

118TH CONGRESS
1ST SESSION

H. R. 805

To establish the Office of High-Risk AFO Disaster Mitigation and Enforcement in the Department of Agriculture, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 2, 2023

Mr. MCGOVERN (for himself, Mr. BLUMENAUER, Ms. MENG, Ms. NORTON, Mrs. HAYES, Mr. KRISHNAMOORTHY, and Mr. KHANNA) introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committees on Transportation and Infrastructure, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish the Office of High-Risk AFO Disaster Mitigation and Enforcement in the Department of Agriculture, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Industrial Agriculture Accountability Act of 2023”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Definition of Secretary.
- Sec. 3. Findings.

TITLE I—HIGH-RISK AFO DISASTER MITIGATION AND ENFORCEMENT

- Sec. 101. Definitions.

Subtitle A—Department of Agriculture

- Sec. 111. Office of High-Risk AFO Disaster Mitigation and Enforcement.
- Sec. 112. Registration of high-risk AFOs.
- Sec. 113. Covered industrial operator responsibilities and liabilities.
- Sec. 114. Restriction on certain methods of depopulation.
- Sec. 115. Reports.
- Sec. 116. Civil actions.

Subtitle B—Department of Labor

- Sec. 121. Definitions.
- Sec. 122. Minimum labor standards for covered workers and affected contract growers.
- Sec. 123. Prohibition on the use of incarcerated workers.

TITLE II—GRANT AND PILOT PROGRAMS

- Sec. 201. Definitions.
- Sec. 202. Controlled-atmosphere stunning transition program.
- Sec. 203. Pilot program for increased accessibility to inspection and technical assistance for eligible processing facilities.

TITLE III—HUMANE HANDLING REFORMS

Subtitle A—Transport

- Sec. 311. Transportation of livestock and poultry.
- Sec. 312. Higher-welfare transport research funding.

Subtitle B—Nonambulatory Livestock

- Sec. 321. Unlawful slaughter practices involving nonambulatory livestock.
- Sec. 322. Unlawful use of drugs contributing to nonambulatory conditions.
- Sec. 323. Inclusion of poultry in Humane Methods of Slaughter Act.

Subtitle C—Inspections

- Sec. 331. Definitions.
- Sec. 332. Ending dangerous higher-speed slaughter and self-inspection systems.
- Sec. 333. Funding for additional OSHA inspectors.
- Sec. 334. Funding for additional FSIS inspectors.

1 SEC. 2. DEFINITION OF SECRETARY.

2 In this Act, the term “Secretary” means the Sec-
3 retary of Agriculture.

1 **SEC. 3. FINDINGS.**

2 Congress finds that—

3 (1) factory farms owned or controlled by indus-
4 trial operators—

5 (A) lack systemic resilience;

6 (B) present significant risks, particularly
7 in the event of a disaster; and

8 (C) negatively impact—

9 (i) farmed animals, who suffer tre-
10 mendously from cruel depopulation meth-
11 ods and without meaningful disaster miti-
12 gation efforts;

13 (ii) meat and poultry processing work-
14 ers, who are subjected to exploitative con-
15 ditions and abusive behavior by employers
16 in depopulation situations—

17 (I) including—

18 (aa) being required to spend
19 long hours, over days or weeks,
20 mass-killing farmed animals; and

21 (bb) being terminated fol-
22 lowing the completion of a de-
23 population event, without finan-
24 cial support; and

1 (II) that lead to long-term psy-
2 chological impacts, including increased
3 feelings of anger and stress; and

4 (iii) neighboring communities and the
5 environment, including through—

6 (I) flood waters overrunning ma-
7 nure lagoons resulting in ecological
8 degradation in the form of soil, sur-
9 face, and groundwater contamination;

10 (II) algae blooms; and

11 (III) wildlife population crashes;

12 (2)(A) since 2019, more than 60,000,000 poul-
13 try and 10,000,000 swine have been depopulated;
14 and

15 (B) those massive cullings are often conducted
16 using incredibly inhumane practices including ven-
17 tilation shutdown, ventilation shutdown plus, sodium
18 nitrite poisoning, and water-based foaming (as those
19 terms are defined in section 114(a));

20 (3) since 2019, industrial operators put slaugh-
21 terhouse workers in jeopardy and cost taxpayers mil-
22 lions of dollars;

23 (4) industrial operators continue to experience
24 record profits, including a 300-percent growth in
25 profits during the COVID–19 pandemic;

1 (5) industrial operators have created a system
2 that allows for the inhumane handling of non-
3 ambulatory livestock (as defined in section 3(a) of
4 Public Law 85–765 (commonly known as the “Hu-
5 mane Methods of Slaughter Act of 1958”)) that
6 causes needless suffering, unsafe working conditions,
7 and the spread of foodborne and zoonotic diseases;

8 (6) industrial operators have abused the use of
9 certain drugs that increase the risk of livestock be-
10 coming nonambulatory livestock (as so defined);

11 (7) slaughterhouse deregulation and decreased
12 Federal oversight of meat and poultry slaughter pose
13 significant risks to workers, consumers, and animals;

14 (8) Federal humane slaughter laws currently
15 exempt 98 percent of animals slaughtered for food;

16 (9) current Federal animal transport laws are
17 ineffective and inherently cruel; and

18 (10) Federal support is needed to create a level
19 playing field for farmers engaged in higher-welfare
20 practices who are struggling to compete in a highly
21 monopolized market controlled by industrial opera-
22 tors.

1 **TITLE I—HIGH-RISK AFO DIS-**
2 **ASTER MITIGATION AND EN-**
3 **FORCEMENT**

4 **SEC. 101. DEFINITIONS.**

5 In this title:

6 (1) ANIMAL FEEDING OPERATION; AFO.—

7 (A) IN GENERAL.—The term “animal feed-
8 ing operation” or “AFO” means a single lot or
9 facility at which—

10 (i) for not less than a total of 45 days
11 in any 12-month period, animals (other
12 than aquatic animals) are—

13 (I) stabled or confined; and

14 (II) fed or maintained; and

15 (ii) crops, vegetation, forage growth,
16 or postharvest residues are not sustained
17 in the normal growing season over any por-
18 tion of the lot or facility.

19 (B) MULTIPLE LOTS.—For purposes of
20 subparagraph (A), 2 or more lots or facilities
21 described in that subparagraph shall be consid-
22 ered to be a single animal feeding operation if
23 the lots or facilities—

24 (i) are located within 3 miles of each
25 other; and

1 (ii) are under common ownership or
2 control.

3 (C) EXCLUSION.—The term “animal feed-
4 ing operation” or “AFO” does not include a
5 pasture-based livestock or poultry production
6 system in which animals—

7 (i) are primarily raised on pasture,
8 grassland, or other vegetative environ-
9 ments;

10 (ii) have the ability to exercise spe-
11 cies-specific natural behaviors; and

12 (iii) have access to appropriate shel-
13 ter, healthy vegetation, potable water, and
14 adequate protection from predators.

