

116TH CONGRESS
2D SESSION

S. 5066

To amend the Poultry Products Inspection Act and the Federal Meat Inspection Act to support small and very small meat and poultry processing establishments, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 18, 2020

Mr. THUNE (for himself, Mr. MERKLEY, Ms. COLLINS, and Mr. KING) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To amend the Poultry Products Inspection Act and the Federal Meat Inspection Act to support small and very small meat and poultry processing 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 “Strengthening Local
5 Processing Act of 2020”.

1 **SEC. 2. HACCP GUIDANCE AND RESOURCES FOR SMALLER**
2 **AND VERY SMALL POULTRY AND MEAT ES-**
3 **TABLISHMENTS.**

4 (a) POULTRY ESTABLISHMENTS.—The Poultry Prod-
5 ucts Inspection Act is amended by inserting after section
6 14 (21 U.S.C. 463) the following:

7 **“SEC. 14A. SMALLER AND VERY SMALL ESTABLISHMENT**
8 **GUIDANCE AND RESOURCES.**

9 “(a) DEFINITIONS OF SMALLER ESTABLISHMENT
10 AND VERY SMALL ESTABLISHMENT.—In this section, the
11 terms ‘smaller establishment’ and ‘very small establish-
12 ment’ have the meanings given those terms in the final
13 rule entitled ‘Pathogen Reduction; Hazard Analysis and
14 Critical Control Point (HACCP) Systems’ (61 Fed. Reg.
15 38806 (July 25, 1996)).

16 “(b) DATABASE OF STUDIES; MODEL PLANS.—Not
17 later than 18 months after the date of enactment of this
18 section, the Secretary shall—

19 “(1) establish a free, searchable database of ap-
20 proved peer-reviewed validation studies accessible to
21 smaller establishments and very small establish-
22 ments subject to inspection under this Act for use
23 in developing a Hazard Analysis and Critical Control
24 Points plan; and

25 “(2) publish online scale-appropriate model
26 Hazard Analysis and Critical Control Points plans

1 for smaller establishments and very small establish-
2 ments, including model plans for—

3 “(A) slaughter-only establishments;

4 “(B) processing-only establishments; and

5 “(C) slaughter and processing establish-
6 ments.

7 “(c) GUIDANCE.—Not later than 2 years after the
8 date of enactment of this section, the Secretary shall pub-
9 lish a guidance document, after notice and an opportunity
10 for public comment, providing information on the require-
11 ments that need to be met for smaller establishments and
12 very small establishments to receive approval for a Hazard
13 Analysis and Critical Control Points Plan pursuant to this
14 Act.”.

15 (b) MEAT ESTABLISHMENTS.—The Federal Meat In-
16 spection Act is amended by inserting after section 25 (21
17 U.S.C. 625) the following:

18 **“SEC. 26. SMALLER AND VERY SMALL ESTABLISHMENT**

19 **GUIDANCE AND RESOURCES.**

20 “(a) DEFINITIONS OF SMALLER ESTABLISHMENT
21 AND VERY SMALL ESTABLISHMENT.—In this section, the
22 terms ‘smaller establishment’ and ‘very small establish-
23 ment’ have the meanings given those terms in the final
24 rule entitled ‘Pathogen Reduction; Hazard Analysis and

1 Critical Control Point (HACCP) Systems’ (61 Fed. Reg.
2 38806 (July 25, 1996)).

3 “(b) DATABASE OF STUDIES; MODEL PLANS.—Not
4 later than 18 months after the date of enactment of this
5 section, the Secretary shall—

6 “(1) establish a free, searchable database of ap-
7 proved peer-reviewed validation studies accessible to
8 smaller establishments and very small establish-
9 ments subject to inspection under this Act for use
10 in developing a Hazard Analysis and Critical Control
11 Points plan; and

12 “(2) publish online scale-appropriate model
13 Hazard Analysis and Critical Control Points plans
14 for smaller establishments and very small establish-
15 ments, including model plans for—

16 “(A) slaughter-only establishments;

17 “(B) processing-only establishments; and

18 “(C) slaughter and processing establish-
19 ments.

