

116TH CONGRESS
2D SESSION

S. 4338

To direct the Secretary of Agriculture to temporarily suspend increased line speeds at meat and poultry establishments, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 28, 2020

Mr. BOOKER (for himself, Mr. BLUMENTHAL, Mr. MERKLEY, Mrs. FEINSTEIN, Ms. WARREN, Mr. SANDERS, and Ms. HARRIS) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To direct the Secretary of Agriculture to temporarily suspend increased line speeds at meat and poultry establishments, 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.**

4 This Act may be cited as the “Safe Line Speeds Dur-
5 ing COVID–19 Act of 2020”.

6 **SEC. 2. TEMPORARY SUSPENSION OF INCREASED LINE**

7 **SPEEDS AT MEAT AND POULTRY ESTABLISH-**
8 **MENTS.**

9 (a) DEFINITIONS.—In this section:

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

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

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

13 (2) COVERED PERIOD.—The term “covered pe-
14 riod” means the period beginning on the date of en-
15 actment of this Act and ending on the date that is
16 90 days after the date on which the COVID–19
17 emergency is lifted.

18 (3) COVID–19 EMERGENCY.—The term
19 “COVID–19 emergency” means the public health
20 emergency declared by the Secretary of Health and
21 Human Services under section 319 of the Public
22 Health Service Act (42 U.S.C. 247d) on January
23 31, 2020, with respect to COVID–19.

24 (4) SECRETARY.—The term “Secretary” means
25 the Secretary of Agriculture.

1 (b) TEMPORARY SUSPENSION OF WAIVERS.—

2 (1) IN GENERAL.—Notwithstanding any other
3 provision of law (including regulations, including
4 sections 303.1(h) and 381.3(b) of title 9, Code of
5 Federal Regulations (or successor regulations)), dur-
6 ing the covered period, the Secretary, acting through
7 the Administrator of the Food Safety and Inspection
8 Service—

9 (A) shall suspend any waivers issued be-
10 fore the date of enactment of this Act relating
11 to—

12 (i) line speeds at covered establish-
13 ments; and

14 (ii) inspection staffing requirements
15 for covered establishments;

16 (B) shall not issue any waiver described in
17 subparagraph (A) to covered establishments;
18 and

19 (C) shall suspend implementation of, and
20 conversion to, the New Swine Slaughter Inspec-
21 tion System described in the final rule entitled
22 “Modernization of Swine Slaughter Inspection”
23 (84 Fed. Reg. 52300 (October 1, 2019)).

24 (2) LIMITATION ON AUTHORITY OVER LINE
25 SPEEDS.—None of the funds made available to the

1 Secretary during the covered period may be used to
2 develop, propose, finalize, issue, amend, or imple-
3 ment any policy, regulation, directive, constituent
4 update, or any other agency program that would in-
5 crease line speeds at covered establishments.

6 (3) EFFECT ON STATE LAW.—

7 (A) IN GENERAL.—This subsection shall
8 not preempt or limit any law or regulation of a
9 State or a political subdivision of a State that—

10 (i) imposes requirements that are
11 more protective of worker safety or animal
12 welfare than the requirements of this sub-
13 section; or

14 (ii) creates penalties for conduct regu-
15 lated by this subsection.

16 (B) OTHER LAWS.—The requirements of
17 this subsection are in addition to, and not in
18 lieu of, any other laws protecting worker safety
19 and animal welfare.

20 (c) GAO REVIEW.—

21 (1) IN GENERAL.—Not later than 90 days after
22 the end of the covered period, the Comptroller Gen-
23 eral of the United States shall carry out, and submit
24 to Congress, a review of the actions taken by the
25 Secretary, the Secretary of Labor, and the Secretary

1 of Health and Human Services in response to the
2 COVID–19 pandemic to determine the effectiveness
3 of those actions in protecting animal, food, and
4 worker safety.

5 (2) CONTENTS.—The review carried out under
6 paragraph (1) shall include information on, and an
7 analysis of, with respect to covered establishments—

8 (A) all policies and regulations relating to
9 inspection of those establishments that have
10 been implemented by the Secretary, the Sec-
11 retary of Labor, and the Secretary of Health
12 and Human Services during the COVID–19
13 emergency and the covered period;

14 (B) the pandemic emergency preparedness
15 plans of those establishments;

16 (C) the extent to which those establish-
17 ments have implemented guidance and rec-
18 ommendations to space workers 6 feet apart on
19 production lines and in break rooms, locker
20 rooms, and all other workspaces;

21 (D) the quantity and usage of personal
22 protective equipment by workers at those estab-
23 lishments;

24 (E) any guidance provided to inspectors of
25 those establishments by the Secretary, Sec-

1 retary of Labor, or the Secretary of Health and
2 Human Services during the COVID–19 emer-
3 gency;

4 (F) actions taken by the Secretary, the
5 Secretary of Labor, and the Secretary of Health
6 and Human Services to protect workers, ani-
7 mals, and food at establishments that have re-
8 ported cases of COVID–19;

9 (G) all humane handling reports issued,
10 and enforcement actions taken, by the Sec-
11 retary during the COVID–19 emergency pursu-
12 ant to—

13 (i) Public Law 85–765 (commonly
14 known as the “Humane Methods of
15 Slaughter Act of 1958”) (7 U.S.C. 1901 et
16 seq.); and

17 (ii) good commercial practices regula-
18 tions promulgated under the Poultry Prod-
19 ucts Inspection Act (21 U.S.C. 451 et
20 seq.);

21 (H) the impact of faster line speeds on the
22 ability of those establishments to maintain pro-
23 tections for workers; and

24 (I) any instance of interference by a Fed-
25 eral agency with a review of a covered establish-

1 ment experiencing an outbreak of COVID–19
2 conducted by personnel of the Centers for Dis-
3 ease Control and Prevention.

4 (d) REPORTS TO CONGRESS.—Not later than Decem-
5 ber 31, 2020, the Secretary, the Secretary of Labor, and
6 the Secretary of Health and Human Services shall each
7 submit to the Committees on Agriculture, Nutrition, and
8 Forestry and Health, Education, Labor, and Pensions of
9 the Senate, and the Committees on Agriculture and Edu-
10 cation and Labor of the House of Representatives, a re-
11 port that—

12 (1) describes the actions taken by that Sec-
13 retary to ensure worker, animal, and food safety
14 during the COVID–19 emergency; and

15 (2) includes an analysis of the issues described
16 in subparagraphs (A) through (H) of subsection
17 (c)(2).

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