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The Solari Report

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**Solari Food Series:
Winning the War on Meat – The
PRIME Act
The War on Meat, Part IV
with
Thomas Massie**



Pete Kennedy: Welcome to the *Solari Food Series* audiocast. I am your host, Pete Kennedy. It's an honor today to have Congressman Thomas Massie back as a guest on the audiocast.

Officially, the Congressman represents Kentucky's 4th District. Unofficially, he's the Congressman for the local food movement in this country. He was instrumental in getting the sale of hemp legalized in the US, thanks to the work he did on establishing a pilot program in the 2014 Farm Bill. Along with Maine representative Chellie Pingree, he has introduced the Interstate Milk Freedom Act, a bill that will partially lift the current ban on the transport of raw milk and raw milk products across state lines.

The topic for today is another bill he has introduced, the PRIME Act, which would partially repeal the current law on meat sales established by the disastrous 1967 Wholesome Meat Act.

The biggest weakness in the local food system is the lack of slaughterhouse infrastructure. To say that the PRIME Act is needed is a huge understatement, and it is one that gets bigger every year since its initial introduction in 2015.

We will dive into why its passage is so crucial for the food supply in this country.

Congressman Massie, welcome to the *Solari Food Series* audiocast.

Thomas Massie: Thanks for having me on. I've had my raw milk this morning, and I'm ready to 'rock-n-roll' talking about the PRIME Act today.

Kennedy: You're going to have your custom-processed meat afterward for lunch, I take it.

Massie: Actually, I had some uninspected meat yesterday, and I will have some uninspected meat today.

I want to say that this bill has reached a level of success only a few of my bills reach, and it's been popular enough that fake versions of it have been introduced in the Ag Committee because there has been enough demand and

pushback and requests from constituents to members of Congress to co-sponsor the PRIME Act that they had to create another one to deflect some of the energy.

Kennedy: Exactly. We are going to get into that a little later. I guess to start off for the people who might not be familiar with it, what is the PRIME Act, and what does it do?

Massie: Let me first describe the problem: Eighty-five percent of the meat processed in the United States is processed by one of four giant corporations. One is owned by the Chinese, and Brazil owns one. This is a problem because the small local processors are being driven out of business. They have had a slight boom here recently because of COVID; people have come to appreciate local processors. So there has been this revival already, but the capacity hasn't increased.

During COVID, we saw shortages of meat in the supermarket. Here in Kentucky, these were supermarkets that were next to pastures. You could stand in the parking lot of a supermarket and know that they didn't have briskets there. You could look out in the field beside the supermarket and see a brisket walking around, and you would wonder why this was a problem. So, that's my description of the problem.

The solution that I've reached is to basically 'make the regulation scale appropriate,' which is how Joel Salatin would say it. The regulations right now for small processors are scale prejudicial. In other words, they discriminate against small processors to the benefit of the large monopolies.

What the PRIME Act does is it says, "If a farmer wants to go to a local processor and have meat processed and sell that to a local consumer, as long as that is all happening within one state, as long as it's not interstate commerce, then the Federal government (the USDA) will not prevent that transaction from occurring."

This is just common sense, and I think it's constitutionally redundant. Frankly, the Federal government has no authority outside of interstate commerce, so it shouldn't even be necessary to tell the USDA, "You can't regulate processors,"

as long as the product that is being processed and the animals that are being processed are not involved in interstate commerce. The PRIME Act stands for Processor Revival Intrastate Meat Exemption.

As many of your listeners and readers know, there is already an exemption for using local custom slaughterhouses that people can use right now, but it's very regressive. Let me explain what that exemption is: If you own the animal, the Federal government says, "You can have your own animal processed by anybody you like, or you can process that animal yourself as long as you're not selling it by the cut or individually, and as long as you are pricing it by the live weight. Then you can have the animal processed at a local processor, and we won't throw you in jail."

I say it's an exemption, but it's not really an exemption; it's more like your right as a human being to grow an animal and consume it. They acknowledged that. By extension, they say that up to four people could share ownership of that animal.

Here is why the current exemption is very regressive: For somebody to buy half or whole or even a quarter of a beef requires significant financial investment, plus you have to own a freezer. Unless you have a very big family reunion going on that day, there is no way that you will consume half of a beef. So, you're going to have to freeze it, and you have to pay for electricity; you have to keep it in the freezer. So it's very regressive, and only the middle class and upper middle class and elites can enjoy this exemption. It would be very hard for somebody who is living paycheck to paycheck to buy locally-raised and locally-processed meat under the existing exemption.

My exemption would change all of that. If you only want to buy a package of hamburger from a local farmer using a local processor, you can do that if the PRIME Act passes.

Kennedy: We're going to get into this a little later, but the USDA's current interpretation (and some people in that department want to change it) is that you can have an unlimited number of owners for a custom animal. Unfortunately, if you put your 'finger' on what is happening, some of the states are passing stricter laws and limiting it to four owners per animal. As you just

said, with the initial investment and the space you have to take up buying the chest freezer, it will effectively disqualify some people from doing that.

Massie: Let me back up what you just said: During COVID, when we were having this crisis of a meat shortage, I spoke with the Deputy Director of the USDA. I put that question to them specifically, “Is there any limit on the number of people who can have ownership of a live animal and then later consume it?”

They told me there was no limit; it was impractical, and the limitation was only a natural practicality limit.

I said, “I know that there is no law, but is it written down anywhere the regulation that says that only eight people or only four people can share ownership and process an animal without regulations?”

They said, “No, it’s not written down anywhere.” So, it is somewhat of a myth. But myths become the practicality if it’s repeated enough. So, many processors would stop at a quarter or an eighth.

Kennedy: Yes, and many of these State Departments of Agriculture – if you contact them – will probably tell you the same thing; what you mentioned is a big problem.

I’m going to bring this up at the end, but I will give you a couple of chances to get this into this audiocast: What can people do to support the PRIME Act? As far as food bills, this is it.

Massie: I have one request of everybody listening or reading this: Pick up the phone. Long distance is free for all intents and purposes these days. Make three phone calls. I’m not even asking you to put pen to paper or to forward an email. Just pick up the phone and make three phone calls; don’t make four; don’t make two.

Everybody who is listening to this podcast or reading this in the United States has two senators and one US representative. Don’t call Nancy Pelosi or Kevin McCarthy unless you live in California because those are your representatives.

Yes, they are powerful and influential, but they will not record any evidence of your phone call because they don't represent you specifically.

Find your two senators in your state. If they are not a sponsor of the PRIME Act, call their office in Washington, DC, and ask them to sponsor the PRIME Act. Be polite and be quick. Don't be rude. Don't say, "I'll never vote for you again if you don't do this." Once you do that, you've played the card, and they never have to worry about you on any other issue – or even this issue. Then call your US representative.

Your state may have one US representative, or it may have 12 US representatives, but only one of them represents you. There is only one that you are eligible to reelect every two years, and that is the one who is going to listen to you. Call that phone in Washington, DC, and ask them to cosponsor the PRIME Act.

By the way, if any of these three people have already cosponsored the PRIME Act, it's okay to call them anyway and thank them.

Kennedy: Absolutely. I noticed that you are ahead of last session as far as sponsors in the House of Representatives; I saw that you had 46. You had about half that at the last session at the start of COVID. It seems like things are moving along well there.

Massie: These aren't congressmen that I've been able to walk up to and reason with. I had 25 cosponsors. By the way, they are Republican and Democrat. If you are a conservative and you are distraught that you have a Democrat congressperson, don't tell me that they are always wrong about everything. Even a broken clock is right twice a day. I have some of the most liberal members of congress as cosponsors on this, I have some of the right-winged members of congress as cosponsors, and I have the most moderate members in both conferences as cosponsors. There is no ideological limitation. Don't tell me that you didn't call one of these three people because, "They are always wrong."

