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119TH CONGRESS
2D SESSION

S. 3994

To amend the Federal Meat Inspection Act to authorize Tribal meat inspection under that Act by Tribal personnel, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 4, 2026

Mr. MULLIN (for himself and Ms. SMITH) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

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A BILL

To amend the Federal Meat Inspection Act to authorize Tribal meat inspection under that Act by Tribal personnel, 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.

This Act may be cited as the ''Promoting Regulatory Independence, Mastery, and Expansion for Meat Processing in Indian Country Act'' or the ''PRIME Meat Processing in Indian Country Act''.

SEC. 2. TRIBAL MEAT INSPECTIONS.

(a) IN GENERAL.—Title IV of the Federal Meat Inspection Act (21 U.S.C. 671 et seq.) is amended—

(1) by redesignating section 411 (21 U.S.C. 680) as section 412; and

(2) by inserting after section 410 (21 U.S.C. 679a) the following:

"SEC. 411. TRIBAL MEAT INSPECTIONS.

''(a) DEFINITIONS.—In this section:

''(1) COVERED ACTIVITIES.—The term 'covered activities', with respect to the inspection of meat food products under this Act, means—

''(A) the hiring and training, in accordance with relevant training standards of the Food Safety and Inspection Service of the Department of Agriculture, of Tribal personnel to conduct, at covered facilities, any inspections required under this Act that would otherwise be carried out by inspectors appointed by the Secretary; and

''(B) the conduct of those inspections by those Tribal personnel at covered facilities.

''(2) COVERED FACILITY.—The term 'covered facility' means a mobile or stationary meat processing facility not less than 51 percent of the ownership interest in which is held by an Indian Tribe, a Tribal organization, or an entity wholly owned by an Indian Tribe or Tribal organization.

''(3) INDIAN TRIBE.—The term 'Indian Tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

''(4) MEAT FOOD PRODUCT.—The term 'meat food product' includes a carcass of, a part of, or a product derived from a portion of meat, including bison and reindeer, that is capable of use as human food.

''(5) SELF-DETERMINATION CONTRACT.—The term 'self-determination contract' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

''(6) TRIBAL ORGANIZATION.—The term 'Tribal organization' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

''(b) SELF-DETERMINATION CONTRACTS.—

''(1) AUTHORIZATION.—Subject to the availability of appropriations, beginning not later than 2 years after the date of enactment of this subsection, on receipt of a request from an Indian Tribe or Tribal organization, the Secretary shall enter into a self-determination contract with the Indian Tribe or

Tribal organization, respectively, to carry out covered activities.

"(2) STANDARDS.—

"(A) IN GENERAL.—The covered activities carried out pursuant to a self-determination contract entered into under paragraph (1) shall meet standards and requirements that are not less stringent than, as applicable, the standards and requirements for inspections of amenable species under title I (including regulations), or the standards and requirements for inspections of species that are not amenable species under section 203(h) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1622(h)), with respect to—

"(i) antemortem and postmortem inspection;

"(ii) reinspection;

"(iii) sanitation;

"(iv) humane handling;

"(v) recordkeeping; and

"(vi) enforcement.

"(B) LABORATORIES.—The applicable standards of the Department of Agriculture relating to the establishment, maintenance, and

operation of laboratories or other similar facilities shall apply with respect to covered activities carried out pursuant to a self-determination contract entered into under paragraph (1).

''(3) INSURANCE.—

''(A) IN GENERAL.—A self-determination contract entered into under paragraph (1) shall require the Indian Tribe, Tribal organization, or tribally owned entity that owns a covered facility at which covered activities are carried out pursuant to the self-determination contract to maintain insurance coverage (including with respect to outbreaks of food-borne illnesses) that is appropriate for the size of the covered facility, as determined by the Secretary.

''(B) FACTOR FOR CONSIDERATION.—In obtaining or providing insurance coverage for purposes of this paragraph, an Indian Tribe or Tribal organization may take into consideration the extent to which liability under a self-determination contract is covered under chapter 171 of title 28, United States Code (commonly known as the 'Federal Tort Claims Act'), subject to paragraph (6).

''(C) SOVEREIGN IMMUNITY.—

''(i) IN GENERAL.—A policy of insurance under subparagraph (A)—

''(I) shall include a provision that the insurance carrier shall waive any right to use as a defense the sovereign immunity of an Indian Tribe from suit with respect to any claim the amount and nature of which are within the coverage and limits of the policy, subject to clause (ii); and

''(II) shall not authorize the insurance carrier to waive or otherwise limit the sovereign immunity of the applicable Indian Tribe beyond the coverage and limits of the policy.

