

118TH CONGRESS  
1ST SESSION

# S. 2670

To regulate market concentration and competition in the food and agriculture industry, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JULY 27, 2023

Mr. WELCH (for himself, Mr. BOOKER, and Ms. WARREN) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

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## A BILL

To regulate market concentration and competition in the food and agriculture industry, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Fairness for Small-Scale Farmers and Ranchers Act”.

6 (b) TABLE OF CONTENTS.—The table of contents for  
7 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

Sec. 3. Definitions.

**TITLE I—MORATORIUM ON AND REVIEW OF LARGE AGRIBUSINESS, FOOD AND BEVERAGE MANUFACTURING, AND GROCERY RETAIL MERGERS**

Sec. 101. Moratorium on large agribusiness, food and beverage manufacturing, and grocery retail mergers.

Sec. 102. Retroactive review of large agribusiness, food and beverage manufacturing, and grocery retail mergers.

**TITLE II—FARM SYSTEM REFORMS**

Sec. 201. Local agriculture market program.

Sec. 202. Restoration of mandatory country of origin labeling for beef and pork; inclusion of dairy products.

Sec. 203. Definitions in Packers and Stockyards Act, 1921.

Sec. 204. Unlawful practices.

Sec. 205. Spot market purchases of livestock by packers.

Sec. 206. Investigation of live poultry dealers.

Sec. 207. Ensuring fair practices in agriculture.

Sec. 208. Award of attorney fees.

Sec. 209. Review and report on fragility and national security in the food system.

Sec. 210. Technical amendments.

**TITLE III—PROVIDING RESOURCES FOR BEGINNING, RETIRING, AND SOCIALLY DISADVANTAGED FARMERS AND RANCHERS**

Sec. 301. Reauthorization and increased funding for beginning, retiring, and socially disadvantaged farmers and ranchers.

**TITLE IV—LIVESTOCK, DAIRY, AND POULTRY SUPPLY CHAIN INFRASTRUCTURE**

Sec. 401. Livestock, dairy, and poultry supply chain infrastructure grants and loans.

Sec. 402. Pilot program for increased accessibility to inspection and technical assistance for eligible processing facilities.

**1 SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) Concentration in the food and agricultural  
4 economy, including mergers, acquisitions, and other  
5 combinations and alliances among suppliers, pack-  
6 ers, integrators, other food processors, distributors,  
7 and retailers has been accelerating at a rapid pace

1       since the 1980s, and particularly since the 2007  
2       through 2009 recession.

3           (2) The trend toward greater concentration in  
4       food and agriculture has important and far reaching  
5       implications not only for family farmers, but also for  
6       food chain workers, the food we eat, the commu-  
7       nities we live in, the integrity of the natural environ-  
8       ment upon which we all depend, and for our collec-  
9       tive public health.

10          (3) The infant formula industry, for example,  
11       has reached an alarming level of corporate con-  
12       centration with 4 companies now controlling nearly  
13       90 percent of the infant formula market. A disrup-  
14       tion in the supply of just 1 infant formula producer  
15       now presents a grave risk to infant health in the  
16       United States.

17          (4) In the past 4 decades, the top 4 largest  
18       pork packers have seized control of 70 percent of the  
19       market, up from 36 percent. Over the same period,  
20       the top 4 beef packers have expanded their market  
21       share from 32 percent to 85 percent. The top 4 flour  
22       millers have increased their market share from 40  
23       percent to 64 percent. The market share of the top  
24       4 soybean crushers has jumped from 54 percent to  
25       79 percent, and the top 4 wet corn processors con-

1        trol of the market has increased from 63 percent to  
2        86 percent.

3            (5) Today the top 4 sheep, poultry, and fluid  
4        milk processors now control 62 percent, 54 percent,  
5        and 50 percent of the market, respectively.

6            (6) The top 4 grain companies today control as  
7        much as 90 percent of the global grain trade.

8            (7) During the past 5 years there has been a  
9        wave of consolidation among global seed and crop-  
10       chemical firms, 3 companies now control nearly 2/3  
11       of the world's commodity crop seeds. Those same 3  
12       companies now also control nearly 70 percent of all  
13       agricultural chemicals and pesticides.

14           (8) In the United States, the 4 largest corn  
15       seed sellers accounted for 85 percent of the market  
16       in 2015, up from 60 percent in 2000. Over the past  
17       20 years, the cost for an acre's worth of seeds for  
18       an average corn farmer has nearly quadrupled, and  
19       the cost of fertilizer has more than doubled. Yet  
20       corn yields increased only 36 percent over that time,  
21       and the price received for the sale of a bushel of  
22       corn increased only 31 percent.

23           (9) A handful of firms dominate the processing  
24       of every major commodity. Many of them are  
25       vertically integrated, which means that they control

1 successive stages of the food chain, from inputs to  
 2 production to distribution. The growing number and  
 3 scale of cross-border agribusiness and food mergers  
 4 have put foreign firms, often with considerable gov-  
 5 ernment backing, into prominent and even dominant  
 6 positions in the United States beef, hog, poultry,  
 7 seed, fertilizer, and agrichemical sectors.

8 (10) Growing concentration of the agricultural  
 9 sector has restricted choices for farmers trying to  
 10 sell their products. As the bargaining power of agri-  
 11 business firms over farmers increases, concentrated  
 12 agricultural commodity markets are stacked against  
 13 the farmer, with buyers of agricultural commodities  
 14 often possessing regional dominance in the form of  
 15 oligopsony or monopsony relative to sellers of such  
 16 commodities.

17 (11) The high concentration and consolidation  
 18 of buyers in agricultural markets has resulted in the  
 19 thinning of both cash and future markets, thereby  
 20 allowing dominant buyers to leverage their market  
 21 shares to move those markets to the detriment of  
 22 family farmers and ranchers.

23 (12) Buyers with oligopsonistic or  
 24 monopsonistic power have incentives to engage in  
 25 unfair and discriminatory acts that cause farmers to

1 receive less than a competitive price for their goods.  
2 At the same time, some Federal courts have incor-  
3 rectly required a plaintiff to show harm to competi-  
4 tion generally, in addition to harm to the individual  
5 farmer, when making a determination that an un-  
6 fair, unjustly discriminatory, deceptive, or pref-  
7 erential act exists under the Packers and Stockyards  
8 Act of 1921.

9 (13) The farmer's share of every retail dollar  
10 has plummeted from 41 percent in 1950, to less  
11 than 15 percent today, while the profit share for  
12 farm input, marketing, and processing companies  
13 has risen.

14 (14) While agribusiness conglomerates are post-  
15 ing record earnings, farmers are facing desperate  
16 times. Since 2013, net farm income for United  
17 States farmers has fallen by more than half and me-  
18 dian on farm income was negative in 2020.

19 (15) The benefits of low commodity prices are  
20 not being passed on to American consumers. The  
21 gap between what shoppers pay for food and what  
22 farmers are paid is growing wider.

23 (16) The steadily rising price of food has out-  
24 paced growth in incomes for typical workers. Since  
25 the Great Recession, the annual growth of real

1 prices for food at the supermarket have risen nearly  
2 3 times faster than typical earnings.