Sometimes they can be right, and we had roughly two dozen cosponsors in 2015 when I first introduced the bill. When I first introduced it, I had about a dozen,

then I got up to 25 the next congress. Then when COVID hit, I went from two dozen to four dozen cosponsors. People walked up to me on the floor of the House and said, “I’m getting phone calls. People want me to be on this bill. Tell me what it does and why I should be on it.”

I tell them, and they say, “Okay, put me on your bill.”

I signed them up, and it’s easy if they’ve been primed by their constituents to sponsor the PRIME Act.

Kennedy: You were saying that with some of these representatives it takes as few as ten phone calls.

Massie: In a day, I get a maximum of ten phone calls. I represent 750,000 people. Every representative represents roughly 700,000 to 800,000 people. Would you believe that we only get ten calls a day? And some days, I don’t get any phone calls.

If I get ten phone calls on the same topic in a day, my staff starts to worry what I’m doing and who I’ve upset if the phone rings that much. Many congressmen come to me on the floor when we’re voting on bills. They say, “How many phone calls did you get for this bill, and how many phone calls did you get against it?” Very few ask me how many emails I got.

Here’s a ‘dirty’ little secret: That email that you get back from your congressman or that letter that you get back from your congressman, probably 100 people got the same letter; it’s a form letter. By the way, I tell people, “Don’t get upset if I send you a form letter; a lot of you send me form letters.”

People just copy and paste something that their ‘crazy uncle’ sent them – or Pete Kennedy – and they forward it.

Kennedy: What a surprise.

Massie: The people who respond to those letters are oftentimes interns batching up letters and saying, “Look, boss! I can answer 150 constituent physical letters and emails with this one letter.”

We say, “Go for it! Make that issue go away.”

But when a phone call occurs, most members of Congress have no more than six or seven staff in their office in Washington, DC. We have three rooms; there is the congressman’s room, the lobby, and then the legislative shop. You’ve been in some of these congressional offices. When the phone rings, we all hear it. We wonder, “Who’s calling us? What’s that about? Is that the ethics committee, or is that a constituent?”

Kennedy: You’re asking yourself if you’ve just lost your assignment on a committee or if it’s something else.

Let’s go back to the last session for a bit. You had the Smithfield plant in South Dakota close down. It was something like 5% of the pork production in the country. You had all these ranchers cut off by the big meatpackers who were trying to find local slaughterhouses. It just got ‘crazy’ for a while. Like you said, you build up all this momentum. I think we were all hoping that this could get packed onto some kind of omnibus bill like the CARES Act or something like that.

What Congress wound up doing for the last omnibus bill was pass the RAMP-UP Act, which is nothing more than a Band-Aid. I think it allowed \$100 million for slaughterhouse upgrades or new slaughterhouses.

Could you tell us as much as you can about what happened with the process last session when there was so much support for it?

Massie: One of the things that people saw – and, frankly, they didn’t see enough of this or most of what happened – was hogs were being euthanized and chipped up in wood chippers and composted instead of going to the grocery store. That is really heartbreaking for the farmer. It’s not just heartbreaking financially, but if farmers don’t respect the lives of the animals they’re raising, they have no business farming.

We do have concerns for the animals. We want them to have a humane life and a useful purpose. To see them euthanized is heartbreaking.

When consumers saw that, that made them angry. That's why we have many sponsors.

It happened with pork, and I assume it probably happened with some lambs and goats. It didn't happen so much with beef because cattle have a longer lifespan. We were able to take up some of the 'slack' by keeping the animals longer. There are certain animals you can't keep forever.

It happened with chickens. They were breaking the eggs that they would have used in hatcheries. In some cases, they weren't growing out the chickens.

The PRIME Act covers beef, pork, goats, and lamb. There is already a Federal exemption up to 20,000 birds a year for a farm for poultry. So, we just focus on this bill with beef, pork, goats, and lamb. When all that was happening, the cosponsors went from 25 to 50. I wondered if we would sustain that in the next Congress.

We are now in a new Congress since COVID happened. We have a new President and a new Congress. Some of them are newly-elected. I wonder if we will get to 50 again. We've already gained more cosponsors at this point in Congress than we did in the last Congress.

You're right. The other bill that passed is a Band-Aid. Subsidies are not a long-term solution, especially when you have consumers who are willing to pay for these upgrades. If we would just get the government out of the way, you wouldn't need to subsidize this; it would be a long-term sustainable solution.

Kennedy: We're going to get into that more later. I think that is the key of why the PRIME Act is better than all these 'wannabe' bills that they are introducing.

Like you said, you have plenty of support this session. Do you think that there is a chance to get a hearing on this? Or do you think if it's going to pass, it will go into one of these 'moldy' subject bills?

Massie: I think it's going to be tough to get a hearing on this bill per se. The

topic needs a hearing, and they may get enough pressure in the Ag Committee. I serve on the judiciary and the transportation committees; I'm not on the Ag Committee. Many of those members on that committee are beholden to the entrenched powers because, believe it or not, it's the lobbyist you have to audition to to get on a committee. You have to support the lobbyists who have business in front of that committee to get on that committee, and you have to give your party a certain amount of money, or they won't allow you on some of these committees.

The way that you get that money is not by having fundraisers in living rooms back in your district; you get that money from the lobbyists who have business in front of that committee. So, it's going to be hard to get a hearing on the PRIME Act in that committee, but we might get a hearing on that topic of food shortages and the lack of processing capability in the United States. I think the shortages are coming back, unfortunately.

We might get a hearing on the topic if not the bill, at which point if we could get one member of the Ag Committee to break ranks, that would help this pass. By the way, I used to have a Democrat on the Ag Committee; Collin Peterson was the ranking member of the Ag Committee, but he is no longer in Congress.

Kennedy: He was a past cosponsor. I remember that.

Massie: That was close. As soon as they got the majority and he became chairman, he would not cosponsor the bill anymore. It was a bit ironic, but that tells you the way those games are played.

As far as the legislative vehicle for passing this, I think it will have to go on a separate bill. It will take a real effort just to get a vote on this amendment to the bill past the Rules Committee in Congress. The reason I think it could happen that way – and I don't think it should be on an unrelated, giant omnibus bill – is that this is a farm issue, and I would like to get a vote on the next farm bill that goes through Congress for this bill as an amendment.

Kennedy: When is the next farm bill scheduled? I think the last one was in 2018, right?

Massie: Yes, and they typically last four to six years. I don't know if it will be this Congress or not. I'm not on the Ag Committee, and even if I were, I probably wouldn't know what is going to happen on the Ag Committee until later on. They give you about 48 hours' notice, which is a tactic they have. They don't want anybody to mess up their bills by preparing amendments.

The reason I think this is the most probable way of getting it past is that this is how we got hemp legalized, as you mentioned in the intro. I worked across the aisle with Jared Polis and Earl Blumenauer. Jared Polis is now the Governor of Colorado. He's a Democrat and an unapologetic liberal, and he was always a sponsor of the raw milk bills, the PRIME Act, and the hemp bill. He suggested to me that even though hemp was in the Judiciary Committee and the Energy and Commerce Committee, not even in the Ag Committee, and even though it wasn't technically germane to the Farm Bill, he said that we should take my Industrial Hemp Farming Act and offer it as an amendment to the Farm Bill.

I said, "Jared, that's a great idea, but it's not germane to the Farm Bill according to the Parliamentarian. How will we get it past the Rules Committee?"

Jared reminded me that he was on the Rules Committee. So, it was somewhat miraculous that neither the Chairman of the two Committees of Jurisdiction stopped it from getting a vote on the floor of the House. The reason it got a vote on the floor of the House was that they underestimated us; they didn't think that it would pass.