''(ii) LIMITATIONS.—No waiver of the sovereign immunity of an Indian Tribe pursuant to this subparagraph may include—

''(I) a waiver to the extent of any potential liability for interest prior to judgment or punitive damages; or

''(II) any other limitation on liability imposed by the law of the

State in which the alleged injury occurs.

''(D) TREATMENT AS FEDERALLY INSPECTED.—For purposes of insurance and liability, a covered facility at which covered activities are carried out pursuant to this section shall be considered to be federally inspected.

''(4) OVERSIGHT.—A self-determination contract entered into under paragraph (1) shall require that the Secretary shall maintain oversight authority (including recall, review, and audit authorities) with respect to covered activities carried out pursuant to the self-determination contract.

''(5) ENFORCEMENT AUTHORITY.—Tribal personnel carrying out covered activities pursuant to a self-determination contract entered into under paragraph (1) shall have enforcement authority in accordance with this Act, including the authority—

''(A) to provide notice of a violation of this Act;

''(B) to provide to a covered facility time to remedy such a violation; and

''(C) if such a violation is not remedied, to halt processing at the covered facility until the violation is remedied.

''(6) TREATMENT AS FEDERAL EMPLOYEES.—Notwithstanding any other provision of law, while carrying out covered activities pursuant to a self-determination contract entered into under paragraph (1), Tribal personnel shall be deemed to be Federal employees for purposes of chapter 171 of title 28, United States Code (commonly known as the 'Federal Tort Claims Act').

''(c) CERTIFICATION REQUIRED.—As a condition of entering into a self-determination contract under subsection (b), an Indian Tribe or Tribal organization shall submit to the Secretary not less frequently than annually a certification that each inspection carried out pursuant to the self-determination contract during the year covered by the certification—

''(1) met the applicable inspection requirements, and established and maintained the required standards for inspection, under title I (including regulations); and

''(2) was conducted by an inspector employed by the Indian Tribe or Tribal organization who—

''(A) was not employed by an animal food manufacturer serving the covered facility being inspected; and

"(B) did not hold any ownership interest in such an animal food manufacturer or the covered facility.

"(d) COMMERCIAL PROVISIONS.—

"(1) LABELING.—Tribal personnel carrying out inspections pursuant to a self-determination contract under subsection (b) shall place on each meat food product that meets the applicable criteria under this Act a label of Federal inspection, in such manner and containing such information as the Secretary may require.

"(2) SHIPMENT IN INTERSTATE COMMERCE.—The Secretary shall authorize any Indian Tribes or Tribal organizations that have entered into self-determination contracts under subsection (b) to ship in interstate commerce meat food products bearing the label described in paragraph (1).

"(3) NO SALE IN FOREIGN COMMERCE.—A meat food product inspected pursuant to a self-determination contract under subsection (b) may not be sold in foreign commerce.

"(e) TECHNICAL ASSISTANCE.—On request of an Indian Tribe or Tribal organization that has entered into a self-determination contract under subsection (b), the

Secretary shall provide technical assistance with respect to carrying out that self-determination contract.

''(f) RITUAL SLAUGHTER.—Nothing in this section prohibits the handling or preparation of livestock used for ritual slaughter in accordance with section 2(b) of Public Law 85–765 (7 U.S.C. 1902(b)) (commonly known as the 'Humane Methods of Slaughter Act of 1958').

''(g) REPORTS.—Not later than 1 year after the date on which funds are appropriated pursuant to subsection (h), and annually thereafter, the Secretary shall submit to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives a report describing the activities carried out under self-determination contracts entered into pursuant to this section.

''(h) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this section, to remain available until expended.

''(2) APPROPRIATIONS IN ADVANCE.—Only funds appropriated under paragraph (1) in advance specifically to carry out this section shall be available to carry out this section.

''(i) RULE OF CONSTRUCTION.—Tribal personnel may use funds made available under subsection (h) to carry out inspections of any species that is not an amenable species only pursuant to, and in accordance with, a self-determination contract under this section.''.

(b) RURAL WATER, WASTE DISPOSAL, AND COMMUNITY FACILITY LOANS AND GRANTS.—An Indian Tribe or Tribal organization (as those terms are defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)) operating under a self-determination contract described in section 411(b) of the Federal Meat Inspection Act (as amended by subsection (a)) shall be eligible to receive grants and loans under section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)).

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