

118TH CONGRESS  
1ST SESSION

# H. R. 797

To place a moratorium on large concentrated animal feeding operations, to strengthen the Packers and Stockyards Act, 1921, to require country of origin labeling on beef, pork, and dairy products, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 2, 2023

Mr. KHANNA (for himself, Ms. BUSH, Mr. LYNCH, Ms. PRESSLEY, Ms. BARRAGÁN, Mr. GOMEZ, Mr. NADLER, Mr. BLUMENAUER, Ms. JAYAPAL, Mr. BOWMAN, Mr. POCAN, Mr. LEVIN, Mr. KRISHNAMOORTHY, Ms. MCCOLLUM, Mr. COHEN, Mr. RASKIN, Mr. MCGOVERN, Ms. MENG, and Ms. NORTON) introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To place a moratorium on large concentrated animal feeding operations, to strengthen the Packers and Stockyards Act, 1921, to require country of origin labeling on beef, pork, and dairy products, 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,*

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

2 (a) SHORT TITLE.—This Act may be cited as the  
3 “Farm System Reform Act of 2023”.

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

Sec. 1. Short title; table of contents.

Sec. 2. Definition of Secretary.

TITLE I—ANIMAL FEEDING OPERATIONS

Sec. 101. Definitions.

Sec. 102. Moratorium on large concentrated animal feeding operations.

Sec. 103. Voluntary debt forgiveness and transition assistance program for animal feeding operations.

Sec. 104. Integrator responsibilities and liabilities.

TITLE II—AMENDMENTS TO PACKERS AND STOCKYARDS ACT,  
1921

Sec. 201. Definitions.

Sec. 202. Unlawful practices.

Sec. 203. Spot market purchases of livestock by packers.

Sec. 204. Investigation of live poultry dealers.

Sec. 205. Award of attorney fees.

Sec. 206. Technical amendments.

TITLE III—LABELING OF MEAT AND DAIRY PRODUCTS

Sec. 301. Restoration of mandatory country of origin labeling for beef and pork; inclusion of dairy products.

Sec. 302. Truth in labeling for meat and meat food products.

6 **SEC. 2. DEFINITION OF SECRETARY.**

7 In this Act, the term “Secretary” means the Sec-  
8 retary of Agriculture.

9 **TITLE I—ANIMAL FEEDING**  
10 **OPERATIONS**

11 **SEC. 101. DEFINITIONS.**

12 In this title:

13 (1) AGRONOMIC REQUIREMENT.—

1           (A) IN GENERAL.—The term “agronomic  
2 requirement” means the quantity of nutrient  
3 necessary to achieve a reasonable yield goal for  
4 a crop, as determined based on land grant uni-  
5 versity fertility rates, soil testing for available  
6 nutrients, manure analysis, and other planned  
7 nutrient applications.

8           (B) EXCLUSIONS.—Planned nutrient appli-  
9 cations under subparagraph (A) do not include  
10 nutrient indices, risk indices, or other methods  
11 that allow land application of manure in excess  
12 of crop need.

13 (2) ANIMAL FEEDING OPERATION; AFO.—

14           (A) IN GENERAL.—The term “animal feed-  
15 ing operation” or “AFO” means a lot or facility  
16 at which—

17                   (i) for not less than a total of 45 days  
18 in any 12-month period, animals (other  
19 than aquatic animals) are—

20                           (I) stabled or confined; and

21                           (II) fed or maintained; and

22                   (ii) crops, vegetation, forage growth,  
23 or postharvest residues are not sustained  
24 in the normal growing season over any por-  
25 tion of the lot or facility.

1 (B) AGGREGATION.—2 or more lots or fa-  
2 cilities described in subparagraph (A) shall con-  
3 stitute a single animal feeding operation if the  
4 lots or facilities—

5 (i) are located within 3 miles of each  
6 other; and

7 (ii) are under common ownership or  
8 control.

