

117TH CONGRESS
2D SESSION

S. J. RES. 47

Directing the Federal Trade Commission to investigate and report on anti-competitive practices and violations of antitrust law in the beef packing industry.

IN THE SENATE OF THE UNITED STATES

MAY 19 (legislative day, MAY 17), 2022

Ms. WARREN (for herself and Mr. ROUNDS) introduced the following joint resolution; which was read twice and referred to the Committee on the Judiciary

JOINT RESOLUTION

Directing the Federal Trade Commission to investigate and report on anticompetitive practices and violations of antitrust law in the beef packing industry.

Whereas sections 6 and 6A of the Federal Trade Commission Act (15 U.S.C. 46, 46a) authorize Congress, through a resolution passed by the Senate and the House of Representatives, to direct the Federal Trade Commission to investigate and report the facts relating to any alleged violations of antitrust law by any corporation;

Whereas ranchers in the United States receive approximately 39 cents of every dollar a consumer spends on beef, compared to the 60 cents of every dollar they received 50 years ago;

Whereas, each year since 1980, an average of nearly 17,000 cattle ranchers have gone out of business;

Whereas, between 2015 and 2018, the difference between the cost of wholesale beef and the price paid to ranchers increased by 60 percent, while the top beef packers enjoyed record profits;

Whereas beef packing companies have paid millions of dollars to settle beef price-fixing claims in recent years;

Whereas increased multinational agribusiness consolidation has put foreign firms in dominant positions within the United States beef packing industry;

Whereas increased consolidation in the beef packing industry has exposed vulnerabilities in the food supply system of the United States;

Whereas the top 4 beef packers increased their market share from 32 percent to 85 percent in the past 3 decades;

Whereas the top 4 beef packers control roughly 85 percent of the beef supply to the wholesale market in the United States; and

Whereas consolidated lawsuits were filed against the top 4 beef packers with many complaints, including that of a 10-year quality assurance officer at a top 4 beef packer who witnessed the cutback on slaughter numbers when fed cattle prices rose above a specific threshold: Now, therefore, be it

- 1 *Resolved by the Senate and House of Representatives*
- 2 *of the United States of America in Congress assembled,*
- 3 That the Federal Trade Commission is directed to inves-
- 4 tigate and, not later than 1 year after the date of enact-

1 ment of this Act, report to the Committee on the Judiciary
2 of the Senate and the Committee on the Judiciary of the
3 House of Representatives on—

4 (1) the extent of anticompetitive practices and
5 violations of the antitrust laws (as defined in the
6 first section of the Clayton Act (15 U.S.C. 12)) in
7 the beef packing industry, including—

8 (A) price fixing;

9 (B) anticompetitive acquisitions;

10 (C) anticompetitive vertical integration;

11 (D) dominance of supply chains; and

12 (E) monopolization;

13 (2) the monetary and other harms of anti-
14 competitive practices and violations of the antitrust
15 laws in the beef packing industry on consumers,
16 ranchers, farmers, plant workers, and small busi-
17 nesses; and

18 (3) recommendations for legislation, or other
19 remedial actions, as appropriate.

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