

118TH CONGRESS
1ST SESSION

S. 2818

To amend the Packers and Stockyards Act, 1921, to make unlawful acquisitions that would create monopolies, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 14, 2023

Mr. HAWLEY introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend the Packers and Stockyards Act, 1921, to make unlawful acquisitions that would create monopolies, 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.**

4 This Act may be cited as the “Strengthening Anti-
5 trust Enforcement for Meatpacking Act of 2023”.

6 **SEC. 2. UNLAWFUL ACTIVITIES UNDER PACKERS AND**
7 **STOCKYARDS ACT, 1921.**

8 Section 202 of the Packers and Stockyards Act, 1921
9 (7 U.S.C. 192), is amended—

1 (1) in each of subsections (a) through (f), by
 2 striking “; or” at the end and inserting a period;

3 (2) in subsection (e) (as amended by paragraph
 4 (1)), by inserting “, in accordance with subsection
 5 (b)” before the period at the end;

6 (3) in subsection (f)—

7 (A) by striking “(1)”;

8 (B) by striking “or (2)”;

9 (C) by striking “(3)”;

10 (4) in subsection (g), by striking “made unlaw-
 11 ful by subdivision (a), (b), (c), (d), or (e)” and in-
 12 serting “described in paragraphs (1) through (5)”;

13 (5) by redesignating subsections (a) through (g)
 14 as paragraphs (1) through (7), respectively, and in-
 15 denting appropriately;

16 (6) by striking the section designation and all
 17 that follows through “It shall be unlawful” in the
 18 matter preceding paragraph (1) (as so redesignated)
 19 and inserting the following:

20 **“SEC. 202. UNLAWFUL ACTIVITIES.**

21 “(a) IN GENERAL.—It shall be unlawful”;

22 (7) in subsection (a) (as so designated), in the
 23 matter preceding paragraph (1) (as so redesignated),
 24 by striking “to:” and inserting “to carry out the fol-
 25 lowing activities:”; and

1 (8) by adding at the end the following:

2 “(b) ACQUISITION CREATING A MONOPOLY.—

3 “(1) IN GENERAL.—For purposes of subsection
4 (a)(5), an acquisition shall be deemed to create a
5 monopoly if the acquisition would—

6 “(A) result in a Herfindahl-Hirschman
7 Index greater than 1,800 in any relevant mar-
8 ket; or

9 “(B) increase the Herfindahl-Hirschman
10 Index by more than 100 in any relevant mar-
11 ket.

12 “(2) CLAYTON ACT VIOLATION.—Any acquisi-
13 tion deemed to create a monopoly under paragraph
14 (1) shall be considered a violation of section 7 of the
15 Clayton Act (15 U.S.C. 18).”.

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