

109TH CONGRESS
1ST SESSION

H. R. 3408

To reauthorize the Livestock Mandatory Reporting Act of 1999 and to amend the swine reporting provisions of that Act.

IN THE HOUSE OF REPRESENTATIVES

JULY 22, 2005

Mr. GOODLATTE (for himself and Mr. PETERSON of Minnesota) introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To reauthorize the Livestock Mandatory Reporting Act of 1999 and to amend the swine reporting provisions of that Act.

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. EXTENSION.**

4 (a) IN GENERAL.—Chapter 5 of subtitle B of the Ag-
5 ricultural Marketing Act of 1946 (7 U.S.C. 1636 et seq.)
6 is amended by adding at the end the following new section:

7 **“SEC. 260. TERMINATION OF AUTHORITY.**

8 “The authority provided by this subtitle terminates
9 on September 30, 2010.”.

1 (b) CONFORMING AMENDMENT AND EXTENSION.—
2 Section 942 of the Livestock Mandatory Price Reporting
3 Act of 1999 (7 U.S.C. 1635 note; Public Law 106–78)
4 is amended by striking “terminate on September 30,
5 2005” and inserting “(other than section 911 of subtitle
6 A and the amendments made by that section) terminate
7 on September 30, 2010”.

8 **SEC. 2. DEFINITIONS.**

9 (a) BASE MARKET HOGS.—Section 231(4) of the Ag-
10 ricultural Marketing Act of 1946 (7 U.S.C. 1635i(4)) is
11 amended to read as follows:

12 “(4) BASE MARKET HOG.—The term ‘base mar-
13 ket hog’ means a barrow or gilt for which no dis-
14 counts are subtracted from and no premiums are
15 added to the base price.”.

16 (b) BOARS.—Section 231(5) of such Act (7 U.S.C.
17 1635i(5)) is amended to read as follows:

18 “(5) BOAR.—The term ‘boar’ means a sexually-
19 intact male swine.”.

20 (c) PACKER OF SOWS AND BOARS.—Section 231(12)
21 of such Act (7 U.S.C. 1635i(12)) is amended by—

22 (1) striking subparagraph (B) and inserting the
23 following new subparagraph:

24 “(B) for any calendar year, the term in-
25 cludes only—

1 “(i) a swine processing plant that
2 slaughtered an average of at least 100,000
3 swine per year during the immediately pre-
4 ceding five calendar years; and

5 “(ii) a person that slaughtered an av-
6 erage of at least 200,000 sows, boars, or
7 any combination thereof, per year during
8 the immediately preceding five calendar
9 years; and”;

10 (2) in subparagraph (C)—

11 (A) by inserting “or person” after “swine
12 processing plant”;

13 (B) by inserting “or person” after “plant
14 capacity of the processing plant”; and

15 (C) by inserting “or person” after “deter-
16 mining whether the processing plant”.

17 **SEC. 3. REPORTING; BARROWS AND GILTS.**

18 Section 232(c) of the Agricultural Marketing Act of
19 1946 (7 U.S.C. 1635j(c)) is amended to read as follows:

20 “(c) DAILY REPORTING; BARROWS AND GILTS.—

21 “(1) PRIOR DAY REPORT.—

22 “(A) IN GENERAL.—The corporate officers
23 or officially designated representatives of each
24 packer processing plant that processes barrows
25 or gilts shall report to the Secretary, for each

1 business day of the packer, such information as
2 the Secretary determines necessary and appro-
3 priate to—

4 “(i) comply with the publication re-
5 quirements of this section; and

6 “(ii) provide for the timely access to
7 the information by producers, packers, and
8 other market participants.

9 “(B) REPORTING DEADLINE AND PLANTS
10 REQUIRED TO REPORT.—A packer required to
11 report under subparagraph (A) shall—

12 “(i) not later than 7:00 a.m. Central
13 Time on each reporting day, report infor-
14 mation regarding all barrows and gilts pur-
15 chased or priced, and

16 “(ii) not later than 9:00 a.m. Central
17 Time on each reporting day, report infor-
18 mation regarding all barrows and gilts
19 slaughtered,

20 during the prior business day of the packer.