So, the Rules Committee let it go through. "Oh, that's cute. Let them have a little referendum, and then let them go down in flames on the floor of the House."

Unbeknownst to them, I had garnered plenty of support among Republicans. Most Democrats voted for it. Remember that Republicans were in the majority, so they assumed at the time that the hemp amendment would fail. I think we got 40 or 60 or even 80 Republicans to vote for it and a majority of Democrats, and it passed.

Then there was another miracle that it made it through the conference with the Senate because the senate bill did not have hemp in it. But if you remember, in

2014, Senator Mitch McConnell was up for reelection. These are the ‘crazy’ coincidences that occurred.

Kennedy: You need luck like that; you need these fortuitous circumstances.

Massie: So, the majority leader of the Senate was up for reelection in a contested race in a state that was once the biggest producer of hemp during World War II of any state. There had already been state laws passed to legalize hemp. An Ag Commissioner had won a statewide election using hemp as a referendum issue. So, Senator McConnell made sure that the hemp amendment survived the conference with the Senate – his body, which hadn’t even seen fit to put hemp in the bill – and it became law.

So stars can line up, and things can happen. I wanted to let you know all of the things that had to happen to enable hemp to pass. I think we need a few states to line up, and then we can get the PRIME Act passed. As long as there is public support, as long as congressmen and senators believe their reelection could hinge on this bill (and that will only come through phone calls), this could pass.

Again, don’t tell your senators and congressman that you will never vote for them if they don’t pass this. That is self-defeating. Just tell them that you and a number of your neighbor friends are really excited about the PRIME Act.

Kennedy: There is one question that I wanted to ask you:. With the 2018 Farm Bill, the Raw Milk Bill was one vote away from being included in that Farm Bill. There was a time when they are picking between the PRIME Act and the Raw Milk Bill to go up for that final vote to be included. The Raw Milk Bill is great, but the support for the Raw Milk Bill is lower. There may be 10-12 million raw milk drinkers in this country, and there are over 200 million people – at a minimum – who eat meat. So, whatever happened there? Where they just too afraid of the bill? Is that why it didn’t get up for the final vote?

Massie: Thank you for reminding me of my ‘failures’!

Kennedy: I don’t mean it that way, but it was interesting what happened.

Massie: It's an important lesson that we should all take something away from.

You're right; we got the hemp on the 2014 Farm Bill. By the way, it passed the House in 2013. I spanned two years, I did get a vote – and that is miraculous in itself – on raw milk as an amendment to the Farm Bill in the last farm bill that passed, and it lost by more than one vote. It lost by a good margin, unfortunately. That is because we didn't have time and we weren't ready to whip public support for that bill. That is one of the reasons.

We only found out eight hours before we got a vote on raw milk that they were going to allow a vote on raw milk as part of the Farm Bill. So, we weren't ready; we had far fewer cosponsors. I don't want to offend any food freedom advocates out there, but a lot more people eat steak and hamburger than drink raw milk.

We've seen shortages of meat in the supermarket. Because the government has even more control over the dairy industry, we often see excess milk in the dairy industry. They have a tight grip. There is also the milk lobby. They came after me very hard. They said that people would die if my amendment passed. We weren't prepared, but the milk lobby was.

My wife texted me and said, "OMG! I didn't realize the lactose lobby was so intolerant!"

We have a better chance with the PRIME Act because the lobby is more fractured against the PRIME Act. There are some lobbies that are quietly against it.

This is another thing that people can do: If you are a member of Farm Bureau or the Cattleman's Association, tell your association at the next meeting that you want to make a motion to pass a resolution to support the PRIME Act. You will most likely be doing this at the county level. There will be a state convention at some point, and you probably have to run for some office to get elected. But right now, they are quietly opposed to it because of the corn lobby, the soybean lobby, and the meatpackers' lobby, which controls the Cattleman's Association. But when you get down to the local county and state level, you will find support for the PRIME Act.

The reason they are not vocally against it like the milk lobby is against the Raw Milk Bill is that they know they would lose support among their members. They know that the PRIME Act is a popular bill with cattlemen, and it's a popular bill with almost all family farms that belong to the Farm Bureaus across the country. So, they won't be publicly against it right now; they are just quietly against it.

We need to change that to make them publicly for it. They need to represent the views of their members.

Kennedy: If you are a member of those associations, would you suggest that you act at the county level or the local level?

Massie: I think that the smallest unit of formation is at the county level. Nine-tenths of the people who go to the county meetings that I meet at love the PRIME Act, and they understand why it's needed. They have their own beef processed, and they know it's safe. They use these same processors for their own families, so they would never argue that it's unsafe for consumers.

Kennedy: It's really a food safety bill, too. I think that is another thing that people need to understand; last year the Farm and Ranch Freedom Alliance (FARFA) submitted a FOIA request. They said, "How many people have gotten sick eating custom processed meat?"

I don't know why they want back only to 2012. I don't know what the reason was – maybe to get a quicker response. The answer from the USDA was, "Zero."

There was a USDA document that I saw earlier this year. They have performance standards that they are trying to issue for beef and poultry. In the last three or four years, there have been three outbreaks with people getting sick eating beef that was slaughtered and processed at a USDA facility. One was over 100, one was over 200, and the third was over 400.

With the lack of slaughterhouses, it seems like it's the pressure on the slaughterhouses that are already stretched beyond capacity. As you know, if a customhouse does five beefs in a day, which might be a large amount. These

USDA facilities do more beefs in a day than customhouses do in a year. The quality control isn't there.

Massie: It is a food safety issue. When you get a foodborne illness from a source that you are not aware of, much of the time it goes unreported. How do you know that's where it came from?

With a custom slaughterhouse, you know the farmer that raised it, you know the place that processed it, and you know virtually everything about it in the chain of control. You could probably visit the farm and visit the processor. There is no hope for doing that if you are buying beef that has been massively produced.

Kennedy: If you buy a hamburger at a restaurant, how many cows would you say that hamburger was made from?

Massie: A random guess would be that there must be at least 50 different cows in that hamburger.

Kennedy: Some people think it's in the hundreds – and even cows from different countries.

Massie: Why wouldn't it be? How would you know? It only takes a minimal amount of bacteria. So, if one cow has an issue and you are commingling that, one cow may end up in 10,000 hamburgers. As we've seen when they recall beef, they don't recall a few hundred pounds; they recall a few hundred thousand pounds or even more than that because of this commingling issue and because of the lack of knowing where the origin of the issue was.

This is a food safety issue; there is accountability. One of the ironic objections that I've heard to the PRIME Act is, "Oh my gosh! Farmers could become liable for the meat that they grow."

Well, isn't that a good thing?

Kennedy: And they can anyway.

Massie: First of all, that aligns with the incentives if farmers are liable for the

meat they grow. If you have an animal that has been sick and you treat it, and it's not getting better, you double or quadruple the dose of the medication that is required – whether it's an antibiotic with a three-week withdrawal period or a month-long withdrawal period – and it's still not getting better, what is the last drug that the farmer gives to a sick animal? It's called Farmaceuticals (i.e. chlortetracycline/sulfamethazine/penicillin, or chlortetracycline/sulfathiazole/penicillin-in tetracycline antibiotic class related to doxycycline). It cures anything while it's still ambulatory. The farmer oftentimes takes the problem to the sale ring. The buyers will buy that animal if it's ambulatory. They don't try to make it better; they try to process it before it becomes nonambulatory, which is the basic standard of food safety.

The food safety standard is, “Was the animal ambulatory when it was processed?” They process it immediately, and nobody knows what has gone into it.

If you know who the farmer is and the farmer knows who you are, do you think that is going to happen as frequently? I don't think so.

Kennedy: The big buzz word for the food safety regulators is ‘traceability’. Where do you get greater traceability than buying locally-raised meat? They should be all over this bill supporting it. This would make their job much easier if local meat had a greater market share.