15 (2) COVERED INDUSTRIAL OPERATOR.—The
16 term “covered industrial operator” means an indi-
17 vidual or entity that owns or controls not less than
18 the following number of livestock or poultry, as ap-
19 plicable, that are housed in an AFO at a single point
20 in time:

21 (A) 2,500 swine.

22 (B) 30,000 turkeys or ducks.

23 (C) 82,000 laying hens or broilers.

1 (3) DEPOPULATION.—The term “depopulation”
2 means the rapid destruction of a population of ani-
3 mals in response to urgent circumstances.

4 (4) DISASTER EVENT.—The term “disaster
5 event” means—

6 (A) a public health emergency declared by
7 the Secretary of Health and Human Services
8 under section 319 of the Public Health Service
9 Act (42 U.S.C. 247d);

10 (B) a major disaster declared by the Presi-
11 dent under section 401 of the Robert T. Staf-
12 ford Disaster Relief and Emergency Assistance
13 Act (42 U.S.C. 5170);

14 (C) a disaster designated by the Secretary
15 pursuant to part 759 of title 7, Code of Federal
16 Regulations (or successor regulations); and

17 (D) a quarantine designated by the Sec-
18 retary pursuant to the Plant Protection Act (7
19 U.S.C. 7701 et seq.) or animal quarantine laws.

20 (5) HIGH-RISK AFO.—The term “high-risk
21 AFO” means an AFO that houses livestock or poul-
22 try owned or controlled by a covered industrial oper-
23 ator.

1 (6) OFFICE.—The term “Office” means the Of-
2 fice of High-Risk AFO Disaster Mitigation and En-
3 forcement established under section 111.

4 **Subtitle A—Department of** 5 **Agriculture**

6 **SEC. 111. OFFICE OF HIGH-RISK AFO DISASTER MITIGA-** 7 **TION AND ENFORCEMENT.**

8 The Secretary shall establish an office within the De-
9 partment of Agriculture, to be known as the “Office of
10 High-Risk AFO Disaster Mitigation and Enforcement”,
11 which shall carry out or enforce, as applicable, sections
12 112 through 115.

13 **SEC. 112. REGISTRATION OF HIGH-RISK AFOS.**

14 (a) REGISTRATION REQUIREMENT.—

15 (1) IN GENERAL.—A covered industrial oper-
16 ator shall be required to register with the Office
17 prior to selling, buying, or transferring livestock,
18 poultry, or any product derived from livestock or
19 poultry across State lines.

20 (2) INFORMATION.—In registering with the Of-
21 fice under paragraph (1), a covered industrial oper-
22 ator shall submit to the Office—

23 (A) identifying information about the cov-
24 ered industrial operator, including the location,
25 animal type, and peak inventory animal totals

1 for all high-risk AFOs owned or controlled by
2 the covered industrial operator; and

3 (B) a standard disaster mitigation plan
4 that includes—

5 (i) a description of the type, location,
6 and extent of all potential disaster events
7 that can affect livestock or poultry housed
8 in a high-risk AFO, including information
9 on previous occurrences of disaster events
10 and the probability of future disaster
11 events;

12 (ii) a plan to ensure that animals do
13 not go without necessary resources such as
14 shelter, food, and water during an extreme
15 weather event;

16 (iii) a plan to increase flexibility and
17 resiliency, including—

18 (I) identifying ways to house ani-
19 mals past their intended slaughter
20 date; and

21 (II) alternative slaughter and
22 processing arrangements, including
23 contracting with small-scale Depart-
24 ment of Agriculture, State-certified,
25 or mobile operations with existing ca-

1 capacity, in the event of supply chain
2 disruptions;

3 (iv) a plan for accessing necessary re-
4 sources, personal protective equipment,
5 and labor to carry out depopulation in
6 ways that most rapidly render animals un-
7 conscious in the event that depopulation is
8 unavoidable;

9 (v) a plan for disposal of any deceased
10 animals that—

11 (I) satisfies requirements under
12 all relevant Federal, State, and local
13 environmental and public health laws;
14 and

15 (II) does not rely on unlined bur-
16 ial or onsite incineration; and

17 (vi) other information, as determined
18 appropriate by the Secretary.

19 (3) ANNUAL SUBMISSION.—A covered industrial
20 operator that is registered with the Office pursuant
21 to this subsection shall submit to the Office the in-
22 formation described in paragraph (2) on an annual
23 basis.

24 (4) RESTRICTED FUNDS FOR PLAN.—A covered
25 industrial operator shall not, in developing a stand-

1 ard disaster mitigation plan described in paragraph
2 (2)(B), use any Federal funds, including funds pro-
3 vided under the environmental quality incentive pro-
4 gram under subchapter A of chapter 4 of subtitle D
5 of title XII of the Food Security Act of 1985 (16
6 U.S.C. 3839aa et seq.).

7 (b) DISASTER MITIGATION MAINTENANCE FEE.—

8 (1) IN GENERAL.—A covered industrial oper-
9 ator registered under subsection (a) shall pay to the
10 Office an annual fee by January 15 of each year for
11 each high-risk AFO owned or controlled by the cov-
12 ered industrial operator.

13 (2) TOTAL AMOUNT OF FEES.—The amount of
14 the fee required under paragraph (1)—

15 (A) shall be determined by the Secretary in
16 a manner that will ensure that the total amount
17 of fees collected for each fiscal year shall suffi-
18 ciently fund the activities of the Office for that
19 fiscal year; but

20 (B) shall not be less than \$1 per animal
21 unit (as defined by the Administrator of the
22 Environmental Protection Agency) for each fis-
23 cal year.

24 (3) RESTRICTION.—A covered industrial oper-
25 ator may not reduce wages or grower payments in

1 order to derive the amount of the fee required under
2 paragraph (1).

3 (c) HIGH-RISK AFO DISASTER MITIGATION AND EN-
4 FORCEMENT FUND.—

5 (1) ESTABLISHMENT.—There is established in
6 the Treasury of the United States a fund, to be
7 known as the “High-Risk AFO Disaster Mitigation
8 and Enforcement Fund” (referred to in this sub-
9 section as the “Fund”).

10 (2) SOURCE; USE.—All moneys derived from
11 fees collected by the Office under subsection (b)
12 shall be deposited in the Fund and made available
13 to the Secretary, without fiscal year limitation, to
14 offset costs relating to—

15 (A) the administrative costs associated
16 with operating the Office and technical assist-
17 ance offered by staff of the Office;

18 (B) creating the national stockpile pursu-
19 ant to section 114(c)(2);

20 (C) enforcement actions against covered
21 industrial operators that do not comply with
22 this subtitle; and

23 (D) any other activities determined by the
24 Secretary.

