AMENDMENT NO. ____  Calendar No. ____

Purpose: To provide a complete substitute.


S. 1988

To reform the State inspection of meat and poultry in the United States, and for other purposes.

Referred to the Committee on __________________________

and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Mr. Daschle

Viz:

1. Strike all after the enacting clause and insert the following:

2. SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

3. (a) SHORT TITLE.—This Act may be cited as the “New Markets for State-Inspected Meat Act of 2000”.

4. (b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

   Sec. 1. Short title; table of contents.
   Sec. 2. Review of State meat and poultry inspection programs.

   TITLE I—MEAT INSPECTION

   Sec. 101. Federal and State cooperation on meat inspection for intrastate distribution.
   Sec. 102. State meat inspection programs.
   Sec. 103. Microbiological performance standards for meat and meat products.

June 15, 2000
TITLE II—POULTRY INSPECTION

Sec. 201. Federal and State cooperation on poultry inspection for intrastate distribution.
Sec. 203. Microbiological performance standards for poultry and poultry products.

TITLE III—GENERAL PROVISIONS

Sec. 301. Regulations.
Sec. 302. Termination of authority to establish interstate inspection programs.

SEC. 2. REVIEW OF STATE MEAT AND POULTRY INSPECTION PROGRAMS.

(a) IN GENERAL.—Not later than September 30, 2001, the Secretary of Agriculture shall conduct a comprehensive review of each State meat and poultry inspection program, which shall include—

(1) a determination of the effectiveness of the State program; and

(2) identification of changes that are necessary to enable future transition to a State program of enforcing Federal inspection requirements as described in the amendments made by sections 102 and 202.

(b) COMMENT FROM INTERESTED PARTIES.—In designing the review described in subsection (a), the Secretary of Agriculture shall, to the maximum extent practicable, obtain comment from interested parties.

(c) FUNDING.—

(1) IN GENERAL.—There are authorized to be appropriated such sums as are necessary to carry out this section.
(2) AVAILABLE FUNDS.—Notwithstanding any other provision of law, only funds specifically appropriated under paragraph (1) may be used to carry out this section.

TITLE I—MEAT INSPECTION

SEC. 101. FEDERAL AND STATE COOPERATION ON MEAT INSPECTION FOR INTRASTATE DISTRIBUTION.

(a) Redesignation.—

(1) IN GENERAL.—The Federal Meat Inspection Act is amended—

(A) by redesignating title III (21 U.S.C. 661 et seq.) as title V and moving that title to the end of that Act;

(B) by redesignating section 301 (21 U.S.C. 661) as section 501;

(C) in title V (as redesignated by subparagraph (A)), by striking the title heading and inserting the following:

“TITLE V—FEDERAL AND STATE COOPERATION ON MEAT INSPECTION FOR INTRASTATE DISTRIBUTION”;

and

(D) in the fourth sentence of section 501(c)(1) (as redesignated by subparagraph
(B)), by striking “section 301 of the Act” and inserting “subsection (a)(4)”.

(2) CONFORMING AMENDMENTS.—

(A) Section 7(c) of the Federal Meat Inspection Act (21 U.S.C. 607(c)) is amended in the second sentence by striking “section 301 of this Act” and inserting “section 501(a)(4)”.

(B) Section 24 of the Federal Meat Inspection Act (21 U.S.C. 624) is amended in the last sentence by striking “section 301 of this Act” and inserting “section 501(a)(4)”.

(C) Section 205 of the Federal Meat Inspection Act (21 U.S.C. 645) is amended by striking “section 301 of this Act” and inserting “section 501(a)(4)”.

(3) EFFECTIVE DATE.—This subsection takes effect on October 1, 2001.

(b) REPEAL.—

(1) IN GENERAL.—Title V of the Federal Meat Inspection Act (as amended by subsection (a)(1)) is repealed.

(2) CONFORMING AMENDMENTS.—

(A) Section 7(c) of the Federal Meat Inspection Act (21 U.S.C. 607(c)) (as amended by subsection (a)(2)(A)) is amended in the sec-
ond sentence by striking “section 501(a)(4)” and inserting “section 413”.

(B) Section 24 of the Federal Meat Inspection Act (21 U.S.C. 624) (as amended by subsection (a)(2)(B)) is amended in the last sentence by striking “section 501(a)(4)” and inserting “section 413”.