21 “(C) INFORMATION REQUIRED.—The in-
22 formation from the prior business day of a
23 packer required under this paragraph shall in-
24 clude—

25 “(i) all purchase data, including—

1 “(I) the total number of—
2 “(aa) barrows and gilts pur-
3 chased; and
4 “(bb) barrows and gilts
5 scheduled for delivery; and
6 “(II) the base price and purchase
7 data for slaughtered barrows and gilts
8 for which a price has been established;
9 “(ii) all slaughter data for the total
10 number of barrows and gilts slaughtered,
11 including—
12 “(I) information concerning the
13 net price, which shall be equal to the
14 total amount paid by a packer to a
15 producer (including all premiums, less
16 all discounts) per hundred pounds of
17 carcass weight of barrows and gilts
18 delivered at the plant—
19 “(aa) including any sum de-
20 ducted from the price per hun-
21 dredweight paid to a producer
22 that reflects the repayment of a
23 balance owed by the producer to
24 the packer or the accumulation of

1 a balance to later be repaid by
2 the packer to the producer; and

3 “(bb) excluding any sum
4 earlier paid to a producer that
5 must later be repaid to the pack-
6 er;

7 “(II) information concerning the
8 average net price, which shall be equal
9 to the quotient (stated per hundred
10 pounds of carcass weight of barrows
11 and gilts) obtained by dividing—

12 “(aa) the total amount paid
13 for the barrows and gilts slaugh-
14 tered at a packing plant during
15 the applicable reporting period,
16 including all premiums and dis-
17 counts, and including any sum
18 deducted from the price per hun-
19 dredweight paid to a producer
20 that reflects the repayment of a
21 balance owed by the producer to
22 the packer, or the accumulation
23 of a balance to later be repaid by
24 the packer to the producer, less
25 all discounts; by

1 “(bb) the total carcass
2 weight (in hundred pound incre-
3 ments) of the barrows and gilts;

4 “(III) information concerning the
5 lowest net price, which shall be equal
6 to the lowest net price paid for a sin-
7 gle lot or a group of barrows or gilts
8 slaughtered at a packing plant during
9 the applicable reporting period per
10 hundred pounds of carcass weight of
11 barrows and gilts;

12 “(IV) information concerning the
13 highest net price, which shall be equal
14 to the highest net price paid for a sin-
15 gle lot or group of barrows or gilts
16 slaughtered at a packing plant during
17 the applicable reporting period per
18 hundred pounds of carcass weight of
19 barrows and gilts;

20 “(V) the average carcass weight,
21 which shall be equal to the quotient
22 obtained by dividing—

23 “(aa) the total carcass
24 weight of the barrows and gilts
25 slaughtered at the packing plant

1 during the applicable reporting
2 period, by

3 “(bb) the number of the
4 barrows and gilts described in
5 item (aa),

6 adjusted for special slaughter situa-
7 tions (such as skinning or foot re-
8 moval), as the Secretary determines
9 necessary to render comparable car-
10 carcass weights;

11 “(VI) the average sort loss,
12 which shall be equal to the average
13 discount (in dollars per hundred
14 pounds carcass weight) for barrows
15 and gilts slaughtered during the appli-
16 cable reporting period, resulting from
17 the fact that the barrows and gilts did
18 not fall within the individual packer’s
19 established carcass weight or lot vari-
20 ation range;

21 “(VII) the average backfat, which
22 shall be equal to the average of the
23 backfat thickness (in inches) meas-
24 ured between the third and fourth
25 from the last ribs, 7 centimeters from

1 the carcass split (or adjusted from the
2 individual packer's measurement to
3 that reference point using an adjust-
4 ment made by the Secretary) of the
5 barrows and gilts slaughtered during
6 the applicable reporting period;