3 (17) There is a growing consensus that eco-  
4 nomic consolidation contributes to the widening gap  
5 in economic opportunity in the United States and  
6 bigger, more dominant firms are more likely to de-  
7 liver profits to investors than to raise wages or bene-  
8 fits. Mega-mergers in the food and agribusiness in-  
9 dustries can lead to growing monopsony power abuse  
10 resulting in wage suppression, along with massive  
11 layoffs as companies shutter factories and facilities,  
12 harming working families and communities.

13 (18) Concentration, low prices, anticompetitive  
14 practices, and other manipulations and abuses of the  
15 agricultural economy are driving small family farm-  
16 ers out of business. Farmers are going bankrupt or  
17 giving up, and few are taking their places; more  
18 farm families are having to rely on other jobs to stay  
19 afloat. Seventy-nine percent of farm household in-  
20 come came from off farm work in 2020, up from 53  
21 percent in 1960.

22 (19) Eighty-one percent of America's farmed  
23 cropland is now controlled by 15 percent of farms,  
24 and the number of farmers leaving the land will con-

1       tinue to increase unless and until these trends are  
2       reversed.

3           (20) The decline of small family farms under-  
4       mines the economies of rural communities across  
5       America; it has pushed Main Street businesses, from  
6       equipment suppliers to small banks, out of business  
7       or to the brink of insolvency.

8           (21) Increased concentration in the agribusiness  
9       sector has a harmful effect on the environment; cor-  
10      porate hog farming, for example, threatens the in-  
11      tegrity of local water supplies and creates noxious  
12      odors in neighboring communities. Concentration  
13      also can increase the risks to food safety and limit  
14      the biodiversity of plants and animals.

15          (22) The decline of family farming poses a di-  
16      rect threat to American families and family values,  
17      by subjecting farm families to turmoil and stress.  
18      Farm advocates across the country are reporting an  
19      increase in farmer suicides over the past several  
20      years.

21          (23) The decline of family farming causes the  
22      demise of rural communities, as stores lose cus-  
23      tomers, churches lose congregations, schools and  
24      clinics become under-used, career opportunities for



1 young people dry up, and local inequalities of wealth  
2 and income grow wider.

3 (24) These developments are not the result of  
4 inevitable market forces. Its problems arise rather  
5 from policies made in Washington, including farm,  
6 antitrust, and trade policies.

7 (25) Past congressional action to remediate  
8 market failure, such as enacting country-of-origin la-  
9 beling to provide transparency for domestic farmers,  
10 ranchers, and consumers regarding agricultural com-  
11 modity origins, have been overturned for key com-  
12 modities by oligopolistic conglomerates that use un-  
13 differentiated imports to reduce domestic farm  
14 prices.

15 (26) To restore competition in the agricultural  
16 economy, and to increase the bargaining power and  
17 enhance economic prospects for family farmers, the  
18 trend toward concentration must be reversed.

19 **SEC. 3. DEFINITIONS.**

20 In this Act:

21 (1) **AGRICULTURAL INPUT SUPPLIER.**—The  
22 term “agricultural input supplier” means any person  
23 (excluding agricultural cooperatives) engaged in the  
24 business of selling, in interstate or foreign com-  
25 merce, any product to be used as an input (including

1 seed, germ plasm, hormones, antibiotics, fertilizer,  
2 and chemicals, but excluding farm machinery) for  
3 the production of any agricultural commodity, except  
4 that no person shall be considered an agricultural  
5 input supplier if sales of such products are for a  
6 value less than \$10,000,000 per year.

7 (2) BROKER.—The term “broker” means any  
8 person engaged in the business of negotiating sales  
9 and purchases of any agricultural commodity in  
10 interstate or foreign commerce for or on behalf of  
11 the vendor or the purchaser, except that no person  
12 shall be considered a broker if the only sales of such  
13 commodities are for a value less than \$10,000,000  
14 per year.

15 (3) COMMISSION MERCHANT.—The term “com-  
16 mission merchant” means any person engaged in the  
17 business of receiving in interstate or foreign com-  
18 merce any agricultural commodity for sale, on com-  
19 mission, or for or on behalf of another, except that  
20 no person shall be considered a commission mer-  
21 chant if the only sales of such commodities are for  
22 a value less than \$10,000,000 per year.

23 (4) DEALER.—The term “dealer” means any  
24 person (excluding agricultural cooperatives) engaged  
25 in the business of buying, selling, or marketing agri-

1 cultural commodities in interstate or foreign com-  
2 merce, except that—

3 (A) no person shall be considered a dealer  
4 with respect to sales or marketing of any agri-  
5 cultural commodity of that person's own rais-  
6 ing; and

7 (B) no person shall be considered a dealer  
8 if the only sales of such commodities are for a  
9 value less than \$10,000,000 per year.

10 (5) DISTRIBUTOR.—The term “distributor”  
11 means any entity engaged in the business of distrib-  
12 uting agricultural products from producers or manu-  
13 facturers to consumers, restaurants, or retailers.

14 (6) INTEGRATOR.—The term “integrator”  
15 means an entity that contracts with farmers for  
16 grower services to raise chickens or hogs to slaugh-  
17 ter size and weight. The integrator owns the chick-  
18 ens or hogs, supplies the feed, slaughters, and fur-  
19 ther processes the poultry or pork.

20 (7) PROCESSOR.—The term “processor” means  
21 any person (excluding agricultural cooperatives) en-  
22 gaged in the business of handling, preparing, or  
23 manufacturing (including slaughtering and food and  
24 beverage manufacturing) of an agricultural com-  
25 modity, or the products of such agricultural com-

1       modity, for sale or marketing for human consump-  
 2       tion, except that no person shall be considered a  
 3       processor if the only sales of such products are for  
 4       a value less than \$10,000,000 per year.

5           (8) RETAILER.—The term “retailer” means any  
 6       person (excluding agricultural cooperatives, coopera-  
 7       tive retailers, and cooperative distributors) licensed  
 8       as a retailer under the Perishable Agriculture Com-  
 9       modities Act of 1930 (7 U.S.C. 499a(b)), except  
 10      that no person shall be considered a retailer if the  
 11      only sales of such products are for a value less than  
 12      \$10,000,000 per year.

# 13   **TITLE I—MORATORIUM ON AND** 14   **REVIEW OF LARGE AGRI-** 15   **BUSINESS, FOOD AND BEV-** 16   **ERAGE MANUFACTURING,** 17   **AND GROCERY RETAIL MERG-** 18   **ERS**

## 19   **SEC. 101. MORATORIUM ON LARGE AGRIBUSINESS, FOOD** 20           **AND BEVERAGE MANUFACTURING, AND GRO-** 21           **CERY RETAIL MERGERS.**

22       (a) IN GENERAL.—

23           (1) MORATORIUM.—Until the date referred to  
 24       in paragraph (2) and except as provided in sub-  
 25       section (b)—

1 (A) no dealer, processor, commission mer-  
2 chant, agricultural input supplier, broker, or  
3 operator of a warehouse of agricultural com-  
4 modities or retailer with annual net sales or  
5 total assets of more than \$222,000,000 shall  
6 merge or acquire, directly or indirectly, any vot-  
7 ing securities or assets of any other dealer,  
8 processor, commission merchant, agricultural  
9 input supplier, broker, or operator of a ware-  
10 house of agricultural commodities or retailer  
11 with annual net sales or total assets of more  
12 than \$22,000,000; and

13 (B) no dealer, processor, commission mer-  
14 chant, agricultural input supplier, broker, or  
15 operator of a warehouse of agricultural com-  
16 modities or retailer with annual net sales or  
17 total assets of more than \$22,000,000 shall  
18 merge or acquire, directly or indirectly, any vot-  
19 ing securities or assets of any other dealer,  
20 processor, commission merchant, agricultural  
21 input supplier, broker, or operator of a ware-  
22 house of agricultural commodities or retailer  
23 with annual net sales or total assets of more  
24 than \$222,000,000 if the acquiring person  
25 would hold—

- 1 (i) 15 percent or more of the voting  
 2 securities or assets of the acquired person;  
 3 or  
 4 (ii) an aggregate total amount of the  
 5 voting securities and assets of the acquired  
 6 person in excess of \$21,000,000.