Massie: Let me talk a little about the decision to structure the bill the way that it's structured. The Federal exemption on poultry is a number; it's numerical. There is a 20,000-bird limit.

I have to give credit here. We conceived this bill at Joel Salatin's farm on a hayride tour of the farm. Senator Frank Nicely, who is a state senator in Tennessee, and I talked about what this bill should do and how it should be structured. We also consulted with you later on this. Should we put a numerical limit on the number of animals? We are trying to make this scale-appropriate.

These slaughterhouses are still inspected by county health inspectors. Even my local ‘uninspected’ slaughterhouse is inspected by USDA. He has received two surprise visits. He doesn't know when they're coming; they just ‘pop in’ and

inspect him.

I say that they are uninspected, but they are actually still inspected.

Kennedy: It's just that the inspector doesn't have to be present when slaughter and processing is taking place. Most of these customhouses might get one or two inspections a year.

Massie: So, they are called 'uninspected', but they are still inspected.

What we came up with, instead of a numerical limit, was a state boundary limit. We did this for a couple of reasons: First, that is the constitutional answer. The US Department of Agriculture should only have authority on meat that is involved in interstate travel. Intrastate food processing should not be subject to their regulation under the Constitution. So that is one reason.

Another reason is that when you put a small business exemption into anything, like healthcare, its primary effect is to keep small businesses small. There is a 50-person limit on the healthcare requirement. Your employer has to provide healthcare if there are over 50 people. Well, I know many small companies that once they hit 50, they quit hiring people because of that. So, I didn't want to create a barrier where processing your 51st cow that year would incur a \$200,000 penalty because now you have all these other things that you have to comply with. So, we didn't want to create that discontinuity.

I think the best reason to use geographic boundaries instead of numerical boundaries is that it goes along with the local food paradigm where local food is more accountable, it's safer, you're talking to the farmer, and you're helping your local economy. So even though it's going to create some issues where cities are near borders, and people can't buy across the border, it's still a good thing to keep it at a geographic boundary.

Kennedy: Speaking of the states, I tracked some of the state meat bills. It seems like there is a greater frustration over the existing meat regulations.

Maine had a bill this last session that would have allowed the sale of custom meat. They were skipping a step there, not waiting for the PRIME Act to pass;

they went right ahead and introduced that bill.

Montana and South Dakota introduced bills establishing an interstate meat compact where a state-inspected facility in one state could ship meat to a state-inspected facility in another state. That's a blatant violation of the Federal Meat Inspection Act. It seems like people have had it. Is that the sense that you are getting when you talk to state legislators – that they are just fed up with laws the way they are now?

Massie: Yes. I think it was you who alerted me about the Ag Commissioner in Mississippi who came out during COVID and said, “We’re setting up a website.” The state set up a website to facilitate these kinds of transactions from local processing custom slaughterhouses to consumers.

I see it happen a great deal, but there is also something else that has increased. The government never likes to talk about this, but there are many of people ignoring the law.

When laws are blatantly unjust, when they are blatantly unconstitutional, you get less compliance. When they are not logical, when they are unscientific, people revert to morality. When the people are more moral than the laws that propose to keep them moral, they revert to their own morality. If there is a choice between feeding your family and not feeding your family, if there is a choice between euthanizing an animal and burying it instead of turning it into the food that it was meant for, people will revert to morality instead of these immoral laws that are causing immoral things to happen.

Kennedy: To me, a sign of a bad law is a law that otherwise law-abiding citizens violate with regularity. That could be what is going on with this law right now.

Massie: You just gave me an idea.

I’m on the Judiciary Committee, and we are debating legalizing marijuana. This is one of those Federal laws that is universally ignored – both in states that have legalized it and in states that haven’t legalized it. For decades, people have been going on about their business ignoring this.

The bill that they are proposing in front of my Judiciary Committee would also tax marijuana, set up a new tax, set up reparations for committees, and do a lot of things that it doesn't need to do. Maybe when they are legalizing marijuana, I could slip in an amendment to that that would legalize food.

Kennedy: There you go.

Massie: Think about that: Maybe that is my bill that I attach it to.

Kennedy: People who smoke marijuana get the munchies, so I think it's appropriate to have food in there.

Massie: We will have to have a commitment bill in there to provide more food for the munchies.

Kennedy: I had Joel Salatin on the audiocast recently. We went back to this Wholesome Meat Act. I think Joel has probably told you the story of being 13 or 14 and selling value-added meat products at the Stanton Curb Market when there were no regulations at all. He told me that there were at least 30 farms that engaged – part-time, if not more – in slaughtering animals.

There are 3,100 counties in this country. So even if you take half the number, and you have Joel's county as an average, that is over 50,000 of these facilities, and no one got sick.

The difference between this interstate raw milk ban was, unfortunately, when they were working towards the ban, there was an 8,000-cow dairy in California that was blamed for a number of illnesses. I don't know about you, but I'm not going to drink raw milk from an 8,000-cow dairy. It's the same quality control issue.

Officially, at the time that they passed this Wholesome Meat Act, there were around 10,000 slaughterhouses, but there were actually much more. It was just a conduct. They were able to pass off this industry consolidation measure as a consumer protection act.

I've looked through, and I can't find any cases of foodborne illness. They were saying that these plants were unsanitary, but what is unsanitary? If you have a fly on the kill floor, is that unsanitary? Did you write that up?

It sounded like the people going out to the countryside had orders to come up with these scare stories. Here we are 50 years later where the quality isn't as good and the safety isn't as good.

Massie: In his book, *Everything I Want to Do Is Illegal*, I read about Joel Salatin's story selling food on the corner in Stanton. It's a great title. That is not a book about smoking marijuana; that is a book about eating food. But that story reminds me of a story that another member of Congress told me recently. Her name is Victoria Spartz who is a representative in Indianapolis, Indiana. She grew up in Soviet Ukraine. She remembers as a little girl selling food at the farmer's market.

She said that even the Soviet Union was not stupid enough to regulate small farmers who were just selling to consumers. Even in the Soviet Union, the regulations only applied to the giant corporations and the giant farming. So that was amazing to me.

She has since immigrated, and Ukraine is no longer Soviet. So maybe they have more regulations now in Ukraine, but she is seeing more regulations on small farmers in the United States than they had in Soviet Ukraine when she was a little girl.

Kennedy: In mentioning Joel Salatin selling the value-added products, that is one of the things that the PRIME Act does. If someone wants to make sausage or beef jerky or something like that, the states can determine a regulation. Right now, with the Federal regulation, you conceivably need a HASSA (Health & Sanitation Safety Awareness) plan for every value-added product you're making.

I've talked to people who have HASSA plans, and they said that it might cost \$5,000 or \$6,000 to write up a HASSA plan. It's a huge expense, and value-added is where the money is. You're just giving the meatpackers that type of business when the small farmer should be getting it.

Massie: I don't want to mention these meatpackers by name because I'm a Congressman, and I don't like picking on anybody, but much of what they sell is salami and bologna. I say that 85% of the meat processed in the United States is highly processed. They have cornered the market on the value-added products because they've cornered the market as a vertical monopoly as well as a horizontal monopoly. They have cornered the monopoly on the protein that goes into them.

Let me tell you something else that the PRIME Act does that many people may not realize: It allows you to sell in a restaurant, grocery store, or in a boarding house.

Right now, the exemption that allows you to buy an animal by live weight and have it processed at a local custom slaughterhouse does not allow you to sell in any of those venues. So, the PRIME Act is significant. If all you were to do was create another exemption for individual consumers to buy directly from farmers, that would be good; it would be an improvement. But if you keep farmers and the processors from being able to sell in restaurants and grocery stores, that is a real impediment that still empowers the monopolies. Let farmers sell their products in grocery stores without going through one of these monopolies.

