

111TH CONGRESS
2D SESSION

H. R. 5852

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 HOUSE OF REPRESENTATIVES

JULY 26, 2010

Mr. PETERSON (for himself, Mr. BACA, Mr. BOSWELL, Mr. CONAWAY, Mr. CUELLAR, Mrs. DAHLKEMPER, Mr. FORTENBERRY, Ms. HERSETH SANDLIN, Mr. HOLDEN, Mr. KAGEN, Mr. KING of Iowa, Mr. KISSELL, Mrs. LUMMIS, Ms. MARKEY of Colorado, Mr. MCINTYRE, Mr. MORAN of Kansas, Mr. POMEROY, Mr. SCOTT of Georgia, Mr. SMITH of Nebraska, and Mr. WALZ) introduced the following bill; which was referred to the Committee on Agriculture

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,*

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. LIVESTOCK MANDATORY REPORTING.**

7 (a) EXTENSION OF AUTHORITY.—

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

5 (2) CONFORMING AMENDMENT AND EXTEN-
 6 SION.—Section 942 of the Livestock Mandatory Re-
 7 porting Act of 1999 (7 U.S.C. 1635 note; Public
 8 Law 106–78) is amended by striking “September
 9 30, 2010” and inserting “September 30, 2015”.

10 (b) WHOLESALE PORK CUTS.—

11 (1) REPORTING.—Chapter 3 of subtitle B of
 12 the Agricultural Marketing Act of 1946 (7 U.S.C.
 13 1635i et seq.) is amended by adding at the end the
 14 following new section:

15 **“SEC. 233. MANDATORY REPORTING OF WHOLESALE PORK**
 16 **CUTS.**

17 “(a) REPORTING.—The corporate officers or officially
 18 designated representatives of each packer shall report to
 19 the Secretary information concerning the price and volume
 20 of wholesale pork cuts, as the Secretary determines is nec-
 21 essary and appropriate.

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

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

7 (3) NEGOTIATED RULEMAKING COMMITTEE.—

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

12 (i) organizations representing swine
13 producers;

14 (ii) organizations representing packers
15 of pork, processors of pork, retailers of
16 pork, and buyers of wholesale pork;

17 (iii) the Department of Agriculture;
18 and

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

21 (B) INAPPLICABILITY OF FEDERAL ADVI-
22 SORY COMMITTEE ACT.—Any negotiated rule-
23 making committee established by the Secretary
24 of Agriculture pursuant to paragraph (2) shall

1 not be subject to the Federal Advisory Com-
2 mittee Act (5 U.S.C. App.).

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

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

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

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

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

18 **SEC. 3. DAIRY MANDATORY REPORTING.**

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

23 “(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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