authority of such section, as in effect on the
18 day before the date of enactment of this Act.

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