

111TH CONGRESS  
1ST SESSION

# S. 364

To provide for the review of agricultural mergers and acquisitions by the Department of Justice, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 3, 2009

Mr. GRASSLEY (for himself and Mr. KOHL) introduced the following bill;  
which was read twice and referred to the Committee on the Judiciary

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## A BILL

To provide for the review of agricultural mergers and acquisitions by the Department of Justice, 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 “Agriculture Competi-  
5       tion Enhancement Act of 2009”.

6       **SEC. 2. DEFINITIONS.**

7       In this Act:

8               (1) **AGRICULTURAL COMMODITY.**—The term  
9       “agricultural commodity” has the meaning given

1 that term in section 102 of the Agricultural Trade  
2 Act of 1978 (7 U.S.C. 5602).

3 (2) AGRICULTURAL COOPERATIVE.—The term  
4 “agricultural cooperative” means an association of  
5 persons that meets the requirements of the Capper-  
6 Volstead Act (7 U.S.C. 291 et seq.).

7 (3) AGRICULTURAL INDUSTRY.—The term “ag-  
8 ricultural industry” means any dealer, processor,  
9 commission merchant, or broker involved in the buy-  
10 ing or selling of agricultural commodities.

11 (4) ANTITRUST LAWS.—The term “antitrust  
12 laws” has the meaning given that term in the first  
13 section of the Clayton Act (15 U.S.C. 12).

14 (5) ASSISTANT ATTORNEY GENERAL.—The  
15 term “Assistant Attorney General” means the As-  
16 sistant Attorney General in charge of the Antitrust  
17 Division of the Department of Justice.

18 (6) BROKER.—The term “broker” means any  
19 person (excluding an agricultural cooperative) en-  
20 gaged in the business of negotiating sales and pur-  
21 chases of any agricultural commodity in commerce  
22 for or on behalf of the vendor or the purchaser.

23 (7) CHAIRMAN.—The term “Chairman” means  
24 the Chairman of the Federal Trade Commission.

1           (8) COMMISSION MERCHANT.—The term “com-  
2           mission merchant” means any person (excluding an  
3           agricultural cooperative) engaged in the business of  
4           receiving in commerce any agricultural commodity  
5           for sale, on commission, or for or on behalf of an-  
6           other.

7           (9) DEALER.—The term “dealer” means any  
8           person (excluding an agricultural cooperative) en-  
9           gaged in the business of buying, selling, or mar-  
10          keting agricultural commodities in commerce, except  
11          that no person shall be considered a dealer with re-  
12          spect to sales or marketing of any agricultural com-  
13          modity produced by that person.

14          (10) PROCESSOR.—The term “processor”  
15          means any person (excluding an agricultural cooper-  
16          ative) engaged in the business of handling, pre-  
17          paring, or manufacturing (including slaughtering)  
18          an agricultural commodity, or the products of such  
19          agricultural commodity, for sale or marketing in  
20          commerce for human consumption (excluding sale or  
21          marketing at the retail level).

22          (11) SECRETARY.—The term “Secretary”  
23          means the Secretary of Agriculture.

24          (12) SPECIAL COUNSEL.—The term “Special  
25          Counsel” means the Special Counsel for Competition

1 Matters of the Department of Agriculture estab-  
2 lished under section 8.

3 (13) TASK FORCE.—The term “Task Force”  
4 means the Agriculture Competition Task Force es-  
5 tablished under section 4.

6 **SEC. 3. DEPUTY ASSISTANT ATTORNEY GENERAL FOR AG-**  
7 **RICULTURAL ANTITRUST MATTERS.**

8 There is in the Antitrust Division of the Department  
9 of Justice a Deputy Assistant Attorney General for Agri-  
10 cultural Antitrust Matters, who shall—

11 (1) be responsible for oversight and coordina-  
12 tion of antitrust and related matters which affect  
13 agriculture, directly or indirectly; and

14 (2) work in coordination with the Task Force  
15 and the Department of Agriculture on all agricul-  
16 tural competition matters.

