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1 **TITLE X—LIVESTOCK MAR-**
2 **KETING, REGULATORY, AND**
3 **RELATED PROGRAMS**

4 **Subtitle A—Marketing**

5 **SEC. 10001. LIVESTOCK MANDATORY REPORTING.**

- 6 (a) MANDATORY REPORTING FOR SWINE.—Section
7 232(c)(3) of the Agricultural Marketing Act of 1946 (7
8 U.S.C. 1635j(c)(3)) is amended—

1 (1) in subparagraph (A), by striking “2:00
2 p.m.” and inserting “3:00 p.m.”; and

3 (2) in subparagraph (B), by striking “3:00
4 p.m.” and inserting “4:00 p.m.”.

5 (b) MANDATORY PACKER REPORTING OF PORK
6 PRODUCTS SALES.—

7 (1) IN GENERAL.—Section 232 of the Agricul-
8 tural Marketing Act of 1946 (7 U.S.C. 1635j) is
9 amended by adding at the end the following:

10 “(f) MANDATORY PACKER REPORTING OF PORK
11 PRODUCTS SALES.—

12 “(1) IN GENERAL.—Beginning not earlier than
13 the date on which the report under section
14 10001(b)(2)(C) of the Food and Energy Security
15 Act of 2007 is submitted, the Secretary may require
16 the corporate officers or officially designated rep-
17 resentative of each packer processing plant to report
18 to the Secretary at least twice each reporting day
19 (not less than once before, and once after, 12:00
20 noon Central Time) information on total pork prod-
21 ucts sales, including price and volume information as
22 specified by the Secretary.

23 “(2) PUBLICATION.—The Secretary shall make
24 available to the public any information required to
25 be reported under subparagraph (A) (including in-

1 formation on pork cuts and retail-ready pork prod-
2 ucts) not less than twice each reporting day.”.

3 (2) STUDY AND REPORT.—

4 (A) STUDY.—The Secretary shall conduct
5 a study on the effects of requiring packer proc-
6 essing plants to report to the Secretary infor-
7 mation on total pork products sales (including
8 price and volume information), including—

9 (i) the positive or negative economic
10 effects on producers and consumers; and

11 (ii) the effects of a confidentiality re-
12 quirement on mandatory reporting.

13 (B) INFORMATION.—The Secretary may
14 collect such information as is necessary to en-
15 able the Secretary to conduct the study re-
16 quired under subparagraph (A).

17 (C) REPORT.—Not later than 180 days
18 after the date of enactment of this Act, the Sec-
19 retary shall submit to the Committee on Agri-
20 culture of the House of Representatives and the
21 Committee on Agriculture, Nutrition, and For-
22 estry of the Senate a report on the results of
23 the study conducted under subparagraph (A).

24 (c) PUBLICATION OF INFORMATION ON RETAIL PUR-
25 CHASE PRICES FOR REPRESENTATIVE MEAT PROD-

1 UCTS.—Section 257(a) of the Agricultural Marketing Act
2 of 1946 (7 U.S.C. 1636f(a)) is amended by inserting “and
3 continuing not less than each month thereafter” after
4 “this subtitle”.

5 **SEC. 10002. GRADING AND INSPECTION.**

6 (a) GRADING.—Section 203 of the Agricultural Mar-
7 keting Act of 1946 (7 U.S.C. 1622) is amended—

8 (1) by redesignating subsection (n) as sub-
9 section (o); and

10 (2) by inserting after subsection (m) the fol-
11 lowing:

12 “(n) GRADING PROGRAM FOR CATFISH.—

13 “(1) IN GENERAL.—To establish, within the
14 Agricultural Marketing Service, a voluntary grading
15 program for catfish described in section 10806(a)(1)
16 of the Farm Security and Rural Investment Act of
17 2002 (21 U.S.C. 321d(a)(1)).

18 “(2) EXISTING ACTIVITIES.—The Secretary
19 shall ensure, to the maximum extent practicable,
20 that nothing in this subsection duplicates or impedes
21 any of the food safety activities conducted by the
22 Department of Commerce or the Food and Drug
23 Administration.”.

24 (b) REPORT ON INSPECTION.—Not later than 90
25 days after the date of enactment of this Act, the Secretary

1 shall submit to the Committee on Agriculture of the House
2 of Representatives and the Committee on Agriculture, Nu-
3 trition, and Forestry of the Senate a report on the feasi-
4 bility of establishing, implementing, and administering an
5 inspection program similar to the inspection program au-
6 thorized by the Poultry Products Inspection Act (21
7 U.S.C. 451 et seq.), for United States farm-raised catfish,
8 as described in section 10806(a)(1) of the Farm Security
9 and Rural Investment Act of 2002 (21 U.S.C.
10 321d(a)(1)).

11 **SEC. 10003. COUNTRY OF ORIGIN LABELING.**

12 Subtitle D of the Agricultural Marketing Act of 1946
13 (7 U.S.C. 1638 et seq.) is amended—

14 (1) in section 281(2)(A)—

15 (A) in clause (v), by striking “and”; and

16 (B) by adding at the end the following:

17 “(vii) meat produced from goats; and

18 “(viii) macadamia nuts.”;

19 (2) in section 282—

20 (A) in subsection (a), by striking para-
21 graphs (2) and (3) and inserting the following:

22 “(2) DESIGNATION OF COUNTRY OF ORIGIN
23 FOR BEEF, LAMB, PORK, AND GOAT MEAT.—

24 “(A) UNITED STATES COUNTRY OF ORI-
25 GIN.—A retailer of a covered commodity that is

1 beef, lamb, pork, or goat meat may designate
2 the covered commodity as exclusively having a
3 United States country of origin only if the cov-
4 ered commodity is derived from an animal that
5 was—

6 “(i) exclusively born, raised, and
7 slaughtered in the United States;

8 “(ii) born and raised in Alaska or Ha-
9 waii and transported for a period of not
10 more than 60 days through Canada to the
11 United States and slaughtered in the
12 United States; or

13 “(iii) present in the United States on
14 or before January 1, 2008, and once
15 present in the United States, remained
16 continuously in the United States.