7 “(VIII) the average lean percent-
8 age, which shall be equal to the aver-
9 age percentage of the carcass weight
10 comprised of lean meat for the bar-
11 rows and gilts slaughtered during the
12 applicable reporting period, except
13 that when a packer is required to re-
14 port the average lean percentage
15 under this subclause, the packer shall
16 make available to the Secretary the
17 underlying data, applicable method-
18 ology and formulae, and supporting
19 materials used to determine the aver-
20 age lean percentage, which the Sec-
21 retary may convert to the carcass
22 measurements or lean percentage of
23 the barrows and gilts of the individual
24 packer to correlate to a common per-
25 cent lean measurement; and

1 “(IX) the total slaughter quan-
2 tity, which shall be equal to the total
3 number of barrows and gilts slaugh-
4 tered during the applicable reporting
5 period, including all types of pur-
6 chases and barrows and gilts that
7 qualify as packer-owned swine; and

8 “(iii) packer purchase commitments,
9 which shall be equal to the number of bar-
10 rows and gilts scheduled for delivery to a
11 packer for slaughter for each of the next
12 14 calendar days.

13 “(D) PUBLICATION.—

14 “(i) IN GENERAL.—The Secretary
15 shall publish the information obtained
16 under this paragraph in a prior day re-
17 port—

18 “(I) in the case of information
19 regarding barrows and gilts purchased
20 or priced, not later than 8:00 a.m.
21 Central Time, and

22 “(II) in the case of information
23 regarding barrows and gilts slaugh-
24 tered, not later than 10:00 a.m. Cen-
25 tral time,

1 on the reporting day on which the informa-
2 tion is received from the packer.

3 “(ii) PRICE DISTRIBUTIONS.—The in-
4 formation published by the Secretary
5 under clause (i) shall include a distribution
6 of net prices in the range between and in-
7 cluding the lowest net price and the high-
8 est net price reported. The publication
9 shall include a delineation of the number
10 of barrows and gilts at each reported price
11 level or, at the option of the Secretary, the
12 number of barrows and gilts within each of
13 a series of reasonable price bands within
14 the range of prices.

15 “(2) MORNING REPORT.—

16 “(A) IN GENERAL.—The corporate officers
17 or officially designated representatives of each
18 packer processing plant that processes barrows
19 or gilts shall report to the Secretary not later
20 than 10:00 a.m. Central Time each reporting
21 day—

22 “(i) the packer’s best estimate of the
23 total number of barrows and gilts, and
24 barrows and gilts that qualify as packer-
25 owned swine, expected to be purchased

1 throughout the reporting day through each
2 type of purchase;

3 “(ii) the total number of barrows and
4 gilts, and barrows and gilts that qualify as
5 packer-owned swine, purchased up to that
6 time of the reporting day through each
7 type of purchase;

8 “(iii) the base price paid for all base
9 market hogs purchased up to that time of
10 the reporting day through negotiated pur-
11 chases; and

12 “(iv) the base price paid for all base
13 market hogs purchased through each type
14 of purchase other than negotiated purchase
15 up to that time of the reporting day, un-
16 less such information is unavailable due to
17 pricing that is determined on a delayed
18 basis.

19 “(B) PUBLICATION.—The Secretary shall
20 publish the information obtained under this
21 paragraph in the morning report as soon as
22 practicable, but not later than 11:00 a.m. Cen-
23 tral Time, on each reporting day.

24 “(3) AFTERNOON REPORT.—

1 “(A) IN GENERAL.—The corporate officers
2 or officially designated representatives of each
3 packer processing plant that processes barrows
4 or gilts shall report to the Secretary not later
5 than 2:00 p.m. Central Time each reporting
6 day—

7 “(i) the packer’s best estimate of the
8 total number of barrows and gilts, and
9 barrows and gilts that qualify as packer-
10 owned swine, expected to be purchased
11 throughout the reporting day through each
12 type of purchase;

13 “(ii) the total number of barrows and
14 gilts, and barrows and gilts that qualify as
15 packer-owned swine, purchased up to that
16 time of the reporting day through each
17 type of purchase;

18 “(iii) the base price paid for all base
19 market hogs purchased up to that time of
20 the reporting day through negotiated pur-
21 chases; and

22 “(iv) the base price paid for all base
23 market hogs purchased up to that time of
24 the reporting day through each type of
25 purchase other than negotiated purchase,

1 unless such information is unavailable due
2 to pricing that is determined on a delayed
3 basis.

