

LMA requests Congressional action on reform

KANSAS CITY, Mo. — Livestock Marketing Association has urged Congressional action in several specific areas of livestock marketing law reform, calling the Packers and Stockyards Administration's efforts in this area "woefully inadequate."

In a statement submitted to the Livestock, Dairy and Poultry Subcommittee of the House Agriculture Committee, LMA said action on its proposals was necessary to "remedy present deficiencies in livestock marketing laws." The proposals are contained in LMA's "Livestock Marketing Reform Act" and the statement:

Urged enactment of measures currently before both the House and Senate that would greatly stiffen penalties for a variety of interstate livestock marketing frauds. These measures are part of LMA's "Crime Prevention in Livestock Marketing" campaign.

Proposed substituting a more comprehensive Livestock Trust Account for the currently-mandated custodial account, used to pay a marketing business' customers. The Trust Account would be established and maintained to clear all purchase and sale transactions, and would require a marketing business to pay livestock owners with a bankable instrument upon completion of their sale transactions.

Asked for measures to shield packers and marketing businesses who sell, in good faith, mortgaged livestock, from conversion claims. Holders of liens against livestock, where they were purchased with a federal loan, would be prohibited from recovering from sellers of that livestock unless the seller has received "actual written notice" that such a lien exists. Enforcement of this provision would be given to the U.S. federal district courts.

Would authorize appeals from the decisions of the U.S. Department of Agriculture's Judicial Officer to the federal district courts, rather than the U.S. Circuit Courts of Appeal. The Judicial Officer is currently the final USDA authority in administrative law matters brought under the Packers and Stockyards Act. Giving the district courts authority to hear appeals would expedite them.

Because of the P&SA's "unwillingness to relieve livestock marketing of the costly burden of

outmoded regulation, despite the (Agency's) claims to the contrary, an impasse has been reached," LMA said.

Congressional action is also necessary, the statement said, because of the criminal acts of fraud, theft and embezzlement which "constitute a real threat in livestock marketing," and because of the "business risks involved" in all aspects of marketing.

LMA's statement cited several examples to back up its contention that the P&SA's internal Task Force Report on regulatory reform was "self-serving of the interests of the Agency, rather than responsive to the best interests of the livestock industry, or businesses subject to the P&S Act."

And, the statement continued, the Task Force report is "deceptive and misleading to livestock owners, to marketing businesses subject to the P&S Act, and to the United States Congress."

LMA also pointed out that in its budget justification for fiscal year 1983, P&S officials told Congress that several hundred thousand dollars could be saved through the agency's plans to exempt from bonding all livestock dealers having an annual sales volume of \$500,000 or less.

However, at present, this exemption is only a proposal, the statement said. LMA questioned the tactic of promising budget savings to Congress based on a presumption that a proposal will be adopted.

The statement also noted that

because of the "far-reaching impact of the Task Force Report," LMA petitioned the Secretary of Agriculture for public hearings on its contents. Despite the fact that similar requests were submitted by a number of state agriculture officials, the request was turned down, LMA said.

The statement asked that the

Subcommittee give these proposals its "early consideration."

LMA also said P&SA, USDA's Agricultural Marketing Service and its Office of General Counsel should be given "full opportunity...to present their position."

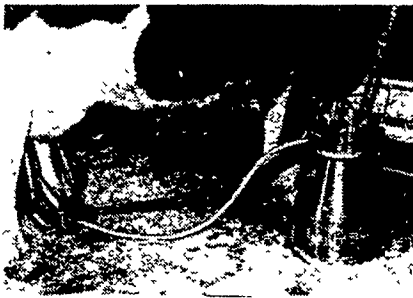
LMA submitted its statement on

Feb. 19 after a hearing on the P&SA Task Force Report before the Subcommittee was postponed.

That hearing, which had been scheduled for Feb. 25, was postponed so that the full Committee could draft recommendations on spending limits for agricultural, food and related programs for the 1983 fiscal year.

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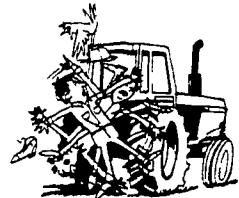


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