17 “(B) MULTIPLE COUNTRIES OF ORIGIN.—

18 “(i) IN GENERAL.—A retailer of a
19 covered commodity that is beef, lamb,
20 pork, or goat meat that is derived from an
21 animal that is—

22 “(I) not exclusively born, raised,
23 and slaughtered in the United States,

24 “(II) born, raised, or slaughtered
25 in the United States, and

1 “(III) not imported into the
2 United States for immediate slaugh-
3 ter,

4 may designate the country of origin of
5 such covered commodity as all of the coun-
6 tries in which the animal may have been
7 born, raised, or slaughtered.

8 “(ii) RELATION TO GENERAL RE-
9 QUIREMENT.—Nothing in this subpara-
10 graph alters the mandatory requirement to
11 inform consumers of the country of origin
12 of covered commodities under paragraph
13 (1).

14 “(C) IMPORTED FOR IMMEDIATE SLAUGH-
15 TER.—A retailer of a covered commodity that is
16 beef, lamb, pork, or goat meat that is derived
17 from an animal that is imported into the
18 United States for immediate slaughter shall
19 designate the origin of such covered commodity
20 as—

21 “(i) the country from which the ani-
22 mal was imported; and

23 “(ii) the United States.

24 “(D) FOREIGN COUNTRY OF ORIGIN.—A
25 retailer of a covered commodity that is beef,

1 lamb, pork, or goat meat that is derived from
2 an animal that is not born, raised, or slaugh-
3 tered in the United States shall designate a
4 country other than the United States as the
5 country of origin of such commodity.

6 “(E) GROUND BEEF, PORK, LAMB, AND
7 GOAT.—The notice of country of origin for
8 ground beef, ground pork, ground lamb, or
9 ground goat shall include—

10 “(i) a list of all countries of origin of
11 such ground beef, ground pork, ground
12 lamb, or ground goat; or

13 “(ii) a list of all reasonably possible
14 countries of origin of such ground beef,
15 ground pork, ground lamb, or ground goat.

16 “(3) DESIGNATION OF COUNTRY OF ORIGIN
17 FOR FISH.—

18 “(A) IN GENERAL.—A retailer of a covered
19 commodity that is farm-raised fish or wild fish
20 may designate the covered commodity as having
21 a United States country of origin only if the
22 covered commodity—

23 “(i) in the case of farm-raised fish, is
24 hatched, raised, harvested, and processed
25 in the United States; and

1 “(ii) in the case of wild fish, is—

2 “(I) harvested in the United
3 States, a territory of the United
4 States, or a State, or by a vessel that
5 is documented under chapter 121 of
6 title 46, United States Code, or reg-
7 istered in the United States; and

8 “(II) processed in the United
9 States, a territory of the United
10 States, or a State, including the wa-
11 ters thereof.

12 “(B) DESIGNATION OF WILD FISH AND
13 FARM-RAISED FISH.—The notice of country of
14 origin for wild fish and farm-raised fish shall
15 distinguish between wild fish and farm-raised
16 fish.

17 “(4) DESIGNATION OF COUNTRY OF ORIGIN
18 FOR PERISHABLE AGRICULTURAL COMMODITIES,
19 PEANUTS, AND MACADAMIA NUTS.—

20 “(A) IN GENERAL.—A retailer of a covered
21 commodity that is a perishable agricultural
22 commodity, peanut, or macadamia nut may des-
23 ignate the covered commodity as having a
24 United States country of origin only if the cov-

1 ered commodity is exclusively produced in the
2 United States.

3 “(B) STATE, REGION, LOCALITY OF THE
4 UNITED STATES.—With respect to a covered
5 commodity that is a perishable agricultural
6 commodity produced exclusively in the United
7 States, designation by a retailer of the State,
8 region, or locality of the United States where
9 such commodity was produced shall be suffi-
10 cient to identify the United States as the coun-
11 try of origin.”; and

12 (B) by striking subsection (d) and insert-
13 ing the following:

14 “(d) AUDIT VERIFICATION SYSTEM.—

15 “(1) IN GENERAL.—The Secretary may conduct
16 an audit of any person that prepares, stores, han-
17 dles, or distributes a covered commodity for retail
18 sale to verify compliance with this subtitle (including
19 the regulations promulgated under section 284(b)).

20 “(2) RECORD REQUIREMENTS.—

21 “(A) IN GENERAL.—A person subject to
22 an audit under paragraph (1) shall provide the
23 Secretary with verification of the country of ori-
24 gin of covered commodities. Records maintained
25 in the course of the normal conduct of the busi-

1 ness of such person, including animal health pa-
2 pers, import or customs documents, or producer
3 affidavits, may serve as such verification.

4 “(B) PROHIBITION ON REQUIREMENT OF
5 ADDITIONAL RECORDS.—The Secretary may not
6 require a person that prepares, stores, handles,
7 or distributes a covered commodity to maintain
8 a record of the country of origin of a covered
9 commodity other than those maintained in the
10 course of the normal conduct of the business of
11 such person.”;

12 (3) in section 283—

13 (A) by striking subsections (a) and (c);

14 (B) by redesignating subsection (b) sub-
15 section (a);

16 (C) in subsection (a) (as so redesignated),
17 by striking “retailer” and inserting “retailer or
18 person engaged in the business of supplying a
19 covered commodity to a retailer”; and

20 (D) by adding at the end the following new
21 subsection:

22 “(b) FINES.—If, on completion of the 30-day period
23 described in subsection (a)(2), the Secretary determines
24 that the retailer or person engaged in the business of sup-
25 plying a covered commodity to a retailer has—

1 (3) by striking subsection (d);

2 (4) by redesignating subsections (a), (b), (c),
3 and (e) as paragraphs (3), (4), (2), (1), respectively,
4 indenting appropriately, and moving those para-
5 graphs so as to appear in numerical order;

