

118TH CONGRESS
1ST SESSION

S. 346

To establish the Office of the Special Investigator for Competition Matters
within the Department of Agriculture.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 9, 2023

Mr. TESTER (for himself, Mr. GRASSLEY, Mr. ROUNDS, Mr. BLUMENTHAL,
Mr. BOOKER, Mr. DAINES, Mr. HEINRICH, Mr. HOEVEN, Ms. KLOBUCHAR,
Ms. STABENOW, and Mr. WYDEN) introduced the following bill;
which was read twice and referred to the Committee on Agriculture, Nu-
trition, and Forestry

A BILL

To establish the Office of the Special Investigator for
Competition Matters within the Department of Agriculture.

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 “Meat and Poultry Spe-
5 cial Investigator Act of 2023”.

1 **SEC. 2. OFFICE OF THE SPECIAL INVESTIGATOR FOR COM-**
2 **PETITION MATTERS.**

3 (a) IN GENERAL.—The Department of Agriculture
4 Reorganization Act of 1994 is amended by inserting after
5 section 216 (7 U.S.C. 6916) the following:

6 **“SEC. 217. OFFICE OF THE SPECIAL INVESTIGATOR FOR**
7 **COMPETITION MATTERS.**

8 “(a) ESTABLISHMENT.—There is established in the
9 Department an office, to be known as the ‘Office of the
10 Special Investigator for Competition Matters’ (referred to
11 in this section as the ‘Office’).

12 “(b) SPECIAL INVESTIGATOR FOR COMPETITION
13 MATTERS.—The Office shall be headed by the Special In-
14 vestigator for Competition Matters (referred to in this sec-
15 tion as the ‘Special Investigator’), who shall be a senior
16 career employee appointed by the Secretary.

17 “(c) DUTIES.—The Special Investigator shall—

18 “(1) use all available tools, including subpoenas,
19 to investigate and prosecute violations of the Pack-
20 ers and Stockyards Act, 1921 (7 U.S.C. 181 et
21 seq.), by packers and live poultry dealers with re-
22 spect to competition and trade practices in the food
23 and agriculture sector;

24 “(2) serve as a Department liaison to, and act
25 in consultation with, the Department of Justice and
26 the Federal Trade Commission with respect to com-

1 petition and trade practices in the food and agricul-
2 tural sector;

3 “(3) act in consultation with the Department of
4 Homeland Security with respect to national security
5 and critical infrastructure security in the food and
6 agricultural sector;

7 “(4) maintain a staff of attorneys and other
8 professionals with appropriate expertise; and

9 “(5) in carrying out paragraphs (1) through
10 (4), coordinate with the Office of the General Coun-
11 sel and the Packers and Stockyards Division of the
12 Agricultural Marketing Service.

13 “(d) PROSECUTORIAL AUTHORITY.—

14 “(1) IN GENERAL.—Notwithstanding title 28,
15 United States Code, the Special Investigator shall
16 have the authority to bring any civil or administra-
17 tive action authorized under the Packers and Stock-
18 yards Act, 1921 (7 U.S.C. 181 et seq.), against a
19 packer or a live poultry dealer.

20 “(2) NOTIFICATION.—With respect to any ac-
21 tion brought under this section in Federal district
22 court, the Special Investigator shall notify the Attor-
23 ney General.

24 “(3) EFFECT.—Nothing in this section alters
25 the authority of the Secretary to issue a subpoena

1 pursuant to the Packers and Stockyards Act, 1921
2 (7 U.S.C. 181 et seq.).

3 “(e) LIMITATION ON SCOPE.—The Special Investi-
4 gator may not bring an action under this section with re-
5 spect to an entity that is not regulated under the Packers
6 and Stockyards Act, 1921 (7 U.S.C. 181 et seq.).”.

7 (b) CONFORMING AMENDMENT.—Section 296(b) of
8 the Department of Agriculture Reorganization Act of
9 1994 (7 U.S.C. 7014(b)) is amended by adding at the end
10 the following:

11 “(11) The authority of the Secretary to carry
12 out section 217.”.

13 (c) TECHNICAL AMENDMENT.—Subtitle A of the De-
14 partment of Agriculture Reorganization Act of 1994 is
15 amended by redesignating the first section 225 (relating
16 to Food Access Liaison) (7 U.S.C. 6925) as section 224A.

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