

Calendar No. 436

117TH CONGRESS
2D SESSION

S. 3870

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

IN THE SENATE OF THE UNITED STATES

MARCH 17, 2022

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

JULY 11, 2022

Reported by Ms. STABENOW, with amendments

[Omit the part struck through and insert the part printed in *italie*]

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 2022”.

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; ~~and~~

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

10 “(5) *in carrying out paragraphs (1) through (4),*
11 *coordinate with the Office of the General Counsel and*
12 *the Packers and Stockyards Division of the Agricul-*
13 *tural Marketing Service.*

14 “(d) PROSECUTORIAL AUTHORITY.—

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

21 “(2) NOTIFICATION.—*With respect to any action*
22 *brought under this section in Federal district court,*
23 *the Special Investigator shall notify the Attorney*
24 *General.*

1 “(2)(3) EFFECT.—Nothing in this section alters
2 the authority of the Secretary to issue a subpoena
3 pursuant to the Packers and Stockyards Act, 1921
4 (~~7 U.S.C. 181 et seq.~~).” (7 U.S.C. 181 et seq.).

5 “(e) LIMITATION ON SCOPE.—*The Special Investigator*
6 *may not bring an action under this section with respect*
7 *to an entity that is not regulated under the Packers and*
8 *Stockyards Act, 1921 (7 U.S.C. 181 et seq.).”.*

9 (b) CONFORMING AMENDMENT.—Section 296(b) of
10 the Department of Agriculture Reorganization Act of
11 1994 (7 U.S.C. 7014(b)) is amended by adding at the end
12 the following:

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

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

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