6 (5) in each paragraph (as so redesignated) that
7 does not have a heading, by inserting a heading, in
8 the same style as the heading in the amendment
9 made by paragraph (6), the text of which is com-
10 prised of the term defined in the paragraph;

11 (6) in paragraph (2) (as so redesignated)—

12 (A) by striking “The term ‘association of
13 producers’ means” and inserting the following:

14 “(2) ASSOCIATION OF PRODUCERS.—

15 “(A) IN GENERAL.—The term ‘association
16 of producers’ means”; and

17 (B) by adding at the end the following:

18 “(B) INCLUSION.—The term ‘association
19 of producers’ includes an organization of agri-
20 cultural producers dedicated to promoting the
21 common interest and general welfare of pro-
22 ducers of agricultural products.”; and

23 (7) by adding at the end the following:

24 “(5) SECRETARY.—The term ‘Secretary’ means
25 the Secretary of Agriculture.”.

1 **SEC. 10102. PROHIBITED PRACTICES.**

2 Section 4 of the Agricultural Fair Practices of 1967
3 (7 U.S.C. 2303) is amended—

4 (1) by redesignating subsections (a), (b), (c),
5 (d), (e), and (f) as paragraphs (1), (2), (3), (4), (5),
6 and (7), respectively, and indenting appropriately;

7 (2) in paragraph (1) (as so redesignated)—

8 (A) by striking “join and belong” each
9 place it appears and inserting “form, join, and
10 belong”; and

11 (B) by striking “joining or belonging” and
12 inserting “forming, joining, or belonging”; and

13 (3) by inserting after paragraph (5) (as so re-
14 designated) the following:

15 “(6) To fail to bargain in good faith with an as-
16 sociation of producers; or”.

17 **SEC. 10103. ENFORCEMENT.**

18 The Agricultural Fair Practices Act of 1967 is
19 amended—

20 (1) by striking sections 5 and 6 (7 U.S.C.
21 2304, 2305); and

22 (2) by inserting after section 4 the following:

23 **“SEC. 5. ENFORCEMENT.**

24 “(a) CIVIL ACTIONS BY THE SECRETARY AGAINST
25 HANDLERS.—In any case in which the Secretary has rea-
26 sonable cause to believe that a handler or group of han-

1 dlers has engaged in any act or practice that violates this
2 Act, the Secretary may bring a civil action in United
3 States district court by filing a complaint requesting pre-
4 ventive relief, including an application for a permanent or
5 temporary injunction, restraining order, or other order,
6 against the handler.

7 “(b) CIVIL ACTIONS AGAINST HANDLERS.—

8 “(1) PREVENTIVE RELIEF.—

9 “(A) IN GENERAL.—In any case in which
10 any handler has engaged, or there are reason-
11 able grounds to believe that any handler is
12 about to engage, in any act or practice prohib-
13 ited by this Act, a civil action for preventive re-
14 lief, including an application for a permanent or
15 temporary injunction, restraining order, or
16 other order, may be instituted by the person ag-
17 grieved in United States district court.

18 “(B) SECURITY.—The court may provide
19 that no restraining order or preliminary injunc-
20 tion shall issue unless security is provided by
21 the applicant, in such sum as the court deter-
22 mines to be appropriate, for the payment of
23 such costs and damages as may be incurred or
24 suffered by any party that is found to have
25 been wrongfully enjoined or restrained.

1 “(2) DAMAGES.—

2 “(A) IN GENERAL.—Any person injured in
3 the business or property of the person by rea-
4 son of any violation of, or combination or con-
5 spiracy to violate, this Act may bring a civil ac-
6 tion in United States district court to recover—

7 “(i) damages sustained by the person
8 as a result of the violation; and

9 “(ii) any additional penalty that the
10 court may allow, but not more than \$1,000
11 per violation.

12 “(B) LIMITATION ON ACTIONS.—A civil ac-
13 tion under subparagraph (A) shall be barred
14 unless commenced within 4 years after the
15 cause of action accrues.

16 “(3) ATTORNEYS’ FEES.—In any action com-
17 menced under paragraph (1) or (2), any person that
18 has violated this Act shall be liable to any person in-
19 jured as a result of the violation for the full amount
20 of the damages sustained as a result of the violation,
21 including costs of the litigation and reasonable attor-
22 neys’ fees.

23 “(c) JURISDICTION OF DISTRICT COURTS.—The dis-
24 trict courts of the United States shall—

1 “(1) have jurisdiction of proceedings instituted
2 pursuant to this section; and

3 “(2) exercise that jurisdiction without regard to
4 whether the aggrieved party shall have exhausted
5 any administrative or other remedies that may be
6 provided by law.

7 “(d) **LIABILITY FOR ACTS OF AGENTS.**—In the con-
8 struction and enforcement of this Act, the act, omission,
9 or failure of any officer, agent, or person acting for or
10 employed by any other person within the scope of the em-
11 ployment or office of the officer, agent, or person, shall
12 be considered to be the act, omission, or failure of the
13 other person.

14 “(e) **RELATIONSHIP TO STATE LAW.**—Nothing in
15 this Act—

16 “(1) changes or modifies State law in effect on
17 the date of enactment of this subsection; or

18 “(2) deprives a State court of jurisdiction.”.

19 **SEC. 10104. RULES AND REGULATIONS.**

20 The Agricultural Fair Practices Act of 1967 is
21 amended by inserting after section 5 (as added by section
22 10103) the following:

23 **“SEC. 6. RULES AND REGULATIONS.**

24 “The Secretary may promulgate such rules and regu-
25 lations as are necessary to carry out this Act, including

1 rules or regulations necessary to clarify what constitutes
2 fair and normal dealing for purposes of the selection of
3 customers by handlers.”.

