

117TH CONGRESS
2D SESSION

S. 5138

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

IN THE SENATE OF THE UNITED STATES

NOVEMBER 29, 2022

Mr. BOOKER introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

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 2022”.

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.

4 SEC. 3. FINDINGS.

5 Congress finds that—

(1) factory farms owned or controlled by industrial operators—

(A) lack systemic resilience;

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

(C) negatively impact—

(i) farmed animals, who suffer tremendously from cruel depopulation methods and without meaningful disaster mitigation efforts;

(ii) meat and poultry processing workers, who are subjected to exploitative conditions and abusive behavior by employers in depopulation situations—

(I) including—

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

(bb) being terminated following the completion of a depopulation event, without financial support; and

(II) that lead to long-term psychological impacts, including increased feelings of anger and stress; and

1 (iii) neighboring communities and the
 2 environment, including through—

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

7 (II) algae blooms; and

8 (III) wildlife population crashes;

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

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

17 (3) since 2019, industrial operators put slaugh-
 18 terhouse workers in jeopardy and cost taxpayers mil-
 19 lions of dollars;

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

23 (5) industrial operators have created a system
 24 that allows for the inhumane handling of non-
 25 ambulatory livestock (as defined in section 3(a) of

Public Law 85–765 (commonly known as the “Humane Methods of Slaughter Act of 1958”)) that causes needless suffering, unsafe working conditions, and the spread of foodborne and zoonotic diseases;

(6) industrial operators have abused the use of certain drugs that increase the risk of livestock becoming nonambulatory livestock (as so defined);

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

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

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

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

TITLE I—HIGH-RISK AFO DIS- ASTER MITIGATION AND EN- FORCEMENT

SEC. 101. DEFINITIONS.

In this title:

(1) ANIMAL FEEDING OPERATION; AFO.—

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

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

7 (I) stabled or confined; and

8 (II) fed or maintained; and

9 (ii) crops, vegetation, forage growth,
10 or postharvest residues are not sustained
11 in the normal growing season over any por-
12 tion of the lot or facility.

13 (B) MULTIPLE LOTS.—For purposes of
14 subparagraph (A), 2 or more lots or facilities
15 described in that subparagraph shall be consid-
16 ered to be a single animal feeding operation if
17 the lots or facilities—

18 (i) are located within 3 miles of each
19 other; and

20 (ii) are under common ownership or
21 control.

22 (C) EXCLUSION.—The term “animal feed-
23 ing operation” or “AFO” does not include a
24 pasture-based livestock or poultry production
25 system in which animals—

1 (i) are primarily raised on pasture,
 2 grassland, or other vegetative environ-
 3 ments;

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

6 (iii) have access to appropriate shel-
 7 ter, healthy vegetation, potable water, and
 8 adequate protection from predators.

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

15 (A) 2,500 swine.

16 (B) 30,000 turkeys or ducks.

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

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

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

23 (A) a public health emergency declared by
 24 the Secretary of Health and Human Services

under section 319 of the Public Health Service Act (42 U.S.C. 247d);

(B) a major disaster declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170);

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

(D) a quarantine designated by the Secretary pursuant to the Plant Protection Act (7 U.S.C. 7701 et seq.) or animal quarantine laws.

(5) HIGH-RISK AFO.—The term “high-risk AFO” means an AFO that houses livestock or poultry owned or controlled by a covered industrial operator.

(6) OFFICE.—The term “Office” means the Office of High-Risk AFO Disaster Mitigation and Enforcement established under section 111.

Subtitle A—Department of Agriculture

SEC. 111. OFFICE OF HIGH-RISK AFO DISASTER MITIGATION AND ENFORCEMENT.

The Secretary shall establish an office within the Department of Agriculture, to be known as the “Office of

1 High-Risk AFO Disaster Mitigation and Enforcement”,
 2 which shall carry out or enforce, as applicable, sections
 3 112 through 115.

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

5 (a) REGISTRATION REQUIREMENT.—

6 (1) IN GENERAL.—A covered industrial oper-
 7 ator shall be required to register with the Office
 8 prior to selling, buying, or transferring livestock,
 9 poultry, or any product derived from livestock or
 10 poultry across State lines.

