

(Aug. 15, 1921, ch. 64, title II, §222, 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 Sept. 30, 2023, see section 942 of Pub. L. 106-78, set out in a Livestock Mandatory Reporting note under section 1635 of this title.

§ 198b. Report on the Secretary's jurisdiction, power, duties, and authorities

(a) Definition of packer

In this section, the term “packer” has the meaning given the term in section 191 of this title.

(b) Report

Not later than 90 days after October 22, 1999, the Comptroller General of the United States shall provide to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the jurisdiction, powers, duties, and authorities of the Secretary that relate to packers and other persons involved in procuring, slaughtering, or processing swine, pork, or pork products that are covered by this Act and other laws, including—

- (1) the Federal Trade Commission Act (15 U.S.C. 41 et seq.), especially sections 6, 8, 9, and 10 of that Act (15 U.S.C. 46, 48, 49, and 50); and
- (2) the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.).

(c) Contents

The Comptroller General shall include in the report an analysis of—

- (1) burdens on and obstructions to commerce in swine, pork, and pork products by packers, and other persons that enter into arrangements with the packers, that are contrary to, or do not protect, the public interest;
- (2) noncompetitive pricing arrangements between or among packers, or other persons involved in the processing, distribution, or sale of pork and pork products, including arrangements provided for in contracts for the purchase of swine;
- (3) the effective monitoring of contracts entered into between packers and swine producers;
- (4) investigations that relate to, and affect, the disclosure of—
 - (A) transactions involved in the business conduct and practices of packers; and
 - (B) the pricing of swine paid to producers by packers and the pricing of products in the pork and pork product merchandising chain;
- (5) the adequacy of the authority of the Secretary to prevent a packer from unjustly or arbitrarily refusing to offer a producer, or disqualifying a producer from eligibility for, a

particular contract or type of contract for the purchase of swine; and

(6) the ability of the Secretary to cooperate with and enhance the enforcement of actions initiated by other Federal departments and agencies, or Federal independent agencies, to protect trade and commerce in the pork and pork product industries against unlawful restraints and monopolies.

(Aug. 15, 1921, ch. 64, title II, §223, as added Pub. L. 106-78, title IX, §934(2), Oct. 22, 1999, 113 Stat. 1209.)

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.

Editorial Notes

REFERENCES IN TEXT

The Federal Trade Commission Act, referred to in subsec. (b)(1), is act Sept. 26, 1914, ch. 311, 38 Stat. 717, which is classified generally to subchapter I (§41 et seq.) of chapter 2 of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see section 58 of Title 15 and Tables.

The Agricultural Marketing Act of 1946, referred to in subsec. (b)(2), is title II of act Aug. 14, 1946, ch. 966, 60 Stat. 1087, which is classified generally to chapter 38 (§1621 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1621 of this title and Tables.

Statutory Notes and Related Subsidiaries

TERMINATION DATE

Section to terminate Sept. 30, 2023, see section 942 of Pub. L. 106-78, set out in a Livestock Mandatory Reporting note under section 1635 of this title.

SUBCHAPTER III—STOCKYARDS AND STOCKYARD DEALERS

§ 201. “Stockyard owner”; “stockyard services”; “market agency”; “dealer”; defined

In this chapter:

(a) The term “stockyard owner” means any person engaged in the business of conducting or operating a stockyard.

(b) The term “stockyard services” means services or facilities furnished at a stockyard in connection with the receiving, buying, or selling on a commission basis or otherwise, marketing, feeding, watering, holding, delivery, shipment, weighing, or handling in commerce, of livestock.

(c) The term “market agency” means any person engaged in the business of (1) buying or selling in commerce livestock on a commission basis or (2) furnishing stockyard services. Beginning on October 7, 2016, such term includes any person who engages in the business of buying or selling livestock, on a commission or other fee basis, through the use of online, video, or other electronic methods when handling or providing the means to handle receivables or proceeds from such buying or selling, so long as such person’s annual average of online, video, or electronic sales of livestock, on a commission or other fee basis, exceeds \$250,000.

(d) The term “dealer” means any person, not a market agency, engaged in the business of

buying or selling in commerce livestock, either on his own account or as the employee or agent of the vendor or purchaser.

(Aug. 15, 1921, ch. 64, title III, §301, 42 Stat. 163; Pub. L. 85-909, §2(1), Sept. 2, 1958, 72 Stat. 1750; Pub. L. 94-410, §3(c), Sept. 13, 1976, 90 Stat. 1249; Pub. L. 114-237, §2, Oct. 7, 2016, 130 Stat. 970.)

Editorial Notes

AMENDMENTS

2016—Pub. L. 114-237, §2(b)(1), substituted “In this chapter:” for “When used in this chapter—” in introductory provisions.

Subsec. (a). Pub. L. 114-237, §2(b)(2), substituted period for semicolon at end.

Subsec. (b). Pub. L. 114-237, §2(b)(3)(B), substituted period for semicolon at end.