20 “(c) GUIDANCE.—Not later than 2 years after the
21 date of enactment of this section, the Secretary shall pub-
22 lish a guidance document, after notice and an opportunity
23 for public comment, providing information on the require-
24 ments that need to be met for smaller establishments and
25 very small establishments to receive approval for a Hazard

1 Analysis and Critical Control Points Plan pursuant to this
2 Act.”.

3 **SEC. 3. INCREASING MAXIMUM FEDERAL SHARE FOR EX-**
4 **PENSES OF STATE INSPECTION.**

5 (a) POULTRY PRODUCTS.—Section 5(a)(3) of the
6 Poultry Products Inspection Act (21 U.S.C. 454(a)(3)) is
7 amended in the second sentence by striking “50 per cen-
8 tum” and inserting “65 percent”.

9 (b) MEAT AND MEAT FOOD PRODUCTS.—Section
10 301(a)(3) of the Federal Meat Inspection Act (21 U.S.C.
11 661(a)(3)) is amended in the second sentence by striking
12 “50 per centum” and inserting “65 percent”.

13 **SEC. 4. COOPERATIVE INTERSTATE SHIPMENT OF POUL-**
14 **TRY AND MEAT.**

15 (a) POULTRY PRODUCTS.—Section 31 of the Poultry
16 Products Inspection Act (21 U.S.C. 472) is amended—

17 (1) in subsection (b)—

18 (A) in paragraph (2), by striking “25 em-
19 ployees” each place it appears and inserting
20 “50 employees”; and

21 (B) in paragraph (3)—

22 (i) in the paragraph heading, by strik-
23 ing “25” and inserting “50”;

24 (ii) in subparagraph (A), by striking
25 “25” and inserting “50”; and

1 (iii) in subparagraph (B)—

2 (I) in clause (i), by striking
3 “more than 25 employees but less
4 than 35 employees” and inserting
5 “more than 50 employees but less
6 than 70 employees”; and

7 (II) in clause (ii), by striking
8 “subsection (i)” and inserting “sub-
9 section (j)”;

10 (2) in subsection (c), by striking “60 percent”
11 and inserting “80 percent”;

12 (3) in subsection (e)(1), by striking “subsection
13 (i)” and inserting “subsection (j)”;

14 (4) by redesignating subsections (f) through (i)
15 as subsections (g) through (j), respectively; and

16 (5) by inserting after subsection (e) the fol-
17 lowing:

18 “(f) FEDERAL OUTREACH.—

19 “(1) IN GENERAL.—In each of fiscal years
20 2021 through 2024, for the purpose of State partici-
21 pation in the Cooperative Interstate Shipment pro-
22 gram, the Secretary shall conduct outreach to, and,
23 as appropriate, subsequent negotiation with, not
24 fewer than 25 percent of the States that—

1 “(A) have a State poultry product inspec-
2 tion program pursuant to section 5; but

3 “(B) do not have a selected establishment.

4 “(2) REPORT.—At the conclusion of each of fis-
5 cal years 2021 through 2024, the Secretary shall
6 submit a report detailing the activities and results of
7 the outreach conducted during that fiscal year under
8 paragraph (1) to—

9 “(A) the Committee on Agriculture of the
10 House of Representatives;

11 “(B) the Committee on Agriculture, Nutri-
12 tion, and Forestry of the Senate;

13 “(C) the Subcommittee on Agriculture,
14 Rural Development, Food and Drug Adminis-
15 tration, and Related Agencies of the Committee
16 on Appropriations of the House of Representa-
17 tives; and

18 “(D) the Subcommittee on Agriculture,
19 Rural Development, Food and Drug Adminis-
20 tration, and Related Agencies of the Committee
21 on Appropriations of the Senate.”.