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

14 (A) identifying information about the cov-
 15 ered industrial operator, including the location,
 16 animal type, and peak inventory animal totals
 17 for all high-risk AFOs owned or controlled by
 18 the covered industrial operator; and

19 (B) a standard disaster mitigation plan
 20 that includes—

21 (i) a description of the type, location,
 22 and extent of all potential disaster events
 23 that can affect livestock or poultry housed
 24 in a high-risk AFO, including information
 25 on previous occurrences of disaster events

1 and the probability of future disaster
2 events;

3 (ii) a plan to ensure that animals do
4 not go without necessary resources such as
5 shelter, food, and water during an extreme
6 weather event;

7 (iii) a plan to increase flexibility and
8 resiliency, including—

9 (I) identifying ways to house ani-
10 mals past their intended slaughter
11 date; and

12 (II) alternative slaughter and
13 processing arrangements, including
14 contracting with small-scale Depart-
15 ment of Agriculture, State-certified,
16 or mobile operations with existing ca-
17 pacity, in the event of supply chain
18 disruptions;

19 (iv) a plan for accessing necessary re-
20 sources, personal protective equipment,
21 and labor to carry out depopulation in
22 ways that most rapidly render animals un-
23 conscious in the event that depopulation is
24 unavoidable;

1 (v) a plan for disposal of any deceased
2 animals that—

3 (I) satisfies requirements under
4 all relevant Federal, State, and local
5 environmental and public health laws;
6 and

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

9 (vi) other information, as determined
10 appropriate by the Secretary.

11 (3) ANNUAL SUBMISSION.—A covered industrial
12 operator that is registered with the Office pursuant
13 to this subsection shall submit to the Office the in-
14 formation described in paragraph (2) on an annual
15 basis.

16 (4) RESTRICTED FUNDS FOR PLAN.—A covered
17 industrial operator shall not, in developing a stand-
18 ard disaster mitigation plan described in paragraph
19 (2)(B), use any Federal funds, including funds pro-
20 vided under the environmental quality incentive pro-
21 gram under subchapter A of chapter 4 of subtitle D
22 of title XII of the Food Security Act of 1985 (16
23 U.S.C. 3839aa et seq.).

24 (b) DISASTER MITIGATION MAINTENANCE FEE.—

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

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

8 (A) shall be determined by the Secretary in
 9 a manner that will ensure that the total amount
 10 of fees collected for each fiscal year shall suffi-
 11 ciently fund the activities of the Office for that
 12 fiscal year; but

13 (B) shall not be less than \$1 per animal
 14 unit (as defined by the Administrator of the
 15 Environmental Protection Agency) for each fis-
 16 cal year.

17 (3) RESTRICTION.—A covered industrial oper-
 18 ator may not reduce wages or grower payments in
 19 order to derive the amount of the fee required under
 20 paragraph (1).

21 (c) HIGH-RISK AFO DISASTER MITIGATION AND EN-
 22 FORCEMENT FUND.—

23 (1) ESTABLISHMENT.—There is established in
 24 the Treasury of the United States a fund, to be
 25 known as the “High-Risk AFO Disaster Mitigation

1 and Enforcement Fund” (referred to in this sub-
 2 section as the “Fund”).

3 (2) SOURCE; USE.—All moneys derived from
 4 fees collected by the Office under subsection (b)
 5 shall be deposited in the Fund and made available
 6 to the Secretary, without fiscal year limitation, to
 7 offset costs relating to—

8 (A) the administrative costs associated
 9 with operating the Office and technical assist-
 10 ance offered by staff of the Office;

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

13 (C) enforcement actions against covered
 14 industrial operators that do not comply with
 15 this subtitle; and

16 (D) any other activities determined by the
 17 Secretary.

18 **SEC. 113. COVERED INDUSTRIAL OPERATOR RESPONSIBIL-**
 19 **ITIES AND LIABILITIES.**

20 A covered industrial operator shall be responsible and
 21 liable for, with respect to each high-risk AFO owned or
 22 controlled by the covered industrial operator, all costs as-
 23 sociated with activities related to disaster events or de-
 24 population of livestock or poultry, including—

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

4 (2) disposal of deceased animals that—

5 (A) satisfies requirements under all rel-
 6 evant Federal, State, and local environmental
 7 and public health laws; and

8 (B) does not rely on unlined burial or on-
 9 site incineration;

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

12 (4) compensation for any adverse health im-
 13 pacts, property value diminution, and loss of use and
 14 enjoyment of property suffered by neighboring resi-
 15 dents of the high-risk AFO; and

16 (5) other costs determined by the Secretary.

17 **SEC. 114. RESTRICTION ON CERTAIN METHODS OF DE-**
 18 **POPULATION.**

19 (a) DEFINITIONS.—In this section:

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

22 (A) sodium nitrite poisoning;

23 (B) ventilation shutdown;

24 (C) ventilation shutdown plus;

25 (D) water-based foaming; and

1 (E) any other method identified by the
2 Secretary.