Pub. L. 114-237, §2(b)(3)(A), which directed amendment of subsec. (b) by substituting “weighing” for “weighting”, could not be executed because the word “weighing” already appeared in text.

Subsec. (c). Pub. L. 114-237, §2(a), substituted period for “; and” after “stockyard services” and inserted at end “Beginning on October 7, 2016, such term includes any person who engages in the business of buying or selling livestock, on a commission or other fee basis, through the use of online, video, or other electronic methods when handling or providing the means to handle receivables or proceeds from such buying or selling, so long as such person’s annual average of online, video, or electronic sales of livestock, on a commission or other fee basis, exceeds \$250,000.”

1976—Subsecs. (b) to (d). Pub. L. 94-410 substituted “livestock” for “live stock”.

1958—Subsecs. (c), (d). Pub. L. 85-909 struck out “at a stockyard” after “livestock”.

§ 202. “Stockyard” defined; determination by Secretary as to particular yard

(a) When used in this subchapter the term “stockyard” means any place, establishment, or facility commonly known as stockyards, conducted, operated, or managed for profit or non-profit as a public market for livestock producers, feeders, market agencies, and buyers, consisting of pens, or other inclosures, and their appurtenances, in which live cattle, sheep, swine, horses, mules, or goats are received, held, or kept for sale or shipment in commerce.

(b) The Secretary shall from time to time ascertain, after such inquiry as he deems necessary, the stockyards which come within the foregoing definition, and shall give notice thereof to the stockyard owners concerned, and give public notice thereof by posting copies of such notice in the stockyard, and in such other manner as he may determine. After the giving of such notice to the stockyard owner and to the public, the stockyard shall remain subject to the provisions of this subchapter until like notice is given by the Secretary that such stockyard no longer comes within the foregoing definition.

(Aug. 15, 1921, ch. 64, title III, §302, 42 Stat. 163; Pub. L. 85-909, §2(2), Sept. 2, 1958, 72 Stat. 1750; Pub. L. 90-446, §1(a), July 31, 1968, 82 Stat. 474.)

Editorial Notes

AMENDMENTS

1968—Subsec. (a). Pub. L. 90-446 substituted “operated, or managed for profit or nonprofit as a public

market for livestock producers, feeders, market agencies, and buyers” for “or operated for compensation or profit as a public market”.

1958—Subsec. (a). Pub. L. 85-909 struck out “Said sections shall not apply to a stockyard of which the area normally available for handling livestock, exclusive of runs, alleys, or passage ways, is less than twenty thousand square feet.”

Statutory Notes and Related Subsidiaries

TRANSPORTATION OF LIVESTOCK

Pub. L. 85-909, §2(2), Sept. 2, 1958, 72 Stat. 1750, provided in part: “That nothing herein [this section] shall be deemed a definition of the term ‘public stockyards’ as used in section 15(5) of the Interstate Commerce Act [former 49 U.S.C. 15(5)]”.

§ 203. Activity as stockyard dealer or market agency; benefits to business and welfare of stockyard; registration; penalty for failure to register

After the expiration of thirty days after the Secretary has given public notice that any stockyard is within the definition of section 202 of this title, by posting copies of such notice in the stockyard, no person shall carry on the business of a market agency or dealer at such stockyard unless (1) the stockyard owner has determined that his services will be beneficial to the business and welfare of said stockyard, its patrons, and customers, which determination shall be made on a basis which is not unreasonable or unjustly discriminatory, and has given written authorization to such person, and (2) he has registered with the Secretary, under such rules and regulations as the Secretary may prescribe, his name and address, the character of business in which he is engaged, and the kinds of stockyards services, if any, which he furnishes at such stockyard. Every other person operating as a market agency or dealer as defined in section 201 of this title may be required to register in such manner as the Secretary may prescribe. Whoever violates the provisions of this section shall be liable to a penalty of not more than \$500 for each such offense and not more than \$25 for each day it continues, which shall accrue to the United States and may be recovered in a civil action brought by the United States.

(Aug. 15, 1921, ch. 64, title III, §303, 42 Stat. 163; Pub. L. 85-909, §2(3), Sept. 2, 1958, 72 Stat. 1750; Pub. L. 90-446, §1(b), July 31, 1968, 82 Stat. 474.)

Editorial Notes

AMENDMENTS

1968—Pub. L. 90-446 designated existing provisions as cl. (2) and added cl. (1).

1958—Pub. L. 85-909 inserted “Every other person operating as a market agency or dealer as defined in section 201 of this title may be required to register in such manner as the Secretary may prescribe.”

§ 204. Bond and suspension of registrants

On and after July 12, 1943, the Secretary may require reasonable bonds from every market agency (as defined in this subchapter), every packer (as defined in subchapter II of this chapter) in connection with its livestock purchasing operations (except that those packers whose average annual purchases do not exceed \$500,000