17 **SEC. 4. AGRICULTURE COMPETITION TASK FORCE.**

18 (a) ESTABLISHMENT.—There is established, under  
19 the authority of the Attorney General, the Agriculture  
20 Competition Task Force, to examine problems in agricul-  
21 tural competition.

22 (b) MEMBERSHIP.—The Task Force shall consist  
23 of—

1           (1) the Deputy Assistant Attorney General for  
2           Agricultural Antitrust Matters, who shall serve as  
3           chairperson of the Task Force;

4           (2) the Special Counsel;

5           (3) a representative from the Federal Trade  
6           Commission;

7           (4) a representative from the Department of  
8           Agriculture, Office of Packers and Stockyards;

9           (5) 2 representatives selected jointly by the at-  
10          torneys general of States desiring to participate in  
11          the Task Force;

12          (6) 2 representatives selected jointly by the  
13          heads of the departments of agriculture (or similar  
14          such agency) of States desiring to participate in the  
15          Task Force;

16          (7) 4 individuals who represent the interests of  
17          small family farmers, ranchers, and independent  
18          producers—

19                 (A) 1 of whom shall be selected by the ma-  
20                 jority leader of the Senate;

21                 (B) 1 of whom shall be selected by the mi-  
22                 nority leader of the Senate;

23                 (C) 1 of whom shall be selected by the  
24                 Speaker of the House of Representatives; and

1 (D) 1 of whom shall be selected by the mi-  
2 nority leader of the House of Representatives;  
3 and

4 (8) 8 academics or other independent experts  
5 working in the field of agriculture, agricultural law,  
6 antitrust law, or economics—

7 (A) 2 of whom shall be selected by the ma-  
8 jority leader of the Senate;

9 (B) 2 of whom shall be selected by the mi-  
10 nority leader of the Senate;

11 (C) 2 of whom shall be selected by the  
12 Speaker of the House of Representatives; and

13 (D) 2 of whom shall be selected by the mi-  
14 nority leader of the House of Representatives.

15 (c) DUTIES.—The Task Force shall—

16 (1) investigate problems in competition in the  
17 agricultural industry;

18 (2) define and focus the national public interest  
19 in preserving an independent family farm and ranch  
20 sector;

21 (3) coordinate Federal and State activities to  
22 address unfair and deceptive practices and con-  
23 centration in the agricultural industry;

1           (4) work with representatives from agriculture  
2           and rural communities to identify abusive practices  
3           in the agricultural industry;

4           (5) submit to Congress such reports as the  
5           Task Force determines on the state of family farm-  
6           ers and ranchers, and the impact of agricultural con-  
7           centration and unfair business practices on rural  
8           communities in the United States; and

9           (6) make such recommendations to Congress as  
10          the Task Force determines on agricultural competi-  
11          tion issues.

12          (d) WORKING GROUP.—

13           (1) IN GENERAL.—The Task Force shall estab-  
14          lish a working group on buyer power to—

15           (A) study the effects of concentration, mo-  
16          nopsony, and oligopsony in agriculture, make  
17          recommendations to the Assistant Attorney  
18          General and the Chairman, and assist the As-  
19          sistant Attorney General and the Chairman in  
20          drafting agricultural guidelines under section  
21          6(b); and

22           (B) select certain agricultural mergers and  
23          acquisitions that were consummated within the  
24          past 10 years, review the effects of such merg-  
25          ers and acquisitions on competition in agricul-

1           tural commodities markets, and make rec-  
2           ommendations to the Assistant Attorney Gen-  
3           eral, the Chairman, and the Secretary.

4           (2) MEMBERS.—The working group shall in-  
5           clude any member of the Task Force selected under  
6           subsection (b)(8).