4 **Subtitle C—Packers and**
5 **Stockyards**

6 **SEC. 10201. SPECIAL COUNSEL FOR AGRICULTURAL COM-**
7 **PETITION.**

8 (a) IN GENERAL.—The Packers and Stockyards Act,
9 1921 (7 U.S.C. 181 et seq.) is amended—

10 (1) by striking the title I heading and all that
11 follows through “This Act” and inserting the fol-
12 lowing:

13 **“TITLE I—GENERAL PROVISIONS**
14 **“Subtitle A—Definitions**

15 **“SEC. 1. SHORT TITLE.**

16 “This Act”; and

17 (2) by inserting after section 2 (7 U.S.C. 183)
18 the following:

19 **“Subtitle B—Special Counsel for**
20 **Agricultural Competition**

21 **“SEC. 11. SPECIAL COUNSEL FOR AGRICULTURAL COM-**
22 **PETITION.**

23 “(a) ESTABLISHMENT.—

24 “(1) IN GENERAL.—There is established within
25 the Department of Agriculture an office to be known

1 as the ‘Office of Special Counsel for Agricultural
2 Competition’ (referred to in this section as the ‘Of-
3 fice’).

4 “(2) DUTIES.—The Office shall—

5 “(A) have responsibility for all duties and
6 functions of the Packers and Stockyards pro-
7 grams of the Department of Agriculture;

8 “(B) investigate and prosecute violations of
9 this Act and the Agricultural Fair Practices Act
10 of 1967 (7 U.S.C. 2301 et seq.);

11 “(C) serve as a liaison between, and act in
12 consultation with, the Department of Agri-
13 culture, the Department of Justice, and the
14 Federal Trade Commission with respect to com-
15 petition and trade practices in the food and ag-
16 ricultural sector; and

17 “(D) maintain a staff of attorneys and
18 other professionals with the appropriate exper-
19 tise.

20 “(b) SPECIAL COUNSEL FOR AGRICULTURAL COM-
21 PETITION.—

22 “(1) IN GENERAL.—The Office shall be headed
23 by the Special Counsel for Agricultural Competition
24 (referred to in this section as the ‘Special Counsel’),

1 who shall be appointed by the President, by and
2 with the advice and consent of the Senate.

3 “(2) INDEPENDENCE OF SPECIAL AUTHOR-
4 ITY.—

5 “(A) IN GENERAL.—The Special Counsel
6 shall report to and be under the general super-
7 vision of the Secretary.

8 “(B) DIRECTION, CONTROL, AND SUP-
9 PORT.—The Special Counsel shall be free from
10 the direction and control of any person in the
11 Department of Agriculture other than the Sec-
12 retary.

13 “(C) PROHIBITION ON DELEGATION.—The
14 Secretary may not delegate any duty described
15 in subsection (a)(2) to any other officer or em-
16 ployee of the Department other than the Spe-
17 cial Counsel.

18 “(D) REPORTING REQUIREMENT.—

19 “(i) IN GENERAL.—Twice each year,
20 the Special Counsel shall submit to the
21 Committee on Agriculture of the House of
22 Representatives and the Committee on Ag-
23 riculture, Nutrition, and Forestry of the
24 Senate a report that shall include, for the

1 relevant reporting period, a description
2 of—

3 “(I) the number of complaints
4 that the Special Counsel has received
5 and closed;

6 “(II)(aa) the number of inves-
7 tigation and civil and administrative
8 actions that the Special Counsel has
9 initiated, carried out, and completed,
10 including the number of notices given
11 to regulated entities for violations of
12 this Act or the Agricultural Fair
13 Practices Act of 1967 (7 U.S.C. 2301
14 et seq.);

15 “(bb) the number and types of
16 decisions agreed to; and

17 “(cc) the number of stipulation
18 agreements; and

19 “(III) the number of investiga-
20 tions and civil and administrative ac-
21 tions that the Secretary objected to or
22 prohibited from being carried out, and
23 the stated purpose of the Secretary
24 for each objection or prohibition.

1 “(ii) REQUIREMENT.—The basis for
2 each complaint, investigation, or civil or
3 administrative action described in a report
4 under clause (i) shall—

5 “(I) be organized by species; and

6 “(II) indicate if the complaint,
7 investigation, or civil or administra-
8 tion action was for anti-competitive,
9 unfair, or deceptive practices under
10 this Act or was a violation of the Ag-
11 ricultural Fair Practices Act of 1967
12 (7 U.S.C. 2301 et seq.).

13 “(E) REMOVAL.—

14 “(i) IN GENERAL.—The Special Coun-
15 sel may be removed from office by the
16 President.

17 “(ii) COMMUNICATION.—The Presi-
18 dent shall communicate the reasons for
19 any such removal to both Houses of Con-
20 gress.

21 “(3) PROSECUTORIAL AUTHORITY.—Subject to
22 paragraph (4), the Special Counsel may commence,
23 defend, or intervene in, and supervise the litigation
24 of, any civil or administrative action authorized

1 under this Act or the Agricultural Fair Practices
2 Act of 1967 (7 U.S.C. 2301 et seq.).

3 “(4) PROCEDURE FOR EXERCISE OF AUTHOR-
4 ITY TO LITIGATE OR APPEAL.—

5 “(A) IN GENERAL.—Prior to commencing,
6 defending, or intervening in any civil action
7 under this Act or the Agricultural Fair Prac-
8 tices Act of 1967 (7 U.S.C. 2301 et seq.), the
9 Special Counsel shall give written notification
10 to, and attempt to consult with, the Attorney
11 General with respect to the proposed action.

12 “(B) FAILURE TO RESPOND.—If, not later
13 than 45 days after the date of provision of noti-
14 fication under subparagraph (A), the Attorney
15 General has failed to commence, defend, or in-
16 tervene in the proposed action, the Special
17 Counsel may commence, defend, or intervene in,
18 and supervise the litigation of, the action and
19 any appeal of the action in the name of the
20 Special Counsel.