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

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

17 (4) VENTILATION SHUTDOWN PLUS.—The term
18 “ventilation shutdown plus” means a ventilation
19 shutdown method that involves the use of additional
20 heat or humidity.

21 (5) WATER-BASED FOAMING.—The term
22 “water-based foaming” means a method of animal
23 depopulation that involves pumping foam con-
24 centrate combined with water into a building in

1 which animals are confined until the animals die
2 from hypoxia.

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

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

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

19 (3) shall be assessed a civil penalty of up to
20 \$1,000 per animal per act of depopulation, with con-
21 sideration given to the appropriateness of the pen-
22 alty with respect to the gravity of the violation and
23 the good faith of the covered industrial operator.

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

4 (1) to establish depopulation standards that
5 rapidly induce unconsciousness and death with mini-
6 mal pain and distress; and

7 (2) to coordinate a national stockpile of re-
8 sources—

9 (A) to carry out depopulation activities
10 during a disaster event in a way that rapidly in-
11 duces unconsciousness and death of the animals
12 with minimal pain and distress; and

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

16 **SEC. 115. REPORTS.**

17 (a) REPORTS TO SECRETARY.—Not later than 3
18 business days after completing any depopulation of any
19 animals, a covered industrial operator performing or re-
20 quiring such depopulation shall submit to the Secretary
21 a report on that depopulation instance that specifies—

22 (1) the 1 or more dates on which, and location
23 at which, the depopulation and disposal of the ani-
24 mals occurred;

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

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

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

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

11 (6) documentation of compliance or noncompli-
12 ance with the standard disaster mitigation plan de-
13 scribed in section 112(a)(2)(B) of the covered indus-
14 trial operator; and

15 (7) the cost associated with the depopulation
16 and disposal, including labor.

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

21 (1) reported under subsection (a); and

22 (2) submitted by covered industrial operators
23 registering under section 112.

24 **SEC. 116. CIVIL ACTIONS.**

25 (a) IN GENERAL.—Any person may—

1 (1) bring a civil action against a covered indus-
 2 trial operator or the Secretary in an appropriate
 3 court to redress any violation of this subtitle or any
 4 other law relating to the activities described in this
 5 subtitle; and

6 (2) obtain appropriate relief in that civil action,
 7 including equitable relief and compensatory dam-
 8 ages.

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

13 **Subtitle B—Department of Labor**

14 **SEC. 121. DEFINITIONS.**

15 In this subtitle:

16 (1) AFFECTED CONTRACT GROWER.—The term
 17 “affected contract grower” means an owner of an
 18 AFO—

19 (A) that raises livestock or poultry pursu-
 20 ant to a written contract, marketing arrange-
 21 ment, or other arrangement, with a covered in-
 22 dustrial operator; and

23 (B) whose AFO is impacted by a disaster
 24 mitigation event.

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

7 (3) COVERED WORKER.—

8 (A) IN GENERAL.—The term “covered
 9 worker”—

10 (i) means an employee who performs
 11 labor in connection with a disaster mitiga-
 12 tion event for a covered industrial oper-
 13 ator; and

14 (ii) includes any employee of an af-
 15 fected contract grower, or of another af-
 16 fected contractor, of a covered industrial
 17 operator.

18 (B) ADDITIONAL TERMS.—In this para-
 19 graph, the term “employee” means an indi-
 20 vidual performing any labor for a covered in-
 21 dustrial operator, including through an affected
 22 contract grower or other affected contractor,
 23 unless—

24 (i) the individual is free from control
 25 and direction in connection with the per-

formance of the labor, both under the contract for the performance of labor and in fact;

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

(iii) the individual is customarily engaged in an independently established trade, occupation, profession, or business of the same nature as that involved in the labor performed.

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

SEC. 122. MINIMUM LABOR STANDARDS FOR COVERED WORKERS AND AFFECTED CONTRACT GROWERS.

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

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

3 (1) WHISTLEBLOWER PROTECTIONS.—A cov-
4 ered industrial operator shall not discharge, cause to
5 be discharged, or in any other manner discriminate
6 against any covered worker or affected contract
7 grower because such covered worker or affected con-
8 tract grower—

9 (A) has filed any complaint or instituted or
10 caused to be instituted any proceeding under or
11 related to this section; or

12 (B) has testified or is about to testify in
13 any such proceeding.