(C) Section 205 of the Federal Meat Inspection Act (21 U.S.C. 645) (as amended by subsection (a)(2)(C)) is amended by striking “section 501(a)(4)” and inserting “section 413”.

(3) EFFECTIVE DATE.—Except as provided in section 302, this subsection takes effect on October 1, 2003.

SEC. 102. STATE MEAT INSPECTION PROGRAMS.

(a) IN GENERAL.—The Federal Meat Inspection Act (as amended by section 101(a)(1)(A)) is amended by inserting after title II (21 U.S.C. 641 et seq.) the following:

“TITLE III—STATE MEAT INSPECTION PROGRAMS

“SEC. 301. POLICY AND FINDINGS.

“(a) POLICY.—It is the policy of Congress to protect the public from meat and meat food products that are
adulterated or misbranded and to assist in efforts by State
and other government agencies to accomplish that policy.

“(b) FINDINGS.—Congress finds that—

“(1) the goal of a safe and wholesome supply
of meat and meat food products throughout the
United States would be better served if a consistent
set of requirements, established by the Federal Gov-
ernment, were applied to all meat and meat food
products, whether produced under State inspection
or Federal inspection;

“(2) under such a system, State and Federal
meat inspection programs would function together to
create a seamless inspection system to ensure food
safety and inspire consumer confidence in the food
supply in interstate commerce; and

“(3) such a system would ensure the viability of
State meat inspection programs, which should help
to foster the viability of small establishments.

“SEC. 302. DEFINITION OF REGULATORY DOCUMENT.

“(a) IN GENERAL.—In this title, the term ‘regulatory
document’ means a document that meets 1 or more regu-
laratory requirements.

“(b) INCLUSIONS.—In this title, the term ‘regulatory
document’ includes—

“(1) a directive;
“(2) a notice; and
“(3) a policy memorandum.

“SEC. 303. APPROVAL OF STATE MEAT INSPECTION PROGRAMS.
“(a) IN GENERAL.—Notwithstanding any other provision of this Act, the Secretary may approve a State meat inspection program and allow the shipment in commerce of carcasses, parts of carcasses, meat, and meat food products inspected under the State meat inspection program in accordance with this title.
“(b) ELIGIBILITY.—
“(1) IN GENERAL.—To receive or maintain approval from the Secretary for a State meat inspection program in accordance with subsection (a), a State shall—
“(A) implement a State meat inspection program that enforces the mandatory ante-mortem and postmortem inspection, reinspection, sanitation, and related Federal requirements of titles I, II, and IV (including applicable regulations promulgated and regulatory documents issued under those titles); and
“(B) enter into a cooperative agreement with the Secretary in accordance with subsection (e).
“(2) ADDITIONAL REQUIREMENTS.—

“(A) IN GENERAL.—In addition to the requirements specified in paragraph (1), a State meat inspection program reviewed in accordance with section 2 of the New Markets for State-Inspected Meat Act of 2000 shall implement, not later than October 1, 2003, all recommendations from the review, in a manner approved by the Secretary.

“(B) REVIEW OF NEW STATE MEAT INSPECTION PROGRAMS.—

“(i) DEFINITION OF NEW STATE MEAT INSPECTION PROGRAM.—In this subparagraph, the term ‘new State meat inspection program’ means a State meat inspection program that is not approved in accordance with subsection (a) between October 1, 2001, and September 30, 2003.

“(ii) REVIEW REQUIREMENT.—Not later than 1 year after the date on which the Secretary approves a new State meat inspection program, the Secretary shall conduct a comprehensive review of the new State meat inspection program, which shall include—
“(I) a determination of the effectiveness of the new State meat inspection program; and

“(II) identification of changes necessary to ensure enforcement of Federal inspection requirements.

“(iii) IMPLEMENTATION REQUIREMENTS.—In addition to the requirements specified in paragraph (1), to continue to be an approved State meat inspection program, a new State meat inspection program shall implement all recommendations from the review conducted in accordance with this subparagraph, in a manner approved by the Secretary.