22 (b) MEAT AND MEAT FOOD PRODUCTS.—Section
23 501 of the Federal Meat Inspection Act (21 U.S.C. 683)
24 is amended—

25 (1) in subsection (b)—

1 (A) in paragraph (2), by striking “25 em-
2 ployees” each place it appears and inserting
3 “50 employees”; and

4 (B) in paragraph (3)—

5 (i) in the paragraph heading, by strik-
6 ing “25” and inserting “50”;

7 (ii) in subparagraph (A), by striking
8 “25” and inserting “50”; and

9 (iii) in subparagraph (B)(i), by strik-
10 ing “more than 25 employees but less than
11 35 employees” and inserting “more than
12 50 employees but less than 70 employees”;

13 (2) in subsection (c), by striking “60 percent”
14 and inserting “80 percent”; and

15 (3) in subsection (f), by adding at the end the
16 following:

17 “(3) FEDERAL OUTREACH.—

18 “(A) IN GENERAL.—In each of fiscal years
19 2021 through 2024, for the purpose of State
20 participation in the Cooperative Interstate Ship-
21 ment program, the Secretary shall conduct out-
22 reach to, and, as appropriate, subsequent nego-
23 tiation with, not fewer than 25 percent of the
24 States that—

1 “(i) have a State meat inspection pro-
2 gram pursuant to section 301; but

3 “(ii) do not have a selected establish-
4 ment.

5 “(B) REPORT.—At the conclusion of each
6 of fiscal years 2021 through 2024, the Sec-
7 retary shall submit a report detailing the activi-
8 ties and results of the outreach conducted dur-
9 ing that fiscal year under paragraph (1) to—

10 “(i) the Committee on Agriculture of
11 the House of Representatives;

12 “(ii) the Committee on Agriculture,
13 Nutrition, and Forestry of the Senate;

14 “(iii) the Subcommittee on Agri-
15 culture, Rural Development, Food and
16 Drug Administration, and Related Agen-
17 cies of the Committee on Appropriations of
18 the House of Representatives; and

19 “(iv) the Subcommittee on Agri-
20 culture, Rural Development, Food and
21 Drug Administration, and Related Agen-
22 cies of the Committee on Appropriations of
23 the Senate.”.

1 **SEC. 5. PROCESSING RESILIENCE GRANT PROGRAM.**

2 Subtitle A of the Agricultural Marketing Act of 1946
3 (7 U.S.C. 1621 et seq.) is amended by adding at the end
4 the following:

5 **“SEC. 210B. PROCESSING RESILIENCE GRANT PROGRAM.**

6 “(a) DEFINITIONS.—In this section:

7 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
8 tity’ means—

9 “(A) a smaller establishment or very small
10 establishment (as those terms are defined in the
11 final rule entitled ‘Pathogen Reduction; Hazard
12 Analysis and Critical Control Point (HACCP)
13 Systems’ (61 Fed. Reg. 33806 (July 25,
14 1996)));

15 “(B) a slaughtering or processing estab-
16 lishment subject to—

17 “(i) a State meat inspection program
18 pursuant to section 301 of the Federal
19 Meat Inspection Act (21 U.S.C. 661); or

20 “(ii) a State poultry product inspec-
21 tion program pursuant to section 5 of the
22 Poultry Products Inspection Act (21
23 U.S.C. 454);

24 “(C) a person engaging in custom oper-
25 ations that is exempt from inspection under—

1 “(i) section 23 of the Federal Meat
2 Inspection Act (21 U.S.C. 623); or

3 “(ii) section 15 of the Poultry Prod-
4 ucts Inspection Act (21 U.S.C. 464); and

5 “(D) a person seeking—

6 “(i) to establish and operate an estab-
7 lishment described in subparagraph (A) or
8 (B); or

9 “(ii) to engage in custom operations
10 described in subparagraph (C).

11 “(2) MINORITY-OWNED BUSINESS.—The term
12 ‘minority-owned business’ means a for-profit busi-
13 ness not less than 51 percent of which is owned by
14 1 or more Black American, Native American, His-
15 panic American, or Asian American individuals.

16 “(3) SECRETARY.—The term ‘Secretary’ means
17 the Secretary of Agriculture, acting through the Ad-
18 ministrator of the Agricultural Marketing Service.

