228b of this title, respectively: *Provided*, That this section shall not preclude a State from enforcing a requirement, with respect to payment for livestock purchased by a packer at a stockyard subject to this chapter, which is not in conflict with this chapter or regulations thereunder: *Provided further*, That this section shall not preclude a State from enforcing State law or regulations with respect to any packer not subject to this chapter or section 204 of this title.

(Aug. 15, 1921, ch. 64, title IV, § 414, formerly § 410, as added Pub. L. 94–410, § 9, Sept. 13, 1976, 90 Stat. 1252; renumbered § 414, Pub. L. 100–173, § 9(1), Nov. 23, 1987, 101 Stat. 919.)

§ 228d. Annual assessment of cattle and hog industries

Not later than March 1 of each year, the Secretary shall submit to Congress and make publicly available a report that—

(1) assesses the general economic state of the cattle and hog industries;

(2) describes changing business practices in those industries; and

(3) identifies market operations or activities in those industries that appear to raise concerns under this chapter.

(Aug. 15, 1921, ch. 64, title IV, § 415, as added Pub. L. 106–472, title III, § 312(e)(2), Nov. 9, 2000, 114 Stat. 2077.)

PRIOR PROVISIONS

A prior section 415 of act Aug. 15, 1921, was renumbered section 416 and is classified to section 229 of this title.

§ 229. Annual report

(a) In general

Not later than March 1 of each year, the Secretary shall submit to Congress and make publicly available a report that—

(1) states, for the preceding year, separately for livestock and poultry and separately by enforcement area category (financial, trade practice, or competitive acts and practices), with respect to investigations into possible violations of this chapter—

(A) the number of investigations opened;

(B) the number of investigations that were closed or settled without a referral to the General Counsel of the Department of Agriculture;

(C) for investigations described in subparagraph (B), the length of time from initiation of the investigation to when the investigation was closed or settled without the filing of an enforcement complaint;

(D) the number of investigations that resulted in referral to the General Counsel of the Department of Agriculture for further action, the number of such referrals resolved without administrative enforcement action, and the number of enforcement actions filed by the General Counsel;

(E) for referrals to the General Counsel that resulted in an administrative enforcement action being filed, the length of time from the referral to the filing of the administrative action;

(F) for referrals to the General Counsel that resulted in an administrative enforcement action being filed, the length of time from filing to resolution of the administrative enforcement action;

(G) the number of investigations that resulted in referral to the Department of Justice for further action, and the number of civil enforcement actions filed by the Department of Justice on behalf of the Secretary pursuant to such a referral;

(H) for referrals that resulted in a civil enforcement action being filed by the Department of Justice, the length of time from the referral to the filing of the enforcement action;

(I) for referrals that resulted in a civil enforcement action being filed by the Department of Justice, the length of time from the filing of the enforcement action to resolution; and

(J) the average civil penalty imposed in administrative or civil enforcement actions for violations of this chapter, and the total amount of civil penalties imposed in all such enforcement actions; and

(2) includes any other additional information the Secretary considers important to include in the annual report.

(b) Format of information provided

For subparagraphs (C), (E), (F), and (H) of subsection (a)(1), the Secretary may, if appropriate due to the number of complaints for a given category, provide summary statistics (including range, maximum, minimum, mean, and average times) and graphical representations.

(Aug. 15, 1921, ch. 64, title IV, § 416, as added Pub. L. 110–234, title XI, § 11004(a)(2), May 22, 2008, 122 Stat. 1355, and Pub. L. 110–246, § 4(a), title XI, § 11004(a)(2), June 18, 2008, 122 Stat. 1664, 2117.)

REPEAL OF SECTION

Pub. L. 110–246, title XI, § 11004(b), June 18, 2008, 122 Stat. 2118, provided that, effective Sept. 30, 2012, this section is repealed.

CODIFICATION

Pub. L. 110–234 and Pub. L. 110–246 enacted identical sections and contained identical future repeals of this section. Pub. L. 110–234 was repealed by section 4(a) of Pub. L. 110–246.

PRIOR PROVISIONS

A prior section 416 of act Aug. 15, 1921, was renumbered section 417 and is classified to section 229c of this title.

Another prior section 416 of act Aug. 15, 1921, was classified to section 229a of this title, prior to repeal by Pub. L. 106–78.

EFFECTIVE DATE OF REPEAL

Pub. L. 110–234, title XI, 11004(b), May 22, 2008, 122 Stat. 1356, and Pub. L. 110–246, § 4(a), title XI, § 11004(b), June 18, 2008, 122 Stat. 1664, 2118, provided that the repeal of this section is effective Sept. 30, 2012.

[Pub. L. 110–234 and Pub. L. 110–246 enacted identical provisions. Pub. L. 110–234 was repealed by section 4(a) of Pub. L. 110–246, set out as a note under section 8701 of this title.]

EFFECTIVE DATE

Enactment of this section and repeal of Pub. L. 110–234 by Pub. L. 110–246 effective May 22, 2008, the

date of enactment of Pub. L. 110–234, see section 4 of Pub. L. 110–246, set out as a note under section 8701 of this title.