7           (e) MEETINGS.—

8           (1) FIRST MEETING.—The Task Force shall  
9           hold its initial meeting not later than the later of—

10                   (A) 90 days after the date of enactment of  
11           this Act; and

12                   (B) 30 days after the date of enactment of  
13           an Act making appropriations to carry out this  
14           section.

15           (2) MINIMUM NUMBER.—The Task Force shall  
16           meet not less than 3 times each year, at the call of  
17           the chairperson.

18           (f) COMPENSATION.—

19           (1) IN GENERAL.—The members of the Task  
20           Force shall serve without compensation.

21           (2) TRAVEL EXPENSES.—Members of the Task  
22           Force shall receive travel expenses, including per  
23           diem in lieu of subsistence, in accordance with sub-  
24           chapter I of chapter 57 of title 5, United States  
25           Code.



1 (g) STAFF OF TASK FORCE; EXPERTS AND CON-  
2 SULTANTS.—

3 (1) STAFF.—

4 (A) APPOINTMENT.—The chairperson of  
5 the Task Force may, without regard to the pro-  
6 visions of chapter 51 of title 5 of the United  
7 States Code (relating to appointments in the  
8 competitive service), appoint and terminate an  
9 executive director and such other staff as are  
10 necessary to enable the Task Force to perform  
11 its duties. The appointment of an executive di-  
12 rector shall be subject to approval by the Task  
13 Force.

14 (B) COMPENSATION.—The chairperson of  
15 the Task Force may fix the compensation of the  
16 executive director and other staff without re-  
17 gard to the provisions of chapter 51 and sub-  
18 chapter III of chapter 53 of title 5 of the  
19 United States Code (relating to classification of  
20 positions and General Schedule pay rates), ex-  
21 cept that the rate of pay for the executive direc-  
22 tor and other staff may not exceed the rate of  
23 basic pay payable for level V of the Executive  
24 Schedule under section 5315 of title 5 United  
25 States Code, as in effect from time to time.

1           (2) EXPERTS AND CONSULTANTS.—The Task  
2 Force may procure temporary and intermittent serv-  
3 ices of experts and consultants in accordance with  
4 section 3109(b) of title 5, United States Code.

5           (h) POWERS OF THE TASK FORCE.—

6           (1) HEARINGS AND MEETINGS.—The Task  
7 Force, or a member of the Task Force if authorized  
8 by the Task Force, may hold such hearings, sit and  
9 act at such time and places, take such testimony, re-  
10 ceive such evidence, and administer such oaths or af-  
11 firmations as the Task Force considers to be appro-  
12 priate.

13           (2) OFFICIAL DATA.—The Task Force may ob-  
14 tain directly from any executive agency (as defined  
15 in section 105 of title 5 of the United States Code)  
16 or court information necessary to enable it to carry  
17 out its duties under this section. On the request of  
18 the chairperson of the Task Force, and consistent  
19 with any other law, the head of an executive agency  
20 or of a Federal court shall provide such information  
21 to the Task Force.

22           (3) FACILITIES AND SUPPORT SERVICES.—The  
23 Administrator of General Services shall provide to  
24 the Task Force on a reimbursable basis such facili-  
25 ties and support services as the Task Force may re-

1       quest. On request of the Task Force, the head of an  
2       executive agency may make any of the facilities or  
3       services of such agency available to the Task Force,  
4       on a reimbursable or nonreimbursable basis, to as-  
5       sist the Task Force in carrying out its duties under  
6       this section.

7               (4) EXPENDITURES AND CONTRACTS.—The  
8       Task Force or, on authorization of the Task Force,  
9       a member of the Task Force may make expenditures  
10      and enter into contracts for the procurement of such  
11      supplies, services, and property as the Task Force or  
12      such member considers to be appropriate for the  
13      purpose of carrying out the duties of the Task  
14      Force. Such expenditures and contracts may be  
15      made only to such extent or in such amounts as are  
16      provided in advance in appropriation Acts.