“(c) COOPERATIVE AGREEMENT.—Notwithstanding chapter 63 of title 31, United States Code, the Secretary may enter into a cooperative agreement with a State that establishes the terms governing the relationship between the Secretary and the State meat inspection program and provides for the following:

“(1) PROVISIONS CONSISTENT WITH THIS ACT.—The State will adopt (including adoption by reference) provisions identical to titles I, II, and IV
(including applicable regulations promulgated and regulatory documents issued under those titles).

“(2) MARKING OF PRODUCTS.—State-inspected and passed meat and meat food products will be marked under the supervision of a State inspector with the official mark and be deemed to have been inspected by the Secretary for the purposes of this Act and to have passed the inspection.

“(3) LABELING REQUIREMENTS.—The State will comply with all labeling requirements issued by the Secretary governing meat and meat food products inspected under the State meat inspection program.

“(4) AUTHORITY OF THE SECRETARY.—The Secretary shall have authority—

“(A) to detain and seize livestock, carcasses, parts of carcasses, meat, and meat food products under the State meat inspection program;

“(B) to obtain access to facilities, records, livestock, carcasses, parts of carcasses, meat, and meat food products of any person, firm, or corporation that slaughters, processes, handles, stores, transports, or sells meat or meat food products inspected under the State meat inspec-
tion program to determine compliance with this Act (including applicable regulations promulgated and regulatory documents issued under this Act); and

“(C) to direct the State to conduct any activity authorized to be conducted by the Secretary under this Act (including applicable regulations promulgated and regulatory documents issued under this Act).

“(5) OTHER TERMS.—The cooperative agreement shall include such other terms as the Secretary determines to be necessary to ensure that the actions of the State and the State meat inspection program are consistent with this Act (including applicable regulations promulgated and regulatory documents issued under this Act).

“(d) ADDITIONAL REQUIREMENTS.—

“(1) IN GENERAL.—A State may impose additional requirements on establishments under the State meat inspection program, as approved by the Secretary.

“(2) RESTRICTION ON ESTABLISHMENT SIZE.—The Secretary shall authorize a State to establish the maximum size of establishments that are eligible to participate in the State meat inspection program.
“(e) Reimbursement of State Costs.—The Secretary may reimburse the State for not more than 60 percent of the State’s costs of meeting the Federal requirements for the State meat inspection program.

“(f) Sampling.—

“(1) Microbiological performance standard sampling and testing.—The Secretary shall conduct sampling and testing, in establishments subject to inspection under the State meat inspection program, for compliance with microbiological performance standards established under section 8A.

“(2) Other sampling and testing.—In addition to the activities described in paragraph (1), the Secretary may perform other sampling and testing of meat and meat food products in establishments described in that paragraph.

“(g) Noncompliance.—If the Secretary determines that a State meat inspection program does not comply with this title or the cooperative agreement under subsection (c), the Secretary shall take such action as the Secretary determines to be necessary to ensure that the carcasses, parts of carcasses, meat, and meat food products in the State are inspected in a manner that effectuates this Act (including applicable regulations promulgated and regulatory documents issued under this Act).
“SEC. 304. AUTHORITY TO TAKE OVER STATE MEAT INSPECTION PROGRAMS.

“(a) Notification.—If the Secretary has reason to believe that a State is not in compliance with this Act (including applicable regulations promulgated and regulatory documents issued under this Act) or the cooperative agreement under section 303(c) and is considering the revocation or temporary suspension of the approval of the State meat inspection program, the Secretary shall promptly notify and consult with the Governor of the State.

“(b) Suspension and Revocation.—

“(1) In general.—The Secretary may revoke or temporarily suspend the approval of a State meat inspection program and take over a State meat inspection program if the Secretary determines that the State meat inspection program is not in compliance with this Act (including applicable regulations promulgated and regulatory documents issued under this Act) or the cooperative agreement.

“(2) Procedures for reinstatement.—A State meat inspection program that has been the subject of a revocation may be reinstated as an approved State meat inspection program under this Act only in accordance with the procedures under section 303(b)(2)(B).
“(c) Publication.—If the Secretary revokes or temporarily suspends the approval of a State meat inspection program in accordance with subsection (b), the Secretary shall publish the determination under that subsection in the Federal Register.