§ 229a. Repealed. Pub. L. 106–78, title IX, § 913(a), Oct. 22, 1999, 113 Stat. 1205

Section, act Aug. 15, 1921, ch. 64, title IV, § 416, as added Pub. L. 105–277, div. A, § 101(a) [title XI, § 1127(a)], Oct. 21, 1998, 112 Stat. 2681, 2681–46, related to mandatory domestic reporting pilot investigation.

TERMINATION OF REPEAL

For termination of repeal by section 942 of Pub. L. 106–78, see Livestock Mandatory Reporting note set out under section 1635 of this title.

TERMINATION DATE OF REPEAL

Repeal by Pub. L. 106–78 to terminate Sept. 30, 2010, see section 942 of Pub. L. 106–78, as amended, set out in a Livestock Mandatory Reporting note under section 1635 of this title.

§ 229b. Right to discuss terms of contract

(a) Definitions

In this section:

(1) Producer

The term ''producer'' means any person engaged in the raising and caring for livestock or poultry for slaughter.

(2) Processor

The term ''processor'' means any person engaged in the business of obtaining livestock or poultry for the purpose of slaughtering the livestock or poultry.

(b) No prohibition of discussion

Notwithstanding a provision in any contract between a producer and a processor for the production of livestock or poultry, or in any marketing agreement between a producer and a processor for the sale of livestock or poultry for a term of 1 year or more, that provides that information contained in the contract is confidential, a party to the contract shall not be prohibited from discussing any terms or details of the contract with—

(1) a Federal or State agency;
(2) a legal adviser to the party;
(3) a lender to the party;
(4) an accountant hired by the party;
(5) an executive or manager of the party;
(6) a landlord of the party; or
(7) a member of the immediate family of the party.

(c) Effect on State laws

Subsection (b) of this section does not—

(1) preempt any State law that addresses confidentiality provisions in contracts for the sale or production of livestock or poultry, except any provision of State law that makes lawful a contract provision that prohibits a party from, or limits a party in, engaging in discussion that subsection (b) of this section requires to be permitted; or

(2) deprive any State court of jurisdiction under any such State law.

(d) Applicability

This section applies to each contract described in subsection (b) of this section that is entered into, amended, renewed, or extended after May 13, 2002.

(Pub. L. 107–171, title X, § 10503, May 13, 2002, 116 Stat. 510.)

CODIFICATION

Section was enacted as part of the Farm Security and Rural Investment Act of 2002, and not as part of the Packers and Stockyards Act, 1921, which comprises this chapter.

§ 229c. Separability

If any provision of this chapter or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the chapter and of the application of such provision to other persons and circumstances shall not be affected thereby.

(Aug. 15, 1921, ch. 64, title IV, § 417, formerly § 408, 42 Stat. 169; renumbered § 411, Pub. L. 94–410, § 5, Sept. 13, 1976, 90 Stat. 1250; renumbered § 415, Pub. L. 100–173, § 9(1), Nov. 23, 1987, 101 Stat. 919; renumbered § 416, Pub. L. 106–472, title III, § 312(e)(1), Nov. 9, 2000, 114 Stat. 2077; renumbered § 417, Pub. L. 110–234, title XI, § 11004(a)(1), May 22, 2008, 122 Stat. 1355, and Pub. L. 110–246, § 4(a), title XI, § 11004(a)(1), June 18, 2008, 122 Stat. 1664, 2117.)

CODIFICATION

Pub. L. 110–234 and Pub. L. 110–246 both renumbered this section as section 417 of act Aug. 15, 1921. Pub. L. 110–234 was repealed by section 4(a) of Pub. L. 110–246 effective May 22, 2008, the date of enactment of Pub. L. 110–234.

Section was formerly classified to section 229 of this title.

SUBCHAPTER VI—CHARGE FOR INSPECTION

§ 231. Omitted

CODIFICATION

Section, act July 22, 1942, ch. 516, 56 Stat. 689, was from the Department of Agriculture Appropriation Act, 1943, and provided for fees for inspection of brands appearing upon livestock. See section 217a of this title. Similar provisions were contained in the following prior appropriation acts:

July 1, 1941, ch. 267, 55 Stat. 432.
June 25, 1940, ch. 421, 54 Stat. 557.
June 30, 1939, ch. 253, title I, 53 Stat. 970.
June 16, 1938, ch. 464, title I, 52 Stat. 721.
June 29, 1937, ch. 404, 50 Stat. 406.
June 4, 1936, ch. 489, 49 Stat. 1432.
May 17, 1935, ch. 131, title I, 49 Stat. 257.
Mar. 26, 1934, ch. 89, 48 Stat. 477.
Mar. 3, 1933, ch. 203, 47 Stat. 1441.
July 7, 1932, ch. 443, 47 Stat. 620.
Feb. 23, 1931, ch. 278, 46 Stat. 1252.
May 27, 1930, ch. 341, 46 Stat. 402.
Feb. 16, 1929, ch. 227, 45 Stat. 1198.

CHAPTER 10—WAREHOUSES

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241. Definitions.
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