

**(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.

(Aug. 14, 1946, ch. 966, title II, § 253, as added Pub. L. 106-78, title IX, § 911(2), Oct. 22, 1999, 113 Stat. 1202.)

**§ 1636c. 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 subchapter.

(Aug. 14, 1946, ch. 966, title II, § 254, as added Pub. L. 106-78, title IX, § 911(2), Oct. 22, 1999, 113 Stat. 1203.)

**§ 1636d. Recordkeeping****(a) In general**

Subject to subsection (b), each packer required to report information to the Secretary under this subchapter 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 subchapter.

**(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.

(Aug. 14, 1946, ch. 966, title II, § 255, as added Pub. L. 106-78, title IX, § 911(2), Oct. 22, 1999, 113 Stat. 1203.)

**§ 1636e. Voluntary reporting**

The Secretary shall encourage voluntary reporting by packers (as defined in section 191 of this title) to which the mandatory reporting requirements of this subchapter do not apply.

(Aug. 14, 1946, ch. 966, title II, § 256, as added Pub. L. 106-78, title IX, § 911(2), Oct. 22, 1999, 113 Stat. 1204.)

**§ 1636f. Publication of information on retail purchase prices for representative meat products****(a) In general**

Beginning not later than 90 days after October 22, 1999, 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 October 22, 1999.

**(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.

(Aug. 14, 1946, ch. 966, title II, §257, as added Pub. L. 106-78, title IX, §911(2), Oct. 22, 1999, 113 Stat. 1204.)

**§ 1636g. Suspension authority regarding specific terms of price reporting requirements**

**(a) In general**

The Secretary may suspend any requirement of this subchapter if the Secretary determines that application of the requirement is inconsistent with the purposes of this subchapter.

**(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.

(Aug. 14, 1946, ch. 966, title II, §258, as added Pub. L. 106-78, title IX, §911(2), Oct. 22, 1999, 113 Stat. 1205.)

**§ 1636h. Federal preemption**

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

(Aug. 14, 1946, ch. 966, title II, §259, as added Pub. L. 106-78, title IX, §911(2), Oct. 22, 1999, 113 Stat. 1205.)

**§ 1636i. Termination of authority**

The authority provided by this subchapter terminates on September 30, 2020.

(Aug. 14, 1946, ch. 966, title II, §260, as added Pub. L. 109-296, §1(a), Oct. 5, 2006, 120 Stat. 1464; amended Pub. L. 111-239, §2(a)(1), Sept. 27, 2010, 124 Stat. 2501; Pub. L. 114-54, title I, §101(a), Sept. 30, 2015, 129 Stat. 513.)

AMENDMENTS

2015—Pub. L. 114-54 substituted “September 30, 2020” for “September 30, 2015”.

2010—Pub. L. 111-239 substituted “September 30, 2015” for “September 30, 2010”.

SUBCHAPTER III—DAIRY PRODUCT  
MANDATORY REPORTING

**§ 1637. Purpose**

The purpose of this subchapter is to establish a program of information regarding the marketing of dairy products that—

(1) provides information that can be readily understood by producers and other market

participants, including information with respect to prices, quantities sold, and inventories of dairy products;

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

(3) encourages competition in the marketplace for dairy products.

(Aug. 14, 1946, ch. 966, title II, §271, as added Pub. L. 106-532, §2, Nov. 22, 2000, 114 Stat. 2541.)

**§ 1637a. Definitions**

In this subchapter:

**(1) Dairy products**

The term “dairy products” means—

(A) manufactured dairy products that are used by the Secretary to establish minimum prices for Class III and Class IV milk under a Federal milk marketing order issued under section 608c of this title; and

(B) substantially identical products designated by the Secretary.

**(2) Manufacturer**

The term “manufacturer” means any person engaged in the business of buying milk in commerce for the purpose of manufacturing dairy products.

**(3) Secretary**

The term “Secretary” means the Secretary of Agriculture.

(Aug. 14, 1946, ch. 966, title II, §272, as added Pub. L. 106-532, §2, Nov. 22, 2000, 114 Stat. 2541; amended Pub. L. 107-171, title I, §1504, May 13, 2002, 116 Stat. 207.)

AMENDMENTS

2002—Par. (1). Pub. L. 107-171 inserted hyphen after “means”, designated remainder of existing provisions as subpar. (A), substituted “; and” for period at end, and added subpar. (B).

**§ 1637b. Mandatory reporting for dairy products**

**(a) Establishment**

The Secretary shall establish a program of mandatory dairy product information reporting that will—

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

(2) facilitate more informed marketing decisions; and

(3) promote competition in the dairy product manufacturing industry.

**(b) Requirements**

**(1) In general**

In establishing the program, the Secretary shall only—

(A)(i) subject to the conditions described in paragraph (2), require each manufacturer to report to the Secretary information concerning the price, quantity, and moisture content of dairy products sold by the manufacturer; and

(ii) modify the format used to provide the information on the day before November 22, 2000, to ensure that the information can be readily understood by market participants; and

(B) require each manufacturer and other person storing dairy products to report to