

(A) The quantity (quoted in both numbers of head and hundredweights) of cattle.

(B) The weighted average price paid for a carcass, including applicable premiums and discounts.

(C) The range of premiums and discounts paid.

(D) The weighted average of premiums and discounts paid.

(E) The range of prices paid.

(F) The aggregate weighted average price paid for a carcass.

(G) The terms of trade regarding the cattle, as applicable.

(3) Publication

The Secretary shall make available to the public the information obtained under paragraphs (1) and (2) on the first reporting day of the current slaughter week, not later than 10:00 a.m. Central Time.

(e) Regional reporting of cattle types

(1) In general

The Secretary shall determine whether adequate data can be obtained on a regional basis for fed Holsteins and other fed dairy steers and heifers, cows, and bulls based on the number of packers required to report under this section.

(2) Report

Not later than 2 years after October 22, 1999, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the determination of the Secretary under paragraph (1).

(Aug. 14, 1946, ch. 966, title II, § 222, as added Pub. L. 106-78, title IX, § 911(2), Oct. 22, 1999, 113 Stat. 1191.)

§ 1635f. Mandatory packer reporting of boxed beef sales

(a) Daily reporting

The corporate officers or officially designated representatives of each packer processing plant shall report to the Secretary at least twice each reporting day (not less than once before, and once after, 12:00 noon Central Time) information on total boxed beef sales, including—

(1) the price for each lot of each negotiated boxed beef sale (determined by seller-buyer interaction and agreement), quoted in dollars per hundredweight (on a F.O.B. plant basis);

(2) the quantity for each lot of each sale, quoted by number of boxes sold; and

(3) information regarding the characteristics of each lot of each sale, including—

(A) the grade of beef (USDA Choice or better, USDA Select, or ungraded no-roll product);

(B) the cut of beef; and

(C) the trim specification.

(b) Publication

The Secretary shall make available to the public the information required to be reported under subsection (a) not less frequently than twice each reporting day.

(Aug. 14, 1946, ch. 966, title II, § 223, as added Pub. L. 106-78, title IX, § 911(2), Oct. 22, 1999, 113 Stat. 1193.)

PART C—SWINE REPORTING

§ 1635i. Definitions

In this part:

(1) Affiliate

The term “affiliate”, with respect to a packer, means—

(A) a person that directly or indirectly owns, controls, or holds with power to vote, 5 percent or more of the outstanding voting securities of the packer;

(B) a person 5 percent or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote, by the packer; and

(C) a person that directly or indirectly controls, or is controlled by or under common control with, the packer.

(2) Applicable reporting period

The term “applicable reporting period” means the period of time prescribed by the prior day report, the morning report, and the afternoon report, as required under section 1635j(c) of this title.

(3) Barrow

The term “barrow” means a neutered male swine.

(4) Base market hog

The term “base market hog” means a barrow or gilt for which no discounts are subtracted from and no premiums are added to the base price.

(5) Boar

The term “boar” means a sexually-intact male swine.

(6) Formula price

The term “formula price” means a price determined by a mathematical formula under which the price established for a specified market serves as the basis for the formula.

(7) Gilt

The term “gilt” means a young female swine that has not produced a litter.

(8) Hog class

The term “hog class” means, as applicable—

(A) barrows or gilts;

(B) sows; or

(C) boars or stags.

(9) Negotiated formula purchase

The term “negotiated formula purchase” means a swine or pork market formula purchase under which—

(A) the formula is determined by negotiation on a lot-by-lot basis; and

(B) the swine are scheduled for delivery to the packer not later than 14 days after the date on which the formula is negotiated and swine are committed to the packer.

(10) Noncarcass merit premium

The term “noncarcass merit premium” means an increase in the base price of the swine offered by an individual packer or packing plant, based on any factor other than the characteristics of the carcass, if the actual

amount of the premium is known before the sale and delivery of the swine.

