TITLE IX—LIVESTOCK MANDATORY REPORTING

SEC. 901. SHORT TITLE.

This title may be cited as the "Livestock Mandatory Reporting Act of 1999".

Subtitle A—Livestock Mandatory Reporting

SEC. 911. LIVESTOCK MANDATORY REPORTING.

The Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.) is amended—

(1) by inserting before section 202 (7 U.S.C. 1621) the following:

"Subtitle A—General Provisions";

and

(2) by adding at the end the following:

"Subtitle B—Livestock Mandatory Reporting

"CHAPTER 1—PURPOSE; DEFINITIONS

"SEC. 211. PURPOSE.

"The purpose of this subtitle is to establish a program of information regarding the marketing of cattle, swine, lambs, and products of such livestock that—

"(1) provides information that can be readily understood by producers, packers, and other market participants, including information with respect to the pricing, contracting for purchase, and supply and demand conditions for livestock, livestock production, and livestock products;

"(2) improves the price and supply reporting services of the Department of Agriculture; and

"(3) encourages competition in the marketplace for livestock and livestock products.

"SEC. 212. DEFINITIONS.

"In this subtitle:

"(1) BASE PRICE.—The term 'base price' means the price paid for livestock, delivered at the packing plant, before application of any premiums or discounts, expressed in dollars per hundred pounds of carcass weight.

"(2) BASIS LEVEL.—The term 'basis level' means the agreed-on adjustment to a future price to establish the final price paid for livestock.

"(3) CURRENT SLAUGHTER WEEK.—The term 'current slaughter week' means the period beginning Monday, and ending Sunday, of the week in which a reporting day occurs.

"(4) F.O.B.—The term 'F.O.B.' means free on board, regardless of the mode of transportation, at the point of direct shipment by the seller to the buyer.

"(5) LIVESTOCK.—The term 'livestock' means cattle, swine, and lambs.

"(6) LOT.—The term 'lot' means a group of one or more livestock that is identified for the purpose of a single transaction between a buyer and a seller.

"(7) MARKETING.—The term 'marketing' means the sale or other disposition of livestock, livestock products, or meat or meat food products in commerce.

"(8) NEGOTIATED PURCHASE.—The term 'negotiated purchase' means a cash or spot market purchase by a packer of livestock from a producer under which—

"(A) the base price for the livestock is determined by seller-buyer interaction and agreement on a day; and

"(B) the livestock are scheduled for delivery to the packer not later than 14 days after the date on which the livestock are committed to the packer.

"(9) NEGOTIATED SALE.—The term 'negotiated sale' means a cash or spot market sale by a producer of livestock to a packer under which—

"(A) the base price for the livestock is determined by seller-buyer interaction and agreement on a day; and

"(B) the livestock are scheduled for delivery to the packer not later than 14 days after the date on which the livestock are committed to the packer.

"(10) PRIOR SLAUGHTER WEEK.—The term 'prior slaughter week' means the Monday through Sunday prior to a reporting day.

"(11) PRODUCER.—The term 'producer' means any person engaged in the business of selling livestock to a packer for slaughter (including the sale of livestock from a packer to another packer).

"(12) REPORTING DAY.—The term 'reporting day' means a day on which—

"(A) a packer conducts business regarding livestock committed to the packer, or livestock purchased, sold, or slaughtered by the packer;

"(B) the Secretary is required to make information concerning the business described in subparagraph (A) available to the public; and

"(C) the Department of Agriculture is open to conduct business.

"(13) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture.

"(14) STATE.—The term 'State' means each of the 50 States.

"CHAPTER 2—CATTLE REPORTING

"SEC. 221. DEFINITIONS.

"In this chapter:

"(1) CATTLE COMMITTED.—The term 'cattle committed' means cattle that are scheduled to be delivered to a packer within the 7-day period beginning on the date of an agreement to sell the cattle.

"(2) CATTLE TYPE.—The term 'cattle type' means the following types of cattle purchased for slaughter:

"(A) Fed steers.

"(B) Fed heifers.

"(C) Fed Holsteins and other fed dairy steers and heifers.

"(D) Cows.

"(E) Bulls.

"(3) FORMULA MARKETING ARRANGEMENT.—The term 'formula marketing arrangement' means the advance commitment of cattle for slaughter by any means other than through a negotiated purchase or a forward contract, using a method for calculating price in which the price is determined at a future date.

"(4) FORWARD CONTRACT.—The term 'forward contract' means—

"(A) an agreement for the purchase of cattle, executed in advance of slaughter, under which the base price is established by reference to—

"(i) prices quoted on the Chicago Mercantile Exchange; or

"(ii) other comparable publicly available prices; or

"(B) such other forward contract as the Secretary determines to be applicable.

"(5) PACKER.—The term 'packer' means any person engaged in the business of buying cattle in commerce for purposes of slaughter, of manufacturing or preparing meats or meat food products from cattle for sale or shipment in commerce, or of marketing meats or meat food products from cattle in an unmanufactured form acting as a wholesale broker, dealer, or distributor in commerce, except that—

"(A) the term includes only a cattle processing plant that is federally inspected;

"(B) for any calendar year, the term includes only a cattle processing plant that slaughtered an average of at least 125,000 head of cattle per year during the immediately preceding 5 calendar years; and

"(C) in the case of a cattle processing plant that did not slaughter cattle during the immediately preceding 5 calendar years, the Secretary shall consider the plant capacity of the processing plant in determining whether the processing plant should be considered a packer under this chapter.

