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

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

A BILL

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Strengthening Antitrust Enforcement for Meatpacking Act of 2023”.

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

Section 202 of the Packers and Stockyards Act, 1921 (7 U.S.C. 192), is amended—
(1) in each of subsections (a) through (f), by striking ‘‘; or’’ at the end and inserting a period;

(2) in subsection (e) (as amended by paragraph (1)), by inserting ‘‘, in accordance with subsection (b)’’ before the period at the end;

(3) in subsection (f)—

(A) by striking ‘‘(1)’’;

(B) by striking ‘‘or (2)’’; and

(C) by striking ‘‘(3)’’;

(4) in subsection (g), by striking ‘‘made unlawful by subdivision (a), (b), (c), (d), or (e)’’ and inserting ‘‘described in paragraphs (1) through (5)’’;

(5) by redesignating subsections (a) through (g) as paragraphs (1) through (7), respectively, and indenting appropriately;

(6) by striking the section designation and all that follows through ‘‘It shall be unlawful’’ in the matter preceding paragraph (1) (as so redesignated) and inserting the following:

‘‘SEC. 202. UNLAWFUL ACTIVITIES.

(a) In General.—It shall be unlawful’’;

(7) in subsection (a) (as so designated), in the matter preceding paragraph (1) (as so redesignated), by striking ‘‘to:’’ and inserting ‘‘to carry out the following activities:’’; and
(8) by adding at the end the following:

“(b) ACQUISITION CREATING A MONOPOLY.—

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

“(A) result in a Herfindahl-Hirschman Index greater than 1,800 in any relevant market; or

“(B) increase the Herfindahl-Hirschman Index by more than 100 in any relevant market.

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