7 (2) DATE.—The date referred to in this para-  
 8 graph is the effective date of comprehensive legisla-  
 9 tion enacted on or after the date on which the re-  
 10 views referred to in section 102(a) are completed—

11 (A) for addressing the problem of market  
 12 concentration in the food and agricultural sec-  
 13 tor; and

14 (B) that terminates the moratorium under  
 15 paragraph (1).

16 (b) WAIVER AUTHORITY.—The Attorney General  
 17 shall have authority to waive the moratorium imposed by  
 18 subsection (a) only under extraordinary circumstances,  
 19 such as insolvency or similar financial distress of 1 of the  
 20 affected parties.

21 (c) EXEMPTIONS.—The classes of transactions de-  
 22 scribed in section 7A(c) of the Clayton Act (15 U.S.C.  
 23 18a(c)) are exempt from subsection (a).

24 (d) AVOIDANCE.—Any transaction or other device en-  
 25 tered into or employed for the purpose of avoiding the

1 moratorium contained in subsection (a) shall be dis-  
 2 regarded, and the application of the moratorium shall be  
 3 determined by applying subsection (a) to the substance of  
 4 the transaction.

5 (e) RULEMAKING.—The Attorney General shall pro-  
 6 mulgate regulations that the Attorney General determines  
 7 are necessary to implement this section. In making the  
 8 determination under the preceding sentence, the Attorney  
 9 General shall consult with the Federal Trade Commission.

10 **SEC. 102. RETROACTIVE REVIEW OF LARGE AGRIBUSINESS,**  
 11 **FOOD AND BEVERAGE MANUFACTURING,**  
 12 **AND GROCERY RETAIL MERGERS.**

13 (a) IN GENERAL.—Not later than 2 years after the  
 14 date of enactment of this Act, the Attorney General and  
 15 the Federal Trade Commission shall review each merger  
 16 that the Attorney General and the Federal Trade Commis-  
 17 sion have reviewed since January 1, 2006, that was sub-  
 18 ject to a premerger notification and waiting period pursu-  
 19 ant to section 7A of the Clayton Act (15 U.S.C. 18a) in  
 20 which a dealer, processor, distributor, commission mer-  
 21 chant, agricultural input supplier, broker, or operator of  
 22 a warehouse of agricultural commodities or retailer  
 23 merged or acquired, directly or indirectly, any voting secu-  
 24 rities or assets of any other dealer, processor, distributor,  
 25 commission merchant, agricultural input supplier, broker,

1 or operator of a warehouse of agricultural commodities or  
2 retailer.

3 (b) UNWINDING.—The Attorney General and the  
4 Federal Trade Commission shall consider whether to un-  
5 wind a merger reviewed under subsection (a) to restore  
6 competition, and may so unwind such merger, if the Attor-  
7 ney General or the Federal Trade Commission determines  
8 that the merger brought material harm to—

- 9 (1) competition nationally or in local markets;  
10 (2) farmers and ranchers;  
11 (3) workers; or  
12 (4) consumers.

13 (c) INVESTIGATIVE AUTHORITY.—In conducting a re-  
14 view of a merger under subsection (a), the Attorney Gen-  
15 eral shall have the same power as the Federal Trade Com-  
16 mission under section 6(b) of the Federal Trade Commis-  
17 sion Act (15 U.S.C. 46(b)) with respect to such review.

18 (d) AUTHORIZATION OF APPROPRIATIONS.—In addi-  
19 tion to such other amounts as may be made available to  
20 the Federal Trade Commission and the Antitrust Division  
21 of the Department of Justice, there is authorized to be  
22 appropriated to carry out this section for fiscal year 2024  
23 and each fiscal year thereafter—

- 24 (1) \$50,000,000 for the Federal Trade Com-  
25 mission; and



1           (2) \$50,000,000 for the Antitrust Division of  
2           the Department of Justice.

3           (e) FINES AND PENALTIES.—The Federal Trade  
4           Commission and the Antitrust Division of the Department  
5           of Justice may use any funds from fines, penalties, and  
6           settlements not returned to consumers for their respective  
7           future operations.

8           (f) ADDITIONAL APPROPRIATIONS.—To the extent  
9           there are insufficient funds from fines, penalties, settle-  
10          ments, and fees received by the Federal Trade Commis-  
11          sion and the Antitrust Division of the Department of Jus-  
12          tice for the costs of their respective programs, projects,  
13          and activities, there are appropriated, out of monies in the  
14          Treasury not otherwise appropriated, for fiscal year 2024  
15          and each fiscal year thereafter such sums as are necessary  
16          for the costs of such programs, projects, and activities.

## 17                   **TITLE II—FARM SYSTEM** 18                   **REFORMS**

### 19   **SEC. 201. LOCAL AGRICULTURE MARKET PROGRAM.**

20           Section 210A(i)(1) of the Agricultural Marketing Act  
21           of 1946 (7 U.S.C. 1627c(i)(1)) is amended by striking  
22           “fiscal year 2019” and inserting “each of fiscal years  
23           2024 and 2025, and \$500,000,000 for fiscal year 2026”.

1 **SEC. 202. RESTORATION OF MANDATORY COUNTRY OF ORI-**  
 2 **GIN LABELING FOR BEEF AND PORK; INCLU-**  
 3 **SION OF DAIRY PRODUCTS.**

4 (a) DEFINITIONS.—Section 281 of the Agricultural  
 5 Marketing Act of 1946 (7 U.S.C. 1638) is amended—

6 (1) by redesignating paragraphs (1), (2)  
 7 through (5), (6), and (7) as paragraphs (2), (4)  
 8 through (7), (9), and (10), respectively;

9 (2) by inserting before paragraph (2) (as so re-  
 10 designated) the following:

11 “(1) BEEF.—The term ‘beef’ means meat pro-  
 12 duced from cattle (including veal).”;

13 (3) in paragraph (2) (as so redesignated)—

14 (A) in subparagraph (A)—

15 (i) in clause (i), by striking “lamb”  
 16 and inserting “beef, lamb, pork,”;

17 (ii) in clause (ii), by striking “ground  
 18 lamb” and inserting “ground beef, ground  
 19 lamb, ground pork,”;

20 (iii) in clause (x), by striking “and”  
 21 at the end;

22 (iv) in clause (xi), by striking the pe-  
 23 riod at the end and inserting “; and”; and

24 (v) by adding at the end the following:  
 25 “(xii) dairy products.”; and

1 (B) in subparagraph (B), by inserting  
 2 “(other than clause (xii) of that subpara-  
 3 graph)” after “subparagraph (A)”;

4 (4) by inserting after paragraph (2) (as so re-  
 5 designated) the following:

6 “(3) DAIRY PRODUCT.—The term ‘dairy prod-  
 7 uct’ means—

8 “(A) fluid milk;

9 “(B) cheese, including cottage cheese and  
 10 cream cheese;

11 “(C) yogurt;

12 “(D) ice cream;

13 “(E) butter; and

14 “(F) any other dairy product.”; and

15 (5) by inserting after paragraph (7) (as so re-  
 16 designated) the following:

17 “(8) PORK.—The term ‘pork’ means meat pro-  
 18 duced from hogs.”.

