

118TH CONGRESS
1ST SESSION

S. 272

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

FEBRUARY 2, 2023

Mr. BOOKER (for himself, Ms. WARREN, and Mr. SCHATZ) 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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

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

(b) **TABLE OF CONTENTS.**—The table of contents for 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.](#)

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[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.](#)

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[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.](#)

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[TITLE III—HUMANE HANDLING REFORMS](#)

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[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.](#)

SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term “Secretary” means the Secretary of Agriculture.

SEC. 3. FINDINGS.

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

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

(I) flood waters overrunning manure lagoons resulting in ecological degradation in the form of soil, surface, and groundwater contamination;

(II) algae blooms; and

(III) wildlife population crashes;

(2) (A) since 2019, more than 60,000,000 poultry and 10,000,000 swine have been depopulated; and

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

(3) since 2019, industrial operators put slaughterhouse workers in jeopardy and cost taxpayers millions of dollars;

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

(5) industrial operators have created a system that allows for the inhumane handling of nonambulatory 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 DISASTER MITIGATION AND ENFORCEMENT

SEC. 101. DEFINITIONS.

In this title:

(1) ANIMAL FEEDING OPERATION; AFO.—

(A) IN GENERAL.—The term “animal feeding operation” or “AFO” means a single lot or facility at which—

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

(I) stabled or confined; and

(II) fed or maintained; and

(ii) crops, vegetation, forage growth, or postharvest residues are not sustained in the normal growing season over any portion of the lot or facility.

(B) MULTIPLE LOTS.—For purposes of subparagraph (A), 2 or more lots or facilities described in that subparagraph shall be considered to be a single animal feeding operation if the lots or facilities—

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

(ii) are under common ownership or control.

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

(i) are primarily raised on pasture, grassland, or other vegetative environments;

(ii) have the ability to exercise species-specific natural behaviors; and

(iii) have access to appropriate shelter, healthy vegetation, potable water, and adequate protection from predators.

(2) COVERED INDUSTRIAL OPERATOR.—The term “covered industrial operator” means an individual or entity that owns or controls not less than the following number of livestock or poultry, as applicable, that are housed in an AFO at a single point in time:

(A) 2,500 swine.

(B) 30,000 turkeys or ducks.

(C) 82,000 laying hens or broilers.

(3) DEPOPULATION.—The term “depopulation” means the rapid destruction of a population of animals in response to urgent circumstances.

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

(A) a public health emergency declared by 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 High-Risk AFO Disaster Mitigation and Enforcement”, which shall carry out or enforce, as applicable, sections 112 through 115.

SEC. 112. REGISTRATION OF HIGH-RISK AFOS.

(a) REGISTRATION REQUIREMENT.—

(1) IN GENERAL.—A covered industrial operator shall be required to register with the Office prior to selling, buying, or transferring livestock, poultry, or any product derived from livestock or poultry across State lines.

(2) INFORMATION.—In registering with the Office under paragraph (1), a covered industrial operator shall submit to the Office—

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

(B) a standard disaster mitigation plan that includes—

(i) a description of the type, location, and extent of all potential disaster events that can affect livestock or poultry housed in a high-

risk AFO, including information on previous occurrences of disaster events and the probability of future disaster events;

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

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

(I) identifying ways to house animals past their intended slaughter date; and

(II) alternative slaughter and processing arrangements, including contracting with small-scale Department of Agriculture, State-certified, or mobile operations with existing capacity, in the event of supply chain disruptions;

(iv) a plan for accessing necessary resources, personal protective equipment, and labor to carry out depopulation in ways that most rapidly render animals unconscious in the event that depopulation is unavoidable;

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

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

(II) does not rely on unlined burial or onsite incineration; and

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

(3) ANNUAL SUBMISSION.—A covered industrial operator that is registered with the Office pursuant to this subsection shall submit to the Office the information described in paragraph (2) on an annual basis.