“(d) Inspection of Establishments.—Upon the expiration of 30 days after the date of publication of a determination under subsection (c), an establishment subject to a State meat inspection program with respect to which the Secretary makes a determination under subsection (b) shall be inspected by the Secretary.

“SEC. 305. EXPEDITED AUTHORITY TO TAKE OVER INSPECTION OF STATE-INSPECTED ESTABLISHMENTS.

“Notwithstanding any other provision of this title, if the Secretary determines that an establishment operating under a State meat inspection program is not operating in accordance with this Act (including applicable regulations promulgated and regulatory documents issued under this Act) or the cooperative agreement under section 303(c), and the State, after notification by the Secretary to the Governor, has not taken appropriate action within a reasonable time as determined by the Secretary, the Secretary may immediately determine that the establishment is an establishment that shall be inspected by the Sec-
retary, until such time as the Secretary determines that
the State will meet the requirements of this Act (including
applicable regulations promulgated and regulatory docu-
ments issued under this Act) and the cooperative agree-
ment with respect to the establishment.

“SEC. 306. ANNUAL REVIEW.
“(a) IN GENERAL.—The Secretary shall develop and
implement a process to review annually each State meat
inspection program approved under this title and to certify
the State meat inspection programs that comply with the
cooperative agreement entered into with the State under
section 303(c).

“(b) COMMENT FROM INTERESTED PARTIES.—In
designing the review process described in subsection (a),
the Secretary shall solicit comment from interested par-
ties.

“SEC. 307. FEDERAL INSPECTION OPTION.
“(a) IN GENERAL.—An establishment that operates
in a State with an approved State meat inspection pro-
gram may apply for inspection under the State meat in-
spection program or for Federal inspection.

“(b) LIMITATION.—An establishment shall not make
an application under subsection (a) more than once every
4 years.”.
(b) RESTAURANTS AND RETAIL STORES.—Title IV of the Federal Meat Inspection Act is amended—

(1) by redesignating section 411 (21 U.S.C. 681) as section 414; and

(2) by inserting after section 410 (21 U.S.C. 680) the following:

“SEC. 411. RESTAURANTS AND RETAIL STORES.

“(a) LIMITATION ON APPLICABILITY OF INSPECTION REQUIREMENTS.—The provisions of this Act requiring inspection of the slaughter of animals and the preparation of carcasses, parts of carcasses, meat, and meat food products shall not apply to operations of types traditionally and usually conducted at retail stores and restaurants, if the operations are conducted at a retail store, restaurant, or similar retail establishment for sale of such prepared articles in normal retail quantities or for service of the articles to consumers at such an establishment.

“(b) CENTRAL KITCHEN FACILITIES.—

“(1) IN GENERAL.—For the purposes of this section, operations conducted at a central kitchen facility of a restaurant shall be considered to be conducted at a restaurant if the central kitchen of the restaurant prepares meat or meat food products that are ready to eat when they leave the facility and are served in meals or as entrees only to customers at
restaurants owned or operated by the same person, firm, or corporation that owns or operates the facility.

“(2) Exception.—A facility described in paragraph (1) shall be subject to section 202 and may be subject to the inspection requirements of title I for as long as the Secretary determines to be necessary, if the Secretary determines that the sanitary conditions or practices of the facility or the processing procedures or methods at the facility are such that any of the meat or meat food products of the facility are rendered adulterated.

“SEC. 412. ACCEPTANCE OF INTERSTATE SHIPMENTS OF MEAT AND MEAT FOOD PRODUCTS.

“Notwithstanding any provision of State law, a State or local government shall not prohibit or restrict the movement or sale of meat or meat food products that have been inspected and passed in accordance with this Act for interstate commerce.

“SEC. 413. ADVISORY COMMITTEES FOR FEDERAL AND STATE PROGRAMS.

“The Secretary may appoint advisory committees consisting of such representatives of appropriate State agencies as the Secretary and the State agencies may designate to consult with the Secretary concerning State and
Federal programs with respect to meat inspection and other matters within the scope of this Act.’’.

(c) EFFECTIVE DATE.—This section takes effect on October 1, 2001.

SEC. 103. MICROBIOLOGICAL PERFORMANCE STANDARDS FOR MEAT AND MEAT PRODUCTS.