Since I mentioned restaurants and I spoke about the black market or the gray market that has evolved because the laws are immoral, many chefs have found ways around this and are buying food from local farmers in contradiction to the Federal law.

I don't think the grocery stores are doing this, but the restaurants are. If somebody comes to inspect their freezer, they have to show them that they have some receipts and some meat that was processed, when in reality they could be selling many dishes that are locally raised Angus or Wagyu. They don't have to show receipts for everything that has been sold or consumed.

This is already happening in restaurants, and nobody is getting sick from that either.

Kennedy: The chefs think the food quality is better and are willing to go outside the traditional Sysco channels for supplies.

Massie: I know one chef who saw some very good mushrooms in a park. He was driving by the park, and he knew his mushrooms. He stopped and picked these mushrooms and put them on the menu.

You may say that is dangerous, but it happens; chefs are creative. They are always looking for ways to enhance their dishes. I'm not condoning that, but the ultimate liability rests with the person who is serving you the food at the restaurant.

I think that very few settlements have been won against meat processors from people who have gotten sick; it's usually the restaurant that they sue.

Kennedy: It's the same thing with the farmers. Some people are saying, "There is no regulation." There is plenty of incentive to produce safe food. If you get one person sick and you're a small farmer with the meat you've raised, that could be the end of your business.

Massie: Right, you would be done.

Kennedy: With the personal injury lawyers, those are the ultimate regulators coming after people.

Massie: Instead, now we assume that everybody is guilty, and they have no way to prove their innocence unless they sell into the industrial meat machine.

Kennedy: Right, and then they're just protected. It's like people producing raw milk for pasteurization; you can't sue them because it was comingled with all of these other producers. You don't know whose product it was.

Massie: They are laundering the liability and using a giant corporation as the front.

Kennedy: That is a great way to describe it.

Massie: That is what the USDA is doing. Because they've inspected the meat, and it's hard – if not impossible – to sue the USDA, they give the shield of liability. They have laundered the meat, giving it the imprimatur of the Federal government stamp and thereby taking the liability and the incentive away.

Kennedy: Like you, I'm not going to name names, but there was a food safety conference a few months ago. A representative from one of the major meatpackers was talking about washing the carcass with parasitic acid. I didn't know what that was. I looked it up, and apparently, many of the line workers have respiratory problems because of the parasitic acid. So, this is going into the food that people are consuming.

Through the USDA regulatory system, they get a pass.

Massie: That is another reason to buy local; you are likely to know who is working at the facility. You might be shopping with them, you might be at a baseball game with them with your kids, you might be going to church with them, and you will know what the working conditions are. It's likely they are legal immigrants as well.

I think that part of the reason COVID hit the giant corporate meat processing plants in such a way was that many of the workers are cohabitating. They are almost captive employees because they don't have other opportunities. In some cases, these big plants have been busted for hiring illegal immigrants, and they have been busted for mistreating their employees.

In a large part, their working conditions and quality of life are a part of the reason they were so susceptible to COVID and why many of the plants had to shut down.

Kennedy: You didn't hear of that happening in as many small plants.

At the beginning of the audiocast, you talked about bills that are supposed to take support away from the PRIME Act. Mostly, they have to do with state meat inspection. They are going to allow meat from state-inspected facilities to go across state lines. Right now, there is a limited exemption with this cooperative interstate shipment program.

You have spoken about this before—about knowing all these people who might have had a plant at one time and they still have the building. They are willing to start up, but not if they are subject to daily inspections. Could you elaborate on that a little more?

Massie: Yes. That is no bargain at all. It's sort of a 'sleight of hand' to say, "As long as you are state-inspected, then you can participate as if you were USDA-inspected." However, what happens is the requirements on the state inspection are exactly the same ones as the USDA inspections; they are just outsourcing the inspectors and the bureaucrats to the state level instead of doing it at the Federal level. I don't see much benefit in that.

Some of the grants were for them to upgrade a non-USDA facility to a USDA facility, but ironically, recently, I found out that there are several USDA inspected facilities that are letting their USDA inspection lapse. Some of it is because of the COVID vaccine mandates.

I don't know how far into this you want to get, but I know a facility in Kentucky that is USDA-inspected. They have 65-70 employees. Because there are two USDA inspectors there, they are telling them that you have to comply with the mask mandates. Eventually, they will make you comply with the vaccine mandates.

This processor will probably 'slog' through that. They will lose employees, which is hard enough to find people to do the job, but I know that some processing facilities will just say, "Forget it! We have enough business. We are backed up a year already, regardless of whether we are USDA-inspected or not, so we are just going to let the headache and all of the requirements lapse."

I don't think the grants to upgrade from non-USDA to USDA are sustainable or worthwhile.

Kennedy: I agree with that. I know a man who owns a plant, and he does USDA and custom. Over the years, he's gotten sick of dealing with the inspectors, so he does the minimum amount of USDA that enables him to keep his grant of inspection, and the rest is custom. He said that whether they are ex-

USDA or just starting up and setting up custom facilities, some of them might be in their own garage.

Like you said, there isn't enough infrastructure out there right now to meet the demand.

When Joel Salatin was on the audiocast, he was saying that if the PRIME Act passes and the states adopt it, there may be as many as 1,000 new facilities right at the beginning.

Massie: I think he's right. The equipment is still out there. It's in sheds and barns because these processing facilities used to exist. The manufacturers made this equipment to last for a century. In fact, I picked up a meat saw myself during COVID. I thought, "If it's going to come to euthanizing my animals or processing them here on my farm, I'm going to start collecting some of this equipment."

It's out there; it's on eBay, and you can find it. Counting the poultry and beef ones, I belong to three groups on Facebook that are all about individuals either doing their own processing or setting up mobile trailers or setting up their own chill rooms on their farms and doing these things themselves. Many of them have prior experience working in supermarkets or working in processing facilities, and they've decided to go it alone and do it for their local communities.

It's out there. These people could come out of the shadows and put up a shingle storefront and do much more business. They're ready to do it, but they're not going to do it for a grant that supports them for a year, and then have all of these encumbrances that go on for decades after that. That doesn't appeal to them.

Kennedy: There is a saying from Franklin Sanders who spoke at Polyface a couple of months ago, "All government money comes with a sock in the jaw."

That's what they are looking at if they want to get money from Uncle Sam.

Something that seems to have accelerated since you were on this audiocast last

year is the war against meat in general. It seems like more of these well-funded NGOs are coming out. Some of them say, “We have to reduce meat consumption by 90%.”

Right now, in Maine, there is a constitutional resolution on the ballot to protect in the state constitution the right to grow and raise your own food. The biggest out-of-state opponent is the Humane Society USA. They are really the only out-of-state opponent. They are complaining that the animal welfare laws that we have will be violated and things like that. From what I understand, they have money from a lobbyist working on it from sources connected with Beyond Meat and Impossible Burger and all that kind of thing.

What do you see this stepped-up campaign doing to try to get traditional meat off the plate?

Massie: I’m glad that you brought this up. Recently, I couldn’t sleep, so I went into the ‘dumpster fire’ known as ‘Twitter’, and I found a series of twelve tweets by *The Economist Magazine*. It was a barrage and an assault on meat.

One of the tweets talked about how much CO2 and methane and how it’s not good for the environment. Another one mentioned that we could all eat tuna raised in a laboratory. Another one of the tweets said that we should be eating insects. Then they were saying that we could get all the meat and milk that we need from tofu.

Kennedy: Good luck with that!

Massie: Here is the irony of this: Have they ever been to a tofu farm? What I’m talking about is this: Look at a pasture where beef is being raised, and then compare it to a field of soybeans. Where will you find wild turkeys? Where will you find squirrels, birds, and 10,000 species of insects? You will not find them in a sterile soybean field. All life other than the beans has been eradicated in that field. It’s also flat, and it’s typically grown on soil deposited by Bison that had consumed vegetation.

