

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.

Calendar No. 436

117TH CONGRESS
2^D Session

S. 3870

A BILL

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

JULY 11, 2022

Reported with amendments