

118TH CONGRESS
1ST SESSION

S. 2633

To amend the Packers and Stockyard Act, 1921, to provide administrative enforcement authority over live poultry dealers, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 27, 2023

Mr. FETTERMAN introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To amend the Packers and Stockyard Act, 1921, to provide administrative enforcement authority over live poultry dealers, 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 “Poultry Grower Fair-
5 ness Act of 2023”.

6 **SEC. 2. INVESTIGATION OF LIVE POULTRY DEALERS.**

7 (a) ADMINISTRATIVE ENFORCEMENT AUTHORITY
8 OVER LIVE POULTRY DEALERS.—Sections 203, 204, and
9 205 of the Packers and Stockyards Act, 1921 (7 U.S.C.

1 193, 194, 195), are amended by inserting “, live poultry
2 dealer,” after “packer” each place it appears.

3 (b) **AUTHORITY TO REQUEST TEMPORARY INJUNC-**
4 **TION OR RESTRAINING ORDER.**—Section 408(a) of the
5 Packers and Stockyards Act, 1921 (7 U.S.C. 228a(a)), is
6 amended by inserting “, or poultry care,” after “on ac-
7 count of poultry obtained”.

8 (c) **REPEALS.**—Sections 411, 412, and 413 of the
9 Packers and Stockyards Act, 1921 (7 U.S.C. 228b–2,
10 228b–3, 228b–4), are repealed.

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

12 Section 308 of the Packers and Stockyards Act, 1921
13 (7 U.S.C. 209), is amended by adding at the end the fol-
14 lowing:

15 “(c) **ATTORNEY’S FEE.**—The court shall award a
16 reasonable attorney’s fee as part of the costs to a pre-
17 vailing plaintiff in a civil action under this section.”.

18 **SEC. 4. TECHNICAL AMENDMENTS.**

19 (a) Section 2(a) of the Packers and Stockyards Act,
20 1921 (7 U.S.C. 182(a)), is amended—

21 (1) in the matter preceding paragraph (1), by
22 striking “When used in this Act—” and inserting
23 “In this Act.”;

24 (2) in paragraph (8), by striking “for slaugh-
25 ter” and all that follows through “of such poultry”

1 and inserting “under a poultry growing arrange-
2 ment, regardless of whether the poultry is owned by
3 that person or another person”; and

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

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

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

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

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

16 (2) in subsection (b), in the first sentence, by
17 striking “he shall make a report in writing in which
18 he shall state his findings” and inserting “the Sec-
19 retary shall make a report in writing in which the
20 Secretary shall state the findings of the Secretary”;
21 and

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

24 (c) Section 204 of the Packers and Stockyards Act,
25 1921 (7 U.S.C. 194), is amended—

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

4 (2) in subsection (c), by striking “his officers,
5 directors, agents, and employees” and inserting “the
6 officers, directors, agents, and employees of the
7 packer, live poultry dealer, or swine packer”;

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

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

11 (B) by striking “he” and inserting “the
12 Secretary”; and

13 (4) in subsection (g), by striking “his officers,
14 directors, agents, and employees” and inserting “the
15 officers, directors, agents, and employees of the
16 packer, live poultry dealer, or swine packer”.

○