21 “(C) AUTHORITY OF ATTORNEY GENERAL
22 TO INTERVENE.—Nothing in this paragraph
23 precludes the Attorney General from inter-
24 vening on behalf of the United States in any
25 civil action under this Act or the Agricultural

1 Fair Practices Act of 1967 (7 U.S.C. 2301 et
2 seq.), or in any appeal of such action, as may
3 be otherwise provided by law.

4 “(c) RELATIONSHIP TO OTHER PROVISIONS.—Noth-
5 ing in this section modifies or otherwise effects subsections
6 (a) and (b) of section 406.”.

7 (b) CONFORMING AMENDMENT.—Section 5315 of
8 title 5, United States Code, is amended by adding at the
9 end the following:

10 “Special Counsel for Agricultural Competi-
11 tion.”.

12 **SEC. 10202. INVESTIGATION OF LIVE POULTRY DEALERS.**

13 (a) REMOVAL OF POULTRY SLAUGHTER REQUIRE-
14 MENT FROM DEFINITIONS.—Section 2(a) of the Packers
15 and Stockyards Act, 1921 (7 U.S.C. 182(a)), is amend-
16 ed—

17 (1) by striking paragraph (8) and inserting the
18 following:

19 “(8) POULTRY GROWER.—

20 “(A) IN GENERAL.—The term ‘poultry
21 grower’ means any person engaged in the busi-
22 ness of raising or caring for live poultry under
23 a poultry growing arrangement, regardless of
24 whether the poultry is owned by the person or
25 by another person.

1 “(B) EXCLUSION.—The term ‘poultry
2 grower’ does not include an employee of the
3 owner of live poultry described in subparagraph
4 (A).”;

5 (2) in paragraph (9), by striking “and cares for
6 live poultry for delivery, in accord with another’s in-
7 structions, for slaughter” and inserting “or cares for
8 live poultry in accordance with the instructions of
9 another person”; and

10 (3) in paragraph (10), by striking “for the pur-
11 pose of either slaughtering it or selling it for slaugh-
12 ter by another”.

13 (b) ADMINISTRATIVE ENFORCEMENT AUTHORITY
14 OVER LIVE POULTRY DEALERS.—Sections 203, 204, and
15 205 of the Packers and Stockyards Act, 1921 (7 U.S.C.
16 193, 194, 195), are amended by inserting “or live poultry
17 dealer” after “packer” each place it appears.

18 (c) AUTHORITY TO REQUEST TEMPORARY INJUNC-
19 TION OR RESTRAINING ORDER.—Section 408 of the Pack-
20 ers and Stockyards Act, 1921 (7 U.S.C. 228a), is amend-
21 ed in the first sentence by striking “on account of poultry”
22 and inserting “on account of poultry or poultry care”.

23 (d) VIOLATIONS BY LIVE POULTRY DEALERS.—

24 (1) PENALTY.—Section 203(b) of the Packers
25 and Stockyards Act, 1921 (7 U.S.C. 193(b)) is

1 amended in the third sentence by striking
2 “\$10,000” and inserting “\$22,000”.

3 (2) REPEALS.—Sections 411, 412, and 413 of
4 the Packers and Stockyards Act, 1921 (7 U.S.C.
5 228b-2, 228b-3, 228b-4)), are repealed.

6 **SEC. 10203. PRODUCTION CONTRACTS.**

7 (a) DEFINITIONS.—Section 2(a) of the Packers and
8 Stockyards Act, 1921 (7 U.S.C. 182(a)) is amended—

9 (1) by striking “When used in this Act—” and
10 inserting “In this Act.”;

11 (2) by striking paragraph (1);

12 (3) by redesignating paragraphs (2), (3), (4),
13 (5), (6), (7), (8), (9), (10), (11), (12), (13), and
14 (14) as paragraphs (15), (6), (8), (9), (10), (13),
15 (11), (12), (7), (2), (16), (17), and (18), respec-
16 tively, indenting appropriately, and moving those
17 paragraphs so as to appear in numerical order;

18 (4) in each paragraph (as so redesignated) that
19 does not have a heading, by inserting a heading, in
20 the same style as the heading in the amendment
21 made by paragraph (5), the text of which is com-
22 prised of the term defined in the paragraph;

23 (5) by inserting before paragraph (2) (as so
24 designated) the following:

1 “(1) CAPITAL INVESTMENT.—The term ‘capital
2 investment’ means an investment in—

3 “(A) a structure, such as a building or ma-
4 nure storage structure; or

5 “(B) machinery or equipment associated
6 with producing livestock or poultry that has a
7 useful life of more than 1 year.”;

8 (6) by inserting after paragraph (2) (as so re-
9 designated) the following:

10 “(3) CONTRACTOR.—

11 “(A) IN GENERAL.—The term ‘contractor’
12 means a person that, in accordance with a pro-
13 duction contract, obtains livestock or poultry
14 that is produced by a contract producer.

15 “(B) INCLUSIONS.—The term ‘contractor’
16 includes—

17 “(i) a live poultry dealer; and

18 “(ii) a swine contractor.

19 “(4) CONTRACT PRODUCER.—

20 “(A) IN GENERAL.—The term ‘contract
21 producer’ means a producer that produces live-
22 stock or poultry under a production contract.

23 “(B) INCLUSIONS.—The term ‘contract
24 producer’ includes—

25 “(i) a poultry grower; and

1 “(B) INCLUSIONS.—The term ‘production
2 contract’ includes—

3 “(i) a poultry growing arrangement;

4 “(ii) a swine production contract;

5 “(iii) any other contract between a
6 contractor and a contract producer for the
7 production of livestock or poultry; and

8 “(iv) a contract between a live poultry
9 dealer and poultry grower, swine con-
10 tractor and swine production contract
11 grower, or contractor and contract pro-
12 ducer for the provision of a management
13 service in the production of livestock or
14 poultry.”.