They’ve erased all trace of what was originally there, which was pastures and grasses, and foraging, bio-ruminating animals, and they’ve replaced it with a

sterile field with soybeans.

If you wanted humane and natural food production, and looked at a soybean field and compared it to a beef pasture, there would be no contest. You have snakes and eagles and vultures and everything. Life is going on in the pasture. So that is the irony.

Also, I hate that they are comparing the most extreme form of raising beef and using that as the benchmark, and never even talk about grass-fed beef. If you had the PRIME Act, it would be so much easier to market grass-fed beef.

Kentucky is where I'm from. I'm a representative here, but I'm also a farmer in Kentucky. We are the biggest cattle producer east of the Mississippi. But what happens to our cattle?; they go west of the Mississippi. We are a cow-calf operation because we have an abundance of grass. Bluegrass isn't just a type of music. We have 44 inches of rainfall. We've actually have less land devoted to agriculture than we did 50 years ago in this state. It's become overgrown because much of the terrain is not suitable for soybean and row crop production.

We raise a lot of cattle here. We could finish them on grass, but all the monopolies exist elsewhere, so there really isn't a market for grass-fed cattle, meaning there is not a way to market. There are consumers who would consume that.

So, if people are concerned about the environment, then let's look at the various ways of raising cattle and making it easier to sell the most environmentally friendly beef instead of making it impossible to sell environmentally friendly beef.

Kennedy: Right. It's in that carbon synch when you have a grass-fed beef operation.

Getting back to lab-grown meat, one of the things I'm wondering about is what you saw in the dairy industry. You had Dean Foods, which was the biggest milk processor at one time until it went bankrupt a couple of years ago. They were cutting the legs out from the coops they were buying from because they

introduced soymilk, rice milk, and almond milk.

Last year during COVID, when these big plants shut down, they cut the ranchers out. So, the ranchers were scrambling. But then, when things got a little better again, instead of bringing the ranchers back, they imported more pork and beef. You wonder if that is going to continue.

Then it comes to a point where they have this lab-grown meat developed to the point where they will stop the imports and shift over the major meatpackers more to the lab-grown meat.

Tyson and Cargill have a partnership with some organizations funded by Bill Gates and Memphis Meats, which are working on this right now. The only way they are going to be able to do this is by force or taking away every other consumer choice. That is disgusting!

I work with a small farmer who had a call from some biologics company. They were looking to buy fetal bovine serum from this small farm. I think that is one of the things that might go into these lab-grown products. It's interesting because USDA is finally issuing regulations on labeling for this lab-grown meat.

From what I understood, for a couple of years – and maybe it's still true – these companies that want to manufacture it weren't being forthcoming on the actual ingredients in the meat. So right now, I'm not sure that anyone knows what's in them. It's not something that you want on your plate.

Massie: It takes decades to undo the fake science once it gets promulgated by the government. My wife reminded me that it was the US government and the industrial food lobby that convinced so many mothers not to breastfeed their children because something called 'formula' was better. They said, "Feed your kids formula instead of breastfeeding them."

I'm fortunate that my mother was a nurse and didn't listen to them when she raised us. However, many women were convinced by the government and the industrial food lobby that something called 'formula' would be better for their babies than what was naturally produced by their own bodies. It's taken decades to undo that falsehood.

Kennedy: I think we both agree that big food and big pharma are 'joined at the hip' in this country. One of the benefits of eating grass-fed meat and getting more of your food direct from the farm is you probably will reduce your participation in the conventional medical industry. Right now, when you look at what some of these hospitals are doing, they are becoming more and more dangerous places.

The more you can reduce your chances of winding up there, the better you are. The place to start is with food. For many of us, meat is the most important food that we eat.

Massie: Empirically, I can tell you that I travel a lot. I go to DC. Sometimes I take my own beef to DC and feed my staff. I've fed them all cheesesteaks the last couple of weeks for lunch. I took a big Hobart meat slicer, which was a little weird to get past security.

Kennedy: The Wagyu cheesesteaks?

Massie: Yes. I took the Hobart meat slicer into the Rayburn House Office Building. That was one task that I couldn't let the interns do. In fact, I didn't let them touch the meat slicer.

I made them cheesesteaks from the meat that was uninspected. This is how you know it's about money. There is no law that prevents you from giving away meat. I could take it to a little league game and make hamburgers and give them away, and there is no law prohibiting that. It's only if I charge \$0.10 for a hamburger that I would get in trouble.

I talked about all of this to say that I don't always get to eat what I want when I'm in Washington DC; I don't always get to eat healthy foods. So by the time I get home, my body is messed up from lack of sleep and lack of good food. The first thing I do is eat a hamburger from our beef, and it can fix me in a day or two just eating beef when I get home.

Kennedy: I drove from Florida to do the Polyface event, and I brought some food but not enough. Those last couple of days on the road were just torture. I

never thought I'd eat a hotel breakfast, and I'm going to do my best not to make that mistake again.

Massie: We asked Joel Salatin what he does when he's on the road, and he said that he just doesn't eat. He said he's like one of those big cows that can carry her weight through the winter. He said he carries his weight quite well regardless of whether he eats when he's on the road or not.

Kennedy: Maybe you could put a test freezer in your Congressional office and set a little aside.

Massie: I thought about it. I also served beef to three other congressmen recently. So, I have my own lobbying operation going for the PRIME Act; I'm appealing to all of their senses.

Kennedy: No doubt! That's a good way of getting sponsors; give them some of that Wagyu. That's a good way to get sponsors for it.

What do you see right now in Kentucky? How long in advance do you have to book now to get a slot at an inspected slaughterhouse or a slot at a custom slaughterhouse?

Massie: My custom slaughterhouse is three miles from my house, and it's booked for over a year out. My next appointment is in the summer of 2022. My wife made the appointment several months ago.

The meatpackers like this situation. I have animals that need to be butchered. I've put plenty of care and effort into them. I would never think about selling these at an auction ring to be put on a truck and sent out West and processed by the 'big guys', but I'm forced into that because there isn't a processing slot available.

The smart farmers are going ahead and making reservations for animals that aren't born yet, even though it takes 24 to 36 months after the animal is born in the beef industry to raise a mature animal. The meat processors like it that way.

I get busy in Congress, and I'm not able to direct market all of my beef –there is

a lot of effort in it because of all of the roadblocks, and you can't just sell it. So, I do go to the auction ring at least once or twice a year and sell animals that I could have marketed if the ability was there.

This is something else that I want to get into, which is from the farmer's perspective: Many farmers in Kentucky-when they go to the auction house- it's like buying a lottery ticket; it's like buying a scratch-and-win. You read the newspaper, and see what they're bringing to the different auction houses. You pick an auction house, and pray that you will get a decent price for the animals that walk into that ring, but there are really only two or three bidders that are doing most of the bidding.

The sale ring has 50 people. Most of them are watching their own cattle sale. Two or three bidders are each bidding for maybe five different companies – as if that's not a conflict in itself. Then they all go out and have dinner after the auction is over. They are good friends with the person who is running the auction house whom I respect. He has a tough job, too, just like the farmers.

But if just 10% of the farmers had the auction, and if only one farmer would stand up in that sale ring, and when his animal is only bringing half of what he has into it and a quarter of what he could sell it for as beef, and he could say, "I'm bidding on my own animal, I'm taking it back to the farm, and I'm going to have it butchered because you guys are ripping me off here." You would then find the true price that the farmer should receive for that animal. It's only when you can say, "No," that there is a negotiation. There is no negotiation at that auction house.

What would give those farmers that opportunity is if we had more production capability in the local custom slaughterhouses.