19 (b) NOTICE OF COUNTRY OF ORIGIN.—Section  
 20 282(a) of the Agricultural Marketing Act of 1946 (7  
 21 U.S.C. 1638a(a)) is amended by adding at the end the  
 22 following:

23 “(5) DESIGNATION OF COUNTRY OF ORIGIN  
 24 FOR DAIRY PRODUCTS.—

1           “(A) IN GENERAL.—A retailer of a covered  
2 commodity that is a dairy product shall des-  
3 ignate the origin of the covered commodity as—

4           “(i) each country in which or from  
5 which the 1 or more dairy ingredients or  
6 dairy components of the covered com-  
7 modity were produced, originated, or  
8 sourced; and

9           “(ii) each country in which the cov-  
10 ered commodity was processed.

11           “(B) STATE, REGION, LOCALITY OF THE  
12 UNITED STATES.—With respect to a covered  
13 commodity that is a dairy product produced ex-  
14 clusively in the United States, designation by a  
15 retailer of the State, region, or locality of the  
16 United States where the covered commodity  
17 was produced shall be sufficient to identify the  
18 United States as the country of origin.”.

19 **SEC. 203. DEFINITIONS IN PACKERS AND STOCKYARDS ACT,**  
20 **1921.**

21           Section 2(a) of the Packers and Stockyards Act,  
22 1921 (7 U.S.C. 182(a)), is amended—

23           (1) in the matter preceding paragraph (1), by  
24 striking “When used in this Act—” and inserting  
25 “In this Act:”;

1           (2) in paragraph (8), by striking “for slaugh-  
 2       ter” and all that follows through “of such poultry”  
 3       and inserting “under a poultry growing arrange-  
 4       ment, regardless of whether the poultry is owned by  
 5       that person or another person”;

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

11          (4) in each of paragraphs (1) through (9), by  
 12      striking the semicolon at the end and inserting a pe-  
 13      riod;

14          (5) in paragraph (10)—

15              (A) by striking “for the purpose of either  
 16      slaughtering it or selling it for slaughter by an-  
 17      other”; and

18              (B) by striking “; and” at the end and in-  
 19      serting a period; and

20          (6) by adding at the end the following:

21              “(15) FORMULA PRICE.—

22                      “(A) IN GENERAL.—The term ‘formula  
 23      price’ means any price term that establishes a  
 24      base from which a purchase price is calculated  
 25      on the basis of a price that will not be deter-

1           mined or reported until a date that is after the  
2           date on which the forward price is established.

3           “(B) EXCLUSION.—The term ‘formula  
4           price’ does not include—

5                   “(i) any price term that establishes a  
6                   base from which a purchase price is cal-  
7                   culated on the basis of a futures market  
8                   price; or

9                   “(ii) any adjustment to the base for  
10                  quality, grade, or other factors relating to  
11                  the value of livestock or livestock products  
12                  that are readily verifiable market factors  
13                  and are outside the control of the packer.

14          “(16) FORWARD CONTRACT.—The term ‘for-  
15          ward contract’ means an oral or written contract for  
16          the purchase of livestock that provides for the deliv-  
17          ery of the livestock to a packer at a date that is  
18          more than 7 days after the date on which the con-  
19          tract is entered into, without regard to whether the  
20          contract is for—

21                  “(A) a specified lot of livestock; or

22                  “(B) a specified number of livestock over a  
23                  certain period of time.”.

1 **SEC. 204. UNLAWFUL PRACTICES.**

2 (a) IN GENERAL.—Section 202 of the Packers and  
3 Stockyards Act, 1921 (7 U.S.C. 192), is amended to read  
4 as follows:

5 **“SEC. 202. UNLAWFUL ACTS.**

6 “(a) DEFINITIONS.—In this section:

7 “(1) BASE PRICE.—

8 “(A) IN GENERAL.—The term ‘base price’  
9 means the price established in a poultry produc-  
10 tion contract that corresponds to the stated  
11 value provided by the independent contract pro-  
12 ducer under the terms of the contract, prior to  
13 the assessment of any performance-based pre-  
14 mium or penalty.

15 “(B) SQUARE FOOTAGE.—The price de-  
16 scribed in subparagraph (A) may be established  
17 using the price per square foot of contracted  
18 farm infrastructure or price per pound of poul-  
19 try production.

20 “(2) COOPERATIVE ASSOCIATION OF PRO-  
21 DUCERS.—The term ‘cooperative association of pro-  
22 ducers’ means a cooperative association (as defined  
23 in section 15(a) of the Agricultural Marketing Act  
24 (12 U.S.C. 1141j(a))) engaged in marketing, bar-  
25 gaining, shipping, or processing agricultural prod-  
26 ucts.

1 “(3) EXPECTED PERFORMANCE STANDARD.—

2 The term ‘expected performance standard’ means,  
 3 with respect to a poultry production contract, a  
 4 standard established in the contract for the growth  
 5 and health performance of live poultry under the  
 6 management of an independent contract producer,  
 7 which may include expected mortality, weight gain,  
 8 or feed conversion efficiency.

9 “(4) INDEPENDENT CONTRACT PRODUCER.—

10 The term ‘independent contract producer’ means an  
 11 agricultural producer that—

12 “(A) enters into a contract to manage the  
 13 production of an agricultural commodity owned  
 14 by a live poultry dealer or another contracting  
 15 party; and

16 “(B) is not a member of a cooperative as-  
 17 sociation of producers that has engaged in bar-  
 18 gaining with the other contracting party.

19 “(5) MINIMUM PRICE.—The term ‘minimum  
 20 price’ means a contractually guaranteed price floor  
 21 within a poultry production contract below which the  
 22 final price delivered to an independent contract pro-  
 23 ducer may not be reduced, including by perform-  
 24 ance-based penalties.



1           “(6) PERFORMANCE-BASED INCENTIVE FOR-  
 2           MULA.—The term ‘performance-based incentive for-  
 3           mula’ means a formula designed to compare the real  
 4           performance of live poultry being managed by an  
 5           independent contract producer relative to an ex-  
 6           pected performance standard.

7           “(7) POULTRY PRODUCTION CONTRACT.—The  
 8           term ‘poultry production contract’ means an oral or  
 9           written contract established between a live poultry  
 10          dealer and an independent contract producer in  
 11          which the independent contract producer provides  
 12          the land, farm infrastructure, or management labor  
 13          of the independent contract producer to house and  
 14          raise live poultry owned by the live poultry dealer.

15          “(b) GENERAL RULE.—It shall be unlawful for any  
 16          packer or swine contractor with respect to livestock,  
 17          meats, meat food products, or livestock products in un-  
 18          manufactured form, or for any live poultry dealer with re-  
 19          spect to live poultry, to do any of the following:

20                 “(1) Engage in or use any unfair, unjustly dis-  
 21                 criminatory, or deceptive practice or device.