9 (C) EXCLUSION.—The term “animal feed-  
10 ing operation” or “AFO” does not include a  
11 stockyard (as that term is defined in section  
12 302(a) of the Packers and Stockyards Act,  
13 1921 (7 U.S.C. 202(a))).

14 (3) LARGE CONCENTRATED ANIMAL FEEDING  
15 OPERATION; LARGE CAFO.—The term “large con-  
16 centrated animal feeding operation” or “large  
17 CAFO” means an AFO at which are present not  
18 less than—

19 (A) 700 mature dairy cows, milked or dry;

20 (B) 1,000 veal calves;

21 (C) 1,000 cattle (including heifers, steers,  
22 bulls, cows, and calves) other than mature dairy  
23 cows or veal calves;

24 (D) 2,500 swine, each weighing not less  
25 than 55 pounds;

1 (E) 10,000 swine, each weighing not more  
2 than 55 pounds;

3 (F) 500 horses;

4 (G) 10,000 sheep or lambs;

5 (H) 55,000 turkeys;

6 (I) in the case of an AFO that uses a liq-  
7 uid manure handling system—

8 (i) 30,000 laying hens or broilers; or

9 (ii) 5,000 ducks; or

10 (J) in the case of an AFO that uses a sys-  
11 tem other than a liquid manure handling sys-  
12 tem—

13 (i) 125,000 chickens (other than lay-  
14 ing hens);

15 (ii) 82,000 laying hens; or

16 (iii) 30,000 ducks.

17 (4) CONTRACT GROWER.—The term “contract  
18 grower” means an owner of an AFO that raises live-  
19 stock or poultry pursuant to a written contract,  
20 marketing arrangement, or other arrangement with  
21 an integrator.

22 (5) INTEGRATOR.—The term “integrator”  
23 means an individual or entity that contracts with a  
24 contract grower under a growout contract, mar-  
25 keting arrangement, or other arrangement under

1       which the contract grower raises and cares for live-  
2       stock or poultry at an AFO in accordance with the  
3       instructions of the integrator for the purpose of  
4       slaughtering the livestock or poultry or selling the  
5       livestock or poultry for slaughter, if the livestock or  
6       poultry is sold or shipped in commerce (as described  
7       in section 2(b) of the Packers and Stockyards Act,  
8       1921 (7 U.S.C. 183)).

9               (6) MANURE.—The term “manure” means—

10                   (A) the fecal and urinary excretions of live-  
11                   stock and poultry; and

12                   (B) litter, bedding, compost and raw mate-  
13                   rials, process wastewater, and other materials  
14                   commingled with the excretions described in  
15                   subparagraph (A) or set aside for disposal after  
16                   such commingling.

17 **SEC. 102. MORATORIUM ON LARGE CONCENTRATED ANI-**  
18 **MAL FEEDING OPERATIONS.**

19       (a) IN GENERAL.—No large CAFO may commence  
20 or expand operations on or after the date of enactment  
21 of this Act.

22       (b) CESSATION OF OPERATIONS.—No large CAFO  
23 may continue to operate as a large CAFO after January  
24 1, 2040.

1 (c) PENALTIES.—Any person that violates subsection  
2 (a) or (b) may be assessed a civil penalty of up to \$10,000  
3 per violation, per day, in addition to any other applicable  
4 statutory civil penalty or monetary damages assessed pur-  
5 suant to any State common law judgment.

6 **SEC. 103. VOLUNTARY DEBT FORGIVENESS AND TRANSI-**  
7 **TION ASSISTANCE PROGRAM FOR ANIMAL**  
8 **FEEDING OPERATIONS.**

9 (a) DEFINITION OF ELIGIBLE ENTITY.—

10 (1) IN GENERAL.—In this section, the term “el-  
11 igible entity” means an owner of an AFO.

12 (2) EXCLUSION.—In this section, the term “eli-  
13 gible entity” does not include an owner of an AFO  
14 that is an integrator.