19 “(b) GRANTS.—

20 “(1) IN GENERAL.—Not later than 60 days
21 after the date of enactment of this section, the Sec-
22 retary shall award competitive grants to eligible enti-
23 ties for activities to adapt production, processing,
24 distribution, and sales systems to respond to and re-
25 cover from the effects of the Coronavirus Disease

1 2019 (referred to in this section as ‘COVID–19’)
2 pandemic, including activities that—

3 “(A) support the health and safety of meat
4 and poultry plant employees, suppliers, and cus-
5 tomers;

6 “(B) support increased processing capac-
7 ity; and

8 “(C) otherwise support the resilience of the
9 small meat and poultry processing sector.

10 “(2) MAXIMUM AMOUNT.—The maximum
11 amount of a grant awarded under this section shall
12 not exceed \$500,000.

13 “(3) DURATION.—The term of a grant awarded
14 under this section shall not exceed 3 years.

15 “(c) APPLICATIONS.—

16 “(1) IN GENERAL.—An eligible entity desiring a
17 grant under this section shall submit to the Sec-
18 retary an application at such time, in such manner,
19 and containing such information as the Secretary
20 may require.

21 “(2) APPLICATIONS FOR SMALL GRANTS.—The
22 Secretary shall establish a separate, simplified appli-
23 cation process for eligible entities applying for a
24 grant under this section of not more than \$100,000.

1 “(3) REQUIREMENTS.—The Secretary shall en-
2 sure that any application for a grant under this sec-
3 tion is—

4 “(A) simple and practicable;

5 “(B) accessible online; and

6 “(C) available through local staff of the
7 Department of Agriculture.

8 “(4) NOTICE.—Not later than 14 days before
9 the date on which the Secretary begins to accept ap-
10 plications under paragraph (1), the Secretary shall
11 publish a notice of funding opportunity with respect
12 to the grants available under this section.

13 “(5) REAPPLICATION.—If an application of an
14 eligible entity under this subsection is denied by the
15 Secretary, the eligible entity may submit a revised
16 application.

17 “(6) PRIORITY.—In reviewing applications sub-
18 mitted under this subsection, the Secretary shall
19 give priority to proposals that will—

20 “(A) increase farmer and rancher access to
21 animal slaughter options within a 200-mile ra-
22 dius of the location of the farmer or rancher;

23 “(B) support an eligible entity described in
24 subsection (a)(1)(A); or

1 “(C) support an eligible entity that is a
2 minority-owned business.

3 “(d) USE OF GRANT.—An eligible entity that receives
4 a grant under this section shall use the grant funds to
5 carry out activities in support of the purposes described
6 in subsection (b)(1), including through—

7 “(1) the development and issuance of a Hazard
8 Analysis and Critical Control Points plan for the eli-
9 gible entity, which may be developed by a consultant;

10 “(2) the purchase or establishment, as applica-
11 ble, of facilities, equipment, processes, and oper-
12 ations necessary for the eligible entity to comply
13 with applicable requirements under the Federal
14 Meat Inspection Act (21 U.S.C. 601 et seq.) or the
15 Poultry Products Inspection Act (21 U.S.C. 451 et
16 seq.);

17 “(3) the purchase of cold storage, equipment, or
18 transportation services or equipment needed to re-
19 spond to COVID–19 demand;

20 “(4) the purchase of test kits for COVID–19,
21 temperature screening supplies, disinfectant, sanita-
22 tion systems, hand washing stations, and other sani-
23 tizing supplies;

24 “(5) the purchase and decontamination of per-
25 sonal protective equipment;

1 “(6) the construction or purchase of humane
2 handling infrastructure, including holding space for
3 livestock prior to slaughter, shade structures, and
4 knock box structures;

5 “(7)(A) the purchase of software and computer
6 equipment for record keeping, production data, Haz-
7 ard Analysis and Critical Control Points record re-
8 view, and facilitation of marketing and sales of prod-
9 ucts in a manner consistent with the social
10 distancing guidelines of the Centers for Disease Con-
11 trol and Prevention; and

12 “(B) the provision of guidelines and training re-
13 lating to that software and computer equipment;

14 “(8) the provision of staff time and training for
15 implementing and monitoring health and safety pro-
16 cedures;

17 “(9) the development of a feasibility study or
18 business plan for, or the carrying out of any other
19 activity associated with, establishing or expanding a
20 small meat or poultry processing facility; and

21 “(10) other activities associated with expanding
22 or establishing an eligible entity described in sub-
23 section (a)(1)(A), as determined by the Secretary.