22                 “(2) Make or give any undue or unreasonable  
 23                 preference or advantage to any particular person or  
 24                 locality in any respect, or subject any particular per-

1 son or locality to any undue or unreasonable preju-  
2 dice or disadvantage in any respect.

3 “(3) Sell or otherwise transfer to or for any  
4 other packer, swine contractor, or any live poultry  
5 dealer, or buy or otherwise receive from or for any  
6 other packer, swine contractor, or any live poultry  
7 dealer, any article for the purpose or with the effect  
8 of apportioning the supply between any such per-  
9 sons, if such apportionment has the tendency or ef-  
10 fect of restraining commerce or of creating a monop-  
11 oly.

12 “(4) Sell or otherwise transfer to or for any  
13 other person, or buy or otherwise receive from or for  
14 any other person, any article for the purpose or with  
15 the effect of manipulating or controlling prices, or of  
16 creating a monopoly in the acquisition of, buying,  
17 selling, or dealing in, any article, or of restraining  
18 commerce.

19 “(5) Engage in any course of business or do  
20 any act for the purpose or with the effect or manip-  
21 ulating or controlling prices, or of creating a monop-  
22 oly in the acquisition of, buying, selling, or dealing  
23 in, any article, or of restraining commerce.

24 “(6) Conspire, combine, agree, or arrange with  
25 any other person—

1           “(A) to apportion territory for carrying on  
2           business;

3           “(B) to apportion purchases or sales of  
4           any article; or

5           “(C) to manipulate or control prices.

6           “(7) Use, in effectuating any sale of livestock,  
7           a forward contract that—

8           “(A) does not contain a firm base price  
9           that may be equated to a fixed dollar amount  
10          on the date on which the forward contract is  
11          entered into;

12          “(B) is not offered for bid in an open, pub-  
13          lic manner under which—

14               “(i) buyers and sellers have the oppor-  
15               tunity to participate in the bid;

16               “(ii) more than 1 blind bid is solie-  
17               ited; and

18               “(iii) buyers and sellers may witness  
19               bids that are made and accepted;

20          “(C) is based on a formula price; or

21          “(D) provides for the sale of livestock in a  
22          quantity in excess of—

23               “(i) in the case of cattle, 40 cattle;

24               “(ii) in the case of swine, 30 swine;

25          and

1                   “(iii) in the case of another type of  
2                   livestock, a comparable quantity of that  
3                   type of livestock, as determined by the Sec-  
4                   retary.

5                   “(8) Own or feed livestock directly, through a  
6                   subsidiary, or through an arrangement that gives a  
7                   packer operational, managerial, or supervisory con-  
8                   trol over the livestock, or over the farming operation  
9                   that produces the livestock, to such an extent that  
10                  the producer of the livestock is not materially par-  
11                  ticipating in the management of the operation with  
12                  respect to the production of the livestock, except  
13                  that this paragraph shall not apply to—

14                  “(A) an arrangement entered into not  
15                  more than 7 business days before slaughter of  
16                  the livestock by a packer, a person acting  
17                  through the packer, or a person that directly or  
18                  indirectly controls, or is controlled by or under  
19                  common control with, the packer;

20                  “(B) a cooperative or entity owned by a co-  
21                  operative, if a majority of the ownership inter-  
22                  est in the cooperative is held by active coopera-  
23                  tive members that—

24                          “(i) own, feed, or control the livestock;  
25                          and

1                   “(ii) provide the livestock to the coop-  
2                   erative for slaughter;

3                   “(C) a packer that is not required to re-  
4                   port to the Secretary on each reporting day (as  
5                   defined in section 212 of the Agricultural Mar-  
6                   keting Act of 1946 (7 U.S.C. 1635a)) informa-  
7                   tion on the price and quantity of livestock pur-  
8                   chased by the packer; or

9                   “(D) a packer that owns only 1 livestock  
10                  processing plant.

11                  “(9) Take any action that adversely affects or  
12                  is likely to adversely affect competition, regardless of  
13                  whether there is a business justification for the ac-  
14                  tion.

15                  “(10) Conspire, combine, agree, or arrange with  
16                  any other person to do, or aid or abet the doing of,  
17                  any act made unlawful by paragraphs (1) through  
18                  (9).

19                  “(c) UNFAIR, DISCRIMINATORY, AND DECEPTIVE  
20                  PRACTICES AND DEVICES.—Acts by a packer, swine con-  
21                  tractor, or live poultry dealer that violate subsection (b)(1)  
22                  include the following:

23                  “(1) Refusal to provide, on the request of a  
24                  livestock producer, swine production contract grow-  
25                  er, or poultry grower with which the packer, swine

contractor, or live poultry dealer has a marketing or delivery contract, the relevant statistical information and data used to determine the compensation paid to the livestock producer, swine production contract grower, or poultry grower, as applicable, under the contract, including—

“(A) feed conversion rates by house, lot, or pen;

“(B) feed analysis;

“(C) breeder history;

“(D) quality grade;

“(E) yield grade; and

“(F) delivery volume for any certified branding program (such as programs for angus beef or certified grassfed or Berkshire pork).

“(2) Conduct or action that limits or attempts to limit by contract the legal rights and remedies of a livestock producer, swine production contract grower, or poultry grower, including the right—

“(A) to a trial by jury, unless the livestock producer, swine production contract grower, or poultry grower, as applicable, is voluntarily bound by an arbitration provision in a contract;

“(B) to pursue all damages available under applicable law; and

1                   “(C) to seek an award of attorneys’ fees,  
2                   if available under applicable law.

3                   “(3) Termination of a poultry growing arrange-  
4                   ment or swine production contract with no basis  
5                   other than an allegation that the poultry grower or  
6                   swine production contract grower failed to comply  
7                   with an applicable law, rule, or regulation.

8                   “(4) A representation, omission, or practice  
9                   that is likely to mislead a livestock producer, swine  
10                  production contract grower, or poultry grower re-  
11                  garding a material condition or term in a contract  
12                  or business transaction.

13                  “(d) UNDUE OR UNREASONABLE PREFERENCES, AD-  
14                  VANTAGES, PREJUDICES, AND DISADVANTAGES.—

15                  “(1) IN GENERAL.—Acts by a packer, swine  
16                  contractor, or live poultry dealer that violate sub-  
17                  section (b)(2) include the following:

18                         “(A) The execution, termination, extension,  
19                         or renewal of a contract or agreement that ma-  
20                         terially disadvantages a livestock producer,  
21                         swine production contract grower, or poultry  
22                         grower unless the packer, swine contractor, or  
23                         live poultry dealer can show, by a preponder-  
24                         ance of the evidence, that the acts were pre-  
25                         dominantly motivated by—

1 “(i) compliance with applicable regula-  
2 tions;

3 “(ii) a distinct and materially disad-  
4 vantageous change to the financial rela-  
5 tionship with the livestock producer, swine  
6 production contract grower, or poultry  
7 grower; or

8 “(iii) the termination of operations in  
9 the geographic region by the packer, swine  
10 contractor, or live poultry dealer.

11 “(B) The failure to meet the requirements  
12 described in paragraph (2).

13 “(C) In the case of a poultry production  
14 contract that contains a performance-based in-  
15 centive formula, the failure to meet the require-  
16 ments described in paragraph (3).