15 (b) ESTABLISHMENT.—Not later than 180 days after  
16 the date of enactment of this Act, the Secretary shall carry  
17 out a program to provide grants to eligible entities to per-  
18 manently transition from operating an AFO to carrying  
19 out other activities on the property on which the AFO is  
20 located.

21 (c) PAYMENTS.—Under the program established  
22 under subsection (b), the Secretary shall provide grants  
23 to eligible entities—

1           (1) to partially or fully pay off any outstanding  
2 debt of the eligible entity that was incurred to con-  
3 struct and operate the AFO; and

4           (2) to cover costs relating to the transition of  
5 the property on which the AFO is located to be used  
6 for alternative agriculture activities, such as raising  
7 pasture-based livestock, growing specialty crops, or  
8 organic commodity production.

9           (d) REQUIREMENT.—As a condition of receiving a  
10 grant under this section, an eligible entity shall provide  
11 to the Secretary a working lands easement on the property  
12 on which the AFO is located that prohibits—

13           (1) the operation of the AFO and any associ-  
14 ated waste management system on the easement  
15 area; and

16           (2) the use of the easement area for a spray  
17 field or land application of manure at rates exceed-  
18 ing crop agronomic requirements for nitrogen and  
19 phosphorus.

20           (e) FUNDING.—

21           (1) IN GENERAL.—On the first October 1 after  
22 the date of enactment of this Act, and on each Octo-  
23 ber 1 thereafter, out of any funds in the Treasury  
24 not otherwise appropriated, the Secretary of the  
25 Treasury shall transfer to the Secretary to carry out

1 this section \$10,000,000,000, to remain available  
2 until expended.

3 (2) RECEIPT AND ACCEPTANCE.—The Sec-  
4 retary shall be entitled to receive, shall accept, and  
5 shall use to carry out this section the funds trans-  
6 ferred under paragraph (1), without further appro-  
7 priation.

8 **SEC. 104. INTEGRATOR RESPONSIBILITIES AND LIABIL-**  
9 **ITIES.**

10 (a) RESPONSIBILITIES AND LIABILITIES.—

11 (1) IN GENERAL.—An integrator that exercises  
12 substantial operational control of an AFO, as de-  
13 scribed in subsection (b), shall be responsible and  
14 liable for, with respect to the operation of the  
15 AFO—

16 (A) the disposal of dead animals;

17 (B) the disposal of manure, excrement,  
18 and other waste;

19 (C) the discharge or release of any air pol-  
20 lutant, including greenhouse gases, from any  
21 source located on or activity occurring at the  
22 AFO, including enteric processes, manure, and  
23 animal feed;

24 (D) the discharge of any pollutant to  
25 groundwater or any surface water body, includ-

1           ing the production area, manure storage, ma-  
2           nure land application area (crop field), tile  
3           drain, and agricultural stormwater runoff of the  
4           AFO;

5           (E) any harm suffered by the contract  
6           grower of the AFO or a third party from any  
7           activity described in subparagraphs (A) through  
8           (D), or from any other on-property or off-prop-  
9           erty contamination, including following an ex-  
10          treme weather event; and

11          (F) any adverse health impacts, property  
12          value diminution, and loss of use and enjoyment  
13          of property suffered by neighboring residents of  
14          the AFO due to the operation of the AFO.

15          (2) DUTIES NOT TRANSFERABLE.—The respon-  
16          sibilities and liabilities of an integrator under this  
17          subsection shall be nondelegable and  
18          nontransferrable to any third party, including any  
19          contract grower.

20          (b) SUBSTANTIAL OPERATIONAL CONTROL.—An in-  
21          tegrator exercises substantial operational control of an  
22          AFO if the integrator—

23                  (1) holds an ownership interest in the livestock  
24                  or poultry, land, or other capital of the AFO;

1 (2) through a growout contract, marketing ar-  
2 rangement, or other arrangement, or through direct  
3 supervision of, or on-site participation in, activities  
4 at the AFO, controls—

5 (A) the activity of persons working at the  
6 AFO;

7 (B) the operation, management, or waste  
8 management practices of the AFO; or

9 (C) the manner in which livestock or poul-  
10 try at the AFO are grown, fed, watered, venti-  
11 lated, heated, cooled, or medicated;

12 (3) supplies feed, pharmaceuticals, or other in-  
13 puts to the AFO; or

14 (4) requires a capital investment from the con-  
15 tract grower of the AFO for erecting or expanding  
16 facilities at the AFO.