1 **SEC. 113. COVERED INDUSTRIAL OPERATOR RESPONSIBILITIES AND LIABILITIES.**
2

3 A covered industrial operator shall be responsible and
4 liable for, with respect to each high-risk AFO owned or
5 controlled by the covered industrial operator, all costs as-
6 sociated with activities related to disaster events or de-
7 population of livestock or poultry, including—

8 (1) procuring resources for depopulation of live-
9 stock or poultry, including from the national stock-
10 pile described in section 114(c)(2);

11 (2) disposal of deceased animals that—

12 (A) satisfies requirements under all rel-
13 evant Federal, State, and local environmental
14 and public health laws; and

15 (B) does not rely on unlined burial or on-
16 site incineration;

17 (3) compensation for contract growers and
18 workers, as provided in subtitle B;

19 (4) compensation for any adverse health im-
20 pacts, property value diminution, and loss of use and
21 enjoyment of property suffered by neighboring resi-
22 dents of the high-risk AFO; and

23 (5) other costs determined by the Secretary.

24 **SEC. 114. RESTRICTION ON CERTAIN METHODS OF DE-**
25 **POPULATION.**

26 (a) DEFINITIONS.—In this section:

1 (1) RESTRICTED PRACTICE.—The term “re-
2 stricted practice” means—

3 (A) sodium nitrite poisoning;

4 (B) ventilation shutdown;

5 (C) ventilation shutdown plus;

6 (D) water-based foaming; and

7 (E) any other method identified by the
8 Secretary.

9 (2) SODIUM NITRITE POISONING.—The term
10 “sodium nitrite poisoning” means a method of ani-
11 mal depopulation that involves feeding the toxic sub-
12 stance sodium nitrite to animals, causing changes to
13 the blood that prevent delivery of oxygen to tissues
14 and result in prolonged respiratory distress prior to
15 loss of consciousness.

16 (3) VENTILATION SHUTDOWN.—The term “ven-
17 tilation shutdown” means a method of animal de-
18 population that involves sealing a building in which
19 animals are confined, shutting inlets, and turning off
20 fans in order to raise the temperature in the build-
21 ing until the animals die from hyperthermia or hy-
22 poxia, including ventilation shutdown plus.

23 (4) VENTILATION SHUTDOWN PLUS.—The term
24 “ventilation shutdown plus” means a ventilation

1 shutdown method that involves the use of additional
2 heat or humidity.

3 (5) WATER-BASED FOAMING.—The term
4 “water-based foaming” means a method of animal
5 depopulation that involves pumping foam con-
6 centrate combined with water into a building in
7 which animals are confined until the animals die
8 from hypoxia.

9 (b) RESTRICTIONS; CIVIL PENALTY.—Notwith-
10 standing any other provision of law, beginning 1 year after
11 the date of enactment of this Act, a covered industrial op-
12 erator that uses 1 or more restricted practices for any
13 event of depopulation of livestock or poultry on a high-
14 risk AFO owned or controlled by the covered industrial
15 operator, as determined by the Office—

16 (1) shall not be eligible for any Federal contract
17 for a period of 10 years beginning on that date;

18 (2) shall not be eligible for inspection of any fa-
19 cility owned or controlled by the covered industrial
20 operator pursuant to the Federal Meat Inspection
21 Act (21 U.S.C. 601 et seq.) or the Poultry Products
22 Inspection Act (21 U.S.C. 451 et seq.), as applica-
23 ble, for a period of 10 years beginning on that date;
24 and

1 (3) shall be assessed a civil penalty of up to
2 \$1,000 per animal per act of depopulation, with con-
3 sideration given to the appropriateness of the pen-
4 alty with respect to the gravity of the violation and
5 the good faith of the covered industrial operator.

6 (c) STANDARDS AND RESOURCES.—Not later than 1
7 year after the date of enactment of this Act, the Secretary
8 shall issue a final rule—

9 (1) to establish depopulation standards that
10 rapidly induce unconsciousness and death with mini-
11 mal pain and distress; and

12 (2) to coordinate a national stockpile of re-
13 sources—

14 (A) to carry out depopulation activities
15 during a disaster event in a way that rapidly in-
16 duces unconsciousness and death of the animals
17 with minimal pain and distress; and

18 (B) using funds from the High-Risk AFO
19 Disaster Mitigation and Enforcement Fund es-
20 tablished by section 112(c)(1).

21 **SEC. 115. REPORTS.**

22 (a) REPORTS TO SECRETARY.—Not later than 3
23 business days after completing any depopulation of any
24 animals, a covered industrial operator performing or re-

1 quiring such depopulation shall submit to the Secretary
2 a report on that depopulation instance that specifies—

3 (1) the 1 or more dates on which, and location
4 at which, the depopulation and disposal of the ani-
5 mals occurred;

6 (2) the total number, species, breed, and in-
7 tended product of the depopulated animals;

8 (3) the depopulation and disposal methods uti-
9 lized;

10 (4) any monitoring, testing, or sampling pro-
11 tocol put in place to monitor releases of environ-
12 mental contaminants from the disposal location;

13 (5) a summary of any assets utilized or received
14 from the national stockpile established pursuant to
15 section 114(c)(2), as applicable;

16 (6) documentation of compliance or noncompli-
17 ance with the standard disaster mitigation plan de-
18 scribed in section 112(a)(2)(B) of the covered indus-
19 trial operator; and

20 (7) the cost associated with the depopulation
21 and disposal, including labor.

22 (b) PUBLICLY SEARCHABLE DATABASE.—The Sec-
23 retary, acting through the Office, shall develop and make
24 publicly available an electronically searchable and sortable
25 online database that contains information—

- 1 (1) reported under subsection (a); and
2 (2) submitted by covered industrial operators
3 registering under section 112.

4 **SEC. 116. CIVIL ACTIONS.**

5 (a) IN GENERAL.—Any person may—

- 6 (1) bring a civil action against a covered indus-
7 trial operator or the Secretary in an appropriate
8 court to redress any violation of this subtitle or any
9 other law relating to the activities described in this
10 subtitle; and

- 11 (2) obtain appropriate relief in that civil action,
12 including equitable relief and compensatory dam-
13 ages.

14 (b) ATTORNEY’S FEES FOR PLAINTIFF.—The court
15 shall award a reasonable attorney’s fee as part of the costs
16 to a prevailing plaintiff in a civil action described in sub-
17 section (a).

18 **Subtitle B—Department of Labor**

19 **SEC. 121. DEFINITIONS.**

20 In this subtitle:

21 (1) AFFECTED CONTRACT GROWER.—The term
22 “affected contract grower” means an owner of an
23 AFO—

24 (A) that raises livestock or poultry pursu-
25 ant to a written contract, marketing arrange-

1 ment, or other arrangement, with a covered in-
2 dustrial operator; and

3 (B) whose AFO is impacted by a disaster
4 mitigation event.

