

§ 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 417 and is classified to section 229c of this title.

§ 229. Repealed. 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

Section, act 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, related to annual reports about investigations and enforcement actions.

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 repealed this section.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 L. 110-234 was repealed by section 4(a) of Pub.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 [extended to Sept. 30, 2013, see section 701(a) of Pub. L. 112-240, set out in a 1-Year Extension of Agricultural Programs note under section 8701 of this title].

[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 L. 110-234 was repealed by section 4(a) of Pub.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.]

§ 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 Repealed.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, 2020, 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) 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) 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) 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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| Sec. | |
| 241. | Definitions. |
| 242. | Powers of Secretary. |
| 243. | Imposition and collection of fees. |
| 244. | Quality and value standards. |
| 245. | Bonding and other financial assurance requirements. |
| 246. | Maintenance of records. |
| 247. | Fair treatment in storage of agricultural products. |
| 248. | Commingling of agricultural products. |
| 249. | Transfer of stored agricultural products. |
| 250. | Warehouse receipts. |
| 251. | Conditions for delivery of agricultural products. |
| 252. | Suspension or revocation of licenses. |
| 253. | Public information. |
| 254. | Penalties for noncompliance. |
| 255. | Jurisdiction and arbitration. |
| 256. | Authorization of appropriations. |

CODIFICATION

The United States Warehouse Act, comprising this chapter, was originally enacted by act Aug. 11, 1916, ch. 313, pt. C, 39 Stat. 486, and amended by July 24, 1919, ch. 26, 41 Stat. 266; Feb. 23, 1923, ch. 106, 42 Stat. 1282; Mar. 2, 1931, ch. 366, 46 Stat. 1463; Pub. L. 97-35, title I, §158(a)(1), (2), Aug. 13, 1981, 95 Stat. 375, 376; Pub. L. 99-260, §14, Mar. 20, 1986, 100 Stat. 54; Pub. L. 101-624, title V, §508(a), (b), Nov. 28, 1990, 104 Stat. 3441, 3443; Pub. L. 102-237, title X, §1009, Dec. 13, 1991, 105 Stat. 1898; Pub. L. 102-553, §1, Oct. 28, 1992, 106 Stat. 4140.

Such Act is shown herein, however, as having been added by Pub. L. 106-472, title II, §201, Nov. 9, 2000, 114 Stat. 2061, without reference to such intervening amendments because of the extensive revision of the title's provisions by Pub. L. 106-472.

§ 241. Definitions

In this chapter:

(1) **Agricultural product**

The term “agricultural product” means an agricultural commodity, as determined by the Secretary, including a processed product of an agricultural commodity.

(2) **Approval**

The term “approval” means the consent provided by the Secretary for a person to engage in an activity authorized by this chapter.

(3) **Department**

The term “Department” means the Department of Agriculture.

(4) **Electronic document**

The term “electronic document” means a document that is generated, sent, received, or stored by electronic, optical, or similar means, including electronic data interchange, electronic mail, telegram, telex, or telecopy.

(5) **Electronic receipt**

The term “electronic receipt” means a receipt that is authorized by the Secretary to be issued or transmitted under this chapter in the form of an electronic document.

(6) **Holder**

The term “holder” means a person that has possession in fact or by operation of law of a receipt or any electronic document.

(7) **Person**

The term “person” means—

- (A) a person (as defined in section 1 of title 1);
- (B) a State; and
- (C) a political subdivision of a State.

(8) **Receipt**

The term “receipt” means a warehouse receipt issued in accordance with this chapter, including an electronic receipt.

(9) **Secretary**

The term “Secretary” means the Secretary of Agriculture.

(10) **Warehouse**

The term “warehouse” means a structure or other approved storage facility, as determined by the Secretary, in which any agricultural product may be stored or handled for the purposes of interstate or foreign commerce.

(11) **Warehouse operator**

The term “warehouse operator” means a person that is lawfully engaged in the business of storing or handling agricultural products.

(Aug. 11, 1916, ch. 313, pt. C, §2, as added Pub. L. 106-472, title II, §201, Nov. 9, 2000, 114 Stat. 2061.)

CODIFICATION

This chapter constitutes part C of “An act making appropriations for the Department of Agriculture for