

this subchapter shall maintain, and make available to the Secretary on request, for 2 years—

(1) the original contracts, agreements, receipts and other records associated with any transaction relating to the purchase, sale, pricing, transportation, delivery, weighing, slaughter, or carcass characteristics of all livestock; and

(2) such records or other information as is necessary or appropriate to verify the accuracy of the information required to be reported under this subchapter.

(b) Limitations

Under subsection (a)(2), the Secretary may not require a packer to provide new or additional information if—

(1) the information is not generally available or maintained by packers; or

(2) the provision of the information would be unduly burdensome.

(c) Purchases of cattle or swine

A record of a purchase of a lot of cattle or a lot of swine by a packer shall evidence whether the purchase occurred—

(1) before 10:00 a.m. Central Time;

(2) between 10:00 a.m. and 2:00 p.m. Central Time; or

(3) after 2:00 p.m. Central Time.

(Aug. 14, 1946, ch. 966, title II, §255, as added Pub. L. 106-78, title IX, §911(2), Oct. 22, 1999, 113 Stat. 1203.)

§ 1636e. Voluntary reporting

The Secretary shall encourage voluntary reporting by packers (as defined in section 191 of this title) to which the mandatory reporting requirements of this subchapter do not apply.

(Aug. 14, 1946, ch. 966, title II, §256, as added Pub. L. 106-78, title IX, §911(2), Oct. 22, 1999, 113 Stat. 1204.)

§ 1636f. Publication of information on retail purchase prices for representative meat products

(a) In general

Beginning not later than 90 days after October 22, 1999, the Secretary shall compile and publish at least monthly (weekly, if practicable) information on retail prices for representative food products made from beef, pork, chicken, turkey, veal, or lamb.

(b) Information

The report published by the Secretary under subsection (a) shall include—

(1) information on retail prices for each representative food product described in subsection (a); and

(2) information on total sales quantity (in pounds and dollars) for each representative food product.

(c) Meat Price Spreads Report

During the period ending 2 years after the initial publication of the report required under subsection (a), the Secretary shall continue to publish the Meat Price Spreads Report in the same manner as the Report was published before October 22, 1999.

(d) Information collection

(1) In general

To ensure the accuracy of the reports required under subsection (a), the Secretary shall obtain the information for the reports from one or more sources including—

(A) a consistently representative set of retail transactions; and

(B) both prices and sales quantities for the transactions.

(2) Source of information

The Secretary may—

(A) obtain the information from retailers or commercial information sources; and

(B) use valid statistical sampling procedures, if necessary.

(3) Adjustments

In providing information on retail prices under this section, the Secretary may make adjustments to take into account differences in—

(A) the geographic location of consumption;

(B) the location of the principal source of supply;

(C) distribution costs; and

(D) such other factors as the Secretary determines reflect a verifiable comparative retail price for a representative food product.

(e) Administration

The Secretary—

(1) shall collect information under this section only on a voluntary basis; and

(2) shall not impose a penalty on a person for failure to provide the information or otherwise compel a person to provide the information.

(Aug. 14, 1946, ch. 966, title II, §257, as added Pub. L. 106-78, title IX, §911(2), Oct. 22, 1999, 113 Stat. 1204.)

§ 1636g. Suspension authority regarding specific terms of price reporting requirements

(a) In general

The Secretary may suspend any requirement of this subchapter if the Secretary determines that application of the requirement is inconsistent with the purposes of this subchapter.

(b) Suspension procedure

(1) Period

A suspension under subsection (a) shall be for a period of not more than 240 days.

(2) Action by Congress

If an Act of Congress concerning the requirement that is the subject of the suspension under subsection (a) is not enacted by the end of the period of the suspension established under paragraph (1), the Secretary shall implement the requirement.

(Aug. 14, 1946, ch. 966, title II, §258, as added Pub. L. 106-78, title IX, §911(2), Oct. 22, 1999, 113 Stat. 1205.)

§ 1636h. Federal preemption

In order to achieve the goals, purposes, and objectives of this chapter on a nationwide basis

and to avoid potentially conflicting State laws that could impede the goals, purposes, or objectives of this chapter, no State or political subdivision of a State may impose a requirement that is in addition to, or inconsistent with, any requirement of this subchapter with respect to the submission or reporting of information, or the publication of such information, on the prices and quantities of livestock or livestock products.

(Aug. 14, 1946, ch. 966, title II, § 259, as added Pub. L. 106-78, title IX, § 911(2), Oct. 22, 1999, 113 Stat. 1205.)