5 (2) AFFECTED CONTRACTOR.—The term “af-
6 fected contractor” means an individual or entity that
7 supplies, either with or without a contract, a covered
8 industrial operator with a worker to perform labor
9 directly or indirectly related to a disaster mitigation
10 event.

11 (3) COVERED WORKER.—

12 (A) IN GENERAL.—The term “covered
13 worker”—

14 (i) means an employee who performs
15 labor in connection with a disaster mitiga-
16 tion event for a covered industrial oper-
17 ator; and

18 (ii) includes any employee of an af-
19 fected contract grower, or of another af-
20 fected contractor, of a covered industrial
21 operator.

22 (B) ADDITIONAL TERMS.—In this para-
23 graph, the term “employee” means an indi-
24 vidual performing any labor for a covered in-
25 dustrial operator, including through an affected

1 contract grower or other affected contractor,
2 unless—

3 (i) the individual is free from control
4 and direction in connection with the per-
5 formance of the labor, both under the con-
6 tract for the performance of labor and in
7 fact;

8 (ii) the labor is performed outside the
9 usual course of the business of the covered
10 industrial operator; and

11 (iii) the individual is customarily en-
12 gaged in an independently established
13 trade, occupation, profession, or business
14 of the same nature as that involved in the
15 labor performed.

16 (4) DISASTER MITIGATION EVENT.—The term
17 “disaster mitigation event” means a disaster event
18 affecting a covered industrial operator that triggers
19 activities described in the disaster mitigation plan
20 submitted by the covered industrial operator under
21 section 112(a)(2)(B).

1 **SEC. 122. MINIMUM LABOR STANDARDS FOR COVERED**
2 **WORKERS AND AFFECTED CONTRACT GROW-**
3 **ERS.**

4 (a) **APPLICABILITY.**—A covered industrial operator
5 that employs or contracts with covered workers, affected
6 contract growers, or other affected contractors related to
7 a disaster mitigation event shall comply with the labor
8 standards described in subsection (b).

9 (b) **LABOR STANDARDS.**—The labor standards de-
10 scribed in this subsection are the following:

11 (1) **WHISTLEBLOWER PROTECTIONS.**—A cov-
12 ered industrial operator shall not discharge, cause to
13 be discharged, or in any other manner discriminate
14 against any covered worker or affected contract
15 grower because such covered worker or affected con-
16 tract grower—

17 (A) has filed any complaint or instituted or
18 caused to be instituted any proceeding under or
19 related to this section; or

20 (B) has testified or is about to testify in
21 any such proceeding.

22 (2) **HEALTH INSURANCE REQUIREMENT.**—Dur-
23 ing a disaster mitigation event and for a period of
24 not less than 2 years following the disaster mitiga-
25 tion event, the covered industrial operator shall offer
26 each covered worker and affected contract grower of

1 the covered industrial operator a health plan that
2 provides coverage that is at least equivalent to cov-
3 erage provided by an essential health benefits pack-
4 age (as defined in subsection (a) of section 1302 of
5 the Patient Protection and Affordable Care Act (42
6 U.S.C. 18022)) at the silver level of coverage (as de-
7 fined in subsection (d)(1)(B) of such section), re-
8 gardless of their employment status or contract with
9 the covered industrial operator. Such covered indus-
10 trial operator shall pay the full premium amount for
11 such health plan for each such covered worker or af-
12 fected contract grower who elects to enroll in such
13 plan.

14 (3) SEVERANCE PAY FOR COVERED WORK-
15 ERS.—In the case of a disaster mitigation event, the
16 covered industrial operator shall provide any covered
17 worker terminated by the covered industrial oper-
18 ator, or by an affected contract grower or other af-
19 fected contractor of the covered industrial operator
20 impacted by the disaster mitigation event, during
21 the 60-day period following the disaster mitigation
22 event with 12 weeks of severance pay, at a weekly
23 rate equal to the average weekly earnings of the cov-
24 ered worker during the disaster mitigation event.

1 (4) LOST REVENUE FOR AFFECTED CONTRACT
2 GROWERS.—In any case in which a covered indus-
3 trial operator terminates the contract of an affected
4 contract grower following a disaster mitigation
5 event, the covered industrial operator shall provide
6 an amount of lost revenue to the affected contract
7 grower equal to the affected contract grower’s rev-
8 enue from the covered operator during the preceding
9 180 days.

10 (c) ENFORCEMENT BY THE SECRETARY OF
11 LABOR.—

12 (1) GENERAL AUTHORITY.—The Secretary of
13 Labor shall receive, investigate, and attempt to re-
14 solve complaints of violations of this section in the
15 same manner that the Secretary of Labor receives,
16 investigates, and attempts to resolve complaints of
17 violations of sections 6, 7, and 15(a)(3) of the Fair
18 Labor Standards Act of 1938 (29 U.S.C. 206, 207,
19 and 215(a)(3)), including such Secretary’s authority
20 to supervise payment of wages and compensation
21 under section 16(c) of such Act (29 U.S.C. 216(c)).

22 (2) CIVIL PENALTIES.—The Secretary of Labor
23 may assess a civil penalty against a covered indus-
24 trial operator that violates any provision of this sec-
25 tion.

1 (3) MONITORING COMPLIANCE.—Not later than
2 90 days after the date of enactment of this Act, the
3 Secretary of Labor shall—

4 (A) develop a process to monitor compli-
5 ance with the standards under this section that
6 requires covered industrial operators to provide
7 information to demonstrate such compliance;
8 and

9 (B) issue rules to determine penalties for
10 noncompliance with this section.

11 (4) NOTIFICATION OF OFFICE.—The Secretary
12 of Labor shall notify the Office of any covered in-
13 dustrial operator that is determined to be non-
14 compliant with the requirements of this section.

15 (d) RIGHT OF ACTION FOR VIOLATIONS.—

16 (1) PRIVATE RIGHT OF ACTION FOR VIOLA-
17 TIONS.—An action to recover damages or obtain re-
18 lief prescribed in paragraph (2) may be maintained
19 against any covered industrial operator in any Fed-
20 eral or State court of competent jurisdiction by 1 or
21 more covered workers or affected contract growers
22 for and on behalf of themselves and other similarly
23 situated covered workers or affected contract grow-
24 ers.

25 (2) LIABILITY.—

1 (A) IN GENERAL.—A covered industrial
2 operator who violates this section shall be liable
3 to each covered worker or affected contract
4 grower that is aggrieved by the violation for—

5 (i) damages in the amount of unpaid
6 wages, salary, overtime compensation, or
7 other compensation denied or lost by rea-
8 son of the violation; and

9 (ii) an additional equal amount as liq-
10 uidated damages.