"(6) PACKER-OWNED CATTLE.—The term 'packer-owned cattle' means cattle that a packer owns for at least 14 days immediately before slaughter.

"(7) TERMS OF TRADE.—The term 'terms of trade' includes, with respect to the purchase of cattle for slaughter—

"(A) whether a packer provided any financing agreement or arrangement with regard to the cattle;

"(B) whether the delivery terms specified the location of the producer or the location of the packer's plant;

"(C) whether the producer is able to unilaterally specify the date and time during the business day of the packer that the cattle are to be delivered for slaughter; and

"(D) the percentage of cattle purchased by a packer as a negotiated purchase that are delivered to the plant

for slaughter more than 7 days, but fewer than 14 days, after the earlier of—

"(i) the date on which the cattle were committed to the packer; or

"(ii) the date on which the cattle were purchased by the packer.

"(8) TYPE OF PURCHASE.—The term 'type of purchase', with respect to cattle, means—

"(A) a negotiated purchase;

"(B) a formula market arrangement; and

"(C) a forward contract.

"SEC. 222. MANDATORY REPORTING FOR LIVE CATTLE.

"(a) ESTABLISHMENT.—The Secretary shall establish a program of live cattle price information reporting that will—

"(1) provide timely, accurate, and reliable market information;

"(2) facilitate more informed marketing decisions; and

"(3) promote competition in the cattle slaughtering industry.

"(b) GENERAL REPORTING PROVISIONS APPLICABLE TO PACKERS AND THE SECRETARY.—

"(1) IN GENERAL.—Whenever the prices or quantities of cattle are required to be reported or published under this section, the prices or quantities shall be categorized so as to clearly delineate—

"(A) the prices or quantities, as applicable, of the cattle purchased in the domestic market; and

"(B) the prices or quantities, as applicable, of imported cattle.

"(2) PACKER-OWNED CATTLE.—Information required under this section for packer-owned cattle shall include quantity and carcass characteristics, but not price.

"(c) DAILY REPORTING.—

"(1) IN GENERAL.—The corporate officers or officially designated representatives of each packer processing plant shall report to the Secretary at least twice each reporting day (including once not later than 10:00 a.m. Central Time and once not later than 2:00 p.m. Central Time) the following information for each cattle type:

"(A) The prices for cattle (per hundredweight) established on that day, categorized by—

"(i) type of purchase;

"(ii) the quantity of cattle purchased on a live weight basis;

"(iii) the quantity of cattle purchased on a dressed weight basis;

"(iv) a range of the estimated live weights of the cattle purchased;

"(v) an estimate of the percentage of the cattle purchased that were of a quality grade of choice or better; and

"(vi) any premiums or discounts associated with—

"(I) weight, grade, or yield; or

"(II) any type of purchase.

"(B) The quantity of cattle delivered to the packer (quoted in numbers of head) on that day, categorized by—

"(i) type of purchase;

"(ii) the quantity of cattle delivered on a live weight basis; and

"(iii) the quantity of cattle delivered on a dressed weight basis.

"(C) The quantity of cattle committed to the packer (quoted in numbers of head) as of that day, categorized by—

"(i) type of purchase;

"(ii) the quantity of cattle committed on a live weight basis; and

"(iii) the quantity of cattle committed on a dressed weight basis.

"(D) The terms of trade regarding the cattle, as applicable.

"(2) PUBLICATION.—The Secretary shall make the information available to the public not less frequently than three times each reporting day.

"(d) WEEKLY REPORTING.—

"(1) IN GENERAL.—The corporate officers or officially designated representatives of each packer processing plant shall report to the Secretary, on the first reporting day of each week, not later than 9:00 a.m. Central Time, the following information applicable to the prior slaughter week:

"(A) The quantity of cattle purchased through a forward contract that were slaughtered.

"(B) The quantity of cattle delivered under a formula marketing arrangement that were slaughtered.

"(C) The quantity and carcass characteristics of packer-owned cattle that were slaughtered.

"(D) The quantity, basis level, and delivery month for all cattle purchased through forward contracts that were agreed to by the parties.

"(E) The range and average of intended premiums and discounts that are expected to be in effect for the current slaughter week.

"(2) FORMULA PURCHASES.—The corporate officers or officially designated representatives of each packer processing plant shall report to the Secretary, on the first reporting day of each week, not later than 9:00 a.m. Central Time, the following information for cattle purchased through a formula marketing arrangement and slaughtered during the prior slaughter week:

"(A) The quantity (quoted in both numbers of head and hundredweights) of cattle.

"(B) The weighted average price paid for a carcass, including applicable premiums and discounts.

"(C) The range of premiums and discounts paid.

"(D) The weighted average of premiums and discounts paid.

"(E) The range of prices paid.

"(F) The aggregate weighted average price paid for a carcass.

"(G) The terms of trade regarding the cattle, as applicable.

"(3) PUBLICATION.—The Secretary shall make available to the public the information obtained under paragraphs (1) and

(2) on the first reporting day of the current slaughter week, not later than 10:00 a.m. Central Time.

"(e) REGIONAL REPORTING OF CATTLE TYPES.—

"(1) IN GENERAL.—The Secretary shall determine whether adequate data can be obtained on a regional basis for fed Holsteins and other fed dairy steers and heifers, cows, and bulls based on the number of packers required to report under this section.

"(2) REPORT.—Not later than 2 years after the date of the enactment of this subtitle, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the determination of the Secretary under paragraph (1).