(4) RESTRICTED FUNDS FOR PLAN.—A covered industrial operator shall not, in developing a standard disaster mitigation plan described in paragraph (2)(B), use any Federal funds, including funds provided under the environmental quality incentive program under subchapter A of chapter 4 of subtitle D of title XII of the Food Security Act of 1985 ([16 U.S.C. 3839aa et seq.](#)).

(b) DISASTER MITIGATION MAINTENANCE FEE.—

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

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

(A) shall be determined by the Secretary in a manner that will ensure that the total amount of fees collected for each fiscal year shall sufficiently fund the activities of the Office for that fiscal year; but

(B) shall not be less than \$1 per animal unit (as defined by the Administrator of the Environmental Protection Agency) for each fiscal year.

(3) RESTRICTION.—A covered industrial operator may not reduce wages or grower payments in order to derive the amount of the fee required under paragraph (1).

(c) HIGH-RISK AFO DISASTER MITIGATION AND ENFORCEMENT FUND.—

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

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

(A) the administrative costs associated with operating the Office and technical assistance offered by staff of the Office;

(B) creating the national stockpile pursuant to section 114(c)(2);

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

(D) any other activities determined by the Secretary.

SEC. 113. COVERED INDUSTRIAL OPERATOR RESPONSIBILITIES AND LIABILITIES.

A covered industrial operator shall be responsible and liable for, with respect to each high-risk AFO owned or controlled by the covered industrial operator, all costs

associated with activities related to disaster events or depopulation of livestock or poultry, including—

- (1) procuring resources for depopulation of livestock or poultry, including from the national stockpile described in section 114(c)(2);
- (2) disposal of deceased animals that—
 - (A) satisfies requirements under all relevant Federal, State, and local environmental and public health laws; and
 - (B) does not rely on unlined burial or onsite incineration;
- (3) compensation for contract growers and workers, as provided in subtitle B;
- (4) compensation for any adverse health impacts, property value diminution, and loss of use and enjoyment of property suffered by neighboring residents of the high-risk AFO; and
- (5) other costs determined by the Secretary.

SEC. 114. RESTRICTION ON CERTAIN METHODS OF DEPOPULATION.

(a) **DEFINITIONS.**—In this section:

(1) **RESTRICTED PRACTICE.**—The term “restricted practice” means—

- (A) sodium nitrite poisoning;
- (B) ventilation shutdown;
- (C) ventilation shutdown plus;
- (D) water-based foaming; and
- (E) any other method identified by the Secretary.

(2) **SODIUM NITRITE POISONING.**—The term “sodium nitrite poisoning” means a method of animal depopulation that involves feeding the toxic substance sodium nitrite to animals, causing changes to the blood that prevent delivery of oxygen to tissues and result in prolonged respiratory distress prior to loss of consciousness.

(3) **VENTILATION SHUTDOWN.**—The term “ventilation shutdown” means a method of animal depopulation that involves sealing a building in which animals are confined, shutting inlets, and turning off fans in order to

raise the temperature in the building until the animals die from hyperthermia or hypoxia, including ventilation shutdown plus.

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

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

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

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

(2) shall not be eligible for inspection of any facility owned or controlled by the covered industrial operator pursuant to the Federal Meat Inspection Act ([21 U.S.C. 601 et seq.](#)) or the Poultry Products Inspection Act ([21 U.S.C. 451 et seq.](#)), as applicable, for a period of 10 years beginning on that date; and

(3) shall be assessed a civil penalty of up to \$1,000 per animal per act of depopulation, with consideration given to the appropriateness of the penalty with respect to the gravity of the violation and the good faith of the covered industrial operator.

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

(1) to establish depopulation standards that rapidly induce unconsciousness and death with minimal pain and distress; and

(2) to coordinate a national stockpile of resources—

(A) to carry out depopulation activities during a disaster event in a way that rapidly induces unconsciousness and death of the animals with minimal pain and distress; and

(B) using funds from the High-Risk AFO Disaster Mitigation and Enforcement Fund established by section 112(c)(1).