14 (2) HEALTH INSURANCE REQUIREMENT.—Dur-
15 ing a disaster mitigation event and for a period of
16 not less than 2 years following the disaster mitiga-
17 tion event, the covered industrial operator shall offer
18 each covered worker and affected contract grower of
19 the covered industrial operator a health plan that
20 provides coverage that is at least equivalent to cov-
21 erage provided by an essential health benefits pack-
22 age (as defined in subsection (a) of section 1302 of
23 the Patient Protection and Affordable Care Act (42
24 U.S.C. 18022)) at the silver level of coverage (as de-
25 fined in subsection (d)(1)(B) of such section), re-

1 regardless of their employment status or contract with
2 the covered industrial operator. Such covered indus-
3 trial operator shall pay the full premium amount for
4 such health plan for each such covered worker or af-
5 fected contract grower who elects to enroll in such
6 plan.

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

18 (4) LOST REVENUE FOR AFFECTED CONTRACT
19 GROWERS.—In any case in which a covered indus-
20 trial operator terminates the contract of an affected
21 contract grower following a disaster mitigation
22 event, the covered industrial operator shall provide
23 an amount of lost revenue to the affected contract
24 grower equal to the affected contract grower's rev-

1 enue from the covered operator during the preceding
 2 180 days.

3 (c) ENFORCEMENT BY THE SECRETARY OF
 4 LABOR.—

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

15 (2) CIVIL PENALTIES.—The Secretary of Labor
 16 may assess a civil penalty against a covered indus-
 17 trial operator that violates any provision of this sec-
 18 tion.

19 (3) MONITORING COMPLIANCE.—Not later than
 20 90 days after the date of enactment of this Act, the
 21 Secretary of Labor shall—

22 (A) develop a process to monitor compli-
 23 ance with the standards under this section that
 24 requires covered industrial operators to provide

1 information to demonstrate such compliance;
2 and

3 (B) issue rules to determine penalties for
4 noncompliance with this section.

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

9 (d) RIGHT OF ACTION FOR VIOLATIONS.—

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

19 (2) LIABILITY.—

20 (A) IN GENERAL.—A covered industrial
21 operator who violates this section shall be liable
22 to each covered worker or affected contract
23 grower that is aggrieved by the violation for—

24 (i) damages in the amount of unpaid
25 wages, salary, overtime compensation, or

1 other compensation denied or lost by rea-
2 son of the violation; and

3 (ii) an additional equal amount as liq-
4 uidated damages.

5 (B) ATTORNEY'S FEES AND COSTS.—In a
6 civil action brought under paragraph (1) in
7 which the plaintiff prevails, the court shall
8 award the plaintiff reasonable attorney's fees
9 and costs of the action.

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

16 **SEC. 123. PROHIBITION ON THE USE OF INCARCERATED**
17 **WORKERS.**

18 Notwithstanding any other provision of law, a covered
19 industrial operator that the Secretary of Labor determines
20 entered into a contract, on or after the date of enactment
21 of this Act, with any entity to utilize incarcerated workers
22 to perform labor related to a disaster mitigation event
23 shall not be eligible for—

1 (1) any Federal contracts for a period of 10
 2 years beginning on the date of the determination;
 3 and

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

10 **TITLE II—GRANT AND PILOT** 11 **PROGRAMS**

12 **SEC. 201. DEFINITIONS.**

13 In this title:

14 (1) CONTROLLED-ATMOSPHERE STUNNING.—
 15 The term “controlled-atmosphere stunning” means
 16 rendering poultry unconscious through exposure to a
 17 mixture of gas (nitrogen and argon or concentra-
 18 tions of carbon dioxide) before slaughter.

19 (2) ELIGIBLE PROCESSING FACILITY.—The
 20 term “eligible processing facility” means an eligible
 21 facility described in section 764 of division N of the
 22 Consolidated Appropriations Act, 2021 (21 U.S.C.
 23 473), that has a labor peace agreement in place.

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

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

6 (B) under which such employer and such
7 labor organization agree that—

8 (i) the employer will not—

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

11 (II) take any action that directly
12 or indirectly indicates or implies any
13 opposition to an employee joining a
14 labor organization;

15 (ii) the labor organization will refrain
16 from picketing, work stoppages, or boy-
17 cotts against the employer;

18 (iii) the employer will—

19 (I) provide the labor organization
20 with employee contact information;
21 and

22 (II) facilitate or permit labor or-
23 ganization access to employees at the
24 workplace, including facilitating or
25 permitting the labor organization to

1 meet with employees to discuss joining
 2 the labor organization; and

3 (iv) the employer will, upon the re-
 4 quest of the labor organization, recognize
 5 the labor organization as the bargaining
 6 representative of the employees if a major-
 7 ity of the employees choose the labor orga-
 8 nization as their bargaining representative.