"SEC. 223. MANDATORY PACKER REPORTING OF BOXED BEEF SALES.

"(a) DAILY REPORTING.—The corporate officers or officially designated representatives of each packer processing plant shall report to the Secretary at least twice each reporting day (not less than once before, and once after, 12:00 noon Central Time) information on total boxed beef sales, including—

"(1) the price for each lot of each negotiated boxed beef sale (determined by seller-buyer interaction and agreement), quoted in dollars per hundredweight (on a F.O.B. plant basis);

"(2) the quantity for each lot of each sale, quoted by number of boxes sold; and

"(3) information regarding the characteristics of each lot of each sale, including—

"(A) the grade of beef (USDA Choice or better, USDA Select, or ungraded no-roll product);

"(B) the cut of beef; and

"(C) the trim specification.

"(b) PUBLICATION.—The Secretary shall make available to the public the information required to be reported under subsection (a) not less frequently than twice each reporting day.

"CHAPTER 3—SWINE REPORTING

"SEC. 231. DEFINITIONS.

"In this chapter:

"(1) AFFILIATE.—The term 'affiliate', with respect to a packer, means—

"(A) a person that directly or indirectly owns, controls, or holds with power to vote, 5 percent or more of the outstanding voting securities of the packer;

"(B) a person 5 percent or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote, by the packer; and

"(C) a person that directly or indirectly controls, or is controlled by or under common control with, the packer.

"(2) APPLICABLE REPORTING PERIOD.—The term 'applicable reporting period' means the period of time prescribed by the prior day report, the morning report, and the afternoon report, as required under section 232(c).

"(3) BARROW.—The term 'barrow' means a neutered male swine.

"(4) BASE MARKET HOG.—The term 'base market hog' means a hog for which no discounts are subtracted from and no premiums are added to the base price.

"(5) BRED FEMALE SWINE.—The term 'bred female swine' means any female swine, whether a sow or gilt, that has been mated or inseminated and is assumed, or has been confirmed, to be pregnant.

"(6) FORMULA PRICE.—The term 'formula price' means a price determined by a mathematical formula under which the price established for a specified market serves as the basis for the formula.

"(7) GILT.—The term 'gilt' means a young female swine that has not produced a litter.

"(8) HOG CLASS.—The term 'hog class' means, as applicable—

"(A) barrows or gilts;

"(B) sows; or

"(C) boars or stags.

"(9) NONCARCASS MERIT PREMIUM.—The term 'noncarcass merit premium' means an increase in the base price of the swine offered by an individual packer or packing plant, based on any factor other than the characteristics of the carcass, if the actual amount of the premium is known before the sale and delivery of the swine.

"(10) OTHER MARKET FORMULA PURCHASE.—

"(A) IN GENERAL.—The term 'other market formula purchase' means a purchase of swine by a packer in which the pricing mechanism is a formula price based on any market other than the market for swine, pork, or a pork product.

"(B) INCLUSION.—The term 'other market formula purchase' includes a formula purchase in a case in which the price formula is based on one or more futures or options contracts.

"(11) OTHER PURCHASE ARRANGEMENT.—The term 'other purchase arrangement' means a purchase of swine by a packer that—

"(A) is not a negotiated purchase, swine or pork market formula purchase, or other market formula purchase; and

"(B) does not involve packer-owned swine.

"(12) PACKER.—The term 'packer' means any person engaged in the business of buying swine in commerce for purposes of slaughter, of manufacturing or preparing meats or meat food products from swine for sale or shipment in commerce, or of marketing meats or meat food products from swine in an unmanufactured form acting as a wholesale broker, dealer, or distributor in commerce, except that—

"(A) the term includes only a swine processing plant that is federally inspected;

"(B) for any calendar year, the term includes only a swine processing plant that slaughtered an average of at least 100,000 swine per year during the immediately preceding 5 calendar years; and

"(C) in the case of a swine processing plant that did not slaughter swine during the immediately preceding 5 calendar years, the Secretary shall consider the plant capacity of the processing plant in determining whether

the processing plant should be considered a packer under this chapter.

"(13) PACKER-OWNED SWINE.—The term 'packer-owned swine' means swine that a packer (including a subsidiary or affiliate of the packer) owns for at least 14 days immediately before slaughter.

"(14) PACKER-SOLD SWINE.—The term 'packer-sold swine' means the swine that are—

"(A) owned by a packer (including a subsidiary or affiliate of the packer) for more than 14 days immediately before sale for slaughter; and

"(B) sold for slaughter to another packer.

"(15) PORK.—The term 'pork' means the meat of a porcine animal.

"(16) PORK PRODUCT.—The term 'pork product' means a product or byproduct produced or processed in whole or in part from pork.

"(17) PURCHASE DATA.—The term 'purchase data' means all of the applicable data, including weight (if purchased live), for all swine purchased during the applicable reporting period, regardless of the expected delivery date of the swine, reported by—

"(A) hog class;

"(B) type of purchase; and

"(C) packer-owned swine.

"(18) SLAUGHTER DATA.—The term 'slaughter data' means all of the applicable data for all swine slaughtered by a packer during the applicable reporting period, regardless of when the price of the swine was negotiated or otherwise determined, reported by—

"(A) hog class;

"(B) type of purchase; and

"(C) packer-owned swine.

"(19) SOW.—The term 'sow' means an adult female swine that has produced one or more litters.

"(20) SWINE.—The term 'swine' means a porcine animal raised to be a feeder pig, raised for seedstock, or raised for slaughter.