11 (B) ATTORNEY'S FEES AND COSTS.—In a
12 civil action brought under paragraph (1) in
13 which the plaintiff prevails, the court shall
14 award the plaintiff reasonable attorney's fees
15 and costs of the action.

16 (3) ENFORCEMENT BY THE SECRETARY OF
17 LABOR.—The Secretary of Labor may bring an ac-
18 tion in any court of competent jurisdiction to recover
19 damages or obtain relief described in paragraph (2)
20 on behalf of a covered worker or affected contract
21 grower aggrieved by a violation of this section.

22 **SEC. 123. PROHIBITION ON THE USE OF INCARCERATED**
23 **WORKERS.**

24 Notwithstanding any other provision of law, a covered
25 industrial operator that the Secretary of Labor determines

1 entered into a contract, on or after the date of enactment
2 of this Act, with any entity to utilize incarcerated workers
3 to perform labor related to a disaster mitigation event
4 shall not be eligible for—

5 (1) any Federal contracts for a period of 10
6 years beginning on the date of the determination;
7 and

8 (2) inspection of any facility owned or con-
9 trolled by the covered industrial operator pursuant
10 to the Federal Meat Inspection Act (21 U.S.C. 601
11 et seq.) or the Poultry Products Inspection Act (21
12 U.S.C. 451 et seq.), as applicable, for a period of 10
13 years beginning on that date.

14 **TITLE II—GRANT AND PILOT** 15 **PROGRAMS**

16 **SEC. 201. DEFINITIONS.**

17 In this title:

18 (1) **CONTROLLED-ATMOSPHERE STUNNING.**—

19 The term “controlled-atmosphere stunning” means
20 rendering poultry unconscious through exposure to a
21 mixture of gas (nitrogen and argon or concentra-
22 tions of carbon dioxide) before slaughter.

23 (2) **ELIGIBLE PROCESSING FACILITY.**—The
24 term “eligible processing facility” means an eligible
25 facility described in section 764 of division N of the

1 Consolidated Appropriations Act, 2021 (21 U.S.C.
2 473), that has a labor peace agreement in place.

3 (3) LABOR PEACE AGREEMENT.—The term
4 “labor peace agreement” means an agreement—

5 (A) between an employer and a labor orga-
6 nization that represents, or is actively seeking
7 to represent as of the date on which the labor
8 peace agreement is entered, the employees of
9 the employer; and

10 (B) under which such employer and such
11 labor organization agree that—

12 (i) the employer will not—

13 (I) hinder any effort of an em-
14 ployee to join a labor organization; or

15 (II) take any action that directly
16 or indirectly indicates or implies any
17 opposition to an employee joining a
18 labor organization;

19 (ii) the labor organization will refrain
20 from picketing, work stoppages, or boy-
21 cotts against the employer;

22 (iii) the employer will—

23 (I) provide the labor organization
24 with employee contact information;
25 and

1 (II) facilitate or permit labor or-
2 ganization access to employees at the
3 workplace, including facilitating or
4 permitting the labor organization to
5 meet with employees to discuss joining
6 the labor organization; and

7 (iv) the employer will, upon the re-
8 quest of the labor organization, recognize
9 the labor organization as the bargaining
10 representative of the employees if a major-
11 ity of the employees choose the labor orga-
12 nization as their bargaining representative.

13 (4) LIVE-SHACKLE SLAUGHTER.—The term
14 “live-shackle slaughter” means the method of stun-
15 ning poultry before slaughter by shackling the poul-
16 try upside down by their legs and moving the poul-
17 try through electrified baths meant to render the
18 poultry unconscious.

19 **SEC. 202. CONTROLLED-ATMOSPHERE STUNNING TRANSI-**
20 **TION PROGRAM.**

21 (a) IN GENERAL.—Not later than 180 days after the
22 date of enactment of this Act, the Secretary shall establish
23 a transition program to award grants to eligible processing
24 facilities that process poultry to transition from live-shack-
25 le slaughter to controlled-atmosphere stunning.

1 (b) ELIGIBILITY.—As a condition of receipt of a
2 grant under subsection (a), an eligible processing facility
3 shall not, for a period of 10 years following the date of
4 receipt of the grant, sell a slaughter or processing facility
5 to, or merge the slaughter or processing facility with, a
6 packer that owns more than 10 percent of the market
7 share of meat and poultry markets.

8 (c) FUNDING.—There is appropriated, out of any
9 funds in the Treasury not otherwise appropriated,
10 \$750,000,000 to the Secretary to carry out this section.

11 **SEC. 203. PILOT PROGRAM FOR INCREASED ACCESSIBILITY**
12 **TO INSPECTION AND TECHNICAL ASSIST-**
13 **ANCE FOR ELIGIBLE PROCESSING FACILI-**
14 **TIES.**

15 (a) IN GENERAL.—The Secretary shall carry out a
16 5-year pilot program within the Meat and Poultry Inspec-
17 tion Division of the Food Safety and Inspection Service—

18 (1) to expand the availability of processing in-
19 spectors, technical assistance, and onsite inspection
20 for eligible processing facilities, including no-cost
21 overtime inspections; and

22 (2) to identify and train part-time inspectors
23 and technical assistance providers.

24 (b) PROFESSIONAL EXPERIENCE.—The Secretary
25 shall determine the appropriate professional experience of

1 inspectors and providers described in subsection (a)(2),
2 which shall include individuals with expertise in veterinary
3 medicine, public health, food service management, and
4 animal science, as applicable.

5 (c) FUNDING.—There is authorized to be appro-
6 priated to the Secretary not less than \$50,000,000 to
7 carry out this section.

8 **TITLE III—HUMANE HANDLING** 9 **REFORMS**

10 **Subtitle A—Transport**

11 **SEC. 311. TRANSPORTATION OF LIVESTOCK AND POULTRY.**

12 (a) TRANSPORTATION LASTING MORE THAN 8
13 HOURS.—

14 (1) IN GENERAL.—Section 80502 of title 49,
15 United States Code, is amended—

16 (A) in subsection (a)(1), by striking “a rail
17 carrier” and all that follows through “territory
18 or possession,” and inserting “a covered pro-
19 vider of transportation”;

20 (B) in subsection (b)—

21 (i) in paragraph (3), by striking “sub-
22 section (a) of this section” and inserting
23 “subsection (b)”;

24 (ii) by redesignating paragraphs (1)
25 through (3) as subparagraphs (A) through

1 (C), respectively, and indenting appro-
2 priately;

3 (iii) in the matter preceding subpara-
4 graph (A) (as so redesignated), in the
5 third sentence—

6 (I) by striking “the rail carrier”
7 and all that follows through “a ves-
8 sel” and inserting “the covered pro-
9 vider of transportation”; and

10 (II) by striking “When the ani-
11 mals” and inserting the following:

12 “(3) RESPONSIBILITY OF COVERED PROVIDER
13 OF TRANSPORTATION.—When the animals”;

14 (iv) in the matter preceding para-
15 graph (3) (as so designated), in the second
16 sentence, by striking “The owner” and in-
17 serting the following:

18 “(2) RESPONSIBILITY OF OWNER OR PERSON
19 HAVING CUSTODY.—The owner”; and

20 (v) in the matter preceding paragraph
21 (2) (as so designated), by striking “Ani-
22 mals being” and inserting the following:

23 “(1) IN GENERAL.—Animals being”;

24 (C) in subsection (d)—

1 (i) in the second sentence, by striking
2 “On learning” and inserting the following:

3 “(2) CIVIL ACTION.—On learning”; and

4 (ii) in the first sentence, by striking
5 “A rail carrier” and all that follows
6 through “a vessel” and inserting the fol-
7 lowing:

8 “(1) IN GENERAL.—A covered provider of
9 transportation”;

10 (D) by redesignating subsections (a)
11 through (d) as subsections (b), (c), (g), and (f),
12 respectively, and moving the subsections so as
13 to appear in alphabetical order;

14 (E) by inserting before subsection (b) (as
15 so redesignated) the following:

16 “(a) DEFINITIONS.—In this section:

17 “(1) COVERED INDUSTRIAL OPERATOR.—

18 “(A) IN GENERAL.—The term ‘covered in-
19 dustrial operator’ means an individual or entity
20 that owns or controls a quantity of livestock or
21 poultry that is not less than the quantity de-
22 scribed in subparagraph (B) for the applicable
23 livestock or poultry.

24 “(B) QUANTITY OF LIVESTOCK OR POUL-
25 TRY IN AFOS.—The quantity of livestock or

1 poultry referred to in subparagraph (A) is 1 or
2 more of the following quantities of livestock or
3 poultry housed in 1 or more Animal Feeding
4 Operations at a single point in time:

5 “(i) 2,500 swine.

6 “(ii) 30,000 turkeys or ducks.

7 “(iii) 82,000 laying hens or broilers.

8 “(2) COVERED PROVIDER OF TRANSPOR-
9 TATION.—

10 “(A) IN GENERAL.—The term ‘covered
11 provider of transportation’ means an individual
12 or entity described in subparagraph (B) that is
13 transporting animals from a place in a State,
14 the District of Columbia, or a territory or pos-
15 session of the United States through or to a
16 place in another State, the District of Colum-
17 bia, or a territory or possession of the United
18 States.

19 “(B) INDIVIDUALS AND ENTITIES DE-
20 SCRIBED.—An individual or entity referred to
21 in subparagraph (A) is—

22 “(i) a rail carrier, express carrier, or
23 common carrier (except by air or water);

24 “(ii) a receiver, trustee, or lessee of a
25 carrier described in clause (i); or

1 “(iii) an owner or master of a vessel.

2 “(3) SECRETARY.—The term ‘Secretary’ means
3 the Secretary of Agriculture.”; and

4 (F) by inserting after subsection (c) (as so
5 redesignated) the following:

6 “(d) TRANSPORTATION LASTING MORE THAN 8
7 HOURS.—

8 “(1) IN GENERAL.—In any case in which ani-
9 mals are transported by a covered provider of trans-
10 portation on behalf of a covered industrial operator
11 for a period lasting, or expected to last, more than
12 8 consecutive hours, the covered provider of trans-
13 portation transporting the animals shall ensure
14 that—

15 “(A) the means of transport provides ade-
16 quate protection of the animals from high
17 winds, rain, and snow;

18 “(B) any livestock or poultry are provided
19 with appropriate bedding or equivalent material
20 that—

21 “(i) prevents slipping;

22 “(ii) ensures a level of comfort appro-
23 priate to—

24 “(I) the species of the livestock
25 or poultry;

1 “(II) the number of animals
2 being transported;

3 “(III) the duration of the period
4 of transportation; and

5 “(IV) the weather; and

6 “(iii) provides adequate absorption of
7 urine and feces;

8 “(C) the animals are not overcrowded dur-
9 ing transport, including by complying with the
10 regulations promulgated under paragraph (2);

11 “(D) the means of transport is equipped
12 with a water supply that ensures that each ani-
13 mal has access to water in a manner and quan-
14 tity appropriate to the species and size of the
15 animal;

16 “(E) watering devices on the means of
17 transport are—

18 “(i) in good working order;

19 “(ii) appropriately designed; and

20 “(iii) positioned appropriately for the
21 species of animal to be watered during
22 transport; and

23 “(F) the animals are not transported when
24 the temperature within the means of transport

1 cannot be maintained between 40 degrees Fahr-
2 enheit and 86 degrees Fahrenheit.

3 “(2) RULEMAKING.—

4 “(A) IN GENERAL.—The Secretary shall
5 promulgate regulations setting species-specific
6 space allowances during periods of transpor-
7 tation lasting more than 8 hours.

8 “(B) REQUIREMENTS.—The regulations
9 promulgated under subparagraph (A) shall en-
10 sure that each species of animal has enough
11 space—

12 “(i) to turn around;

13 “(ii) to lie down; and

14 “(iii) to fully extend the limbs of the
15 animal.

16 “(e) RECORDKEEPING.—

17 “(1) IN GENERAL.—Each covered industrial op-
18 erator shall maintain records of all livestock trans-
19 ported by the covered industrial operator.

20 “(2) PRODUCTION OF RECORDS.—A covered in-
21 dustrial operator shall provide the records main-
22 tained under paragraph (1) to the Secretary on re-
23 quest.”.

1 (2) EFFECTIVE DATE.—The amendments made
2 by paragraph (1) take effect on the date that is 1
3 year after the date of enactment of this Act.

4 (3) RULEMAKING.—Not later than 1 year after
5 the date of enactment of this Act, the Secretary
6 shall promulgate final regulations to implement the
7 amendments made by paragraph (1).

8 (b) MODIFICATION OF 28-HOUR RULE.—

9 (1) IN GENERAL.—Section 80502 of title 49,
10 United States Code (as amended by subsection (a)),
11 is amended—

12 (A) in subsection (b)—

13 (i) in paragraph (1)—

14 (I) by striking “(1) Except as
15 provided” and inserting the following:

16 “(1) IN GENERAL.—Except as otherwise pro-
17 vided”; and

18 (II) by striking “28” and insert-
19 ing “8”;

20 (ii) by striking paragraph (2) and in-
21 serting the following:

22 “(2) EXCEPTIONS.—

23 “(A) IN GENERAL.—Animals may be con-
24 fined for more than 8 hours when the animals
25 cannot be unloaded because of accidental or un-

1 avoidable causes that could not have been an-
2 ticipated or avoided when being careful.

