

118TH CONGRESS  
1ST SESSION

# H. R. 5106

To direct the Secretary of Agriculture to publish criteria for the review of requests by certain meat or poultry establishments to operate at alternate inspection rates, to review and respond to such requests, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

AUGUST 1, 2023

Mr. FINSTAD (for himself, Mr. DUARTE, Mr. ALFORD, Mr. BISHOP of North Carolina, Mr. SMITH of Nebraska, Mr. CLYDE, Mrs. FISCHBACH, and Mr. ROUZER) introduced the following bill; which was referred to the Committee on Agriculture

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## A BILL

To direct the Secretary of Agriculture to publish criteria for the review of requests by certain meat or poultry establishments to operate at alternate inspection rates, to review and respond to such requests, 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,*

1 **SECTION 1. REQUESTS FOR ALTERNATE INSPECTION**  
2 **RATES OF MEAT AND POULTRY.**

3 (a) IN GENERAL.—Not later than 90 days after the  
4 date of enactment of this Act, the Secretary of Agriculture  
5 (referred to in this section as the “Secretary”) shall—

6 (1) publish in the Federal Register food safety  
7 criteria that the Secretary shall consider in granting  
8 a request submitted by any establishment to operate  
9 at alternate inspection rates; and

10 (2) begin reviewing and responding to such re-  
11 quests from such establishments.

12 (b) RESPONSE.—

13 (1) IN GENERAL.—Not later than 90 days after  
14 the date on which a request from an establishment  
15 to operate at alternate inspection rates is submitted,  
16 the Secretary shall respond—

17 (A) in the case of a request that the Sec-  
18 retary determines meets the food safety criteria  
19 referred to in subsection (a)(1), by approving  
20 such request; or

21 (B) in the case of a request that the Sec-  
22 retary determines does not meet the food safety  
23 criteria referred to in subsection (a)(1), by de-  
24 nying such request in writing and explaining in  
25 detail the reasons for such denial.

1           (2) FAILURE BY SECRETARY TO RESPOND.—In  
2           the case of a failure by the Secretary to respond to  
3           a request during the 90-day period referred to in  
4           paragraph (1), such request shall be deemed to have  
5           been approved by the Secretary.

6           (c) CONTINUATION OF OPERATIONS AT CERTAIN ES-  
7           TABLISHMENTS.—In the case of an establishment oper-  
8           ating at alternate inspection rates as of the date of enact-  
9           ment of this Act, the Secretary shall authorize such estab-  
10          lishment to continue operating at such rates—

11           (1) so long as the establishment maintains ef-  
12          fective process control; or

13           (2) until such date that the Secretary, under  
14          subsection (b)(1), approves or denies a request sub-  
15          mitted by the establishment to operate at alternate  
16          inspection rates.

17          (d) DURATION OF APPROVED REQUESTS.—An estab-  
18          lishment may continue to operate pursuant to the terms  
19          of a request approved under subsection (b)(1) so long as  
20          the establishment continues to meet the food safety cri-  
21          teria referred to in subsection (a)(1).

22          (e) NONCOMPLIANCE AND REVOCATION.—

23           (1) NOTICE OF NONCOMPLIANCE.—The Sec-  
24          retary shall provide—

1 (A) in the case of an establishment oper-  
2 ating pursuant to the terms of a request ap-  
3 proved under subsection (b)(1) that fails to  
4 meet the food safety criteria referred to in sub-  
5 section (a)(1), written notice to such establish-  
6 ment describing the nature of such failure; and

7 (B) in the case of an establishment con-  
8 tinuing operations under subsection (c) that  
9 fails to adhere to the requirements of such sub-  
10 section, written notice to such establishment de-  
11 scribing the nature of such failure.

12 (2) GRACE PERIOD; RESPONSE TO NONCOMPLI-  
13 ANCE.—Following the 180-day period beginning on  
14 the date on which an establishment receives a writ-  
15 ten notice of noncompliance under paragraph (1), if  
16 the Secretary determines the establishment has not  
17 remedied the failures described in such notice, the  
18 Secretary may—

19 (A) at the discretion of the Secretary, pro-  
20 vide the establishment an additional oppor-  
21 tunity to remedy the failures described in such  
22 notice; or

23 (B) revoke the authority of the establish-  
24 ment to continue operating at alternate inspec-  
25 tion rates and provide written notice to the es-

1           establishment describing the basis for such rev-  
2           ocation.

3           (3) TIMELINE FOR ADJUSTING INSPECTION  
4           RATES.—

5                   (A) IN GENERAL.—The written notice of  
6           revocation referred to in paragraph (2)(B) shall  
7           include a timeline for adjusting inspection rates  
8           at the establishment receiving such notice to in-  
9           spection rates otherwise permitted under regu-  
10          lations implementing the post-mortem inspec-  
11          tion requirements of the Federal Meat Inspec-  
12          tion Act (21 U.S.C. 601 et seq.) and the Poul-  
13          try Products Inspection Act (21 U.S.C. et seq.),  
14          in effect as of the date of enactment of this Act  
15          (or successor regulations).

16                   (B) MINIMIZATION OF NEGATIVE IM-  
17          PACTS.—In establishing the timeline for adjust-  
18          ing inspection rates described in subparagraph  
19          (A), the Secretary shall—

20                           (i) consider potential effects on live  
21                           animal production and sourcing; and

22                           (ii) consult with the establishment to  
23                           which such rates shall apply to minimize  
24                           negative impacts—

1 (I) on the ability of the establish-  
2 ment to fulfill any contractual obliga-  
3 tions of the establishment in effect on  
4 the date on which such timeline is es-  
5 tablished;

6 (II) on animal producers or  
7 growers; and

8 (III) on animal welfare.

9 (4) APPLICABILITY.—A revocation under para-  
10 graph (2)(B) shall not limit the ability of an estab-  
11 lishment to apply and be approved for alternate in-  
12 spection rates under subsection (b)(1), so long as  
13 the establishment otherwise meets the food safety  
14 criteria referred to in subsection (a)(1).

15 (f) DEFINITIONS.—In this section:

16 (1) ALTERNATE INSPECTION RATES.—The term  
17 “alternate inspection rates” means any rate in ex-  
18 cess of the maximum rates permissible under regula-  
19 tions implementing the post-mortem inspection re-  
20 quirements of the Federal Meat Inspection Act (21  
21 U.S.C. 601 et seq.) and the Poultry Products In-  
22 spection Act (21 U.S.C. 451 et seq.), in effect as of  
23 the date of enactment of this Act (or successor regu-  
24 lations).

1           (2) ESTABLISHMENT.—The term “establish-  
2           ment” means—

3                   (A) an official establishment that is subject  
4                   to inspection under the Federal Meat Inspection  
5                   Act (21 U.S.C. 601 et seq.); and

6                   (B) an official establishment that is sub-  
7                   ject to inspection under the Poultry Products  
8                   Inspection Act (21 U.S.C. 451 et seq.).

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