24 “(e) OUTREACH.—During the period beginning on
25 the date on which the Secretary publishes the notice under

1 subsection (c)(4) and ending on the date on which the Sec-
2 retary begins to accept applications under subsection
3 (c)(1), the Secretary shall perform outreach to States and
4 eligible entities relating to grants under this section.

5 “(f) FEDERAL SHARE.—

6 “(1) IN GENERAL.—Subject to paragraph (2),
7 the Federal share of the activities carried out using
8 a grant awarded under this section shall not ex-
9 ceed—

10 “(A) 90 percent in the case of a grant in
11 the amount of \$100,000 or less; or

12 “(B) 75 percent in the case of a grant in
13 an amount greater than \$100,000.

14 “(2) FISCAL YEAR 2021.—An eligible entity
15 awarded a grant under this section during fiscal
16 year 2021 shall not be required to provide non-Fed-
17 eral matching funds with respect to the grant.

18 “(g) ADMINISTRATION.—The promulgation of regula-
19 tions under, and administration of, this section shall be
20 made without regard to—

21 “(1) the notice and comment provisions of sec-
22 tion 553 of title 5, United States Code; and

23 “(2) chapter 35 of title 44, United States Code
24 (commonly known as the ‘Paperwork Reduction
25 Act’).

1 “(h) FUNDING.—

2 “(1) MANDATORY FUNDING.—Of the funds of
3 the Commodity Credit Corporation, the Secretary of
4 Agriculture shall use to carry out this section
5 \$10,000,000 for each of fiscal years 2021 through
6 2030.

7 “(2) AUTHORIZATION OF APPROPRIATIONS.—In
8 addition to amounts made available under paragraph
9 (1), there is authorized to be appropriated to the
10 Secretary of Agriculture to carry out this section
11 \$15,000,000 for each of fiscal years 2021 through
12 2030.”.

13 **SEC. 6. LOCAL MEAT AND POULTRY PROCESSING TRAINING**
14 **PROGRAMS.**

15 Title IV of the Agricultural Research, Extension, and
16 Education Reform Act of 1998 is amended by inserting
17 before section 404 (7 U.S.C. 7624) the following:

18 **“SEC. 403. LOCAL MEAT AND POULTRY PROCESSING TRAIN-**
19 **ING PROGRAMS.**

20 “(a) HIGHER EDUCATION CAREER TRAINING PRO-
21 GRAMS.—

22 “(1) IN GENERAL.—The Secretary shall provide
23 competitive grants to junior or community colleges,
24 technical or vocational schools, and land-grant col-
25 leges and universities (as defined in section 1404 of

1 the National Agricultural Research, Extension, and
2 Teaching Policy Act of 1977 (7 U.S.C. 3103)) to es-
3 tablish or expand career training programs relating
4 to meat and poultry processing.

5 “(2) AUTHORIZATION OF APPROPRIATIONS.—
6 There is authorized to be appropriated to the Sec-
7 retary to carry out this subsection \$10,000,000 for
8 fiscal year 2021 and each fiscal year thereafter, to
9 remain available until expended.

10 “(b) PROCESSOR CAREER TRAINING PROGRAMS.—

11 “(1) IN GENERAL.—The Secretary shall provide
12 grants to smaller establishments and very small es-
13 tablishments (as those terms are defined in the final
14 rule entitled ‘Pathogen Reduction; Hazard Analysis
15 and Critical Control Point (HACCP) Systems’ (61
16 Fed. Reg. 38806 (July 25, 1996))) and nongovern-
17 mental organizations to offset the cost of training
18 new meat and poultry processors.

19 “(2) AUTHORIZATION OF APPROPRIATIONS.—
20 There is authorized to be appropriated to the Sec-
21 retary to carry out this subsection \$10,000,000 for
22 fiscal year 2021 and each fiscal year thereafter, to
23 remain available until expended.”.

○