The Federal Meat Inspection Act (21 U.S.C. 601 et seq.) is amended by inserting after section 8 (21 U.S.C. 608) the following:

“SEC. 8A. MICROBIOLOGICAL PERFORMANCE STANDARDS.

“(a) In General.—In order to protect the public health and promote food safety, the Secretary may by regulation prescribe performance standards for the reduction of microbiological pathogens in meat and meat products processed by each establishment receiving inspection services under this Act.

“(b) Enforcement.—If the Secretary determines that an establishment fails to meet a standard established under subsection (a), the Secretary shall refuse to allow any meat or meat product subject to the standard and processed by the establishment to be labeled, marked, stamped, or tagged as ‘inspected and passed’.”.
TITLE II—POULTRY INSPECTION

SEC. 201. FEDERAL AND STATE COOPERATION ON POULTRY INSPECTION FOR INTRASTATE DISTRIBUTION.

(a) Redesignation.—

(1) In General.—Section 5 of the Poultry Products Inspection Act (21 U.S.C. 454) is redesignated as section 34 and moved to the end of that Act.

(2) Intrastate Program.—Section 34 of the Poultry Products Inspection Act (as redesignated by paragraph (1)) is amended by striking the section heading and inserting the following:

“SEC. 34. FEDERAL AND STATE COOPERATION ON POULTRY INSPECTION FOR INTRASTATE DISTRIBUTION.”.

(3) Conforming Amendments.—

(A) Section 8(b) of the Poultry Products Inspection Act (21 U.S.C. 457(b)) is amended in the second sentence by striking “section 5 of this Act” and inserting “section 34(a)(4)”.

(B) Section 11(e) of the Poultry Products Inspection Act (21 U.S.C. 460(e)) is amended by striking “section 5 of this Act” and inserting “section 34(a)(4)”.

June 15, 2000
(4) Effective Date.—This subsection takes effect on October 1, 2001.

(b) Repeal.—

(1) In General.—Section 34 of the Poultry Products Inspection Act (as redesignated by subsection (a)(1)) is repealed.

(2) Conforming Amendments.—

(A) Section 8(b) of the Poultry Products Inspection Act (21 U.S.C. 457(b)) (as amended by subsection (a)(3)(A)) is amended in the second sentence by striking “section 34(a)(4)” and inserting “section 33”.

(B) Section 11(e) of the Poultry Products Inspection Act (21 U.S.C. 460(e)) (as amended by subsection (a)(3)(B)) is amended by striking “section 34(a)(4)” and inserting “section 33”.

(3) Effective Date.—Except as provided in section 302, this subsection takes effect on October 1, 2003.

SEC. 202. STATE POULTRY INSPECTION PROGRAMS.

(a) In General.—The Poultry Products Inspection Act (21 U.S.C. 451 et seq.) (as amended by section 201(a)(1)) is amended by inserting after section 4 the following:
"SEC. 5. STATE POULTRY INSPECTION PROGRAMS.

“(a) POLICY.—It is the policy of Congress to protect the public from poultry products that are adulterated or misbranded and to assist in efforts by State and other government agencies to accomplish that policy.

“(b) FINDINGS.—Congress finds that—

“(1) the goal of a safe and wholesome supply of poultry products throughout the United States would be better served if a consistent set of requirements, established by the Federal Government, were applied to all poultry products, whether produced under State inspection or Federal inspection;

“(2) under such a system, State and Federal poultry inspection programs would function together to create a seamless inspection system to ensure food safety and inspire consumer confidence in the food supply in interstate commerce; and

“(3) such a system would ensure the viability of State poultry inspection programs, which should help to foster the viability of small official establishments.

“(c) DEFINITION OF REGULATORY DOCUMENT.—In this section:

“(1) IN GENERAL.—The term ‘regulatory document’ means a document that meets 1 or more regulatory requirements.
“(2) I NCLUSIONS.—The term ‘regulatory docu-

ment’ includes—

“(A) a directive;

“(B) a notice; and

“(C) a policy memorandum.

“(d) A PPROVAL OF STATE POULTRY INSPECTION

P R OGR A M S.—

“(1) I N GENERAL.—Notwithstanding any other

provision of this Act, the Secretary may approve a

State poultry inspection program and allow the ship-

ment in commerce of poultry products inspected

under the State poultry inspection program in ac-

cordance with this section and section 5A.