17 “(2) PAYMENT BY SQUARE FOOTAGE.—The re-  
18 quirements described in this paragraph are as fol-  
19 lows:

20 “(A) Subject to subparagraph (B), a live  
21 poultry dealer shall structure any poultry pro-  
22 duction contract in a manner that provides for  
23 payment by the square footage of the barn or  
24 facility space in which the live birds that are  
25 subject to the contract are reared and raised.



1           “(B) In lieu of providing for payment by  
 2           the square footage of the barn or facility space  
 3           in which the live birds that are subject to the  
 4           contract are reared and raised, a live poultry  
 5           dealer may meet the requirement specified in  
 6           subparagraph (A) if the dealer includes in the  
 7           poultry production contract an alternative base  
 8           price provision that was obtained through nego-  
 9           tiations with a cooperative association of pro-  
 10          ducers representing the individual independent  
 11          contract producer.

12          “(3) USE OF PERFORMANCE-BASED INCENTIVE  
 13          FORMULA.—The requirements described in this  
 14          paragraph are as follows:

15               “(A) The poultry production contract shall  
 16               guarantee a minimum price.

17               “(B) The expected performance standard  
 18               in the poultry production contract shall be  
 19               based on at least a 6-month rolling performance  
 20               average of all producers in the complex of the  
 21               independent contract producer.

22               “(C) The performance-based incentive for-  
 23               mula shall not assess a premium or penalty per-  
 24               centage that exceeds the percentage difference  
 25               between the performance of the independent

1 contract producer and the expected performance  
 2 average.

3 “(D) The expected performance standard  
 4 in the poultry production contract shall be  
 5 mathematically adjusted to account for expected  
 6 performance with respect to expected mortality,  
 7 weight, or feed conversion efficiency, with dif-  
 8 ferences relative to—

9 “(i) layer flock age and health;

10 “(ii) predelivery health issues;

11 “(iii) flock breed;

12 “(iv) flock pick-up age;

13 “(v) feed type;

14 “(vi) feed disruption of 6 hours or

15 more; and

16 “(vii) medical care protocols (such as  
 17 an antibiotic-free protocol).

18 “(E) The poultry production contract shall  
 19 include a procedure for settling payment out-  
 20 side of the performance-based payment formula,  
 21 through a performance average of at least the  
 22 last 5 flocks of the independent contract pro-  
 23 ducer, in the case of the independent contract  
 24 producer bringing an appeal related to input  
 25 quality or provision issues.

1       “(e) HARM TO COMPETITION NOT REQUIRED.—In  
 2       determining whether an act, device, or conduct is a viola-  
 3       tion under paragraph (1) or (2) of subsection (b), a find-  
 4       ing that the act, device, or conduct adversely affected or  
 5       is likely to adversely affect competition is not required.”.

6       (b) EFFECTIVE DATE.—

7           (1) IN GENERAL.—Subject to paragraph (2),  
 8       paragraph (8) of section 202(b) of the Packers and  
 9       Stockyards Act, 1921 (7 U.S.C. 192) (as designated  
 10      by subsection (a)), shall take effect on the date of  
 11      enactment of this Act.

12          (2) TRANSITION RULES.—In the case of a pack-  
 13      er that, on the date of enactment of this Act, owns,  
 14      feeds, or controls livestock intended for slaughter in  
 15      violation of paragraph (8) of section 202(b) of the  
 16      Packers and Stockyards Act, 1921 (7 U.S.C. 192)  
 17      (as designated by subsection (a)), that paragraph  
 18      shall take effect—

19           (A) in the case of a packer of swine, begin-  
 20      ning on the date that is 18 months after the  
 21      date of enactment of this Act; and

22           (B) in the case of a packer of any other  
 23      type of livestock, beginning not later than 180  
 24      days after the date of enactment of this Act, as  
 25      determined by the Secretary.

1 **SEC. 205. SPOT MARKET PURCHASES OF LIVESTOCK BY**  
 2 **PACKERS.**

3 The Packers and Stockyards Act, 1921, is amended  
 4 by inserting after section 202 (7 U.S.C. 192) the fol-  
 5 lowing:

6 **“SEC. 202A. SPOT MARKET PURCHASES OF LIVESTOCK BY**  
 7 **PACKERS.**

8 “(a) DEFINITIONS.—In this section:

9 “(1) COVERED PACKER.—

10 “(A) IN GENERAL.—The term ‘covered  
 11 packer’ means a packer that is required under  
 12 subtitle B of the Agricultural Marketing Act of  
 13 1946 (7 U.S.C. 1635 et seq.) to report to the  
 14 Secretary each reporting day (as defined in sec-  
 15 tion 212 of the Agricultural Marketing Act of  
 16 1946 (7 U.S.C. 1635a)) information on the  
 17 price and quantity of livestock purchased by the  
 18 packer.

19 “(B) EXCLUSION.—The term ‘covered  
 20 packer’ does not include a packer that owns  
 21 only 1 livestock processing plant.

22 “(2) NONAFFILIATED PRODUCER.—The term  
 23 ‘nonaffiliated producer’ means a producer of live-  
 24 stock—

25 “(A) that sells livestock to a packer;

1           “(B) that has less than 1 percent equity  
2 interest in the packer;

3           “(C) that has no officers, directors, em-  
4 ployees, or owners that are officers, directors,  
5 employees, or owners of the packer;

6           “(D) that has no fiduciary responsibility to  
7 the packer; and

8           “(E) in which the packer has no equity in-  
9 terest.

10          “(3) SPOT MARKET SALE.—

11           “(A) IN GENERAL.—The term ‘spot mar-  
12 ket sale’ means a purchase and sale of livestock  
13 by a packer from a producer—

14           “(i) under an agreement that specifies  
15 a firm base price that may be equated with  
16 a fixed dollar amount on the date the  
17 agreement is entered into;

18           “(ii) under which the livestock are  
19 slaughtered not more than 7 days after the  
20 date on which the agreement is entered  
21 into; and

22           “(iii) under circumstances in which a  
23 reasonable competitive bidding opportunity  
24 exists on the date on which the agreement  
25 is entered into.

1                   “(B) REASONABLE COMPETITIVE BIDDING  
 2                   OPPORTUNITY.—For the purposes of subpara-  
 3                   graph (A)(iii), a reasonable competitive bidding  
 4                   opportunity shall be considered to exist if—

5                   “(i) no written or oral agreement pre-  
 6                   cludes the producer from soliciting or re-  
 7                   ceiving bids from other packers; and

8                   “(ii) no circumstance, custom, or  
 9                   practice exists that—

10                   “(I) establishes the existence of  
 11                   an implied contract (as determined in  
 12                   accordance with the Uniform Com-  
 13                   mercial Code); and

14                   “(II) precludes the producer from  
 15                   soliciting or receiving bids from other  
 16                   packers.

17                   “(b) GENERAL RULE.—Of the quantity of livestock  
 18                   that is slaughtered by a covered packer during each re-  
 19                   porting day (as defined in section 212 of the Agricultural  
 20                   Marketing Act of 1946 (7 U.S.C. 1635a)) in each plant,  
 21                   the covered packer shall slaughter not less than the appli-  
 22                   cable percentage specified in subsection (c) of the quantity  
 23                   through spot market sales from nonaffiliated producers.

24                   “(c) APPLICABLE PERCENTAGES.—

1           “(1) IN GENERAL.—Except as provided in para-  
 2           graph (2), the applicable percentage shall be 50 per-  
 3           cent.