15 (b) PROHIBITIONS INVOLVING PRODUCTION CON-
16 TRACTS.—Title II of the Packers and Stockyards Act,
17 1921 (7 U.S.C. 198 et seq.), is amended by adding at the
18 end the following:

19 **“SEC. 208. PRODUCTION CONTRACTS.**

20 “(a) RIGHT OF CONTRACT PRODUCERS TO CANCEL
21 PRODUCTION CONTRACTS.—

22 “(1) IN GENERAL.—A contract producer may
23 cancel a production contract by mailing a cancella-
24 tion notice to the contractor not later than the later
25 of—

1 “(A) the date that is 3 business days after
2 the date on which the production contract is ex-
3 ecuted; or

4 “(B) any cancellation date specified in the
5 production contract.

6 “(2) DISCLOSURE.—A production contract shall
7 clearly disclose—

8 “(A) the right of the contract producer to
9 cancel the production contract;

10 “(B) the method by which the contract
11 producer may cancel the production contract;
12 and

13 “(C) the deadline for canceling the produc-
14 tion contract.

15 “(b) PRODUCTION CONTRACTS INVOLVING INVEST-
16 MENT REQUIREMENTS.—

17 “(1) APPLICABILITY.—This subsection applies
18 only to a production contract between a contract
19 producer and a contractor if the contract producer
20 detrimentally relied on a representation by the con-
21 tractor or a provision in the production contract that
22 resulted in the contract producer making a capital
23 investment of \$100,000 or more.

24 “(2) RESTRICTIONS ON CONTRACT TERMI-
25 NATION.—

1 “(A) NOTICE OF TERMINATION.—Except
2 as provided in subparagraph (C), a contractor
3 shall not terminate or cancel a production con-
4 tract unless the contractor provides the contract
5 producer with written notice of the intention of
6 the contractor to terminate or cancel the pro-
7 duction contract at least 90 days before the ef-
8 fective date of the termination or cancellation.

9 “(B) REQUIREMENTS.—The written notice
10 required under subparagraph (A) shall include
11 alleged causes of the termination.

12 “(C) EXCEPTIONS.—A contractor may ter-
13 minate or cancel a production contract at any
14 time without notice as required under subpara-
15 graph (A) if the basis for the termination or
16 cancellation is—

17 “(i) a voluntary abandonment of the
18 contractual relationship by the contract
19 producer, such as a failure of the contract
20 producer to substantially perform under
21 the production contract;

22 “(ii) the conviction of the contract
23 producer of an offense of fraud or theft
24 committed against the contractor;

1 “(iii) the natural end of the produc-
2 tion contract in accordance with the terms
3 of the production contract; or

4 “(iv) because the well-being of the
5 livestock or poultry subject to the contract
6 is in jeopardy once under the care of the
7 contract producer.

8 “(D) RIGHT TO CURE.—

9 “(i) IN GENERAL.—If, not later than
10 90 days after the date on which the con-
11 tract producer receives written notice
12 under subparagraph (A), the contract pro-
13 ducer remedies each cause of the breach of
14 contract alleged in the written notice, the
15 contractor may not terminate or cancel a
16 production contract under this paragraph.

17 “(ii) NO ADMISSION OF BREACH.—
18 The remedy or attempt to remedy the
19 causes for the breach of contract by the
20 contract producer under clause (i) does not
21 constitute an admission of breach of con-
22 tract.

23 “(c) ADDITIONAL CAPITAL INVESTMENTS IN PRO-
24 DUCTION CONTRACTS.—

1 “(1) IN GENERAL.—A contractor shall not re-
2 quire a contract producer to make additional capital
3 investments in connection with a production contract
4 that exceed the initial investment requirements of
5 the production contract.

6 “(2) EXCEPTIONS.—Notwithstanding para-
7 graph (1), a contractor may require additional cap-
8 ital investments if—

9 “(A)(i) the additional capital investments
10 are offset by reasonable additional consider-
11 ation, including compensation or a modification
12 to the terms of the production contract; and

13 “(ii) the contract producer agrees in writ-
14 ing that there is acceptable and satisfactory
15 consideration for the additional capital invest-
16 ment; or

17 “(B) without the additional capital invest-
18 ments the well-being of the livestock or poultry
19 subject to the contract would be in jeopardy.

20 “(d) NO EFFECT ON STATE LAW.—Nothing in this
21 section preempts or otherwise affects any State law relat-
22 ing to production contracts that establishes a requirement
23 or standard that is more stringent than a requirement or
24 standard under this section.

1 **“SEC. 209. CHOICE OF LAW, JURISDICTION, AND VENUE.**

2 “(a) CHOICE OF LAW.—Any provision in a livestock
3 or poultry production or marketing contract requiring the
4 application of the law of a State other than the State in
5 which the production occurs is void and unenforceable.

6 “(b) JURISDICTION.—A packer, live poultry dealer,
7 or swine contractor that enters into a production or mar-
8 keting contract with a producer shall be subject to per-
9 sonal jurisdiction in the State in which the production oc-
10 curs.

11 “(c) VENUE.—Venue shall be determined on the basis
12 of the location of the production, unless the producer se-
13 lects a venue that is otherwise permitted by law.

14 “(d) APPLICATION.—This section shall apply to any
15 production or marketing contract entered into, amended,
16 altered, modified, renewed, or extended after the date of
17 enactment of this section.

18 **“SEC. 210. ARBITRATION.**

19 “(a) IN GENERAL.—If a livestock or poultry contract
20 provides for the use of arbitration to resolve a controversy
21 under the livestock or poultry contract, arbitration may
22 be used to settle the controversy only if, after the con-
23 troversy arises, both parties consent in writing to use arbi-
24 tration to settle the controversy.

25 “(b) APPLICATION.—Subsection (a) shall apply to
26 any contract entered into, amended, altered, modified, re-

1 newed, or extended after the date of enactment of this sec-
2 tion.”.