§ 1636i. Termination of authority

The authority provided by this subchapter terminates on September 30, 2024.

(Aug. 14, 1946, ch. 966, title II, § 260, as added Pub. L. 109-296, § 1(a), Oct. 5, 2006, 120 Stat. 1464; amended Pub. L. 111-239, § 2(a)(1), Sept. 27, 2010, 124 Stat. 2501; Pub. L. 114-54, title I, § 101(a), Sept. 30, 2015, 129 Stat. 513; Pub. L. 117-103, div. O, title III, § 301(a), Mar. 15, 2022, 136 Stat. 788; Pub. L. 117-328, div. A, title VII, § 776(a), Dec. 29, 2022, 136 Stat. 4509; Pub. L. 118-42, div. B, title VII, § 793(a), Mar. 9, 2024, 138 Stat. 120.)

Editorial Notes

AMENDMENTS

2024—Pub. L. 118-42 substituted “2024” for “2023”.
 2022—Pub. L. 117-328 substituted “2023” for “2022”.
 Pub. L. 117-103 substituted “2022” for “2020”.
 2015—Pub. L. 114-54 substituted “September 30, 2020” for “September 30, 2015”.
 2010—Pub. L. 111-239 substituted “September 30, 2015” for “September 30, 2010”.

Statutory Notes and Related Subsidiaries

MANDATORY LIVESTOCK REPORTING EXTENSION

Pub. L. 118-83, div. A, §§ 106(3), 120, Sept. 26, 2024, 138 Stat. 1526, 1528, as amended by Pub. L. 118-158, div. A, § 101(1), Dec. 21, 2024, 138 Stat. 1723, extended the termination date for authority provided by this subchapter from September 30, 2024, to Mar. 14, 2025.

Pub. L. 116-260, div. O, title IV, § 401, Dec. 27, 2020, 134 Stat. 2149, extended the termination date for authority provided by this subchapter from September 30, 2020, to September 30, 2021.

SUBCHAPTER III—DAIRY PRODUCT MANDATORY REPORTING

§ 1637. Purpose

The purpose of this subchapter is to establish a program of information regarding the marketing of dairy products that—

- (1) provides information that can be readily understood by producers and other market participants, including information with respect to prices, quantities sold, and inventories of dairy products;
- (2) improves the price and supply reporting services of the Department of Agriculture; and
- (3) encourages competition in the marketplace for dairy products.

(Aug. 14, 1946, ch. 966, title II, § 271, as added Pub. L. 106-532, § 2, Nov. 22, 2000, 114 Stat. 2541.)

§ 1637a. Definitions

In this subchapter:

(1) Dairy products

The term “dairy products” means—

(A) manufactured dairy products that are used by the Secretary to establish minimum prices for Class III and Class IV milk under a Federal milk marketing order issued under section 608c of this title; and

(B) substantially identical products designated by the Secretary.

(2) Manufacturer

The term “manufacturer” means any person engaged in the business of buying milk in commerce for the purpose of manufacturing dairy products.

(3) Secretary

The term “Secretary” means the Secretary of Agriculture.

(Aug. 14, 1946, ch. 966, title II, § 272, as added Pub. L. 106-532, § 2, Nov. 22, 2000, 114 Stat. 2541; amended Pub. L. 107-171, title I, § 1504, May 13, 2002, 116 Stat. 207.)

Editorial Notes

AMENDMENTS

2002—Par. (1). Pub. L. 107-171 inserted hyphen after “means”, designated remainder of existing provisions as subpar. (A), substituted “; and” for period at end, and added subpar. (B).

§ 1637b. Mandatory reporting for dairy products

(a) Establishment

The Secretary shall establish a program of mandatory dairy product information reporting that will—

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

(b) Requirements

(1) In general

In establishing the program, the Secretary shall only—

(A)(i) subject to the conditions described in paragraph (2), require each manufacturer to report to the Secretary information concerning the price, quantity, and moisture content of dairy products sold by the manufacturer; and

(ii) modify the format used to provide the information on the day before November 22, 2000, to ensure that the information can be readily understood by market participants; and

(B) require each manufacturer and other person storing dairy products to report to the Secretary, at a periodic interval determined by the Secretary, information on the quantity of dairy products stored.

(2) Conditions

The conditions referred to in paragraph (1)(A)(i) are that—

(A) the information referred to in paragraph (1)(A)(i) is required only with respect to those package sizes actually used to es-