SEC. 115. REPORTS.

(a) **REPORTS TO SECRETARY.**—Not later than 3 business days after completing any depopulation of any animals, a covered industrial operator performing or requiring such depopulation shall submit to the Secretary a report on that depopulation instance that specifies—

(1) the 1 or more dates on which, and location at which, the depopulation and disposal of the animals occurred;

(2) the total number, species, breed, and intended product of the depopulated animals;

(3) the depopulation and disposal methods utilized;

(4) any monitoring, testing, or sampling protocol put in place to monitor releases of environmental contaminants from the disposal location;

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

(6) documentation of compliance or noncompliance with the standard disaster mitigation plan described in section 112(a)(2)(B) of the covered industrial operator; and

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

(b) **PUBLICLY SEARCHABLE DATABASE.**—The Secretary, acting through the Office, shall develop and make publicly available an electronically searchable and sortable online database that contains information—

(1) reported under subsection (a); and

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

SEC. 116. CIVIL ACTIONS.

(a) **IN GENERAL.**—Any person may—

(1) bring a civil action against a covered industrial operator or the Secretary in an appropriate court to redress any violation of this subtitle or any other law relating to the activities described in this subtitle; and

(2) obtain appropriate relief in that civil action, including equitable relief and compensatory damages.

(b) ATTORNEY'S FEES FOR PLAINTIFF.—The court shall award a reasonable attorney's fee as part of the costs to a prevailing plaintiff in a civil action described in subsection (a).

Subtitle B—Department Of Labor

SEC. 121. DEFINITIONS.

In this subtitle:

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

(A) that raises livestock or poultry pursuant to a written contract, marketing arrangement, or other arrangement, with a covered industrial operator; and

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

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

(3) COVERED WORKER.—

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

(i) means an employee who performs labor in connection with a disaster mitigation event for a covered industrial operator; and

(ii) includes any employee of an affected contract grower, or of another affected contractor, of a covered industrial operator.

(B) ADDITIONAL TERMS.—In this paragraph, the term “employee” means an individual performing any labor for a covered industrial operator, including through an affected contract grower or other affected contractor, unless—

(i) the individual is free from control and direction in connection with the performance 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).

(b) **LABOR STANDARDS.**—The labor standards described in this subsection are the following:

(1) **WHISTLEBLOWER PROTECTIONS.**—A covered industrial operator shall not discharge, cause to be discharged, or in any other manner discriminate against any covered worker or affected contract grower because such covered worker or affected contract grower—

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

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

(2) **HEALTH INSURANCE REQUIREMENT.**—During a disaster mitigation event and for a period of not less than 2 years following the disaster mitigation event, the covered industrial operator shall offer each covered worker and affected contract grower of the covered industrial operator a health plan that provides coverage that is at least equivalent to coverage provided by an essential health benefits package (as defined in subsection (a) of section 1302 of the Patient Protection and Affordable Care Act ([42 U.S.C. 18022](#))) at the silver level of coverage (as defined in subsection (d)(1)(B) of such section), regardless of their employment status or contract with the covered industrial operator. Such covered industrial operator shall pay the full premium amount for such health plan for each such covered worker or affected contract grower who elects to enroll in such plan.

(3) **SEVERANCE PAY FOR COVERED WORKERS.**—In the case of a disaster mitigation event, the covered industrial operator shall provide any covered worker terminated by the covered industrial operator, or by an affected

contract grower or other affected contractor of the covered industrial operator impacted by the disaster mitigation event, during the 60-day period following the disaster mitigation event with 12 weeks of severance pay, at a weekly rate equal to the average weekly earnings of the covered worker during the disaster mitigation event.

(4) LOST REVENUE FOR AFFECTED CONTRACT GROWERS.—In any case in which a covered industrial operator terminates the contract of an affected contract grower following a disaster mitigation event, the covered industrial operator shall provide an amount of lost revenue to the affected contract grower equal to the affected contract grower’s revenue from the covered operator during the preceding 180 days.