3 **SEC. 10204. RIGHT TO DISCUSS TERMS OF CONTRACT.**

4 Section 10503(b) of the Farm Security and Rural In-
5 vestment Act of 2002 (7 U.S.C. 229b(b)) is amended—

6 (1) in paragraph (6), by striking “or” at the
7 end;

8 (2) in paragraph (7), by striking the period at
9 the end and inserting a semicolon; and

10 (3) by adding at the end the following:

11 “(8) a business associate of the party; or

12 “(9) a neighbor of the party or other pro-
13 ducer.”.

14 **SEC. 10205. ATTORNEYS’ FEES.**

15 Section 308(a) of the Packers and Stockyards Act,
16 1921 (7 U.S.C. 209(a)) is amended by inserting before
17 the period at the end the following: “and for the costs
18 of the litigation, including reasonable attorneys’ fees”.

19 **SEC. 10206. APPOINTMENT OF OUTSIDE COUNSEL.**

20 Section 407 of the Packers and Stockyards Act, 1921
21 (7 U.S.C. 228), is amended—

22 (1) in subsection (a), by inserting “obtain the
23 services of attorneys who are not employees of the
24 Federal Government,” before “and make such ex-
25 penditures”; and

1 (2) in subsection (c), by striking “Senate Com-
2 mittee on Agriculture and Forestry” and inserting
3 “the Committee on Agriculture, Nutrition, and For-
4 estry of the Senate”.

5 **SEC. 10207. REGULATIONS.**

6 (a) IN GENERAL.—Not later than 180 days after the
7 date of enactment of this Act, the Secretary of Agriculture
8 shall promulgate regulations to implement the amend-
9 ments made by this title, including—

10 (1) regulations providing a definition of the
11 term “unreasonable preference or advantage” for
12 purposes of section 202(b) of the Packers and
13 Stockyards Act, 1921 (7 U.S.C. 192(b)); and

14 (2) regulations requiring live poultry dealers to
15 provide written notice to poultry growers if the live
16 poultry dealer imposes an extended layout period in
17 excess of 30 days, prior to removal of the previous
18 flock.

19 (b) REQUIREMENTS.—Regulations promulgated pur-
20 suant to subsection (a)(1) relating to unreasonable pref-
21 erence or advantage shall strictly prohibit any preferences
22 or advantages based on the volume of business, except for
23 preferences or advantages that reflect actual, verifiable
24 lower costs (including transportation or other costs), as

1 determined by the Secretary, of procuring livestock from
2 larger-volume producers.

3 **Subtitle D—Related Programs**

4 **SEC. 10301. SENSE OF CONGRESS REGARDING** 5 **PSEUDORABIES ERADICATION PROGRAM.**

6 It is the sense of Congress that—

7 (1) the Secretary should recognize the threat
8 that feral swine pose to the domestic swine popu-
9 lation and the entire livestock industry;

10 (2) keeping the United States commercial swine
11 herd free of pseudorabies is essential to maintaining
12 and growing pork export markets;

13 (3) pseudorabies surveillance funding is nec-
14 essary to assist the swine industry in the moni-
15 toring, surveillance, and eradication of pseudorabies,
16 including the monitoring and surveillance of other
17 diseases effecting swine production and trade; and

18 (4) pseudorabies eradication is a high priority
19 that the Secretary should carry out under the Ani-
20 mal Health Protection Act (7 U.S.C. 8301 et seq.).

21 **SEC. 10302. SENSE OF CONGRESS REGARDING CATTLE** 22 **FEVER TICK ERADICATION PROGRAM.**

23 It is the sense of Congress that—

1 (1) the cattle fever tick and the southern cattle
2 tick are vectors of the causal agent of babesiosis, a
3 severe and often fatal disease of cattle; and

4 (2) implementing a national strategic plan for
5 the cattle fever tick eradication program is a high
6 priority that the Secretary should carry out—

7 (A) to prevent the entry of cattle fever
8 ticks into the United States;

9 (B) to enhance and maintain an effective
10 surveillance program to rapidly detect any fever
11 tick incursions; and

12 (C) to research, identify, and procure the
13 tools and knowledge necessary to prevent and
14 eradicate cattle ticks in the United States.

15 **SEC. 10303. NATIONAL SHEEP AND GOAT INDUSTRY IM-**
16 **PROVEMENT CENTER.**

17 (a) NAME CHANGE.—Section 375 of the Consolidated
18 Farm and Rural Development Act (7 U.S.C. 2008j) is
19 amended—

20 (1) in the section heading, by inserting “**AND**
21 **GOAT**” after “**NATIONAL SHEEP**”; and

22 (2) by inserting “and Goat” after “National
23 Sheep” each place it appears.

24 (b) FUNDING.—Section 375(e)(6) of the Consoli-
25 dated Farm and Rural Development Act (7 U.S.C.

1 2008j(e)(6)) is amended by striking subparagraphs (B)
2 and (C) and inserting the following:

3 “(B) MANDATORY FUNDING.—Of the
4 funds of the Commodity Credit Corporation, the
5 Secretary shall use to carry out this section
6 \$1,000,000 for fiscal year 2008, to remain
7 available until expended.

8 “(C) AUTHORIZATION OF APPROPRIA-
9 TIONS.—There is authorized to be appropriated
10 to the Secretary to carry out this section
11 \$10,000,000 for each of fiscal years 2008
12 through 2012.”.

13 (c) REPEAL OF REQUIREMENT TO PRIVATIZE RE-
14 VOLVING FUND.—

15 (1) IN GENERAL.—Section 375 of the Consoli-
16 dated Farm and Rural Development Act (7 U.S.C.
17 2008j) is amended by striking subsection (j).

18 (2) EFFECTIVE DATE.—The amendment made
19 by paragraph (1) takes effect on May 1, 2007.

20 **SEC. 10304. TRICHINAE CERTIFICATION PROGRAM.**

21 Section 10409 of the Animal Health Protection Act
22 (7 U.S.C. 8308) is amended by adding at the end the fol-
23 lowing:

24 “(c) TRICHINAE CERTIFICATION PROGRAM.—

1 “(1) ESTABLISHMENT.—Not later than 60 days
2 after the date of enactment of this subsection, the
3 Secretary shall issue final regulations to implement
4 a trichinae certification program.