17 (c) CIVIL ACTIONS.—

18 (1) IN GENERAL.—Any person may—

19 (A) bring a civil action against an inte-  
20 grator in an appropriate court to redress any  
21 violation of this section or any other law relat-  
22 ing to the activities described in this section;  
23 and

24 (B) obtain appropriate relief in a civil ac-  
25 tion under subparagraph (A).

1           (2) ATTORNEY’S FEES FOR PLAINTIFF.—The  
2           court shall award a reasonable attorney’s fee as part  
3           of the costs to a prevailing plaintiff in a civil action  
4           under this subsection.

5           (3) NO PREEMPTION.—Nothing in this sub-  
6           section preempts, alters, displaces, abridges, or sup-  
7           plants any claim or remedy available under any  
8           State or Federal law, including common law, that  
9           provides a remedy for civil relief.

10          (d) AFO DISCHARGES.—Section 402 of the Federal  
11          Water Pollution Control Act (33 U.S.C. 1342) is amended  
12          by adding at the end the following:

13          “(t) AFO DISCHARGES.—The Administrator shall re-  
14          quire that all persons exercising substantial operational  
15          control (as described in section 104(b) of the Farm Sys-  
16          tem Reform Act of 2023) over an animal feeding operation  
17          (as defined in section 101 of that Act) jointly obtain a  
18          permit under this section for a discharge from the animal  
19          feeding operation.”.

20          **TITLE II—AMENDMENTS TO**  
21          **PACKERS AND STOCKYARDS**  
22          **ACT, 1921**

23          **SEC. 201. DEFINITIONS.**

24          Section 2(a) of the Packers and Stockyards Act,  
25          1921 (7 U.S.C. 182(a)), is amended—

1           (1) 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           (2) 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          (3) in each of paragraphs (1) through (9), by  
12          striking the semicolon at the end and inserting a pe-  
13          riod;

14          (4) 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          (5) 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. 202. UNLAWFUL PRACTICES.**

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

4 (1) by redesignating subsections (a) through (f)  
5 and (g) as paragraphs (1) through (6) and (10), re-  
6 spectively, and indenting appropriately;

7 (2) by striking the section designation and all  
8 that follows through “It shall be” in the matter pre-  
9 ceding paragraph (1) (as so redesignated) and in-  
10 serting the following:

11 **“SEC. 202. UNLAWFUL ACTS.**

12 “(a) IN GENERAL.—It shall be.—”;

13 (3) in subsection (a)—

14 (A) in the matter preceding paragraph (1)  
15 (as so redesignated), by striking “to:” and in-  
16 serting “to do any of the following:”;

17 (B) in each of paragraphs (1) through (6)  
18 (as so redesignated), by striking “; or” each  
19 place it appears and inserting a period;

20 (C) in paragraph (6) (as so redesi-  
21 gnated)—

22 (i) by striking “(1)” and inserting  
23 “(A)”;

24 (ii) by striking “(2)” and inserting  
25 “(B)”;

1 (iii) by striking “(3)” and inserting  
2 “(C)”;

3 (D) by inserting after paragraph (6) the  
4 following:

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

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

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

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

15 “(ii) more than 1 blind bid is solici-  
16 ited; and

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

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

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

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

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

24 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.”; and

15                  (E) in paragraph (10) (as so redesign-  
16                  ated), by striking “subdivision (a), (b), (c),  
17                  (d), or (e)” and inserting “paragraphs (1)  
18                  through (9)”;

19                  (4) by adding at the end the following:

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

24                  “(1) Refusal to provide, on the request of a  
25                  livestock producer, swine production contract grow-