(c) ENFORCEMENT BY THE SECRETARY OF LABOR.—

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

(2) CIVIL PENALTIES.—The Secretary of Labor may assess a civil penalty against a covered industrial operator that violates any provision of this section.

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

(A) develop a process to monitor compliance with the standards under this section that requires covered industrial operators to provide information to demonstrate such compliance; and

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

(4) NOTIFICATION OF OFFICE.—The Secretary of Labor shall notify the Office of any covered industrial operator that is determined to be noncompliant with the requirements of this section.

(d) RIGHT OF ACTION FOR VIOLATIONS.—

(1) PRIVATE RIGHT OF ACTION FOR VIOLATIONS.—An action to recover damages or obtain relief prescribed in paragraph (2) may be maintained

against any covered industrial operator in any Federal or State court of competent jurisdiction by 1 or more covered workers or affected contract growers for and on behalf of themselves and other similarly situated covered workers or affected contract growers.

(2) LIABILITY.—

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

(i) damages in the amount of unpaid wages, salary, overtime compensation, or other compensation denied or lost by reason of the violation; and

(ii) an additional equal amount as liquidated damages.

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

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

SEC. 123. PROHIBITION ON THE USE OF INCARCERATED WORKERS.

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

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

(2) inspection of any facility owned or controlled by the covered industrial operator pursuant to the Federal Meat Inspection Act ([21 U.S.C. 601 et seq.](#)) or the Poultry Products Inspection Act ([21 U.S.C. 451 et seq.](#)), as applicable, for a period of 10 years beginning on that date.

TITLE II—GRANT AND PILOT PROGRAMS

SEC. 201. DEFINITIONS.

In this title:

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

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

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

(A) between an employer and a labor organization that represents, or is actively seeking to represent as of the date on which the labor peace agreement is entered, the employees of the employer; and

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

(i) the employer will not—

(I) hinder any effort of an employee to join a labor organization; or

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

(ii) the labor organization will refrain from picketing, work stoppages, or boycotts against the employer;

(iii) the employer will—

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

(II) facilitate or permit labor organization access to employees at the workplace, including facilitating or permitting the labor organization to meet with employees to discuss joining the labor organization; and

(iv) the employer will, upon the request of the labor organization, recognize the labor organization as the bargaining

representative of the employees if a majority of the employees choose the labor organization as their bargaining representative.

(4) **LIVE-SHACKLE SLAUGHTER.**—The term “live-shackle slaughter” means the method of stunning poultry before slaughter by shackling the poultry upside down by their legs and moving the poultry through electrified baths meant to render the poultry unconscious.

SEC. 202. CONTROLLED-ATMOSPHERE STUNNING TRANSITION PROGRAM.

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

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

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

SEC. 203. PILOT PROGRAM FOR INCREASED ACCESSIBILITY TO INSPECTION AND TECHNICAL ASSISTANCE FOR ELIGIBLE PROCESSING FACILITIES.

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

(1) to expand the availability of processing inspectors, technical assistance, and onsite inspection for eligible processing facilities, including no-cost overtime inspections; and

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

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

(c) **FUNDING.**—There is authorized to be appropriated to the Secretary not less than \$50,000,000 to carry out this section.

TITLE III—HUMANE HANDLING REFORMS

Subtitle A—Transport

SEC. 311. TRANSPORTATION OF LIVESTOCK AND POULTRY.