Kennedy: I saw this program recently. As you know, the meatpackers' profits have skyrocketed the last year. What this program actually said was that more and more of what the meatpackers obtained is done by contract; there isn't even any kind of competitive bidding. Whether it's two or three bidders, this program said that 72% of the beef right now is sold out on contract. So, it's like they have so much power and it's so one-sided right now that they can negotiate a low price without even having to bid against anyone.

Massie: I've never sold cattle on contract, so I don't know. I would assume that the people who are doing that have larger herds and too much to risk by hoping that they could sell them at the auction houses. So, they are trading the potential upside for security. That is what I would imagine.

It's a lopsided transaction, that's for sure. They are taking that choice instead of going into the auction ring with their cattle. So, I'm going to assume that that is an even better choice in the long run for most people than the choice that I've taken, which is to go to the auction ring with the cattle that I haven't marketed.

There is a discussion of bills to get the government involved and to make those types of contracts. As they are being executed now, it is illegal to say that at least part of the price has to be based on the actual price at the time of the transfer of ownership. I think that is 'nibbling around the edges'. I think it could do more harm than good if you prevent private contracts from being entered into.

Even though there probably is a problem there and farmers are getting taken advantage of, I think the solution is not to define the terms of those contracts, but rather to give the farmers another option.

Kennedy: There has been news recently about the Administration possibly enforcing the antitrust laws more strictly – the Packers and Stockyards Act. We've heard this before, and it's never really happened. Does it look like it's more of the same now?

Massie: If they are looking for antitrust violations, the antitrust department should look at the USDA - one branch on the other – because they are the ones who are enabling and encouraging it. Congress, through acts of commission and omission, are complicit as well.

Kennedy: Last year when all these shutdowns occurred, you had a meeting with the USDA, and they said they were solidly against the PRIME Act. Is there any sign of change? Have you talked to them at all this year, or is it just not worth it?

Massie: What was interesting about the phone call was that there were many

people on the call, and the person I was ostensibly talking to was a political appointee of the Trump Administration. But another person on the phone call spoke more than the appointee, who was a lifetime career person at USDA. Maybe they spent some time in the meat industry, and perhaps they will go back to the meat industry after that.

What was interesting was that it was clear that the appointed person, who was appointed by an elected official, was not in control or command of the conversation, and when we got into the ‘real meat’ of the issue (no pun intended), it was the career bureaucrat in the food safety department who was ‘calling the shots’.

Their first and final instinct and the underlying theme of the phone call was to deny that there was a problem.

Kennedy: Unbelievable!

Massie: I said, “Look, animals are about to be euthanized.” This was before the reports came out, but I knew it was about to happen.

They said, “No, it’s not.”

I asked them if they would reconsider if this did come to fruition, and they gave me some vague answer. It’s somewhat hopeless unless the legislators get involved. The strongest force in Congress is inertia. They only move or take action if they feel pressured. This is why people need to be making three phone calls – one to each of their two senators, and one to their U.S. Representative.

Kennedy: Last year, COVID was the problem. This year, you hear more and more stories about these broken-down supply chains. There are ships waiting at ports of call for weeks to unload or pick up materials. We import a rather high percentage of our meat from other countries. So, do you see more of these rolling shortages coming up because of the supply chain problems?

Massie: Absolutely. With the shortages will come inflation. I don’t want to say that these crises are designed, but there are certain elements that take advantage of the crises when they happen.

For instance, you mentioned before the ‘war on meat’. If a consequence of these shortages is that people consume less meat, then there is a certain faction that will be happy with that. So, they may welcome the shortages.

Another point that I would like to make on this is when I talk about shortages in social media or in speeches on the floor or in committee, people say, “I just went to the supermarket yesterday, and they had plenty of meat.”

When the shortages first start happening – and we saw this during COVID – it’s not that you can’t find meat at the store; it’s that you settle for something that wasn’t what you wanted to buy. Maybe you went to buy brisket and they didn’t have it, so you bought a chuck roast. You went to buy a turkey, and they didn’t have it, so you bought a chicken. This is what happens in Cuba and Soviet Russia; before there are shortages, there is a limit of selection.

The thing that people are always amazed at when they come from communist countries to the United States is the selection that we have. But we are seeing that the selection is going down, and the prices are going up. That is what you see before the absolute shortages happen. You also see rationing. This is something that I talked to a restaurant owner about during COVID. Even now, they occasionally get rationed. Their supplier can’t provide them with brisket. It’s available at Kroger, but it’s limited to two per customer.

This restaurant owner has eight employees, and she sends each of them to Kroger to buy two briskets so that she can keep brisket on the menu at the restaurant. These are the sort of ‘shenanigans’ that go on in communist countries where you spend more time figuring out how to get around the rules to get what you want when you should just be able to walk into the store and buy it.

Kennedy: I think that one of the good things about this inflation is it’s not impacting the farmers who sell direct as much.. I think that the prices are closer to what you would sell and what a supermarket would sell, correct?

Massie: They are; it’s been a boon. There are COVID winners and COVID losers. The pizza shops that do almost all takeout-talk to anybody who ran a

pizza store during COVID, and their sales are through the roof. I talked to one owner, and he was almost ashamed that he was doing so well.

Before I tell you that things are all rosy for direct market farmers, let me say that farming is the only business where you buy retail and sell wholesale. When you buy a tractor or fertilizer, you pay retail prices, and then you sell your products at wholesale prices.

Kennedy: That's on the commodity market.

Massie: With the shortages, consumers have a higher tolerance for buying a quarter or a half of an animal. Because they are worried that they may go to the supermarket in a month or two and won't have the beef they want, they are more willing to buy it under the conditions or loophole that we've used up until now – and that we will still have to use until the PRIME Act comes out.

And there is less negotiation about the price. They don't expect that they are going to buy something direct from the farm to get it cheaper than they would in the supermarket; they are buying it direct from the farm now because the supermarket selection is questionable, and they are willing to pay at least what they paid in the supermarket.

Discerning consumers would pay much more for something direct from the farm.

Kennedy: I think that such a key part of this is the consumer education. The supermarkets in this country are basically a Post-World War II phenomena.

How do you get more consumers going back directly to the farm? There will be better health, fewer medical bills, and the task is to try to get that word out there to enough people. If they want what is best for their family, this is the way to go.

Have you seen that much of a change? Do you see people shifting towards buying a greater percentage of their food from the farm?

Massie: I think there has been a resurgence in people being concerned about

keeping their natural immunity up, and getting enough vitamins and getting the right nutrition they need because of the possibility of catching COVID or some other condition. So, yes, I think that is part of it, too. They are realizing that if you put garbage in your body, you are going to get garbage for results. So, there has been an increased focus on getting healthy food.

Here is the irony: In some cases, it's so hard to get your meat processed that farmers, who raise cattle, buy their steaks at the supermarket.

We don't do it. I think the last time I bought beef in the supermarket was 15 years ago.

Kennedy: It's been a few years with me, too.

Massie: But the irony is that it's so hard to get that last part done, and to get it processed.

Kennedy: Until the PRIME Act passes, you have to take the exemptions that the Feds give. One exemption that you mentioned was the custom exemption. Much of it is: What is their interpretation of the law at this time?

Now they are okay with unlimited owners; it doesn't 'pencil out'. How can you have unlimited owners? But my understanding is that a farmer who is getting shut out with the inspected slaughterhouses and has access to custom slaughterhouses can sell the meat in bundles. I think that with beef, it could be as little as ten pounds. So, you will buy a portion of the live animal, which translates to one ten-pound bundle-farmer's choice- on the meat. I think the USDA is okay with that. It's more thinking along those lines until the PRIME Act does pass.