4           “(2) EXCEPTIONS.—In the case of a covered  
 5           packer that reported to the Secretary in the 2020  
 6           annual report that more than 60 percent of the live-  
 7           stock of the covered packer were committed procure-  
 8           ment livestock, the applicable percentage shall be the  
 9           greater of—

10                   “(A) the difference between the percentage  
 11                   of committed procurement livestock so reported  
 12                   and 100 percent; and

13                   “(B)(i) during each of calendar years 2024  
 14                   and 2025, 20 percent;

15                   “(ii) during each of calendar years 2026  
 16                   and 2027, 30 percent; and

17                   “(iii) during calendar year 2028 and each  
 18                   calendar year thereafter, 50 percent.

19           “(d) NONPREEMPTION.—This section does not pre-  
 20           empt any requirement of a State or political subdivision  
 21           of a State that requires a covered packer to purchase on  
 22           the spot market a greater percentage of the livestock pur-  
 23           chased by the covered packer than is required under this  
 24           section.”.

1 **SEC. 206. INVESTIGATION OF LIVE POULTRY DEALERS.**

2 (a) ADMINISTRATIVE ENFORCEMENT AUTHORITY  
 3 OVER LIVE POULTRY DEALERS.—Sections 203, 204, and  
 4 205 of the Packers and Stockyards Act, 1921 (7 U.S.C.  
 5 193, 194, 195), are amended by inserting “, live poultry  
 6 dealer,” after “packer” each place it appears.

7 (b) AUTHORITY TO REQUEST TEMPORARY INJUNC-  
 8 TION OR RESTRAINING ORDER.—Section 408 of the Pack-  
 9 ers and Stockyards Act, 1921 (7 U.S.C. 228a), is amend-  
 10 ed by inserting “or poultry care” after “on account of  
 11 poultry”.

12 (c) VIOLATIONS BY LIVE POULTRY DEALERS.—Sec-  
 13 tion 411 of the Packers and Stockyards Act, 1921 (7  
 14 U.S.C. 228b-2), is amended—

15 (1) in subsection (a), in the first sentence, by  
 16 striking “any provision of section 207 or section 410  
 17 of”; and

18 (2) in subsection (b), in the first sentence, by  
 19 striking “any provisions of section 207 or section  
 20 410” and inserting “any provision”.

21 **SEC. 207. ENSURING FAIR PRACTICES IN AGRICULTURE.**

22 Not later than 30 days after the date of the enact-  
 23 ment of this Act, the Secretary of Agriculture shall imple-  
 24 ment, without amendment, the final rule titled “Unfair  
 25 Practices and Undue Preferences in Violation of the Pack-  
 26 ers and Stockyards Act” and published in the Federal



1 Register by the Department of Agriculture on December  
 2 20, 2016 (81 Fed. Reg. 92703).

3 **SEC. 208. AWARD OF ATTORNEY FEES.**

4 Section 204 of the Packers and Stockyards Act, 1921  
 5 (7 U.S.C. 194), is amended by adding at the end the fol-  
 6 lowing:

7 “(i) ATTORNEY’S FEE.—The court  
 8 shall award a reasonable attorney’s fee as  
 9 part of the costs to a prevailing plaintiff in  
 10 a civil action under this section.”.

11 **SEC. 209. REVIEW AND REPORT ON FRAGILITY AND NA-**  
 12 **TIONAL SECURITY IN THE FOOD SYSTEM.**

13 (a) IN GENERAL.—Not later than 180 days after the  
 14 date of enactment of this Act, the Comptroller General  
 15 of the United States shall—

16 (1) conduct a review of the fragility of the food  
 17 system in the United States with respect to meat,  
 18 poultry, and dairy; and

19 (2) submit to Congress a report containing the  
 20 results of such review.

21 (b) REQUIREMENTS.—The report under subsection  
 22 (a) shall include information on, and an analysis of—

23 (1) the reach of corporate consolidation and  
 24 corporate control of the meat, poultry, and dairy

1 supply chain, including animal feed, inputs for ani-  
 2 mal feed, processing, and distribution;

3 (2) the effects of corporate consolidation and  
 4 corporate control of the meat, poultry, and dairy  
 5 supply chain on—

6 (A) consumers, farmers, rural commu-  
 7 nities, and meat, poultry, and dairy processing  
 8 workers;

9 (B) greenhouse gas emissions, climate  
 10 change, and costs borne by communities to  
 11 adapt to climate change;

12 (C) water quality, soil quality, air quality,  
 13 and biodiversity; and

14 (D) politics and political lobbying;

15 (3)(A) the extent to which Department of Agri-  
 16 culture rules and regulations designed for large cov-  
 17 ered establishments are applied to small- and me-  
 18 dium-sized covered establishments; and

19 (B) the need for the Secretary of Agriculture to  
 20 adapt rules and regulations to benefit small- and  
 21 medium-sized covered establishments;

22 (4) the effects of the COVID–19 pandemic on  
 23 meat, poultry, and dairy exports; meat, poultry, and  
 24 dairy cold storage inventories; processing rates of

1 meat, poultry, and dairy; and the net profits earned  
 2 by owners of covered establishments;

3 (5) the effect of the COVID–19 pandemic on  
 4 meat, poultry, and dairy prices paid—

5 (A) to farmers; and

6 (B) by consumers;

7 (6) Federal support for the corporations that  
 8 control the largest percentage of the meat, poultry,  
 9 and dairy industry through contracts, procurement,  
 10 subsidies, and other mechanisms;

11 (7) the risk of disruption caused by corporate  
 12 consolidation among covered establishments, includ-  
 13 ing an analysis of food supply chain issues resulting  
 14 from the COVID–19 pandemic; and

15 (8) the extent to which breaking up the meat  
 16 packing oligopoly and the dairy processing oligopoly  
 17 would increase food system resiliency for the next  
 18 pandemic.

19 (c) COVERED ESTABLISHMENT DEFINED.—In this  
 20 section, the term “covered establishment” means—

21 (1) an establishment that is subject to inspec-  
 22 tion under the Federal Meat Inspection Act (21  
 23 U.S.C. 601 et seq.);

1           (2) an establishment that is subject to inspec-  
 2           tion under the Poultry Products Inspection Act (21  
 3           U.S.C. 451 et seq.); and

4           (3) an establishment—

5                   (A) that is a dairy operation (as defined in  
 6                   section 1401 of the Agricultural Act of 2014 (7  
 7                   U.S.C. 9051)); or

8                   (B) that processes dairy.

9   **SEC. 210. TECHNICAL AMENDMENTS.**

10          (a) Section 203 of the Packers and Stockyards Act,  
 11   1921 (7 U.S.C. 193), is amended—

12           (1) in subsection (a), in the first sentence—

13                   (A) by striking “he shall cause” and in-  
 14                   serting “the Secretary shall cause”;

15                   (B) by striking “his charges” and inserting  
 16                   “the charges”; and

17                   (C) by striking “evidence introduced  
 18                   against him” and inserting “evidence intro-  
 19                   duced against the packer, live poultry dealer, or  
 20                   swine contractor”;

21          (2) in subsection (b), in the first sentence, by  
 22          striking “he shall make a report in writing in which  
 23          he shall state his findings” and inserting “the Sec-  
 24          retary shall make a report in writing in which the

1 Secretary shall state the findings of the Secretary”;  
2 and

3 (3) in subsection (c), by striking “he” and in-  
4 serting “the Secretary”.