(a) TRANSPORTATION LASTING MORE THAN 8 HOURS.—

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

(A) in subsection (a)(1), by striking “a rail carrier” and all that follows through “territory or possession,” and inserting “a covered provider of transportation”;

(B) in subsection (b)—

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

(ii) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively, and indenting appropriately;

(iii) in the matter preceding subparagraph (A) (as so redesignated), in the third sentence—

(I) by striking “the rail carrier” and all that follows through “a vessel” and inserting “the covered provider of transportation”; and

(II) by striking “When the animals” and inserting the following:

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

(iv) in the matter preceding paragraph (3) (as so designated), in the second sentence, by striking “The owner” and inserting the following:

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

(v) in the matter preceding paragraph (2) (as so designated), by striking “Animals being” and inserting the following:

“(1) IN GENERAL.—Animals being”;

(C) in subsection (d)—

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

“(2) CIVIL ACTION.—On learning”; and

(ii) in the first sentence, by striking “A rail carrier” and all that follows through “a vessel” and inserting the following:

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

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

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

“(a) DEFINITIONS.—In this section:

“(1) COVERED INDUSTRIAL OPERATOR.—

“(A) IN GENERAL.—The term ‘covered industrial operator’ means an individual or entity that owns or controls a quantity of livestock or poultry that is not less than the quantity described in subparagraph (B) for the applicable livestock or poultry.

“(B) QUANTITY OF LIVESTOCK OR POULTRY IN AFOS.—The quantity of livestock or poultry referred to in subparagraph (A) is 1 or more of the following quantities of livestock or poultry housed in 1 or more Animal Feeding Operations at a single point in time:

“(i) 2,500 swine.

“(ii) 30,000 turkeys or ducks.

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

“(2) COVERED PROVIDER OF TRANSPORTATION.—

“(A) IN GENERAL.—The term ‘covered provider of transportation’ means an individual or entity described in subparagraph (B) that is transporting animals from a place in a State, the District of Columbia, or a

territory or possession of the United States through or to a place in another State, the District of Columbia, or a territory or possession of the United States.

“(B) INDIVIDUALS AND ENTITIES DESCRIBED.—An individual or entity referred to in subparagraph (A) is—

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

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

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

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

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

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

“(1) IN GENERAL.—In any case in which animals are transported by a covered provider of transportation on behalf of a covered industrial operator for a period lasting, or expected to last, more than 8 consecutive hours, the covered provider of transportation transporting the animals shall ensure that—

“(A) the means of transport provides adequate protection of the animals from high winds, rain, and snow;

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

“(i) prevents slipping;

“(ii) ensures a level of comfort appropriate to—

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

“(II) the number of animals being transported;

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

“(IV) the weather; and

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

“(C) the animals are not overcrowded during transport, including by complying with the regulations promulgated under paragraph (2);

“(D) the means of transport is equipped with a water supply that ensures that each animal has access to water in a manner and quantity appropriate to the species and size of the animal;

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

“(i) in good working order;

“(ii) appropriately designed; and

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

“(F) the animals are not transported when the temperature within the means of transport cannot be maintained between 40 degrees Fahrenheit and 86 degrees Fahrenheit.

“(2) RULEMAKING.—

“(A) IN GENERAL.—The Secretary shall promulgate regulations setting species-specific space allowances during periods of transportation lasting more than 8 hours.

“(B) REQUIREMENTS.—The regulations promulgated under subparagraph (A) shall ensure that each species of animal has enough space—

“(i) to turn around;

“(ii) to lie down; and

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

“(e) RECORDKEEPING.—

“(1) IN GENERAL.—Each covered industrial operator shall maintain records of all livestock transported by the covered industrial operator.

“(2) PRODUCTION OF RECORDS.—A covered industrial operator shall provide the records maintained under paragraph (1) to the Secretary on request.”.

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

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

(b) MODIFICATION OF 28-HOUR RULE.—

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

(A) in subsection (b)—

(i) in paragraph (1)—

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

“(1) IN GENERAL.—Except as otherwise provided”; and

(II) by striking “28” and inserting “8”;

(ii) by striking paragraph (2) and inserting the following:

“(2) EXCEPTIONS.—

“(A) IN GENERAL.—Animals may be confined for more than 8 hours when the animals cannot be unloaded because of accidental or unavoidable causes that could not have been anticipated or avoided when being careful.

