

119TH CONGRESS
1ST SESSION

H. R. 5038

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.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 26, 2025

Mr. FINSTAD (for himself, Mr. SMITH of Nebraska, Mr. MOORE of Alabama, Mr. FEENSTRA, Mrs. FISCHBACH, Mr. FLOOD, Mr. CLYDE, and Mr. BAIRD) introduced the following bill; which was referred to the Committee on Agriculture

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “American Protein
5 Processing Modernization Act”.

1 **SEC. 2. REQUESTS FOR ALTERNATE INSPECTION RATES OF**
2 **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) RESPONSE TO NONCOMPLIANCE.—

13 (A) IN GENERAL.—Following the 180-day
14 period beginning on the date on which an estab-
15 lishment receives a written notice of noncompli-
16 ance under paragraph (1), if the Secretary de-
17 termines the establishment has not remedied
18 the failures described in such notice, the Sec-
19 retary may—

20 (i) at the discretion of the Secretary,
21 provide the establishment an additional op-
22 portunity to remedy the failures described
23 in such notice; or

24 (ii) revoke the authority of the estab-
25 lishment to continue operating at alternate

1 inspection rates and provide written notice
2 to the establishment describing the basis
3 for such revocation.

4 (B) RULE OF CONSTRUCTION.—Nothing in
5 subparagraph (A) shall be construed to limit
6 the authority of the Secretary to take any ac-
7 tion under other statutory or regulatory author-
8 ity during the 180-day period described in such
9 subparagraph to address food safety noncompli-
10 ance with respect to an establishment that has
11 received a written notice of noncompliance
12 under paragraph (1).

13 (3) TIMELINE FOR ADJUSTING INSPECTION
14 RATES.—

15 (A) IN GENERAL.—The written notice of
16 revocation referred to in paragraph (2)(A)(ii)
17 shall include a timeline for adjusting inspection
18 rates at the establishment receiving such notice
19 to inspection rates otherwise permitted under
20 regulations implementing the post-mortem in-
21 spection requirements of the Federal Meat In-
22 spection Act (21 U.S.C. 601 et seq.) and the
23 Poultry Products Inspection Act (21 U.S.C. et
24 seq.), in effect as of the date of enactment of
25 this Act (or successor regulations).

1 (B) MINIMIZATION OF NEGATIVE IM-
 2 PACTS.—In establishing the timeline for adjust-
 3 ing inspection rates described in subparagraph
 4 (A), the Secretary shall—

5 (i) consider potential effects on live
 6 animal production and sourcing; and

7 (ii) consult with the establishment to
 8 which such rates shall apply to minimize
 9 negative impacts—

10 (I) on the ability of the establish-
 11 ment to fulfill any contractual obliga-
 12 tions of the establishment in effect on
 13 the date on which such timeline is es-
 14 tablished;

15 (II) on animal producers or
 16 growers; and

17 (III) on animal welfare.

18 (4) APPLICABILITY.—A revocation under para-
 19 graph (2)(A)(ii) shall not limit the ability of an es-
 20 tablishment to apply and be approved for alternate
 21 inspection rates under subsection (b)(1), so long as
 22 the establishment otherwise meets the food safety
 23 criteria referred to in subsection (a)(1).

24 (f) DEFINITIONS.—In this section:

1 (1) ALTERNATE INSPECTION RATES.—The term
2 “alternate inspection rates” means any rate in ex-
3 cess of the maximum rates permissible under regula-
4 tions implementing the post-mortem inspection re-
5 quirements of the Federal Meat Inspection Act (21
6 U.S.C. 601 et seq.) and the Poultry Products In-
7 spection Act (21 U.S.C. 451 et seq.), in effect as of
8 the date of enactment of this Act (or successor regu-
9 lations).

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

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

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

18 (g) RULE OF CONSTRUCTION.—Nothing in this sec-
19 tion shall be construed to establish any liability or respon-
20 sibility on the Department of Agriculture or the Food
21 Safety and Inspection Service with respect to—

22 (1) the safety of establishment workers; or

23 (2) any environmental effects related to alter-
24 nate inspection rates.

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