“(2) E LIGIBILITY.—

“(A) I N GENERAL.—To receive or main-

tain approval from the Secretary for a State

poultry inspection program in accordance with

paragraph (1), a State shall—

“(i) implement a State poultry inspec-

tion program that enforces the mandatory

antemortem and postmortem inspection,

reinspection, sanitation, and related Fed-

eral requirements of sections 1 through 4

and 6 through 33 (including applicable

regulations promulgated and regulatory
documents issued under those sections); and

“(ii) enter into a cooperative agree-
ment with the Secretary in accordance
with paragraph (3).

“(B) ADDITIONAL REQUIREMENTS.—

“(i) IN GENERAL.—In addition to the
requirements specified in subparagraph
(A), a State poultry inspection program re-
viewed in accordance with section 2 of the
New Markets for State-Inspected Meat Act
of 2000 shall implement, not later than
October 1, 2003, all recommendations
from the review, in a manner approved by
the Secretary.

“(ii) REVIEW OF NEW STATE POUL-
TRY INSPECTION PROGRAMS.—

“(I) DEFINITION OF NEW STATE
POULTRY INSPECTION PROGRAM.—In
this clause, the term ‘new State poul-
try inspection program’ means a State
poultry inspection program that is not
approved in accordance with para-
graph (1) between October 1, 2001,
“(II) Review requirement.—

Not later than 1 year after the date on which the Secretary approves a new State poultry inspection program, the Secretary shall conduct a comprehensive review of the new State poultry inspection program, which shall include—

“(aa) a determination of the effectiveness of the new State poultry inspection program; and

“(bb) identification of changes necessary to ensure enforcement under the new State poultry inspection program of Federal inspection requirements.

“(III) Implementation requirements.—In addition to the requirements specified in subparagraph (A), to continue to be an approved State poultry inspection program, a new State poultry inspection program shall implement all recommendations from the review conducted in accord-
ancnce with this clause, in a manner ap-
proved by the Secretary.

“(3) COOPERATIVE AGREEMENT.—Notwith-
standing chapter 63 of title 31, United States Code,
the Secretary may enter into a cooperative agree-
ment with a State that establishes the terms gov-
erning the relationship between the Secretary and
the State poultry inspection program and provides
for the following:

“(A) PROVISIONS CONSISTENT WITH THIS
ACT.—The State will adopt (including adoption
by reference) provisions identical to sections 1
through 4 and 6 through 33 (including applica-
ble regulations promulgated and regulatory doc-
uments issued under this Act).

“(B) MARKING OF PRODUCTS.—State-in-
spected and passed poultry products will be
marked under the supervision of a State inspec-
tor with the official mark and be deemed to
have been inspected by the Secretary for the
purposes of this Act and to have passed the in-
spection.

“(C) LABELING REQUIREMENTS.—The
State will comply with all labeling requirements
issued by the Secretary governing poultry prod-
ucts inspected under the State poultry inspection program.

“(D) Authority of the Secretary.—

The Secretary shall have authority—

“(i) to detain and seize poultry and poultry products under the State poultry inspection program;

“(ii) to obtain access to facilities, records, and poultry products of any person that slaughters, processes, handles, stores, transports, or sells poultry products inspected under the State poultry inspection program to determine compliance with this Act (including applicable regulations promulgated and regulatory documents issued under this Act); and

“(iii) to direct the State to conduct any activity authorized to be conducted by the Secretary under this Act (including applicable regulations promulgated and regulatory documents issued under this Act).

“(E) Other terms.—The cooperative agreement shall include such other terms as the Secretary determines to be necessary to ensure that the actions of the State and the State
poultry inspection program are consistent with
this Act (including applicable regulations pro-
mulgated and regulatory documents issued
under this Act).

“(4) ADDITIONAL REQUIREMENTS.—

“(A) IN GENERAL.—A State may impose
additional requirements on official establish-
ments under the State poultry inspection pro-
gram, as approved by the Secretary.

“(B) RESTRICTION ON ESTABLISHMENT
size.—The Secretary shall authorize a State to
establish the maximum size of official establish-
ments that are eligible to participate in the
State poultry inspection program.