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

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

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

(B) by striking subsection (g).

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

SEC. 312. HIGHER-WELFARE TRANSPORT RESEARCH FUNDING.

(a) **DEFINITIONS.**—In this section:

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

(A) an 1862 Institution (as defined in section 2 of the Agricultural Research, Extension, and Education Reform Act of 1998 ([7 U.S.C. 7601](#)));

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

(C) a 1994 Institution (as defined in section 532 of the Equity in Educational Land-Grant Status Act of 1994 ([7 U.S.C. 301](#) note; Public Law 103–382));

(D) a non-land-grant college of agriculture (as defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 ([7 U.S.C. 3103](#))) that has a demonstrable capacity to conduct livestock or poultry research, as determined by the Secretary;

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

(F) a center of excellence recognized under section 1673 of the Food, Agriculture, Conservation, and Trade Act of 1990 ([7 U.S.C. 5926](#)).

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

(A) animal welfare is maintained throughout transport; and

(B) animals are spared unnecessary distress or injury.

(b) **GRANT PROGRAM.**—The Secretary shall establish a program to provide grants to eligible research institutions to study higher-welfare transport.

(c) **APPLICATIONS.**—To be eligible for a grant under this section, an eligible research institution shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(d) **REQUIREMENTS.**—In carrying out the program established under subsection (b), the Secretary shall ensure that none of the grant funding may be used to perform any experiment that would not comply with current transport law.

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

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 inspection pursuant to the Federal Meat Inspection Act ([21 U.S.C. 601 et seq.](#)).

“(3) **HUMANELY EUTHANIZE.**—The term ‘humanely euthanize’ means to immediately render an animal unconscious by mechanical, chemical, or other means, with the unconscious state remaining until the death of the animal.

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

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

“(b) HUMANE TREATMENT, HANDLING, AND DISPOSITION.—The Secretary shall promulgate regulations to provide for the humane treatment, handling, and disposition of all nonambulatory livestock by covered entities, including requirements for covered entities—

“(1) to immediately humanely euthanize nonambulatory livestock when the livestock becomes nonambulatory livestock, subject to subsection (c); and

“(2) (A) to have written policies and procedures in place, and proper equipment, relating to the humane handling, euthanization, and disposition of all nonambulatory livestock;

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

“(C) to electronically submit those written policies and procedures and records to the Administrator of the Food Safety and Inspection Service.

“(c) HUMANE EUTHANASIA.—

“(1) IN GENERAL.—The Secretary shall promulgate regulations specifying—

“(A) the methods of euthanasia that shall be acceptable for the humane disposition of nonambulatory livestock required under the regulations promulgated under subsection (b); and

“(B) processes for ensuring effective enforcement of the use of those methods.

“(2) DISEASE TESTING.—The regulations promulgated under subsection (b) shall not limit the ability of the Secretary to test nonambulatory livestock for a disease.

“(d) TRANSACTING OR PROCESSING.—A covered entity shall not—

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

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

“(e) RECORDS.—The Administrator of the Food Safety and Inspection Service shall maintain all documents submitted by covered entities pursuant to the regulations under subsection (b).”.

(b) **INSPECTION OF NONAMBULATORY LIVESTOCK; LABELING.**—Section 6 of the Federal Meat Inspection Act ([21 U.S.C. 606](#)) is amended by adding at the end the following:

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

“(1) **DEFINITION OF NONAMBULATORY LIVESTOCK.**—In this subsection, the term ‘nonambulatory livestock’ means any cattle, sheep, swine, goats, or horses, mules, or other equines who cannot stand or walk unassisted.

“(2) **INSPECTION.**—It shall be unlawful for an inspector at an establishment subject to inspection under this Act to pass through inspection any nonambulatory livestock or carcass (including parts of a carcass) of nonambulatory livestock.

“(3) **LABELING.**—An inspector or other employee of an establishment described in paragraph (2) shall label, mark, stamp, or tag as ‘inspected and condemned’ any carcass (including parts of a carcass) of nonambulatory livestock.”.