3 “(B) SHEEP.—Sheep may be confined for
4 an additional 8 consecutive hours without being
5 unloaded when the 8-hour period of confine-
6 ment described in paragraph (1) ends at
7 night.”; and

8 (iii) in paragraph (3), by striking “(3)
9 Time” and inserting the following:

10 “(3) LOADING AND UNLOADING.—Time”; and

11 (B) by striking subsection (g).

12 (2) EFFECTIVE DATE.—The amendments made
13 by paragraph (1) take effect on the date that is 10
14 years after the date of enactment of this Act.

15 **SEC. 312. HIGHER-WELFARE TRANSPORT RESEARCH FUND-**
16 **ING.**

17 (a) DEFINITIONS.—In this section:

18 (1) ELIGIBLE RESEARCH INSTITUTION.—The
19 term “eligible research institution” means—

20 (A) an 1862 Institution (as defined in sec-
21 tion 2 of the Agricultural Research, Extension,
22 and Education Reform Act of 1998 (7 U.S.C.
23 7601));

24 (B) an 1890 Institution (as defined in that
25 section);

1 (C) a 1994 Institution (as defined in sec-
2 tion 532 of the Equity in Educational Land-
3 Grant Status Act of 1994 (7 U.S.C. 301 note;
4 Public Law 103–382));

5 (D) a non-land-grant college of agriculture
6 (as defined in section 1404 of the National Ag-
7 ricultural Research, Extension, and Teaching
8 Policy Act of 1977 (7 U.S.C. 3103)) that has
9 a demonstrable capacity to conduct livestock or
10 poultry research, as determined by the Sec-
11 retary;

12 (E) Hispanic-serving agricultural colleges
13 and universities (as defined in that section);
14 and

15 (F) a center of excellence recognized under
16 section 1673 of the Food, Agriculture, Con-
17 servation, and Trade Act of 1990 (7 U.S.C.
18 5926).

19 (2) HIGHER-WELFARE TRANSPORT.—The term
20 “higher-welfare transport” means the handling,
21 loading, and transport mechanisms by which live-
22 stock and poultry are transported, at any time,
23 which take into account animal welfare and species-
24 specific requirements to ensure that—

1 (A) animal welfare is maintained through-
2 out transport; and

3 (B) animals are spared unnecessary dis-
4 tress or injury.

5 (b) GRANT PROGRAM.—The Secretary shall establish
6 a program to provide grants to eligible research institu-
7 tions to study higher-welfare transport.

8 (c) APPLICATIONS.—To be eligible for a grant under
9 this section, an eligible research institution shall submit
10 to the Secretary an application at such time, in such man-
11 ner, and containing such information as the Secretary may
12 require.

13 (d) REQUIREMENTS.—In carrying out the program
14 established under subsection (b), the Secretary shall en-
15 sure that none of the grant funding may be used to per-
16 form any experiment that would not comply with current
17 transport law.

18 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
19 authorized to be appropriated to the Secretary to carry
20 out this section \$50,000,000 for each of fiscal years 2024
21 through 2026.

1 **Subtitle B—Nonambulatory**
2 **Livestock**

3 **SEC. 321. UNLAWFUL SLAUGHTER PRACTICES INVOLVING**
4 **NONAMBULATORY LIVESTOCK.**

5 (a) IN GENERAL.—Public Law 85–765 (commonly
6 known as the “Humane Methods of Slaughter Act of
7 1958”) is amended by inserting after section 2 (7 U.S.C.
8 1902) the following:

9 **“SEC. 3. NONAMBULATORY LIVESTOCK.**

10 “(a) DEFINITIONS.—In this section:

11 “(1) COVERED ENTITY.—The term ‘covered en-
12 tity’ means—

13 “(A) a stockyard;

14 “(B) a market agency;

15 “(C) a packer (as defined in section 201 of
16 the Packers and Stockyards Act, 1921 (7
17 U.S.C. 191));

18 “(D) a dealer (as defined in section 301 of
19 the Packers and Stockyards Act, 1921 (7
20 U.S.C. 201));

21 “(E) a slaughter facility; and

22 “(F) an establishment.

23 “(2) ESTABLISHMENT.—The term ‘establish-
24 ment’ means an establishment that is subject to in-

1 spection pursuant to the Federal Meat Inspection
2 Act (21 U.S.C. 601 et seq.).

3 “(3) HUMANELY EUTHANIZE.—The term ‘hu-
4 manely euthanize’ means to immediately render an
5 animal unconscious by mechanical, chemical, or
6 other means, with the unconscious state remaining
7 until the death of the animal.

8 “(4) NONAMBULATORY LIVESTOCK.—The term
9 ‘nonambulatory livestock’ means any cattle, sheep,
10 swine, goats, or horses, mules, or other equines who
11 cannot stand or walk unassisted.

12 “(5) SECRETARY.—The term ‘Secretary’ means
13 the Secretary of Agriculture.

14 “(b) HUMANE TREATMENT, HANDLING, AND DIS-
15 POSITION.—The Secretary shall promulgate regulations to
16 provide for the humane treatment, handling, and disposi-
17 tion of all nonambulatory livestock by covered entities, in-
18 cluding requirements for covered entities—

19 “(1) to immediately humanely euthanize non-
20 ambulatory livestock when the livestock becomes
21 nonambulatory livestock, subject to subsection (c);
22 and

23 “(2)(A) to have written policies and procedures
24 in place, and proper equipment, relating to the hu-

1 mane handling, euthanization, and disposition of all
2 nonambulatory livestock;

3 “(B) to maintain records of all nonambulatory
4 livestock; and

5 “(C) to electronically submit those written poli-
6 cies and procedures and records to the Adminis-
7 trator of the Food Safety and Inspection Service.

8 “(c) HUMANE EUTHANASIA.—

9 “(1) IN GENERAL.—The Secretary shall pro-
10 mulgate regulations specifying—

11 “(A) the methods of euthanasia that shall
12 be acceptable for the humane disposition of
13 nonambulatory livestock required under the reg-
14 ulations promulgated under subsection (b); and

15 “(B) processes for ensuring effective en-
16 forcement of the use of those methods.

17 “(2) DISEASE TESTING.—The regulations pro-
18 mulgated under subsection (b) shall not limit the
19 ability of the Secretary to test nonambulatory live-
20 stock for a disease.

21 “(d) TRANSACTING OR PROCESSING.—A covered en-
22 tity shall not—

23 “(1) buy or sell a nonambulatory animal; or

24 “(2) process, butcher, or sell meat or products
25 of nonambulatory livestock.

1 “(e) RECORDS.—The Administrator of the Food
2 Safety and Inspection Service shall maintain all docu-
3 ments submitted by covered entities pursuant to the regu-
4 lations under subsection (b).”.