"(21) SWINE OR PORK MARKET FORMULA PURCHASE.—The term 'swine or pork market formula purchase' means a purchase of swine by a packer in which the pricing mechanism is a formula price based on a market for swine, pork, or a pork product, other than a future or option for swine, pork, or a pork product.

"(22) TYPE OF PURCHASE.—The term 'type of purchase', with respect to swine, means—

"(A) a negotiated purchase;

"(B) other market formula purchase;

"(C) a swine or pork market formula purchase; and

"(D) other purchase arrangement.

"SEC. 232. MANDATORY REPORTING FOR SWINE.

"(a) ESTABLISHMENT.—The Secretary shall establish a program of swine price information reporting that will—

"(1) provide timely, accurate, and reliable market information;

"(2) facilitate more informed marketing decisions; and

"(3) promote competition in the swine slaughtering industry.

"(b) GENERAL REPORTING PROVISIONS APPLICABLE TO PACKERS AND THE SECRETARY.—

"(1) IN GENERAL.—The Secretary shall establish and implement a price reporting program in accordance with this section that includes the reporting and publication of information required under this section.

"(2) PACKER-OWNED SWINE.—Information required under this section for packer-owned swine shall include quantity and carcass characteristics, but not price.

"(3) PACKER-SOLD SWINE.—If information regarding the type of purchase is required under this section, the information shall be reported according to the numbers and percentages of each type of purchase comprising—

"(A) packer-sold swine; and

"(B) all other swine.

"(4) ADDITIONAL INFORMATION.—

"(A) REVIEW.—The Secretary shall review the information required to be reported by packers under this section at least once every 2 years.

"(B) OUTDATED INFORMATION.—After public notice and an opportunity for comment, subject to subparagraph (C), the Secretary shall promulgate regulations that specify additional information that shall be reported under this section if the Secretary determines under the review under subparagraph (A) that—

"(i) information that is currently required no longer accurately reflects the methods by which swine are valued and priced by packers; or

"(ii) packers that slaughter a significant majority of the swine produced in the United States no longer use backfat or lean percentage factors as indicators of price.

"(C) LIMITATION.—Under subparagraph (B), the Secretary may not require packers to provide any new or additional information that—

"(i) is not generally available or maintained by packers; or

"(ii) would be otherwise unduly burdensome to provide.

"(c) DAILY REPORTING.—

"(1) PRIOR DAY REPORT.—

"(A) IN GENERAL.—The corporate officers or officially designated representatives of each packer processing plant shall report to the Secretary, for each business day of the packer, such information as the Secretary determines necessary and appropriate to—

"(i) comply with the publication requirements of this section; and

"(ii) provide for the timely access to the information by producers, packers, and other market participants.

"(B) REPORTING DEADLINE AND PLANTS REQUIRED TO REPORT.—Not later than 7:00 a.m. Central Time on each

reporting day, a packer required to report under subparagraph (A) shall report information regarding all swine purchased, priced, or slaughtered during the prior business day of the packer.

"(C) INFORMATION REQUIRED.—The information from the prior business day of a packer required under this paragraph shall include—

"(i) all purchase data, including—

"(I) the total number of—

"(aa) swine purchased; and

"(bb) swine scheduled for delivery; and

"(II) the base price and purchase data for slaughtered swine for which a price has been established;

"(ii) all slaughter data for the total number of swine slaughtered, including—

"(I) information concerning the net price, which shall be equal to the total amount paid by a packer to a producer (including all premiums, less all discounts) per hundred pounds of carcass weight of swine delivered at the plant—

"(aa) including any sum deducted from the price per hundredweight paid to a producer that reflects the repayment of a balance owed by the producer to the packer or the accumulation of a balance to later be repaid by the packer to the producer; and

"(bb) excluding any sum earlier paid to a producer that must later be repaid to the packer;

"(II) information concerning the average net price, which shall be equal to the quotient (stated per hundred pounds of carcass weight of swine) obtained by dividing—

"(aa) the total amount paid for the swine slaughtered at a packing plant during the applicable reporting period, including all premiums and discounts, and including any sum deducted from the price per hundredweight paid to a producer that reflects the repayment of a balance owed by the producer to the packer, or the accumulation of a balance to later be repaid by the packer to the producer, less all discounts; by

"(bb) the total carcass weight (in hundred pound increments) of the swine;

"(III) information concerning the lowest net price, which shall be equal to the lowest net price paid for a single lot or a group of swine slaughtered at a packing plant during the applicable reporting period per hundred pounds of carcass weight of swine;

"(IV) information concerning the highest net price, which shall be equal to the highest net price paid for a single lot or group of swine slaughtered at a packing plant during the applicable reporting

period per hundred pounds of carcass weight of swine;

"(V) the average carcass weight, which shall be equal to the quotient obtained by dividing—

"(aa) the total carcass weight of the swine slaughtered at the packing plant during the applicable reporting period; by

"(bb) the number of the swine described in item (aa),

adjusted for special slaughter situations (such as skinning or foot removal), as the Secretary determines necessary to render comparable carcass weights;

"(VI) the average sort loss, which shall be equal to the average discount (in dollars per hundred pounds carcass weight) for swine slaughtered during the applicable reporting period, resulting from the fact that the swine did not fall within the individual packer's established carcass weight or lot variation range;