(c) **EFFECTIVE DATE.**—

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

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

SEC. 322. UNLAWFUL USE OF DRUGS CONTRIBUTING TO NONAMBULATORY CONDITIONS.

The Animal Health Protection Act is amended by inserting after section 10409A ([7 U.S.C. 8308a](#)) the following:

“SEC. 10409B. UNLAWFUL USE OF DRUGS ON CERTAIN ANIMALS.

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

SEC. 323. INCLUSION OF POULTRY IN HUMANE METHODS OF SLAUGHTER ACT.

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

“and poultry” after the term “livestock” each place it appears, except as provided in subsection (b).

(b) **OTHER CONFORMING AMENDMENT.**—Section 2(a) of Public Law 85–765 (commonly known as the “Humane Methods of Slaughter Act of 1958”) ([7 U.S.C. 1902](#)) is amended by striking “and other livestock,” and inserting “other livestock, and poultry”.

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

Subtitle C—Inspections

SEC. 331. DEFINITIONS.

In this subtitle:

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

(A) an official establishment (as defined in section 301.2 of title 9, Code of Federal Regulations (or successor regulations)) that is subject to inspection under the Federal Meat Inspection Act ([21 U.S.C. 601 et seq.](#)); and

(B) an official establishment (as defined in section 381.1 of title 9, Code of Federal Regulations (or successor regulations)) that is subject to inspection under the Poultry Products Inspection Act ([21 U.S.C. 451 et seq.](#)).

(2) **EMPLOYEE.**—The term “employee” has the meaning given the term in section 3 of the Occupational Safety and Health Act of 1970 ([29 U.S.C. 652](#)).

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

(a) **DEFINITION OF COVERED PROGRAM.**—

(1) **IN GENERAL.**—The term “covered program” means any waiver, program, or regulation that—

(A) allows covered establishments to operate at slaughter speeds that exceed existing limits required by regulations of the Department of Agriculture as of the date of enactment of this Act;

(B) reduces the number of Federal inspectors in covered establishments; or

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

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

(A) the New Swine Slaughter Inspection System described in the final rule entitled “Modernization of Swine Slaughter Inspection” (84 Fed. Reg. 52300 (October 1, 2019));

(B) the New Poultry Inspection System described in the final rule entitled “Modernization of Poultry Slaughter Inspection” (79 Fed. Reg. 49566 (August 21, 2014)); and

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

(b) TERMINATION OF COVERED PROGRAMS.—The Secretary, acting through the Administrator of the Food Safety and Inspection Service, shall terminate or suspend implementation of or conversion to, as applicable, all covered programs.

SEC. 333. FUNDING FOR ADDITIONAL OSHA INSPECTORS.

There is authorized to be appropriated \$60,000,000 for each of fiscal years 2024 through 2033 for the hiring of additional inspectors to carry out inspections under section 8 of the Occupational Safety and Health Act of 1970 ([29 U.S.C. 657](#)) in covered establishments.

SEC. 334. FUNDING FOR ADDITIONAL FSIS INSPECTORS.

(a) IN GENERAL.—There is authorized to be appropriated to the Secretary \$50,000,000 for each of fiscal years 2024 through 2033 to hire additional full-time equivalent positions within the Food Safety and Inspection Service relating to inspections conducted pursuant to, and the enforcement of, Public Law 85–765 (commonly known as the “Humane Methods of Slaughter Act of 1958”) ([7 U.S.C. 1901 et seq.](#)).

(b) PRIORITY FOR HIRING.—In carrying out subsection (a), priority shall be given to hiring personnel—

(1) to inspect processing facilities (as described by the term “eligible facility” in section 764 of division N of the Consolidated Appropriations Act, 2021 ([21 U.S.C. 473](#))); and

(2) in regions with the highest number of vacancies within the Food Safety and Inspection Service.