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

15 **SEC. 202. CONTROLLED-ATMOSPHERE STUNNING TRANSI-**
 16 **TION PROGRAM.**

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

22 (b) ELIGIBILITY.—As a condition of receipt of a
 23 grant under subsection (a), an eligible processing facility
 24 shall not, for a period of 10 years following the date of
 25 receipt of the grant, sell a slaughter or processing facility

1 to, or merge the slaughter or processing facility with, a
 2 packer that owns more than 10 percent of the market
 3 share of meat and poultry markets.

4 (c) FUNDING.—There is appropriated, out of any
 5 funds in the Treasury not otherwise appropriated,
 6 \$750,000,000 to the Secretary to carry out this section.

7 **SEC. 203. PILOT PROGRAM FOR INCREASED ACCESSIBILITY**
 8 **TO INSPECTION AND TECHNICAL ASSIST-**
 9 **ANCE FOR ELIGIBLE PROCESSING FACILI-**
 10 **TIES.**

11 (a) IN GENERAL.—The Secretary shall carry out a
 12 5-year pilot program within the Meat and Poultry Inspec-
 13 tion Division of the Food Safety and Inspection Service—

14 (1) to expand the availability of processing in-
 15 spectors, technical assistance, and onsite inspection
 16 for eligible processing facilities, including no-cost
 17 overtime inspections; and

18 (2) to identify and train part-time inspectors
 19 and technical assistance providers.

20 (b) PROFESSIONAL EXPERIENCE.—The Secretary
 21 shall determine the appropriate professional experience of
 22 inspectors and providers described in subsection (a)(2),
 23 which shall include individuals with expertise in veterinary
 24 medicine, public health, food service management, and
 25 animal science, as applicable.

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

4 **TITLE III—HUMANE HANDLING** 5 **REFORMS**

6 **Subtitle A—Transport**

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

8 (a) TRANSPORTATION LASTING MORE THAN 8
 9 HOURS.—

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

12 (A) in subsection (a)(1), by striking “a rail
 13 carrier” and all that follows through “territory
 14 or possession,” and inserting “a covered pro-
 15 vider of transportation”;

16 (B) in subsection (b)—

17 (i) in paragraph (3), by striking “sub-
 18 section (a) of this section” and inserting
 19 “subsection (b)”;

20 (ii) by redesignating paragraphs (1)
 21 through (3) as subparagraphs (A) through
 22 (C), respectively, and indenting appro-
 23 priately;

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

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

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

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

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

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

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

21 “(1) IN GENERAL.—Animals being”;

22 (C) in subsection (d)—

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

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

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

5 “(1) IN GENERAL.—A covered provider of
 6 transportation”;

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

11 (E) by inserting before subsection (b) (as
 12 so redesignated) the following:

13 “(a) DEFINITIONS.—In this section:

14 “(1) COVERED INDUSTRIAL OPERATOR.—

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

21 “(B) QUANTITY OF LIVESTOCK OR POUL-
 22 TRY IN AFOS.—The quantity of livestock or
 23 poultry referred to in subparagraph (A) is 1 or
 24 more of the following quantities of livestock or

1 poultry housed in 1 or more Animal Feeding
 2 Operations at a single point in time:

3 “(i) 2,500 swine.

4 “(ii) 30,000 turkeys or ducks.

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

6 “(2) COVERED PROVIDER OF TRANSPOR-
 7 TATION.—

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

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

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

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

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

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

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

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

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

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

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

20 “(i) prevents slipping;

21 “(ii) ensures a level of comfort appro-
22 pate to—

23 “(I) the species of the livestock
24 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 2023
21 through 2025.

Subtitle B—Nonambulatory Livestock

SEC. 321. UNLAWFUL SLAUGHTER PRACTICES INVOLVING NONAMBULATORY LIVESTOCK.

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

“SEC. 3. NONAMBULATORY LIVESTOCK.

“(a) DEFINITIONS.—In this section:

“(1) COVERED ENTITY.—The term ‘covered entity’ means—

“(A) a stockyard;

“(B) a market agency;

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

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

“(E) a slaughter facility; and

“(F) an establishment.

“(2) ESTABLISHMENT.—The term ‘establishment’ 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 2023 through 2032 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 2023 through 2032 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.

○