"(VII) the average backfat, which shall be equal to the average of the backfat thickness (in inches) measured between the third and fourth from the last ribs, 7 centimeters from the carcass split (or adjusted from the individual packer's measurement to that reference point using an adjustment made by the Secretary) of the swine slaughtered during the applicable reporting period;

"(VIII) the average lean percentage, which shall be equal to the average percentage of the carcass weight comprised of lean meat for the swine slaughtered during the applicable reporting period, except that when a packer is required to report the average lean percentage under this subclause, the packer shall make available to the Secretary the underlying data, applicable methodology and formulae, and supporting materials used to determine the average lean percentage, which the Secretary may convert to the carcass measurements or lean percentage of the swine of the individual packer to correlate to a common percent lean measurement; and

"(IX) the total slaughter quantity, which shall be equal to the total number of swine slaughtered during the applicable reporting period, including all types of purchases and packer-owned swine; and

"(iii) packer purchase commitments, which shall be equal to the number of swine scheduled for delivery to a packer for slaughter for each of the next 14 calendar days.

"(D) PUBLICATION.—The Secretary shall publish the information obtained under this paragraph in a prior day report not later than 8:00 a.m. Central Time on the reporting day on which the information is received from the packer.

"(2) MORNING REPORT.—

"(A) IN GENERAL.—The corporate officers or officially designated representatives of each packer processing plant shall report to the Secretary not later than 10:00 a.m. Central Time each reporting day—

"(i) the packer's best estimate of the total number of swine, and packer-owned swine, expected to be purchased throughout the reporting day through each type of purchase;

"(ii) the total number of swine, and packer-owned swine, purchased up to that time of the reporting day through each type of purchase;

"(iii) the base price paid for all base market hogs purchased up to that time of the reporting day through negotiated purchases; and

"(iv) the base price paid for all base market hogs purchased through each type of purchase other than negotiated purchase up to that time of the reporting day, unless such information is unavailable due to pricing that is determined on a delayed basis.

"(B) PUBLICATION.—The Secretary shall publish the information obtained under this paragraph in the morning report as soon as practicable, but not later than 11:00 a.m. Central Time, on each reporting day.

"(3) AFTERNOON REPORT.—

"(A) IN GENERAL.—The corporate officers or officially designated representatives of each packer processing plant shall report to the Secretary not later than 2:00 p.m. Central Time each reporting day—

"(i) the packer's best estimate of the total number of swine, and packer-owned swine, expected to be purchased throughout the reporting day through each type of purchase;

"(ii) the total number of swine, and packer-owned swine, purchased up to that time of the reporting day through each type of purchase;

"(iii) the base price paid for all base market hogs purchased up to that time of the reporting day through negotiated purchases; and

"(iv) the base price paid for all base market hogs purchased up to that time of the reporting day through each type of purchase other than negotiated purchase, unless such information is unavailable due to pricing that is determined on a delayed basis.

"(B) PUBLICATION.—The Secretary shall publish the information obtained under this paragraph in the afternoon report as soon as practicable, but not later than 3:00 p.m. Central Time, on each reporting day.

"(d) WEEKLY NONCARCASS MERIT PREMIUM REPORT.—

"(1) IN GENERAL.—Not later than 4:00 p.m. Central Time on the first reporting day of each week, the corporate officers or officially designated representatives of each packer processing plant shall report to the Secretary a noncarcass merit premium report that lists—

"(A) each category of standard noncarcass merit premiums used by the packer in the prior slaughter week; and

"(B) the amount (in dollars per hundred pounds of carcass weight) paid to producers by the packer, by category.

"(2) PREMIUM LIST.—A packer shall maintain and make available to a producer, on request, a current listing of the dollar values (per hundred pounds of carcass weight) of each noncarcass merit premium used by the packer during the current or the prior slaughter week.

"(3) AVAILABILITY.—A packer shall not be required to pay a listed noncarcass merit premium to a producer that meets the requirements for the premium if the need for swine in a given category is filled at a particular point in time.

"(4) PUBLICATION.—The Secretary shall publish the information obtained under this subsection as soon as practicable, but not later than 5:00 p.m. Central Time, on the first reporting day of each week.

"CHAPTER 4—LAMB REPORTING

"SEC. 241. MANDATORY REPORTING FOR LAMBS.

"(a) ESTABLISHMENT.—The Secretary may establish a program of mandatory lamb price information reporting that will—

"(1) provide timely, accurate, and reliable market information;

"(2) facilitate more informed marketing decisions; and

"(3) promote competition in the lamb slaughtering industry.

"(b) NOTICE AND COMMENT.—If the Secretary establishes a mandatory price reporting program under subsection (a), the Secretary shall provide an opportunity for comment on proposed regulations to establish the program during the 30-day period beginning on the date of the publication of the proposed regulations.

"CHAPTER 5—ADMINISTRATION

"SEC. 251. GENERAL PROVISIONS.

"(a) CONFIDENTIALITY.—The Secretary shall make available to the public information, statistics, and documents obtained from, or submitted by, packers, retail entities, and other persons under this subtitle in a manner that ensures that confidentiality is preserved regarding—

"(1) the identity of persons, including parties to a contract; and

"(2) proprietary business information.

"(b) DISCLOSURE BY FEDERAL GOVERNMENT EMPLOYEES.—

"(1) IN GENERAL.—Subject to paragraph (2), no officer, employee, or agent of the United States shall, without the consent of the packer or other person concerned, divulge or make known in any manner, any facts or information regarding the business of the packer or other person that was acquired through reporting required under this subtitle.

