

§ 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 Mar. 14, 2025, 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.