“(5) REIMBURSEMENT OF STATE COSTS.—The
Secretary may reimburse the State for not more
than 60 percent of the State’s costs of meeting the
Federal requirements for the State poultry inspec-
tion program.

“(6) SAMPLING.—

“(A) MICROBIOLOGICAL PERFORMANCE
STANDARD SAMPLING AND TESTING.—The Sec-
retary shall conduct sampling and testing, in of-
official establishments subject to inspection under
the State poultry inspection program, for com-
pliance with microbiological performance standards established under section 7A.

“(B) OTHER SAMPLING AND TESTING.—In addition to the activities described in subparagraph (A), the Secretary may perform other sampling and testing of poultry products in official establishments described in that subparagraph.

“(7) NONCOMPLIANCE.—If the Secretary determines that a State poultry inspection program does not comply with this section, section 5A, or the cooperative agreement under paragraph (3), the Secretary shall take such action as the Secretary determines to be necessary to ensure that the poultry products in the State are inspected in a manner that effectuates this Act (including applicable regulations promulgated and regulatory documents issued under this Act).

“(e) ANNUAL REVIEW.—

“(1) IN GENERAL.—The Secretary shall develop and implement a process to review annually each State poultry inspection program approved under this section and to certify the State poultry inspection programs that comply with the cooperative
agreement entered into with the State under subsection (d)(3).

“(2) COMMENT FROM INTERESTED PARTIES.—
In designing the review process described in paragraph (1), the Secretary shall solicit comment from interested parties.

“(f) FEDERAL INSPECTION OPTION.—

“(1) IN GENERAL.—An official establishment that operates in a State with an approved State poultry inspection program may apply for inspection under the State poultry inspection program or for Federal inspection.

“(2) LIMITATION.—An official establishment shall not make an application under paragraph (1) more than once every 4 years.

“SEC. 5A. AUTHORITY TO TAKE OVER STATE POULTRY INSPECTION ACTIVITIES.

“(a) DEFINITION OF REGULATORY DOCUMENT.—In this section, the term ‘regulatory document’ has the meaning given the term in section 5(c).

“(b) AUTHORITY TO TAKE OVER STATE POULTRY INSPECTION PROGRAMS.—

“(1) NOTIFICATION.—If the Secretary has reason to believe that a State is not in compliance with this Act (including applicable regulations promul-
gated and regulatory documents issued under this Act) or the cooperative agreement under section 5(d)(3) and is considering the revocation or temporary suspension of the approval of the State poultry inspection program, the Secretary shall promptly notify and consult with the Governor of the State.

“(2) SUSPENSION AND REVOCATION.—

“(A) IN GENERAL.—The Secretary may revoke or temporarily suspend the approval of a State poultry inspection program and take over a State poultry inspection program if the Secretary determines that the State poultry inspection program is not in compliance with this Act (including applicable regulations promulgated and regulatory documents issued under this Act) or the cooperative agreement.

“(B) PROCEDURES FOR REINSTATEMENT.—A State poultry inspection program that has been the subject of a revocation may be reinstated as an approved State poultry inspection program under this Act only in accordance with the procedures under section 5(d)(2)(B)(ii).

“(3) PUBLICATION.—If the Secretary revokes or temporarily suspends the approval of a State
poultry inspection program in accordance with paragraph (2), the Secretary shall publish the determination under that paragraph in the Federal Register.

“(4) Inspection of establishments.—Upon the expiration of 30 days after the date of publication of a determination under paragraph (3), an official establishment subject to a State poultry inspection program with respect to which the Secretary makes a determination under paragraph (2) shall be inspected by the Secretary.

“(c) Expedited authority to take over inspection of state-inspected official establishments.—Notwithstanding any other provision of this title, if the Secretary determines that an official establishment operating under a State poultry inspection program is not operating in accordance with this Act (including applicable regulations promulgated and regulatory documents issued under this Act) or the cooperative agreement under section 5(d)(3), and the State, after notification by the Secretary to the Governor, has not taken appropriate action within a reasonable time as determined by the Secretary, the Secretary may immediately determine that the official establishment is an establishment that shall be inspected by the Secretary, until such time as the Secretary determines that the State will meet the requirements of
this Act (including applicable regulations promulgated and regulatory documents issued under this Act) and the cooperative agreement with respect to the official establishment.”.