(11) Other market formula purchase

(A) In general

The term “other market formula purchase” means a purchase of swine by a packer in which the pricing mechanism is a formula price based on any market other than the market for swine, pork, or a pork product.

(B) Inclusion

The term “other market formula purchase” includes a formula purchase in a case in which the price formula is based on one or more futures or options contracts.

(12) Other purchase arrangement

The term “other purchase arrangement” means a purchase of swine by a packer that—

(A) is not a negotiated purchase, swine or pork market formula purchase, negotiated formula purchase, or other market formula purchase; and

(B) does not involve packer-owned swine.

(13) Packer

The term “packer” means any person engaged in the business of buying swine in commerce for purposes of slaughter, of manufacturing or preparing meats or meat food products from swine for sale or shipment in commerce, or of marketing meats or meat food products from swine in an unmanufactured form acting as a wholesale broker, dealer, or distributor in commerce, except that—

(A) the term includes only a swine processing plant that is federally inspected;

(B) for any calendar year, the term includes only—

(i) a swine processing plant that slaughtered an average of at least 100,000 swine per year during the immediately preceding five calendar years; and

(ii) a person that slaughtered an average of at least 200,000 sows, boars, or any combination thereof, per year during the immediately preceding five calendar years; and

(C) in the case of a swine processing plant or person that did not slaughter swine during the immediately preceding 5 calendar years, the Secretary shall consider the plant capacity of the processing plant or person in determining whether the processing plant or person should be considered a packer under this part.

(14) Packer-owned swine

The term “packer-owned swine” means swine that a packer (including a subsidiary or affiliate of the packer) owns for at least 14 days immediately before slaughter.

(15) Packer-sold swine

The term “packer-sold swine” means the swine that are—

(A) owned by a packer (including a subsidiary or affiliate of the packer) for more than 14 days immediately before sale for slaughter; and

(B) sold for slaughter to another packer.

(16) Pork

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

(17) Pork product

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

(18) Purchase data

The term “purchase data” means all of the applicable data, including weight (if purchased live), for all swine purchased during the applicable reporting period, regardless of the expected delivery date of the swine, reported by—

(A) hog class;

(B) type of purchase; and

(C) packer-owned swine.

(19) Slaughter data

The term “slaughter data” means all of the applicable data for all swine slaughtered by a packer during the applicable reporting period, regardless of when the price of the swine was negotiated or otherwise determined, reported by—

(A) hog class;

(B) type of purchase; and

(C) packer-owned swine.

(20) Sow

The term “sow” means an adult female swine that has produced one or more litters.

(21) Swine

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

(22) Swine or pork market formula purchase

The term “swine or pork market formula purchase” means a purchase of swine by a packer in which the pricing mechanism is a formula price based on a market for swine, pork, or a pork product, other than a future or option for swine, pork, or a pork product.

(23) Type of purchase

The term “type of purchase”, with respect to swine, means—

(A) a negotiated purchase;

(B) other market formula purchase;

(C) a swine or pork market formula purchase;

(D) a negotiated formula purchase; and

(E) other purchase arrangement.

(Aug. 14, 1946, ch. 966, title II, §231, as added Pub. L. 106-78, title IX, §911(2), Oct. 22, 1999, 113 Stat. 1193; amended Pub. L. 109-296, §2, Oct. 5, 2006, 120 Stat. 1464; Pub. L. 114-54, title I, §102(a), Sept. 30, 2015, 129 Stat. 513.)

Editorial Notes

AMENDMENTS

2015—Pars. (9) to (12). Pub. L. 114-54, §102(a)(1), (2), added par. (9) and redesignated former pars. (9) to (11) as (10) to (12), respectively. Former par. (12) redesignated (13).

Par. (12)(A). Pub. L. 114-54, §102(a)(3), inserted “negotiated formula purchase,” after “pork market formula purchase.”

Pars. (13) to (23). Pub. L. 114-54, §102(a)(1), redesignated pars. (12) to (22) as (13) to (23), respectively.