5 (b) INSPECTION OF NONAMBULATORY LIVESTOCK;
6 LABELING.—Section 6 of the Federal Meat Inspection Act
7 (21 U.S.C. 606) is amended by adding at the end the fol-
8 lowing:

9 “(c) INSPECTION OF NONAMBULATORY LIVESTOCK;
10 LABELING.—

11 “(1) DEFINITION OF NONAMBULATORY LIVE-
12 STOCK.—In this subsection, the term ‘non-
13 ambulatory livestock’ means any cattle, sheep, swine,
14 goats, or horses, mules, or other equines who cannot
15 stand or walk unassisted.

16 “(2) INSPECTION.—It shall be unlawful for an
17 inspector at an establishment subject to inspection
18 under this Act to pass through inspection any non-
19 ambulatory livestock or carcass (including parts of a
20 carcass) of nonambulatory livestock.

21 “(3) LABELING.—An inspector or other em-
22 ployee of an establishment described in paragraph
23 (2) shall label, mark, stamp, or tag as ‘inspected
24 and condemned’ any carcass (including parts of a
25 carcass) of nonambulatory livestock.”.

1 (c) EFFECTIVE DATE.—

2 (1) IN GENERAL.—Except as provided in para-
3 graph (2), the amendments made by subsections (a)
4 and (b) shall take effect on the date that is 1 year
5 after the date of enactment of this Act.

6 (2) REGULATIONS.—Not later than 1 year after
7 the date of enactment of this Act, the Secretary
8 shall promulgate final regulations to implement the
9 amendments made by subsections (a) and (b).

10 **SEC. 322. UNLAWFUL USE OF DRUGS CONTRIBUTING TO**
11 **NONAMBULATORY CONDITIONS.**

12 The Animal Health Protection Act is amended by in-
13 serting after section 10409A (7 U.S.C. 8308a) the fol-
14 lowing:

15 **“SEC. 10409B. UNLAWFUL USE OF DRUGS ON CERTAIN ANI-**
16 **MALS.**

17 “Any use of a beta-agonist drug, including
18 ractopamine, zilpaterol, and lubabegron, in an animal in
19 the absence of disease, including use for growth promotion
20 or feed efficiency, is prohibited.”.

21 **SEC. 323. INCLUSION OF POULTRY IN HUMANE METHODS**
22 **OF SLAUGHTER ACT.**

23 (a) IN GENERAL.—Public Law 85–765 (commonly
24 known as the “Humane Methods of Slaughter Act of
25 1958”) (7 U.S.C. 1901 et seq.) is amended by adding

1 “and poultry” after the term “livestock” each place it ap-
2 pears, except as provided in subsection (b).

3 (b) OTHER CONFORMING AMENDMENT.—Section
4 2(a) of Public Law 85–765 (commonly known as the “Hu-
5 mane Methods of Slaughter Act of 1958”) (7 U.S.C.
6 1902) is amended by striking “and other livestock,” and
7 inserting “other livestock, and poultry”.

8 (c) EFFECTIVE DATE.—The amendments made by
9 subsections (a) and (b) shall take effect on the date that
10 is 10 years after the date of enactment of this Act.

11 **Subtitle C—Inspections**

12 **SEC. 331. DEFINITIONS.**

13 In this subtitle:

14 (1) COVERED ESTABLISHMENT.—The term
15 “covered establishment” means—

16 (A) an official establishment (as defined in
17 section 301.2 of title 9, Code of Federal Regu-
18 lations (or successor regulations)) that is sub-
19 ject to inspection under the Federal Meat In-
20 spection Act (21 U.S.C. 601 et seq.); and

21 (B) an official establishment (as defined in
22 section 381.1 of title 9, Code of Federal Regu-
23 lations (or successor regulations)) that is sub-
24 ject to inspection under the Poultry Products
25 Inspection Act (21 U.S.C. 451 et seq.).

1 (2) EMPLOYEE.—The term “employee” has the
2 meaning given the term in section 3 of the Occupa-
3 tional Safety and Health Act of 1970 (29 U.S.C.
4 652).

5 **SEC. 332. ENDING DANGEROUS HIGHER-SPEED SLAUGHTER**
6 **AND SELF-INSPECTION SYSTEMS.**

7 (a) DEFINITION OF COVERED PROGRAM.—

8 (1) IN GENERAL.—The term “covered pro-
9 gram” means any waiver, program, or regulation
10 that—

11 (A) allows covered establishments to oper-
12 ate at slaughter speeds that exceed existing lim-
13 its required by regulations of the Department
14 of Agriculture as of the date of enactment of
15 this Act;

16 (B) reduces the number of Federal inspec-
17 tors in covered establishments; or

18 (C) replaces Federal inspectors at covered
19 establishments with employees of the covered
20 establishments for purposes of inspection.

21 (2) INCLUSIONS.—The term “covered program”
22 includes—

23 (A) the New Swine Slaughter Inspection
24 System described in the final rule entitled

1 “Modernization of Swine Slaughter Inspection”
2 (84 Fed. Reg. 52300 (October 1, 2019));

3 (B) the New Poultry Inspection System
4 described in the final rule entitled “Moderniza-
5 tion of Poultry Slaughter Inspection” (79 Fed.
6 Reg. 49566 (August 21, 2014)); and

7 (C) any waiver issued under an inspection
8 system described in subparagraph (A) or (B).

9 (b) **TERMINATION OF COVERED PROGRAMS.**—The
10 Secretary, acting through the Administrator of the Food
11 Safety and Inspection Service, shall terminate or suspend
12 implementation of or conversion to, as applicable, all cov-
13 ered programs.

14 **SEC. 333. FUNDING FOR ADDITIONAL OSHA INSPECTORS.**

15 There is authorized to be appropriated \$60,000,000
16 for each of fiscal years 2024 through 2033 for the hiring
17 of additional inspectors to carry out inspections under sec-
18 tion 8 of the Occupational Safety and Health Act of 1970
19 (29 U.S.C. 657) in covered establishments.

20 **SEC. 334. FUNDING FOR ADDITIONAL FSIS INSPECTORS.**

21 (a) **IN GENERAL.**—There is authorized to be appro-
22 priated to the Secretary \$50,000,000 for each of fiscal
23 years 2024 through 2033 to hire additional full-time
24 equivalent positions within the Food Safety and Inspection
25 Service relating to inspections conducted pursuant to, and

1 the enforcement of, Public Law 85–765 (commonly known
2 as the “Humane Methods of Slaughter Act of 1958”) (7
3 U.S.C. 1901 et seq.).

4 (b) PRIORITY FOR HIRING.—In carrying out sub-
5 section (a), priority shall be given to hiring personnel—

6 (1) to inspect processing facilities (as described
7 by the term “eligible facility” in section 764 of divi-
8 sion N of the Consolidated Appropriations Act, 2021
9 (21 U.S.C. 473)); and

10 (2) in regions with the highest number of va-
11 cancies within the Food Safety and Inspection Serv-
12 ice.

○