"(2) EXCEPTIONS.—Information obtained by the Secretary under this subtitle may be disclosed—

"(A) to agents or employees of the Department of Agriculture in the course of their official duties under this subtitle;

"(B) as directed by the Secretary or the Attorney General, for enforcement purposes; or

"(C) by a court of competent jurisdiction.

"(3) DISCLOSURE UNDER FREEDOM OF INFORMATION ACT.—Notwithstanding any other provision of law, no facts or information obtained under this subtitle shall be disclosed in accordance with section 552 of title 5, United States Code.

"(c) REPORTING BY PACKERS.—A packer shall report all information required under this subtitle on an individual lot basis.

"(d) REGIONAL REPORTING AND AGGREGATION.—The Secretary shall make information obtained under this subtitle available to the public only in a manner that—

"(1) ensures that the information is published on a national and a regional or statewide basis as the Secretary determines to be appropriate;

"(2) ensures that the identity of a reporting person is not disclosed; and

"(3) conforms to aggregation guidelines established by the Secretary.

"(e) ADJUSTMENTS.—Prior to the publication of any information required under this subtitle, the Secretary may make reasonable adjustments in information reported by packers to reflect price aberrations or other unusual or unique occurrences that the Secretary determines would distort the published information to the detriment of producers, packers, or other market participants.

"(f) VERIFICATION.—The Secretary shall take such actions as the Secretary considers necessary to verify the accuracy of the information submitted or reported under chapter 2, 3, or 4.

"(g) ELECTRONIC REPORTING AND PUBLISHING.—The Secretary shall, to the maximum extent practicable, provide for the reporting and publishing of the information required under this subtitle by electronic means.

"(h) REPORTING OF ACTIVITIES ON WEEKENDS AND HOLIDAYS.—

"(1) IN GENERAL.—Livestock committed to a packer, or purchased, sold, or slaughtered by a packer, on a weekend day or holiday shall be reported by the packer to the Secretary (to the extent required under this subtitle), and reported by the Secretary, on the immediately following reporting day.

"(2) LIMITATION ON REPORTING BY PACKERS.—A packer shall not be required to report actions under paragraph (1) more than once on the immediately following reporting day.

"(i) EFFECT ON OTHER LAWS.—Nothing in this subtitle, the Livestock Mandatory Reporting Act of 1999, or amendments made by that Act restricts or modifies the authority of the Secretary to—

"(1) administer or enforce the Packers and Stockyards Act, 1921 (7 U.S.C. 181 et seq.);

"(2) administer, enforce, or collect voluntary reports under this title or any other law; or

"(3) access documentary evidence as provided under sections 9 and 10 of the Federal Trade Commission Act (15 U.S.C. 49, 50).

"SEC. 252. UNLAWFUL ACTS.

"It shall be unlawful and a violation of this subtitle for any packer or other person subject to this subtitle (in the submission of information required under chapter 2, 3, or 4, as determined by the Secretary) to willfully—

"(1) fail or refuse to provide, or delay the timely reporting of, accurate information to the Secretary (including estimated information);

"(2) solicit or request that a packer, the buyer or seller of livestock or livestock products, or any other person fail to provide, as a condition of any transaction, accurate or timely information required under this subtitle;

"(3) fail or refuse to comply with this subtitle; or

"(4) report estimated information in any report required under this subtitle in a manner that demonstrates a pattern of significant variance in accuracy when compared to the actual information that is reported for the same reporting period, or as determined by any audit, oversight, or other verification procedures of the Secretary.

"SEC. 253. ENFORCEMENT.

"(a) CIVIL PENALTY.—

"(1) IN GENERAL.—Any packer or other person that violates this subtitle may be assessed a civil penalty by the Secretary of not more than $10,000 for each violation.

"(2) CONTINUING VIOLATION.—Each day during which a violation continues shall be considered to be a separate violation.

"(3) FACTORS.—In determining the amount of a civil penalty to be assessed under paragraph (1), the Secretary shall consider the gravity of the offense, the size of the business involved, and the effect of the penalty on the ability of the person that has committed the violation to continue in business.

"(4) MULTIPLE VIOLATIONS.—In determining whether to assess a civil penalty under paragraph (1), the Secretary shall consider whether a packer or other person subject to this subtitle has engaged in a pattern of errors, delays, or omissions in violation of this subtitle.

"(b) CEASE AND DESIST.—In addition to, or in lieu of, a civil penalty under subsection (a), the Secretary may issue an order to cease and desist from continuing any violation.

"(c) NOTICE AND HEARING.—No penalty shall be assessed, or cease and desist order issued, by the Secretary under this section unless the person against which the penalty is assessed or to which the order is issued is given notice and opportunity for a hearing before the Secretary with respect to the violation.

"(d) FINALITY AND JUDICIAL REVIEW.—

"(1) IN GENERAL.—The order of the Secretary assessing a civil penalty or issuing a cease and desist order under this section shall be final and conclusive unless the affected person files an appeal of the order of the Secretary in United States district court not later than 30 days after the date of the issuance of the order.

"(2) STANDARD OF REVIEW.—A finding of the Secretary under this section shall be set aside only if the finding is found to be unsupported by substantial evidence.

"(e) ENFORCEMENT.—

"(1) IN GENERAL.—If, after the lapse of the period allowed for appeal or after the affirmance of a penalty assessed under this section, the person against which the civil penalty is assessed fails to pay the penalty, the Secretary may refer

the matter to the Attorney General who may recover the penalty by an action in United States district court.