17              (5) MAILS.—The Task Force may use the  
18      United States mails in the same manner and under  
19      the same conditions as other departments and agen-  
20      cies of the United States.

21              (6) GIFTS, BEQUESTS, AND DEVISES.—The  
22      Task Force may accept, use, and dispose of gifts,  
23      bequests, or devises of services or property, both real  
24      and personal, for the purpose of aiding or facili-  
25      tating the work of the Task Force. Gifts, bequests,

1 or devises of money and proceeds from sales of other  
2 property received as gifts, bequests, or devises shall  
3 be deposited in the Treasury and shall be available  
4 for disbursement upon order of the Task Force.

5 (i) AUTHORIZATION OF APPROPRIATIONS.—There  
6 are authorized to be appropriated to carry out this section  
7 \$1,000,000 for each of fiscal years 2008, 2009, and 2010.

8 **SEC. 5. AUTHORIZATION FOR ADDITIONAL STAFF AND**  
9 **FUNDING.**

10 There are authorized to be appropriated such sums  
11 as are necessary to hire additional employees (including  
12 agricultural law and economics experts) for the Transpor-  
13 tation, Energy, and Agriculture Section of the Antitrust  
14 Division of the Department of Justice, to enhance the re-  
15 view of agricultural transactions and monitor, investigate,  
16 and prosecute unfair and deceptive practices in the agri-  
17 cultural industry.

18 **SEC. 6. ENSURING FULL AND FREE COMPETITION IN AGRI-**  
19 **CULTURE.**

20 (a) BURDEN OF PROOF.—Section 7 of the Clayton  
21 Act (15 U.S.C. 18) is amended by adding at the end the  
22 following:

23 “In this paragraph, the term ‘covered civil action’  
24 means a civil action brought against any person for vio-  
25 lating this section in which the plaintiff alleges that the

1 effect of a merger, acquisition, or other transaction affect-  
2 ing commerce may be to substantially lessen competition,  
3 or to tend to create a monopoly, in the business of pro-  
4 curing agricultural products from, or selling products to,  
5 agricultural producers in one or more geographic areas,  
6 and establishes that a merger, acquisition, or transaction  
7 is between or involves persons competing in the business  
8 of procuring agricultural products from, or selling prod-  
9 ucts to, agricultural producers. In any covered civil ac-  
10 tion—

11           “(A) if the plaintiff is the Federal Govern-  
12           ment or a State government, the burden of  
13           proof shall be on the defendant or defendants  
14           to establish by a preponderance of the evidence  
15           that the merger, acquisition, or transaction at  
16           issue will not—

17                   “(i) substantially lessen competition;

18                   or

19                   “(ii) tend to create a monopoly in 1 or  
20                   more geographic markets; and

21           “(B) for any other plaintiff, if the plaintiff  
22           demonstrates that the parties to the merger, ac-  
23           quisition, or other transaction have a combined  
24           market share of not less than 20 percent in any  
25           relevant market, the burden of proof shall be on

1 the defendant or defendants to establish by a  
2 preponderance of the evidence that the merger,  
3 acquisition, or transaction at issue will not—

4 “(i) substantially lessen competition;

5 or

6 “(ii) tend to create a monopoly in 1 or  
7 more geographic markets.”.

8 (b) AGRICULTURAL GUIDELINES.—

9 (1) FINDINGS.—Congress finds the following:

10 (A) The effective enforcement of the anti-  
11 trust laws in agriculture requires that the anti-  
12 trust enforcement agencies have guidelines with  
13 respect to mergers and other anticompetitive  
14 conduct that are properly adapted to the special  
15 circumstances of agricultural commodity mar-  
16 kets.

