

PART 180—CATTLE CONTRACTS LIBRARY PILOT PROGRAM (Eff. 1-6-23)

Sec.

180.1 General administration.

180.2 Definitions.

180.3 Cattle Contracts Library.

180.4 Monthly cattle volume reporting.

AUTHORITY: 7 U.S.C. 1621–1627

SOURCE: 87 FR 74955, Dec. 7, 2022, unless otherwise noted.

EFFECTIVE DATE NOTE: At 87 FR 74955, Dec. 7, 2022, part 180 was added; eff. Jan. 6, 2023.

§ 180.1 General administration.

(a) *Confidentiality.* The Secretary shall make information obtained under this part available to the public only 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 (b)(2) of this section, 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 part.

(2) *Exceptions.* Information obtained by the Secretary under this part may be disclosed—

(i) To agents or employees of the Department of Agriculture in the course of their official duties under this part;

(ii) As directed by the Secretary or the Attorney General, for enforcement purposes; or

(iii) 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 part shall be disclosed in accordance with section 552 of title 5, United States Code.

(c) *Regional reporting.* The Secretary shall make information obtained under this part available to the public only in a manner that ensures that the information is published on a national or re-

gional basis as the Secretary determines to be appropriate.

(d) *Adjustments.* Prior to the publication of any contract information obtained under this part, the Secretary may make reasonable adjustments to address 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.

(e) *Reporting methods.* Information required to be reported under this part shall be reported by electronic means in the manner prescribed by the Secretary. Information may be reported in an alternative manner in emergencies or in cases when an alternative method is agreed to by both the entity required to report and the Secretary.

(f) *Verification.* The Secretary may take such actions as are necessary to verify the accuracy of the information submitted or reported under this part.

(g) *Noncompliance.* The Secretary may refer instances of non-compliance with this part to the appropriate office of the Department for further investigation.

§ 180.2 Definitions.

The following definitions apply to this part.

Active contract. The term “active contract” means a contract that is currently available between a packer and producer under which fed cattle may be purchased.

Base price. The term “base price” means the price paid for livestock, before application of any adjustments, premiums or discounts, expressed in dollars per hundred pounds of hot carcass weight or live weight.

Base price adjustment. The term “base price adjustment” means the positive or negative adjustment to the base price before any premiums or discounts are applied.

Business day. The term “business day” means a day on which the packer conducts normal business regarding livestock committed to the packer, or livestock purchased or sold by the packer, and the Department of Agriculture is open to conduct business, typically Monday through Friday and excluding Federal holidays.

Agricultural Marketing Service, USDA

§ 180.3

Calendar month. The term “calendar month” means a timeframe that begins on the first day of the month at midnight and ends on the last day of the month at 11:59 p.m. in the central time zone.

Contract. The term “contract” means a written or oral agreement concerning the specific terms and conditions under which an unknown volume of fed cattle may be purchased by a packer during a specified time frame, or under which a known volume of cattle is purchased by a packer for a given plant during a specified time frame.

Contract method. The term “contract method” means the way in which the contract was established, either written or oral.

Current month. The term “current month” means the present calendar month.

Discount. The term “discount” means the adjustment, expressed either in dollars per one hundred pound or per head, subtracted from the base price.

Fed cattle. The term “fed cattle” means a steer or heifer that has been finished on a ration of roughage and feed concentrates, such as grains, protein meal, grass (forage), and other nutrient-rich feeds, prior to slaughter.

Inactive contract. The term “inactive contract” means a fed cattle contract that is no longer available between a packer and producer for purchase under, or one that is not currently in use.

Packer. The term “packer” means a packer that has slaughtered during the immediately preceding 5 calendar years an average of not less than 5 percent of the number of fed cattle slaughtered nationally during the immediately preceding 5 calendar years.

Person. The term “person” means any individual, group of individuals, partnership, corporation, association, or other entity.

Premium. The term “premium” means the adjustment, expressed either in dollars per one hundred pound or per head, added to the base price.

Prior month. The term “prior month” means the calendar month immediately preceding the current month.

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).

Secretary. The term “Secretary” means the Secretary of Agriculture of the United States or any other officer or employee of the Department of Agriculture to whom authority has been delegated or may hereafter be delegated to act in the Secretary’s stead.

Selling basis. The term “selling basis” refers to cattle that are sold on a live, dressed, live converted to dressed, or dressed converted to live weight basis under a contract.

Unique identifier. The term “unique identifier” means a unique code chosen by the packer for the contract, specific to the contract, and utilized and trackable through the life of the contract.

§ 180.3 Cattle Contracts Library.

(a) *Initial contract information submission.* On January 6, 2023, each packer shall submit to the Secretary information for each active contract with a unique identifier. The information shall be submitted in accordance with §180.1(e). The contract information required to be reported includes:

- (1) The contract method;
- (2) The contract start and end dates; and
- (3) All terms associated with:
 - (i) Each base price source and adjustment;
 - (ii) Selling basis;
 - (iii) Premiums and discounts;
 - (iv) Specifications relating to cattle attributes;
 - (v) Delivery and transportation terms and payments;
 - (vi) Financing, risk-sharing, profit-sharing or other financial arrangements; and,
 - (vii) Volume provisions.

(b) *Reporting deadlines.* Within 1 business day of making a new contract available, making a change to an existing contract, or making a contract no longer available, each packer must submit the following:

- (1) Packers must submit all contract terms in accordance §108.4(a) for each new active contract for each producer or producers at each plant that it operates or at which it has cattle slaughtered;

§ 180.4

7 CFR Ch. I (1–1–23 Edition)

(2) Packers must submit any changes to the terms of a previously submitted active contract and associated schedules or appendices, including the unique identifier for the previously submitted contract it supersedes; and

(3) Packers must submit information to remove inactive contracts from the library, including the unique identifier for the now inactive contract.

§ 180.4 Monthly cattle volume reporting.

(a) *Initial estimated volume submission.* On January 6, 2023, each packer shall submit to the Secretary an initial estimate of the total volume of cattle to be contracted for in the current calendar month in accordance with § 180.1(e).

(b) *Reporting deadlines.* By the close of business on the second Friday of each month, each packer must submit the following information in accordance with § 180.1(e). If the second Friday of a month falls on a non-business day, the deadline is due no later than the close of the next business day following the second Friday of the month:

(1) Number of cattle purchased by each base price source under each active contract in the prior month reported by unique identifier and

(2) Estimate of the total number of cattle to be purchased under active contracts for delivery to each plant for slaughter within the current calendar month.

SUBCHAPTER H [RESERVED]