"(2) FINALITY.—In the action, the final order of the Secretary shall not be subject to review.

"(f) INJUNCTION OR RESTRAINING ORDER.—

"(1) IN GENERAL.—If the Secretary has reason to believe that any person subject to this subtitle has failed or refused to provide the Secretary information required to be reported pursuant to this subtitle, and that it would be in the public interest to enjoin the person from further failure to comply with the reporting requirements, the Secretary may notify the Attorney General of the failure.

"(2) ATTORNEY GENERAL.—The Attorney General may apply to the appropriate district court of the United States for a temporary or permanent injunction or restraining order.

"(3) COURT.—When needed to carry out this subtitle, the court shall, on a proper showing, issue a temporary injunction or restraining order without bond.

"(g) FAILURE TO OBEY ORDERS.—

"(1) IN GENERAL.—If a person subject to this subtitle fails to obey a cease and desist or civil penalty order issued under this subsection after the order has become final and unappealable, or after the appropriate United States district court has entered a final judgment in favor of the Secretary, the United States may apply to the appropriate district court for enforcement of the order.

"(2) ENFORCEMENT.—If the court determines that the order was lawfully made and duly served and that the person violated the order, the court shall enforce the order.

"(3) CIVIL PENALTY.—If the court finds that the person violated the cease and desist provisions of the order, the person shall be subject to a civil penalty of not more than $10,000 for each offense.

"SEC. 254. FEES.

"The Secretary shall not charge or assess a user fee, transaction fee, service charge, assessment, reimbursement, or any other fee for the submission or reporting of information, for the receipt or availability of, or access to, published reports or information, or for any other activity required under this subtitle.

"SEC. 255. RECORDKEEPING.

"(a) IN GENERAL.—Subject to subsection (b), each packer required to report information to the Secretary under this subtitle 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 subtitle.

"(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.

"SEC. 256. VOLUNTARY REPORTING.

"The Secretary shall encourage voluntary reporting by packers (as defined in section 201 of the Packers and Stockyards Act, 1921 (7 U.S.C. 191)) to which the mandatory reporting requirements of this subtitle do not apply.

"SEC. 257. PUBLICATION OF INFORMATION ON RETAIL PURCHASE PRICES FOR REPRESENTATIVE MEAT PRODUCTS.

"(a) IN GENERAL.—Beginning not later than 90 days after the date of the enactment of this subtitle, 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 the date of the enactment of this subtitle.

"(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.

"SEC. 258. SUSPENSION AUTHORITY REGARDING SPECIFIC TERMS OF PRICE REPORTING REQUIREMENTS.

"(a) IN GENERAL.—The Secretary may suspend any requirement of this subtitle if the Secretary determines that application of the requirement is inconsistent with the purposes of this subtitle.

"(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.

"SEC. 259. FEDERAL PREEMPTION.

"In order to achieve the goals, purposes, and objectives of this title on a nationwide basis and to avoid potentially conflicting State laws that could impede the goals, purposes, or objectives of this title, no State or political subdivision of a State may impose a requirement that is in addition to, or inconsistent with, any requirement of this subtitle 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.".

SEC. 912. UNJUST DISQUALIFICATION.

Section 202(b) of the Packers and Stockyards Act, 1921 (7 U.S.C. 192(b)), is amended by striking "whatsoever" each place it appears.

SEC. 913. CONFORMING AMENDMENTS.

(a) Section 416 of the Packers and Stockyards Act, 1921 (7 U.S.C. 229a), is repealed.

(b) Section 1127 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (7 U.S.C. 1421 note; Public Law 105–277), is amended—

(1) by striking subsection (b) and inserting the following:

"(b) EXPORT MARKET REPORTING.—The Secretary shall—

"(1) implement a streamlined electronic system for collecting export sales and shipments data, in the least intrusive manner possible, for fresh or frozen muscle cuts of meat food products; and

"(2) develop a data-reporting program to disseminate summary information in a timely manner (in the case of beef, consistent with the reporting under section 602(a) of the Agricultural Trade Act of 1978 (7 U.S.C. 5712(a)))."; and

(2) in subsection (c), by striking "this section of the Act" and inserting "subsection (b)".

Subtitle B—Related Beef Reporting Provisions

SEC. 921. BEEF EXPORT REPORTING.

Section 602(a)(1) of the Agricultural Trade Act of 1978 (7 U.S.C. 5712(a)(1)) is amended by inserting ", beef," after "cotton".

SEC. 922. EXPORT CERTIFICATES FOR MEAT AND MEAT FOOD PRODUCTS.

Not later than 1 year after the date of the enactment of this Act, the Secretary of Agriculture shall fully implement a program, through the use of a streamlined electronic online system, to issue and report export certificates for all meat and meat products.

SEC. 923. IMPORTS OF BEEF, BEEF VARIETY MEATS, AND CATTLE.

(a) IN GENERAL.—The Secretary of Agriculture shall—

(1) obtain information regarding the import of beef and beef variety meats (consistent with the information categories reported for beef exports under section 602(a) of the Agricultural Trade Act of 1978 (7 U.S.C. 5712(a))) and cattle using available information sources; and

(2) publish the information in a timely manner weekly and in a form that maximizes the utility of the information to beef producers, packers, and other market participants.

(b) CONTENT.—The published information shall include information reporting the year-to-date cumulative annual imports of beef, beef variety meats, and cattle for the current and prior marketing years.

SEC. 924. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out sections 922 and 923.