17 (B) There has been a substantial increase  
18 in concentration in the markets in which agri-  
19 cultural commodities are sold, with the result  
20 that buyers of agricultural commodities often  
21 possess regional dominance in the form of oli-  
22 gopsony or monopsony relative to sellers of such  
23 commodities. A substantial part of this increase  
24 in market concentration is the direct result of  
25 mergers and acquisitions that the antitrust en-

1            enforcement agencies did not challenge, in large  
2            part because of the lack of appropriate guide-  
3            lines identifying particular structural character-  
4            istics in the agricultural industry and the ad-  
5            verse competitive effects that such acquisitions  
6            and mergers would create.

7            (C) The cost of transportation, impact on  
8            quality, and delay in sales of agricultural com-  
9            modities if they are to be transported to more  
10          distant buyers result in narrow geographic mar-  
11          kets with respect to buyer power.

12          (D) Buyers have no economic incentive to  
13          bid up the price of agricultural commodities in  
14          the absence of effective competition. Further,  
15          the nature of buying makes it feasible for larger  
16          numbers of buyers to engage in tacit or overt  
17          collusion to restrain price competition.

18          (E) Buyers with oligopsonistic or  
19          monopsonistic power have incentives to engage  
20          in unfair, exploitive, discriminatory, and exclu-  
21          sionary acts that cause producers of agricul-  
22          tural commodities to receive less than a com-  
23          petitive price for their goods, transfer economic  
24          risks to sellers without reasonable compensa-

1           tion, and exclude sellers from access to the  
2           market.

3           (F) Markets for agricultural commodities  
4           often involve contexts in which many producers  
5           have relatively limited information and no bar-  
6           gaining power with respect to the sale of their  
7           commodities. These conditions invite buyers  
8           with significant oligopsonistic or monopsonistic  
9           power to exercise that power in ways that in-  
10          volve discrimination, exploitation, and undue  
11          differentiation among sellers.

12          (G) Some Federal courts have incorrectly  
13          required a plaintiff to show harm to competition  
14          generally, in addition to harm to the producer  
15          of agricultural commodities when making a de-  
16          termination that an unfair, unjustly discrimina-  
17          tory, deceptive, or preferential act exists. Those  
18          same courts have also incorrectly held that it is  
19          a complete defense if a defendant can show any  
20          nonharmful justification for an act or practice,  
21          even though such conduct was not essential to  
22          the business activities of the defendant or there  
23          were less harmful ways to achieve a reasonably  
24          comparable result with respect to the legitimate  
25          and necessary interests of the defendant.



1           (2) ISSUANCE OF GUIDELINES.—The Assistant  
2 Attorney General and the Chairman, in consultation  
3 with the Special Counsel, shall issue agricultural  
4 guidelines informed and guided by the findings  
5 under paragraph (1) that—

6           (A) facilitate a fair, open, accessible, trans-  
7 parent, and efficient market system for agricul-  
8 tural products;

9           (B) reflect the national public interest in  
10 preserving a substantial and diverse family  
11 farm and ranch sector;

12           (C) recognize that increasing competition  
13 in the purchase of agricultural products by  
14 highly concentrated firms from a sector in per-  
15 fect competition is entirely consistent with the  
16 objective of the antitrust laws to protect con-  
17 sumers and enhance consumer benefits from  
18 competition; and

19           (D) prevent any merger or acquisition in  
20 the agricultural industry, if the effect of that  
21 merger or acquisition may be to substantially  
22 lessen competition or tend to create a monop-  
23 oly.

24           (3) CONTENTS.—The agricultural guidelines  
25 issued under paragraph (2) shall consist of merger

1 guidelines relating to existing and potential competi-  
2 tion and vertical integration that—

3 (A) establish appropriate methodologies for  
4 determining the geographic and product mar-  
5 kets for mergers affecting agricultural com-  
6 modity markets;

7 (B) establish thresholds of increased con-  
8 centration that raise a presumption that the  
9 merger will have an adverse effect on competi-  
10 tion in the affected agricultural commodities  
11 markets;

12 (C) identify potential adverse competitive  
13 effects of mergers in agricultural commodities  
14 markets in a nonexclusive manner; and

15 (D) identify the factors that would permit  
16 an enforcement agency to determine when a  
17 merger in the agricultural commodities market  
18 might avoid liability because it is not likely to  
19 have an adverse effect on competition.