1 er, or poultry grower with which the packer, swine  
2 contractor, or live poultry dealer has a marketing or  
3 delivery contract, the relevant statistical information  
4 and data used to determine the compensation paid  
5 to the livestock producer, swine production contract  
6 grower, or poultry grower, as applicable, under the  
7 contract, including—

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

10 “(B) feed analysis;

11 “(C) breeder history;

12 “(D) quality grade;

13 “(E) yield grade; and

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

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

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

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

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

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

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

15           “(c) UNDUE OR UNREASONABLE PREFERENCES, AD-  
16 VANTAGES, PREJUDICES, AND DISADVANTAGES.—

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

20           “(A) A retaliatory action (including coer-  
21 cion or intimidation) or the threat of retaliatory  
22 action—

23           “(i) in connection with the execution,  
24 termination, extension, or renewal of a  
25 contract or agreement with a livestock pro-

1           ducer, swine production contract grower,  
2           or poultry grower aimed to discourage the  
3           exercise of the rights of the livestock pro-  
4           ducer, swine production contract grower,  
5           or poultry grower under this Act or any  
6           other law; and

7           “(ii) in response to lawful communica-  
8           tion (including as described in paragraph  
9           (2)), association, or assertion of rights by  
10          a livestock producer, swine production con-  
11          tract grower, or poultry grower.

12          “(B) Use of the tournament system for  
13          poultry as described in paragraph (3).

14          “(2) **LAWFUL COMMUNICATION DESCRIBED.**—A  
15          lawful communication referred to in paragraph  
16          (1)(A)(ii) includes—

17                 “(A) a communication with officials of a  
18                 Federal agency or Members of Congress;

19                 “(B) any lawful disclosure that dem-  
20                 onstrates a reasonable belief of a violation of  
21                 this Act or any other law; and

22                 “(C) any other communication that assists  
23                 in carrying out the purposes of this Act.

24          “(3) **USE OF TOURNAMENT SYSTEM FOR POUL-**  
25          **TRY.**—

1           “(A) IN GENERAL.—Subject to subpara-  
2 graph (B), a live poultry dealer shall be in vio-  
3 lation of subsection (a)(2) if the live poultry  
4 dealer determines the formula for calculating  
5 the pay of a poultry grower in a tournament  
6 group by comparing the performance of the  
7 birds of other poultry growers in the group  
8 using factors outside the control of the poultry  
9 grower and within the control of the live poultry  
10 dealer.

11           “(B) EXCEPTION.—Under subparagraph  
12 (A), a live poultry dealer shall not be found in  
13 violation of subsection (a)(2) if the live poultry  
14 dealer demonstrates through clear and con-  
15 vincing evidence that the inputs and services  
16 described in subparagraph (C) that were used  
17 in the comparative evaluation were substantially  
18 the same in quality, quantity, and timing, as  
19 applicable, for all poultry growers in the tour-  
20 nament group.

21           “(C) INPUTS AND SERVICES DESCRIBED.—  
22 The inputs and services referred to in subpara-  
23 graph (B) include, with respect to poultry grow-  
24 ers in the same tournament group—

- 1                   “(i) the quantity, breed, sex, and age  
2 of chicks delivered to each poultry grower;
- 3                   “(ii) the breed and age of the breeder  
4 flock from which chicks are drawn for each  
5 poultry grower;
- 6                   “(iii) the quality, type (such as starter  
7 feed), and quantity of feed delivered to  
8 each poultry grower;
- 9                   “(iv) the quality of and access to  
10 medications for the birds of each poultry  
11 grower;
- 12                   “(v) the number of birds in a flock de-  
13 livered to each poultry grower;
- 14                   “(vi) the timing of the pick-up of  
15 birds for processing (including the age of  
16 the birds and the number of days that the  
17 birds are in the care of the poultry grower)  
18 for each poultry grower;
- 19                   “(vii) the death loss of birds during  
20 pick-up, transport, and time spent at the  
21 processing plant for each poultry grower;
- 22                   “(viii) condemnations of parts of birds  
23 due to actions in processing for each poul-  
24 try grower;