(b) RESTAURANTS AND RETAIL STORES, ACCEPTANCE OF INTERSTATE SHIPMENTS OF POULTRY PRODUCTS, AND ADVISORY COMMITTEES FOR FEDERAL AND STATE PROGRAMS.—The Poultry Products Inspection Act (21 U.S.C. 451 et seq.) is amended by inserting after section 30 the following:

“SEC. 31. RESTAURANTS AND RETAIL STORES.

“(a) LIMITATION ON APPLICABILITY OF INSPECTION REQUIREMENTS.—The provisions of this Act requiring inspection of the slaughter of poultry and the processing of poultry products shall not apply to operations of types traditionally and usually conducted at retail stores and restaurants, if the operations are conducted at a retail store, restaurant, or similar retail establishment for sale of such prepared articles in normal retail quantities or for service of the articles to consumers at such an establishment.

“(b) CENTRAL KITCHEN FACILITIES.—

“(1) IN GENERAL.—For the purposes of this section, operations conducted at a central kitchen facility of a restaurant shall be considered to be conducted at a restaurant if the central kitchen of the
restaurant prepares poultry products that are ready
to eat when they leave the facility and are served in
meals or as entrees only to customers at restaurants
owned or operated by the same person that owns or
operates the facility.

“(2) EXCEPTION.—A facility described in para-
graph (1) shall be subject to section 11(b) and may
be subject to the inspection requirements of this Act
for as long as the Secretary determines to be nec-
essary, if the Secretary determines that the sanitary
conditions or practices of the facility or the proc-
cessing procedures or methods at the facility are such
that any of the poultry products of the facility are
rendered adulterated.

“SEC. 32. ACCEPTANCE OF INTERSTATE SHIPMENTS OF
POULTRY PRODUCTS.

“Notwithstanding any provision of State law, a State
or local government shall not prohibit or restrict the move-
ment or sale of poultry products that have been inspected
and passed in accordance with this Act for interstate com-
merce.

“SEC. 33. ADVISORY COMMITTEES FOR FEDERAL AND
STATE PROGRAMS.

“The Secretary may appoint advisory committees
consisting of such representatives of appropriate State
agencies as the Secretary and the State agencies may designate to consult with the Secretary concerning State and Federal programs with respect to poultry product inspection and other matters within the scope of this Act.”.

(c) EFFECTIVE DATE.—This section takes effect on October 1, 2001.

SEC. 203. MICROBIOLOGICAL PERFORMANCE STANDARDS FOR POULTRY AND POULTRY PRODUCTS.

The Poultry Products Inspection Act (21 U.S.C. 451 et seq.) is amended by inserting after section 7 (21 U.S.C. 456) the following:

“SEC. 7A. MICROBIOLOGICAL PERFORMANCE STANDARDS.

“(a) IN GENERAL.—In order to protect the public health and promote food safety, the Secretary may by regulation prescribe performance standards for the reduction of microbiological pathogens in poultry and poultry products processed by each establishment receiving inspection services under this Act.

“(b) ENFORCEMENT.—If the Secretary determines that an establishment fails to meet a standard established under subsection (a), the Secretary shall refuse to allow any poultry or poultry product subject to the standard and processed by the establishment to be labeled, marked, stamped, or tagged as ‘inspected and passed’.”.
TITLE III—GENERAL
PROVISIONS

SEC. 301. REGULATIONS.
(a) In General.—Not later than October 1, 2001, the Secretary of Agriculture may promulgate such regulations as are necessary to implement the amendments made by sections 102 and 202.

(b) Effectiveness of Current Regulations.—Consistent with section 553 of title 5, United States Code, the Secretary of Agriculture shall have the authority to enforce the microbiological performance standards of the Secretary in effect on January 1, 2000.

SEC. 302. TERMINATION OF AUTHORITY TO ESTABLISH INTERSTATE INSPECTION PROGRAMS.
If the Secretary of Agriculture has not approved any State meat inspection program or State poultry inspection program by entering into a cooperative agreement under title III of the Federal Meat Inspection Act and sections 5 and 5A of the Poultry Products Inspection Act (as amended by this Act) by September 30, 2003, sections 101(b), 102, 201(b), and 202, and the amendments made by those sections, are repealed effective as of that date.