20 (e) AGRICULTURE COMPETITION TASK FORCE  
21 WORKING GROUP ON BUYING POWER.—In issuing agri-  
22 cultural guidelines under this section, the Chairman and  
23 the Assistant Attorney General shall consult with the  
24 working group on buyer power of the Task Force estab-

1 lished under section 4(d) and shall incorporate and imple-  
2 ment the recommendations of that working group.

3 (d) COMPLETION.—Not later than 1 year after the  
4 date of enactment of this Act, the Chairman and the As-  
5 sistant Attorney General shall issue agricultural guidelines  
6 under this section.

7 (e) REPORT.—Not later than 1 year after the date  
8 of enactment of this Act, the Chairman and the Assistant  
9 Attorney General shall jointly submit a report to the Com-  
10 mittee on the Judiciary of the Senate and the Committee  
11 on the Judiciary of the House of Representatives regard-  
12 ing the issuing of agricultural guidelines under this sec-  
13 tion.

14 **SEC. 7. POST-MERGER REVIEW OF AGRICULTURAL TRANS-**  
15 **ACTIONS.**

16 (a) IN GENERAL.—Not later than 5 years after the  
17 date of a covered merger or acquisition, the Assistant At-  
18 torney General or the Chairman, as the case may be, shall  
19 conduct a post-merger review to determine whether the ef-  
20 fect of that covered merger or acquisition tended to sub-  
21 stantially reduce competition in the agricultural industry.

22 (b) SHARING OF RESULTS.—The Assistant Attorney  
23 General or the Chairman shall submit the results of any  
24 post-merger review under subsection (a) to the Task

1 Force, for its consideration in examining problems in agri-  
2 cultural competition.

3 (c) DEFINITION.—In this section, the term “covered  
4 merger or acquisition” means a merger or acquisition—

5 (1) in the agricultural industry;

6 (2) that is subject to the notification require-  
7 ments under section 7A of the Clayton Act (15  
8 U.S.C. 18a);

9 (3) for which the Assistant Attorney General or  
10 the Chairman, as the case may be, required the sub-  
11 mission of additional information or documentary  
12 material under section 7A(e)(1)(A) of the Clayton  
13 Act (15 U.S.C. 18a(e)(1)(A)); and

14 (4) for which, after review under that section,  
15 the Assistant Attorney General or the Chairman, as  
16 the case may be—

17 (A) did not institute a proceeding or action  
18 under the antitrust laws; or

19 (B) instituted a proceeding or action under  
20 the antitrust laws that was resolved through a  
21 settlement agreement or consent decree.

22 **SEC. 8. SPECIAL COUNSEL FOR COMPETITION MATTERS.**

23 (a) IN GENERAL.—There is established within the  
24 Department of Agriculture the Office of Competition and

1 Fair Practices, headed by a Special Counsel for Competi-  
2 tion Matters.

3 (b) DUTIES.—The Special Counsel shall—

4 (1) analyze mergers within the food and agri-  
5 cultural sectors, in consultation with the Chief Econ-  
6 omist of the Department of Agriculture, the Assist-  
7 ant Attorney General, and the Chairman, as re-  
8 quired under section 9; and

9 (2) investigate and prosecute violations of the  
10 Packers and Stockyards Act, 1921 (7 U.S.C. 181 et  
11 seq.).

12 (c) AUTHORIZATION FOR ADDITIONAL STAFF AND  
13 FUNDING.—

14 (1) ADDITIONAL STAFF.—The Special Counsel  
15 shall hire sufficient employees (including antitrust  
16 and litigation attorneys, economists, and investiga-  
17 tors) to appropriately carry out the responsibilities  
18 of the Office of Competition and Fair Practices  
19 under this Act.