1           “(ix) condemnations of whole birds  
2           due to the fault of the poultry grower;

3           “(x) the death loss of birds due to the  
4           fault of the poultry grower;

5           “(xi) the stated reasons for the cause  
6           of the death losses and condemnations de-  
7           scribed in clauses (vii) through (x);

8           “(xii) the type and classification of  
9           each poultry grower; and

10           “(xiii) any other input or service that  
11           may have an impact on feed conversion to  
12           weight gain efficiency or the life span of  
13           the birds of each poultry grower.

14           “(d) HARM TO COMPETITION NOT REQUIRED.—In  
15           determining whether an act, device, or conduct is a viola-  
16           tion under paragraph (1) or (2) of subsection (a), a find-  
17           ing that the act, device, or conduct adversely affected or  
18           is likely to adversely affect competition is not required.”.

19           (b) EFFECTIVE DATE.—

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

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

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

11                   (B) in the case of a packer of any other  
 12                   type of livestock, beginning not later than 180  
 13                   days after the date of enactment of this Act, as  
 14                   determined by the Secretary.

15 **SEC. 203. SPOT MARKET PURCHASES OF LIVESTOCK BY**  
 16 **PACKERS.**

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

20 **“SEC. 202A. SPOT MARKET PURCHASES OF LIVESTOCK BY**  
 21 **PACKERS.**

22           “(a) DEFINITIONS.—In this section:

23                   “(1) COVERED PACKER.—

24                           “(A) IN GENERAL.—The term ‘covered  
 25                           packer’ means a packer that is required under

1 subtitle B of the Agricultural Marketing Act of  
2 1946 (7 U.S.C. 1635 et seq.) to report to the  
3 Secretary each reporting day information on the  
4 price and quantity of livestock purchased by the  
5 packer.

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

9 “(2) NONAFFILIATED PRODUCER.—The term  
10 ‘nonaffiliated producer’ means a producer of live-  
11 stock—

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

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

15 “(C) that has no officers, directors, em-  
16 ployees, or owners that are officers, directors,  
17 employees, or owners of the packer;

18 “(D) that has no fiduciary responsibility to  
19 the packer; and

20 “(E) in which the packer has no equity in-  
21 terest.

22 “(3) SPOT MARKET SALE.—

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

1           “(i) under an agreement that specifies  
2           a firm base price that may be equated with  
3           a fixed dollar amount on the date the  
4           agreement is entered into;

5           “(ii) under which the livestock are  
6           slaughtered not more than 7 days after the  
7           date on which the agreement is entered  
8           into; and

9           “(iii) under circumstances in which a  
10          reasonable competitive bidding opportunity  
11          exists on the date on which the agreement  
12          is entered into.

13          “(B) REASONABLE COMPETITIVE BIDDING  
14          OPPORTUNITY.—For the purposes of subpara-  
15          graph (A)(iii), a reasonable competitive bidding  
16          opportunity shall be considered to exist if—

17                 “(i) no written or oral agreement pre-  
18                 cludes the producer from soliciting or re-  
19                 ceiving bids from other packers; and

20                 “(ii) no circumstance, custom, or  
21                 practice exists that—

22                         “(I) establishes the existence of  
23                         an implied contract (as determined in  
24                         accordance with the Uniform Com-  
25                         mercial Code); and

1                   “(II) precludes the producer from  
2                   soliciting or receiving bids from other  
3                   packers.

4           “(b) GENERAL RULE.—Of the quantity of livestock  
5 that is slaughtered by a covered packer during each re-  
6 porting day in each plant, the covered packer shall slaugh-  
7 ter not less than the applicable percentage specified in  
8 subsection (c) of the quantity through spot market sales  
9 from nonaffiliated producers.