Subtitle C—Related Swine Reporting Provisions

SEC. 931. IMPROVEMENT OF HOGS AND PIGS INVENTORY REPORT.

(a) IN GENERAL.—Effective beginning not later than 90 days after the date of the enactment of this Act, the Secretary of Agriculture shall publish on a monthly basis the Hogs and Pigs Inventory Report.

(b) GESTATING SOWS.—The Secretary shall include in a separate category of the Report the number of bred female swine that are assumed, or have been confirmed, to be pregnant during the reporting period.

(c) PHASE-OUT.—Effective for a period of eight quarters after the implementation of the monthly report required under subsection (a), the Secretary shall continue to maintain and publish on a quarterly basis the Hogs and Pigs Inventory Report published on or before the date of the enactment of this Act.

SEC. 932. BARROW AND GILT SLAUGHTER.

(a) IN GENERAL.—The Secretary of Agriculture shall promptly obtain and maintain, through an appropriate collection system or valid sampling system at packing plants, information on the total

slaughter of swine that reflects differences in numbers between barrows and gilts, as determined by the Secretary.

(b) AVAILABILITY.—The information shall be made available to swine producers, packers, and other market participants in a report published by the Secretary not less frequently than weekly.

(c) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary shall administer the collection and compilation of information, and the publication of the report, required by this section.

(2) NONDELEGATION.—The Secretary shall not delegate the collection, compilation, or administration of the information required by this section to any packer (as defined in section 201 of the Packers and Stockyards Act, 1921 (7 U.S.C. 191)).

SEC. 933. AVERAGE TRIM LOSS CORRELATION STUDY AND REPORT.

(a) IN GENERAL.—The Secretary of Agriculture shall contract with a qualified contractor to conduct a correlation study and prepare a report establishing a baseline and standards for determining and improving average trim loss measurements and processing techniques for pork processors to employ in the slaughter of swine.

(b) CORRELATION STUDY AND REPORT.—The study and report shall—

(1) analyze processing techniques that would assist the pork processing industry in improving procedures for uniformity and transparency in how trim loss is discounted (in dollars per hundred pounds carcass weight) by different packers and processors;

(2) analyze slaughter inspection procedures that could be improved so that trimming procedures and policies of the Secretary are uniform to the maximum extent determined practicable by the Secretary;

(3) determine how the Secretary may be able to foster improved breeding techniques and animal handling and transportation procedures through training programs made available to swine producers so as to minimize trim loss in slaughter processing; and

(4) make recommendations that are designed to effect changes in the pork industry so as to achieve continuous improvement in average trim losses and discounts.

(c) SUBSEQUENT REPORTS ON STATUS OF IMPROVEMENTS AND UPDATES IN BASELINE.—Not less frequently than once every 2 years after the initial publication of the report required under this section, the Secretary shall make subsequent periodic reports that—

(1) examine the status of the improvement in reducing trim loss discounts in the pork processing industry; and

(2) update the baseline to reflect changes in trim loss discounts.

(d) SUBMISSION OF REPORTS TO CONGRESS, PRODUCERS, PACKERS, AND OTHERS.—The reports required under this section shall be made available to—

(1) the public on the Internet;

(2) the Committee on Agriculture of the House of Representatives;

(3) the Committee on Agriculture, Nutrition, and Forestry of the Senate;

(4) producers and packers; and

(5) other market participants.

SEC. 934. SWINE PACKER MARKETING CONTRACTS.

Title II of the Packers and Stockyards Act, 1921 (7 U.S.C. 191 et seq.) is amended—

(1) by inserting before section 201 (7 U.S.C. 191) the following:

"Subtitle A—General Provisions";

and

(2) by adding at the end the following:

"Subtitle B—Swine Packer Marketing Contracts

"SEC. 221. DEFINITIONS.

"Except as provided in section 223(a), in this subtitle:

"(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 231 of the Agricultural Marketing Act of 1946.

"(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 subtitle, a term has the meaning given the term in section 212 or 231 of the Agricultural Marketing Act of 1946.

"SEC. 222. SWINE PACKER MARKETING CONTRACTS OFFERED TO PRODUCERS.

"(a) IN GENERAL.—Subject to the availability of appropriations to carry out this section, the Secretary shall establish 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 251 of the Agricultural Marketing Act of 1946.

"(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 title 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.

"SEC. 223. 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 201 of the Packers and Stockyards Act, 1921 (7 U.S.C. 191).

"(b) REPORT.—Not later than 90 days after the date of the enactment of this subtitle, 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.".

SEC. 935. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this subtitle and the amendments made by this subtitle.

Subtitle D—Implementation

SEC. 941. REGULATIONS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Agriculture shall publish final regulations to implement this title and the amendments made by this title.

(b) PUBLICATION OF PROPOSED REGULATIONS.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall publish proposed regulations to implement this title and the amendments made by this title.

(c) COMMENT PERIOD.—The Secretary shall provide an opportunity for comment on the proposed regulations during the 30-

day period beginning on the date of the publication of the proposed regulations.

(d) FINAL REGULATIONS.—Not later than 60 days after the conclusion of the comment period, the Secretary shall publish the final regulations and implement this title and the amendments made by this title.

SEC. 942. TERMINATION OF AUTHORITY.

The authority provided by this title and the amendments made by this title terminate 5 years after the date of the enactment of this Act.

This Act may be cited as the "Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2000".

Speaker of the House of Representatives.

Vice President of the United States and President of the Senate.