Par. (23)(D), (E). Pub. L. 114-54, §102(a)(4), added subpar. (D) and redesignated former subpar. (D) as (E).

2006—Par. (4). Pub. L. 109-296, §2(a), reenacted heading without change and amended text generally. Prior to amendment, text read as follows: “The term ‘base market hog’ means a hog for which no discounts are subtracted from and no premiums are added to the base price.”

Par. (5). Pub. L. 109-296, §2(b), amended heading and text of par. (5) generally. Prior to amendment, text read as follows: “The term ‘bred female swine’ means any female swine, whether a sow or gilt, that has been mated or inseminated and is assumed, or has been confirmed, to be pregnant.”

Par. (12)(B). Pub. L. 109-296, §2(c)(1), added subpar. (B) and struck out former subpar. (B) which read as follows: “for any calendar year, the term includes only a swine processing plant that slaughtered an average of at least 100,000 swine per year during the immediately preceding 5 calendar years; and”.

Par. (12)(C). Pub. L. 109-296, §2(c)(2), inserted “or person” after “swine processing plant”, “plant capacity of the processing plant”, and “determining whether the processing plant”.

§ 1635j. Mandatory reporting for swine

(a) Establishment

The Secretary shall establish a program of swine price information reporting that will—

- (1) provide timely, accurate, and reliable market information;
- (2) facilitate more informed marketing decisions; and
- (3) promote competition in the swine slaughtering industry.

(b) General reporting provisions applicable to packers and the Secretary

(1) In general

The Secretary shall establish and implement a price reporting program in accordance with this section that includes the reporting and publication of information required under this section.

(2) Packer-owned swine

Information required under this section for packer-owned swine shall include quantity and carcass characteristics, but not price.

(3) Packer-sold swine

If information regarding the type of purchase is required under this section, the information shall be reported according to the numbers and percentages of each type of purchase comprising—

- (A) packer-sold swine; and
- (B) all other swine.

(4) Additional information

(A) Review

The Secretary shall review the information required to be reported by packers under this section at least once every 2 years.

(B) Outdated information

After public notice and an opportunity for comment, subject to subparagraph (C), the Secretary shall promulgate regulations that specify additional information that shall be reported under this section if the Secretary

determines under the review under subparagraph (A) that—

- (i) information that is currently required no longer accurately reflects the methods by which swine are valued and priced by packers; or
- (ii) packers that slaughter a significant majority of the swine produced in the United States no longer use backfat or lean percentage factors as indicators of price.

(C) Limitation

Under subparagraph (B), the Secretary may not require packers to provide any new or additional information that—

- (i) is not generally available or maintained by packers; or
- (ii) would be otherwise unduly burdensome to provide.

(c) Daily reporting; barrows and gilts

(1) Prior day report

(A) In general

The corporate officers or officially designated representatives of each packer processing plant that processes barrows or gilts shall report to the Secretary, for each business day of the packer, such information as the Secretary determines necessary and appropriate to—

- (i) comply with the publication requirements of this section; and
- (ii) provide for the timely access to the information by producers, packers, and other market participants.

(B) Reporting deadline and plants required to report

A packer required to report under subparagraph (A) shall—

- (i) not later than 7:00 a.m. Central Time on each reporting day, report information regarding all barrows and gilts purchased or priced, and
- (ii) not later than 9:00 a.m. Central Time on each reporting day, report information regarding all barrows and gilts slaughtered,

during the prior business day of the packer.

(C) Information required

The information from the prior business day of a packer required under this paragraph shall include—

- (i) all purchase data, including—
 - (I) the total number of—
 - (aa) barrows and gilts purchased; and
 - (bb) barrows and gilts scheduled for delivery; and
 - (II) the base price and purchase data for slaughtered barrows and gilts for which a price has been established;
- (ii) all slaughter data for the total number of barrows and gilts slaughtered, including—

(I) information concerning the net price, which shall be equal to the total amount paid by a packer to a producer (including all premiums, less all dis-