10           “(c) APPLICABLE PERCENTAGES.—

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

14                   “(2) EXCEPTIONS.—In the case of a covered  
15 packer that reported to the Secretary in the 2020  
16 annual report that more than 60 percent of the live-  
17 stock of the covered packer were committed procure-  
18 ment livestock, the applicable percentage shall be the  
19 greater of—

20                           “(A) the difference between the percentage  
21 of committed procurement so reported and 100  
22 percent; and

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

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

3           “(iii) during calendar year 2028 and each  
4           calendar year thereafter, 50 percent.

5           “(d) NONPREEMPTION.—This section does not pre-  
6           empt any requirement of a State or political subdivision  
7           of a State that requires a covered packer to purchase on  
8           the spot market a greater percentage of the livestock pur-  
9           chased by the covered packer than is required under this  
10          section.”.

11       **SEC. 204. INVESTIGATION OF LIVE POULTRY DEALERS.**

12           (a) ADMINISTRATIVE ENFORCEMENT AUTHORITY  
13           OVER LIVE POULTRY DEALERS.—Sections 203, 204, and  
14           205 of the Packers and Stockyards Act, 1921 (7 U.S.C.  
15           193, 194, 195), are amended by inserting “, live poultry  
16           dealer,” after “packer” each place it appears.

17           (b) AUTHORITY TO REQUEST TEMPORARY INJUNC-  
18           TION OR RESTRAINING ORDER.—Section 408(a) of the  
19           Packers and Stockyards Act, 1921 (7 U.S.C. 228a(a)), is  
20           amended by inserting “or poultry care” after “on account  
21           of poultry”.

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

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

4           (2) in subsection (b), in the first sentence, by  
5 striking “any provisions of section 207 or section  
6 410” and inserting “any provision”.

7 **SEC. 205. AWARD OF ATTORNEY FEES.**

8           Section 204 of the Packers and Stockyards Act, 1921  
9 (7 U.S.C. 194), is amended by adding at the end the fol-  
10 lowing:

11           “(i) ATTORNEY’S FEE.—The court shall award a rea-  
12 sonable attorney’s fee as part of the costs to a prevailing  
13 plaintiff in a civil action under this section.”.

14 **SEC. 206. TECHNICAL AMENDMENTS.**

15           (a) Section 203 of the Packers and Stockyards Act,  
16 1921 (7 U.S.C. 193), is amended—

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

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

20                   (B) by striking “his charges” and inserting  
21 “the charges”;

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

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—LABELING OF MEAT**  
2             **AND DAIRY PRODUCTS**

3     **SEC. 301. RESTORATION OF MANDATORY COUNTRY OF ORI-**  
4             **GIN LABELING FOR BEEF AND PORK; INCLU-**  
5             **SION OF DAIRY PRODUCTS.**

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

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

11                   (2) by inserting before paragraph (2) (as so re-  
12                    designated) the following:

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

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

16                             (A) in subparagraph (A)—

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

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

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

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

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

2 “(xii) dairy products.”; and

3 (B) in subparagraph (B), by inserting

4 “(other than clause (xii) of that subpara-  
5 graph)” after “subparagraph (A)”;

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

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

10 “(A) fluid milk;

11 “(B) cheese, including cottage cheese and  
12 cream cheese;

13 “(C) yogurt;

14 “(D) ice cream;

15 “(E) butter; and

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

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

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

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

1           “(5) DESIGNATION OF COUNTRY OF ORIGIN  
2           FOR DAIRY PRODUCTS.—

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

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

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

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

21 **SEC. 302. TRUTH IN LABELING FOR MEAT AND MEAT FOOD**  
22 **PRODUCTS.**

23           Section 7 of the Federal Meat Inspection Act (21  
24 U.S.C. 607) is amended by adding at the end the fol-  
25 lowing:

1           “(g) PRODUCT OF THE UNITED STATES.—The label  
2 of a meat or meat food product may bear the phrase  
3 ‘Product of U.S.A.’, or any substantially similar word or  
4 phrase, only if the meat or meat food product is exclusively  
5 derived from 1 or more animals exclusively born, raised,  
6 and slaughtered in the United States.”.

○