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May 3, 2022

The Honorable Debbie Stabenow
Chairwoman
Senate Committee of Agriculture, Nutrition and Forestry
328A Russell Senate Office Building
Washington, DC 20510

The Honorable David Scott
Chairman
House Committee on Agriculture
1301 Longworth House Office Building
Washington, DC 20515

The Honorable John Boozman
Ranking Member
Senate Committee of Agriculture, Nutrition and Forestry
328A Russell Senate Office Building
Washington, DC 20510

The Honorable G.T. Thompson
Ranking Member
House Committee on Agriculture
1301 Longworth House Office Building
Washington, DC 20515

Dear Chairwoman Stabenow, Chairman Scott, and Ranking Members Boozman and Thompson:

On behalf of the American Farm Bureau Federation (AFBF), I write to you with questions specific to the United States Department of Agriculture's (USDA) implementation of the Meat and Poultry Special Investigator Act (S. 3870 and H.R. 7606), if it were signed into law. The USDA has broad authority to implement what Congress passes, so Congressional intent must be clear.

As you are aware, AFBF policy, which grassroots Farm Bureau members develop, supports strengthening the ability of the USDA to stop predatory practices in the meatpacking industry. Our members also believe the USDA should be provided with enhanced investigation and enforcement authority to ensure that all instruments used to quantify quality factors for livestock value determination perform to a set standard. While AFBF generally supports the spirit of what this legislation attempts to accomplish, we have questions and concerns about how this legislation would be implemented. Finding answers to the following questions will better inform Farm Bureau members.

1. Can you please specify where the office for the Special Investigator for Competition Matters would be housed within the USDA? Specifically, will the office be housed in the Office of the Secretary or at the Agricultural Marketing Service?

2. If the Secretary appoints an individual to serve as Special Investigator, would this individual be a Schedule C, Senior Executive Service, or a General Schedule employee?

3. Are there any other entities that could be investigated or prosecuted that are not packers or live poultry dealers? Does this only apply to those regulated under the Packers and Stockyards Act?

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4. Would custom exempt facilities be treated the same as a packer?

5. How will the Special Investigator liaise and consult with the Department of Justice, Federal Trade Commission, and the Department of Homeland Security?

6. If the Secretary appoints a Schedule C employee, would there be additional Schedule C employees in leadership or decision-making roles associated with this office? AFBF would be very concerned if an appointee and their relevant staff had a history of statements or actions that could be perceived as anti-agriculture or particularly hostile to animal agriculture.

7. AFBF is also concerned that the Special investigator would have the ability to prosecute any civil or administrative action authorized under the Packers and Stockyards Act against a packer, but not a live poultry buyer, as referenced in Sec. 217 (c)(1) of the underlying legislation. Is this an oversight or purposeful exclusion?

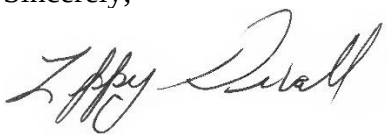
8. Would the prosecution of any civil or administrative action be in coordination with the Department of Justice and other relevant federal agencies?

9. Citing the lack of authorization for appropriation, what will be the cost to establish this office?

We appreciate the opportunity to ask these questions of the Committees and look forward to learning more about the potential implementation of the Meat and Poultry Special Investigator Act.

Thank you.

Sincerely,



Zippy Duvall
President

CC:

The Honorable Thomas J. Vilsack, Secretary, United States Department of Agriculture
The Honorable Jon Tester, United States Senate
The Honorable Abigail Spanberger, U.S. House of Representatives