20 (2) AUTHORIZATION.—There are authorized to  
21 be appropriated such sums as are necessary to carry  
22 out paragraph (1).

1 **SEC. 9. AGRIBUSINESS MERGER REVIEW AND ENFORCE-**  
2 **MENT BY THE DEPARTMENT OF AGRICULTURE.**  
3 **CULTURE.**

4 (a) NOTICE.—The Assistant Attorney General or the  
5 Commissioner, as appropriate, shall notify the Secretary  
6 of any filing under section 7A of the Clayton Act (15  
7 U.S.C. 18a) involving a merger or acquisition in the agri-  
8 cultural industry, and shall give the Secretary the oppor-  
9 tunity to participate in the review proceedings.

10 (b) REVIEW.—

11 (1) IN GENERAL.—After receiving notice of a  
12 merger or acquisition under subsection (a), the Sec-  
13 retary may submit to the Assistant Attorney General  
14 or the Commissioner, as appropriate, and publish  
15 the comments of the Secretary regarding that merg-  
16 er or acquisition, including a determination regard-  
17 ing whether the merger or acquisition may have a  
18 substantial adverse impact on rural communities or  
19 the family farm and ranch sector, such that further  
20 review by the Assistant Attorney General or the  
21 Commissioner, as appropriate, is warranted.

22 (2) SECOND REQUESTS.—For any merger or  
23 acquisition described in subsection (a), if the Assist-  
24 ant Attorney General or the Chairman, as the case  
25 may be, requires the submission of additional infor-  
26 mation or documentary material under section

1       7A(e)(1)(A) of the Clayton Act (15 U.S.C.  
2       18a(e)(1)(A))—

3               (A) copies of any materials provided in re-  
4               sponse to such a request shall be made available  
5               to the Secretary; and

6               (B) the Secretary—

7                       (i) shall submit to the Assistant At-  
8                       torney General or the Chairman such addi-  
9                       tional comments as the Secretary deter-  
10                      mines appropriate; and

11                      (ii) shall publish a summary of any  
12                      comments submitted under clause (i).

13       (c) REPORT.—

14               (1) IN GENERAL.—The Secretary shall submit  
15               an annual report to Congress regarding the review  
16               of mergers and acquisitions described in subsection  
17               (a).

18               (2) CONTENTS.—Each report submitted under  
19               paragraph (1) shall provide a description of each  
20               merger or acquisition described in subsection (a)  
21               that was reviewed by the Secretary during the year  
22               before the date that report is submitted, including—

23                      (A) the name and total resources of each  
24                      entity involved in that merger or acquisition;

1 (B) a statement of the views of the Sec-  
 2 retary regarding the competitive effects of that  
 3 merger or acquisition on—

4 (i) agricultural markets; and  
 5 (ii) rural communities and small,  
 6 independent producers; and

7 (C) a statement indicating whether the As-  
 8 sistant Attorney General or the Chairman, as  
 9 the case may be, instituted a proceeding or ac-  
 10 tion under the antitrust laws, and if so, the sta-  
 11 tus of that proceeding or action.

12 **SEC. 10. AUTHORIZATION FOR ADDITIONAL STAFF AND**  
 13 **FUNDING FOR THE GRAIN INSPECTION,**  
 14 **PACKERS, AND STOCKYARDS ADMINISTRA-**  
 15 **TION.**

16 There are authorized to be appropriated such sums  
 17 as are necessary to enhance the capability of the Grain  
 18 Inspection, Packers, and Stockyards Administration to  
 19 monitor, investigate, and pursue the competitive implica-  
 20 tions of structural changes in the meat packing and poul-  
 21 try industries by hiring litigating attorneys to allow the  
 22 Grain Inspection, Packers, and Stockyards Administration  
 23 to more comprehensively and effectively pursue its en-  
 24 forcement activities.

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