5 “(2) AUTHORIZATION OF APPROPRIATIONS.—
6 There is authorized to be appropriated to the Sec-
7 retary to carry out the program \$1,250,000 for each
8 of fiscal years 2008 through 2012.”.

9 **SEC. 10305. PROTECTION OF INFORMATION IN THE ANIMAL**
10 **IDENTIFICATION SYSTEM.**

11 The Animal Health Protection Act (7 U.S.C. 8301
12 et seq.) is amended—

13 (1) by redesignating sections 10416 through
14 10418 as sections 10417 through 10419, respec-
15 tively; and

16 (2) by inserting after section 10415 the fol-
17 lowing:

18 **“SEC. 10416. DISCLOSURE OF INFORMATION UNDER A NA-**
19 **TIONAL ANIMAL IDENTIFICATION SYSTEM.**

20 “(a) DEFINITION OF NATIONAL ANIMAL IDENTI-
21 FICATION SYSTEM.—In this section, the term ‘national
22 animal identification system’ means a system for identi-
23 fying or tracing animals that is established by the Sec-
24 retary.

25 “(b) PROTECTION FROM DISCLOSURE.—

1 “(1) IN GENERAL.—Information obtained
2 through a national animal identification system shall
3 not be disclosed except as provided in this section.

4 “(2) USE.—Use of information described in
5 paragraph (1) by any individual or entity except as
6 otherwise provided in this section shall be considered
7 a violation of this Act.

8 “(3) WAIVER OF PRIVILEGE OF PROTECTION.—
9 The provision of information to a national animal
10 identification system under this section or the disclo-
11 sure of information pursuant to this section shall not
12 constitute a waiver of any applicable privilege or
13 protection under Federal law, including protection of
14 trade secrets.

15 “(c) LIMITED RELEASE OF INFORMATION.—The
16 Secretary may disclose information obtained through a na-
17 tional animal identification system if—

18 “(1) the Secretary determines that livestock
19 may be threatened by a disease or pest;

20 “(2) the release of the information is related to
21 an action the Secretary may take under this subtitle;
22 and

23 “(3) the Secretary determines that the disclo-
24 sure of the information to a government entity or
25 person is necessary to assist the Secretary in car-

1 rying out this subtitle or a national animal identi-
2 fication system.

3 “(d) REQUIRED DISCLOSURE OF INFORMATION.—

4 The Secretary shall disclose information obtained through
5 a national animal identification system regarding par-
6 ticular animals to—

7 “(1) the person that owns or controls the ani-
8 mals, if the person requests the information in writ-
9 ing;

10 “(2) the State Department of Agriculture for
11 the purpose of protection of animal health;

12 “(3) the Attorney General for the purpose of
13 law enforcement;

14 “(4) the Secretary of Homeland Security for
15 the purpose of homeland security;

16 “(5) the Secretary of Health and Human Serv-
17 ices for the purpose of protecting public health;

18 “(6) an entity pursuant to an order of a court
19 of competent jurisdiction; and

20 “(7) the government of a foreign country if dis-
21 closure of the information is necessary to trace ani-
22 mals that pose a disease or pest threat to livestock
23 or a danger to human health, as determined by the
24 Secretary.

1 “(e) DISCLOSURE UNDER STATE OR LOCAL LAW.—
2 Any information relating to animal identification that a
3 State or local government obtains from the Secretary shall
4 not be made available by the State or local government
5 pursuant to any State or local law requiring disclosure of
6 information or records to the public.

7 “(f) REPORTING REQUIREMENT.—To disclose infor-
8 mation under this section, the Secretary shall—

9 “(1) certify that the disclosure was necessary
10 under this section; and

11 “(2) submit to the Committee on Agriculture of
12 the House of Representatives and the Committee on
13 Agriculture, Nutrition, and Forestry of the Senate a
14 copy of the certification.”.

15 **SEC. 10306. LOW PATHOGENIC AVIAN INFLUENZA.**

16 Sec. 10407(d)(2) of the Animal Health Protection
17 Act (7 U.S.C. 8306(d)(2)) is amended—

18 (1) in subparagraph (A), by striking “subpara-
19 graphs (B) and (C),” and inserting “subparagraphs
20 (B), (C), and (D),”;

21 (2) by redesignating subparagraph (C) as sub-
22 paragraph (D); and

23 (3) by inserting after subparagraph (B) the fol-
24 lowing:

1 “(C) LOW PATHOGENIC AVIAN INFLU-
2 ENZA.—

3 “(i) DEFINITION OF ELIGIBLE
4 COSTS.—In this subparagraph, the term
5 ‘eligible costs’ means costs determined eli-
6 gible for indemnity under part 56 of title
7 9, Code of Federal Regulations, as in ef-
8 fect on the date of enactment of this
9 clause.

10 “(ii) INDEMNITIES.—Subject to sub-
11 paragraphs (B) and (D), compensation to
12 any owner or contract grower of poultry
13 participating in the voluntary control pro-
14 gram for low pathogenic avian influenza
15 under the National Poultry Improvement
16 Plan, and payments to cooperating State
17 agencies, shall be made in an amount
18 equal to 100 percent of the eligible costs.”.

19 **SEC. 10307. STUDY ON BIOENERGY OPERATIONS.**

20 Not later than 180 days after the date of enactment
21 of this Act, the Secretary, acting through the Office of
22 the Chief Economist, shall submit to the Committee on
23 Agriculture of the House of Representatives and the Com-
24 mittee on Agriculture, Nutrition, and Forestry of the Sen-
25 ate a report describing the potential economic issues (in-

- 1 cluding potential costs) associated with animal manure
- 2 used in normal agricultural operations and as a feedstock
- 3 in bioenergy production.