

116TH CONGRESS
2D SESSION

S. 3797

To provide overtime and holiday fee relief for small meat, poultry, and egg processing plants, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 21, 2020

Mr. MORAN (for himself, Mr. BENNET, Ms. SMITH, and Mr. CASEY) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To provide overtime and holiday fee relief for small meat, poultry, and egg processing plants, 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 “Small Packer Overtime
5 and Holiday Fee Relief for COVID–19 Act of 2020”.

6 **SEC. 2. OVERTIME AND HOLIDAY FEE RELIEF FOR SMALL**

7 **MEAT, POULTRY, AND EGG PROCESSING**
8 **PLANTS.**

9 (a) DEFINITIONS.—In this section:

1 (1) COVERED ACT.—The term “covered Act”
2 means—

3 (A) the Federal Meat Inspection Act (21
4 U.S.C. 601 et seq.);

5 (B) the Poultry Products Inspection Act
6 (21 U.S.C. 451 et seq.); and

7 (C) the Egg Products Inspection Act (21
8 U.S.C. 1031 et seq.).

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

11 (A) a meat establishment subject to the re-
12 quirements of the Federal Meat Inspection Act
13 (21 U.S.C. 601 et seq.);

14 (B) a poultry establishment subject to the
15 requirements of the Poultry Products Inspec-
16 tion Act (21 U.S.C. 451 et seq.); and

17 (C) an egg products processing plant sub-
18 ject to the requirements of the Egg Products
19 Inspection Act (21 U.S.C. 1031 et seq.).

20 (3) SECRETARY.—The term “Secretary” means
21 the Secretary of Agriculture.

22 (4) SMALL ESTABLISHMENT; VERY SMALL ES-
23 TABLISHMENT.—The terms “small establishment”
24 and “very small establishment” have the meaning
25 given those terms in the final rule entitled “Patho-

1 gen Reduction; Hazard Analysis and Critical Control
 2 Point (HACCP) Systems” (61 Fed. Reg. 38806
 3 (July 25, 1996)).

4 (b) OVERTIME AND HOLIDAY FEES.—

5 (1) IN GENERAL.—Notwithstanding any other
 6 provision of law, for an inspection of an establish-
 7 ment conducted pursuant to a covered Act, the Sec-
 8 retary shall discount the rate charged—

9 (A) by not less than 30 percent of the
 10 overtime and holiday published rate in the case
 11 of a small establishment; and

12 (B) by not less than 75 percent of the
 13 overtime and holiday published rate in the case
 14 of a very small establishment.

15 (2) RULEMAKING; RETROACTIVE IMPLEMENTA-
 16 TION.—Not later than 60 days after the date of en-
 17 actment of this Act, the Secretary shall—

18 (A) complete a rulemaking establishing the
 19 discounted rates required under paragraph (1);
 20 and

21 (B) implement those discounted rates to
 22 apply retroactively to the date of enactment of
 23 this Act.

24 (c) EFFECTIVENESS.—The Secretary—

1 (1) shall carry out subsection (b) until the
2 funds appropriated under subsection (d) are ex-
3 pended; and

4 (2) may carry out subsection (b) after those
5 funds are expended only to the extent and in the
6 amount provided in advance in appropriations Acts.

7 (d) FUNDING.—There is appropriated to the Sec-
8 retary, out of funds in the Treasury not otherwise appro-
9 priated, \$58,000,000, to remain available until expended,
10 to carry out subsection (b).

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