5 (b) Section 204 of the Packers and Stockyards Act,  
6 1921 (7 U.S.C. 194), is amended—

7 (1) in subsection (a), by striking “he has his”  
8 and inserting “the packer, live poultry dealer, or  
9 swine contractor has its”;

10 (2) in subsection (c), by striking “his officers,  
11 directors, agents, and employees” and inserting “the  
12 officers, directors, agents, and employees of the  
13 packer, live poultry dealer, or swine packer”;

14 (3) in subsection (f), in the second sentence—

15 (A) by striking “his findings” and insert-  
16 ing “the findings of the Secretary”; and

17 (B) by striking “he” and inserting “the  
18 Secretary”; and

19 (4) in subsection (g), by striking “his officers,  
20 directors, agents, and employees” and inserting “the  
21 officers, directors, agents, and employees of the  
22 packer, live poultry dealer, or swine packer”.

1 **TITLE III—PROVIDING RE-**  
 2 **SOURCES FOR BEGINNING,**  
 3 **RETIRING, AND SOCIALLY**  
 4 **DISADVANTAGED FARMERS**  
 5 **AND RANCHERS**

6 **SEC. 301. REAUTHORIZATION AND INCREASED FUNDING**  
 7 **FOR BEGINNING, RETIRING, AND SOCIALLY**  
 8 **DISADVANTAGED FARMERS AND RANCHERS.**

9 (a) MANDATORY FUNDING.—Section 2501(l)(1) of  
 10 the Food, Agriculture, Conservation, and Trade Act of  
 11 1990 (7 U.S.C. 2279(l)(1)) is amended—

12 (1) in subparagraph (C), by striking “and”;

13 (2) in subparagraph (D), by striking “2023 and  
 14 each fiscal year thereafter.” and inserting “2023;  
 15 and”; and

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

17 “(E) \$100,000,000 for each of fiscal years  
 18 2024 through 2028.”.

19 (b) AUTHORIZATION OF APPROPRIATIONS.—Section  
 20 2501(l)(2) of the Food, Agriculture, Conservation, and  
 21 Trade Act of 1990 (7 U.S.C. 2279(l)(2)) is amended by  
 22 striking “\$50,000,000 for each of fiscal years 2019  
 23 through 2023” and inserting “\$100,000,000 for each of  
 24 fiscal years 2024 through 2028”.

1 **TITLE IV—LIVESTOCK, DAIRY,**  
 2 **AND POULTRY SUPPLY CHAIN**  
 3 **INFRASTRUCTURE**

4 **SEC. 401. LIVESTOCK, DAIRY, AND POULTRY SUPPLY CHAIN**  
 5 **INFRASTRUCTURE GRANTS AND LOANS.**

6 Subtitle D of title III of the Consolidated Farm and  
 7 Rural Development Act (7 U.S.C. 1981 et seq.) is amend-  
 8 ed by adding at the end the following new section:

9 **“SEC. 379I. LIVESTOCK, DAIRY, AND POULTRY SUPPLY**  
 10 **CHAIN INFRASTRUCTURE.**

11 “(a) IN GENERAL.—The Secretary is authorized to  
 12 provide grants or make or insure loans under any of the  
 13 programs authorized by this Act, the Agricultural Mar-  
 14 keting Act of 1946 (7 U.S.C. 1621 et seq.), or the Rural  
 15 Electrification Act of 1936 (7 U.S.C. 901 et seq.), as the  
 16 Secretary determines to be appropriate, to assist farmers  
 17 and rural businesses and cooperatives to maintain or in-  
 18 crease the production, aggregation, processing, distribu-  
 19 tion, and marketing of value-added, niche, or regionally  
 20 marketed meat, dairy, and poultry products.

21 “(b) PRIORITY.—In implementing subsection (a), the  
 22 Secretary shall give priority to grants or loans that will  
 23 help increase or enhance the availability and geographic  
 24 distribution of small processing facilities.

1 “(c) SMALL PROCESSING FACILITY DEFINED.—In  
2 this section, the term ‘small processing facility’ means—

3 “(1) a selected establishment (as defined in sec-  
4 tion 501(a) of the Federal Meat Inspection Act (21  
5 U.S.C. 683(a));

6 “(2) a selected establishment (as defined in sec-  
7 tion 31(a) of the Poultry Products Inspection Act  
8 (21 U.S.C. 472(a)); and

9 “(3) an establishment that—

10 “(A) specializes in processing milk, cream,  
11 or dairy products; and

12 “(B) processes fewer than 100,000 pounds  
13 of milk, cream, or dairy products per day.”.

14 **SEC. 402. PILOT PROGRAM FOR INCREASED ACCESSIBILITY**  
15 **TO INSPECTION AND TECHNICAL ASSIST-**  
16 **ANCE FOR ELIGIBLE PROCESSING FACILI-**  
17 **TIES.**

18 (a) IN GENERAL.—The Secretary shall carry out a  
19 5-year pilot program within the Food Safety and Inspec-  
20 tion Service—

21 (1) to expand the availability of processing in-  
22 spectors, technical assistance, and onsite inspection  
23 for eligible processing facilities, including no-cost  
24 overtime inspections; and



1           (2) to identify and train part-time inspectors  
2           and technical assistance providers.

3           (b) PROFESSIONAL EXPERIENCE.—The Secretary  
4           shall determine the appropriate professional experience of  
5           inspectors and providers described in subsection (a)(2),  
6           which shall include individuals with expertise in veterinary  
7           medicine, public health, food service management, and  
8           animal science, as applicable.

9           (c) DEFINITIONS.—In this section:

10           (1) ELIGIBLE PROCESSING FACILITY.—The  
11           term “eligible processing facility” means—

12                   (A) an eligible facility described in section  
13                   764 of division N of the Consolidated Appro-  
14                   priations Act, 2021 (21 U.S.C. 473), that has  
15                   a labor peace agreement in place; and

16                   (B) a dairy processing facility that has a  
17                   labor peace agreement in place.

18           (2) LABOR PEACE AGREEMENT.—The term  
19           “labor peace agreement” means an agreement—

20                   (A) between an employer and a labor orga-  
21                   nization that represents, or is actively seeking  
22                   to represent, the employees of the employer;  
23                   and

24                   (B) under which such employer and labor  
25                   organization agree that—

1 (i) the employer—

2 (I) will not hinder any effort of  
3 an employee to join a labor organiza-  
4 tion; and

5 (II) will not take any action that  
6 directly or indirectly indicates or im-  
7 plies any opposition to an employee  
8 joining a labor organization;

9 (ii) the labor organization agrees to  
10 refrain from picketing, work stoppages, or  
11 boycotts against the employer;

12 (iii) the employer provides the labor  
13 organization with employee contact infor-  
14 mation, and facilitates or permits labor or-  
15 ganization access to employees at the  
16 workplace, including facilitating or permit-  
17 ting the labor organization to meet with  
18 employees to discuss joining the labor or-  
19 ganization; and

20 (iv) the employer shall, upon the re-  
21 quest of the labor organization, recognize  
22 the labor organization as the bargaining  
23 representative of the employees if a major-

- 1           ity of the employees choose the labor orga-
- 2           nization as their bargaining representative.

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