4 “(B) PUBLICATION.—The Secretary shall
5 publish the information obtained under this
6 paragraph in the afternoon report as soon as
7 practicable, but not later than 3:00 p.m. Cen-
8 tral Time, on each reporting day.”.

9 **SEC. 4. REPORTING; SOWS AND BOARS.**

10 Section 232 of the Agricultural Marketing Act of
11 1946 (7 U.S.C. 1635j) is amended by—

12 (1) redesignating subsection (d) as subsection
13 (e); and

14 (2) inserting after subsection (c) the following
15 new subsection:

16 “(d) DAILY REPORTING; SOWS AND BOARS.—

17 “(1) PRIOR DAY REPORT.—The corporate offi-
18 cers or officially designated representatives of each
19 packer of sows and boars shall report to the Sec-
20 retary, for each business day of the packer, such in-
21 formation reported by hog class as the Secretary de-
22 termines necessary and appropriate to—

23 “(A) comply with the publication require-
24 ments of this section; and

1 “(B) provide for the timely access to the
2 information by producers, packers, and other
3 market participants.

4 “(2) REPORTING.—Not later than 9:30 a.m.
5 Central Time, or such other time as the Secretary
6 considers appropriate, on each reporting day, a
7 packer required to report under paragraph (1) shall
8 report information regarding all sows and boars pur-
9 chased or priced during the prior business day of the
10 packer.

11 “(3) INFORMATION REQUIRED.—The informa-
12 tion from the prior business day of a packer re-
13 quired under this subsection shall include all pur-
14 chase data, including—

15 “(A) the total number of sows purchased
16 and the total number of boars purchased, each
17 divided into at least three reasonable and mean-
18 ingful weight classes specified by the Secretary;

19 “(B) the number of sows that qualify as
20 packer-owned swine;

21 “(C) the number of boars that qualify as
22 packer-owned swine;

23 “(D) the average price paid for all sows;

24 “(E) the average price paid for all boars;

1 “(F) the average price paid for sows in
2 each weight class specified by the Secretary
3 under subparagraph (A);

4 “(G) the average price paid for boars in
5 each weight class specified by the Secretary
6 under subparagraph (A);

7 “(H) the number of sows and the number
8 of boars for which prices are determined, by
9 each type of purchase;

10 “(I) the average prices for sows and the
11 average prices for boars for which prices are de-
12 termined, by each type of purchase; and

13 “(J) such other information as the Sec-
14 retary considers appropriate to carry out this
15 subsection.

16 “(4) PRICE CALCULATIONS WITHOUT PACKER-
17 OWNED SWINE.—A packer shall omit the prices of
18 sows and boars that qualify as packer-owned swine
19 from all average price calculations, price range cal-
20 culations, and reports required by this subsection.

21 “(5) REPORTING EXCEPTION: PUBLIC AUCTION
22 PURCHASES.—The information required to be re-
23 ported under this subsection shall not include pur-
24 chases of sows or boars made by agents of the re-
25 porting packer at a public auction at which the title

1 of the sows and boars is transferred directly from
2 the producer to such packer.

3 “(6) PUBLICATION.—The Secretary shall pub-
4 lish the information obtained under this paragraph
5 in a prior day report not later than 11:00 a.m. Cen-
6 tral Time on the reporting day on which the infor-
7 mation is received from the packer.

8 “(7) ELECTRONIC SUBMISSION OF INFORMA-
9 TION.—The Secretary of Agriculture shall provide
10 for the electronic submission of any information re-
11 quired to be reported under this subsection through
12 an Internet website or equivalent electronic means
13 maintained by the Department of Agriculture.”.

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