There is another exemption. Right now, you can slaughter your own cattle on the farm, feed it to your family and non-paying guests, but USDA has added something to this where you can sell an animal you raised on the farm to a number of people. As long as someone from that ownership group slaughters and processes that animal on the farm – which could be on your farm – that is okay, and that is a 'personal use' exemption. So, you don't even need a custom house for that.

I don't think there is any prohibition against making a deal with another farmer who knows something about meat-cutting where he could be one of the owners for your cattle. He can take care of that, and the rest of the owners can pay him a fee if they want. I don't think there is any prohibition against that. You could return the favor when he has an animal ready for slaughter.

I think that is the custom use exemption, which is less regulation than the personal use exemption.

Massie: I think that the more people exploit the exemptions and loopholes, the better off we are. People will get used to this, and then will start questioning, "Why are we doing it this way? Why do I have to show up at a farm and put a knife in my hand just to buy this beef? What is the ridiculous regulation that requires this?"

Kennedy: Don't you think that the farmer would be more capable of processing meat? So, why don't you just let the farmer do it on the farm.

As we have discussed, this isn't about food safety. That FOIA request went back eight years, but I've been working on this issue for close to 14 years now, and during that time, I've never heard of anyone getting sick from custom processed meat or meat from an animal slaughtered on the farm. Anything can happen; there is no perfect food system. But when you look at the USDA, on average, they recall 20 million pounds of meat a year. So, when you look at the problems they are having, and when there is an outbreak with the USDA, it's not only a few people; it might be a couple of hundred people. So, what are we waiting for?

Massie: Don't wait on the PRIME Act. Do everything you can, but in the meantime, help me get the PRIME Act passed.

Kennedy: One more time, please let everyone know what to do.

Massie: If we haven't said it enough, call your US Congressman and your two US Senators. If they are already on the PRIME Act, thank them.

The reason you can call your US Senators is that this is a Senate bill as well as a House bill. Senator Angus King (the person who sounds like a hamburger special) is the prime sponsor of the PRIME Act in the Senate. Senator Rand Paul is on it, and there are at least half a dozen senators. Every bill has to pass both chambers, or at least survive a conference when two different bills are conferenced together. So, we need senate support.

The Senate bill is the same language as the House bill. We found that if you have a senator who is on the bill, it's much easier to get a congressman from that state on the bill. They are looking for political cover. If the lobbyists come after them, they know they will go after the senator first.

We found that in certain states, like Tennessee, both senators and about half the congressmen support it. Once this takes hold in a state, and if you have some really good state legislators who will step up and talk to their senators and representatives, you can speak to somebody who has a bigger voice than you. See if they will approach the congressmen or the senators.

Every state matters. We have to get 60 votes in the Senate and 218 in the House. Some people say, "How many cosponsors do you need to get a bill passed?"

Actually, you don't need any cosponsors, but by getting cosponsors, we show that the political momentum is there to the leadership who decides whether the bill gets a vote or not, and we also lock-in that they are going to be a 'yes' vote. If by some miracle – like we successfully did with the hemp bill and with the raw milk bill – we can get a vote on the floor of the House as having this as an amendment to another bill. How do you not vote for the bill as an amendment if you're a cosponsor of the stand-alone bill? You are locked into voting for this.

So that is the other thing; it's a 'ratchet'. That is why we want more cosponsors on this bill.

Kennedy: That's how it's going to happen. You were saying that no matter how many cosponsors there are, you don't think there is going to be a hearing.

Massie: There is one parliamentary procedure; a discharge petition. If you can

get 218 people in the House to sign something saying, “Bring this bill to the floor,” it will come to the floor. But I’ve never seen a discharge petition succeed, but I’ve seen many attempts. It’s heresy against the Speaker of the House to sign a discharge petition. So, nobody who is in the majority will sign it.

Technically, if we could get 218 committed cosponsors, we could get it to the floor.

Kennedy: You have many freshmen cosponsoring the PRIME Act so far this session, right?

Massie: Yes, a lot of the freshmen have cosponsored this bill. That is really encouraging. They haven’t been corrupted by the lobbyists yet.

If you are going to target somebody – let’s say that you have two senators and a representative, and you want to know who to spend the most time on – spend your time on the freshmen because many of them haven’t sold out yet to one lobby or another. Also, if you are lucky enough to have a congressman or a senator who is on an Ag Committee in the House or the Senate, that would be ‘solid gold’ if we could get cosponsors on the Ag Committee.

Here is the other thing: Get a few of your friends to call, and don’t call every day, but call at least once a month. Don’t make this a one-time thing. They will notice that there is still activity on this bill. It’s somewhat like when you get a free offer in the mail and you think, “I should do that,” and then you get busy and do something else. Congressmen may think, “I should sponsor the PRIME Act,” and then they get busy.

It’s okay to call them up and remind them once a month. They may forget that you are the same person asking, and they will think it’s another person.

Kennedy: It looks like you’ve had quite a steady interest. I guess you had 20-25 cosponsors right away, but you keep adding them. Like last session, it looks as though this bill has ‘legs’. It’s going to have interest throughout.

Massie: It has ‘legs’. Of all of the bills that they have in Congress, I believe this one has the best chance of passing. My staff and I are putting plenty of

effort into this bill.

I'm telling you that I can talk until I'm 'blue in the face' to somebody or to one of my colleagues, and they can say, "Wow! That's a great bill! How did you come up with that idea? Man, that is amazing!" and they will not cosponsor it until somebody who can vote for them asks them to cosponsor it.

Kennedy: We get people who are occasionally overenthusiastic, and they want to call somebody else's congressmen, and that usually doesn't work out very well.

Massie: Don't do that. We get many calls from other districts. My staff tries to be polite, but they get off the phone, and they don't write down anything that was said. I can guarantee that is what is happening in the other offices as well.

Don't accept anything less than a cosponsorship. That is the task; you have to ask. Don't let them tell you they will vote for it if it comes to the floor. We will never get it to the floor unless we can demonstrate that there is the demand within the conference; within the caucus.

Accept nothing less than a cosponsorship. Accept no imitations. Don't let them tell you they are on some other bill. Be polite. You will get more congressmen with 'honey than with vinegar'.

Here is another thing; I want to throw this out there only because Senator Frank Nicely mentioned it: You will be calling and talking to a staffer. The staffer is not going to say, "Let me put you right through to the congressman with your urgent concern." But if you do want to talk to a congressman or a senator, they are having fundraisers every week. Find out what the minimum price of admission is if you find your own representative or senator's political beliefs otherwise abhorrent. Find out what it takes to 'get in the door'. If you can give something to them – and this is not a plea for me for money; I am only telling you how Congress works – I am going to guarantee that somebody will call you back one day. Somebody will call you back, and it may even be that congressman, depending on the amount.

At that point, you will have that congressman's or senator's cell phone number

– depending on the amount of the donation. Maybe it's not a fundraiser. You could show up to three or four volunteer events, let them see your face, wait in line until everybody has their say, and then say something about the PRIME Act. They will say, "Oh, that's that PRIME Act person. They are at this event, too. They are always so kind and helpful and willing to do something."

There are many ways to get to your congressmen. One of the easiest ways is phone calls, but if you are willing to put the time and effort in, go to one of their events. If you are willing to get 'swampy', go to one of their fundraisers.

Kennedy: Or if you know someone influential in your district, tell them about it. Maybe you can sell them, and they will have the relationship with the congressman.

Like you said, Frank Nicely has been a master at getting sponsors for that.

Massie: I can tell you that in other states, senators and congressmen have been consequential. Some of them pass their own bills, and then they ask their Federal delegation.

Let me tell you that looking at this backwards through the lens from the other direction, as a Congressman you might say, "Why would I listen to a state representative or a mayor? That is a mayor of a town of 10,000 people. Why would I take his phone call? Why would I listen to him for half an hour on the phone once a month?"

Well, the reason is that mayor got elected, too. Those same people who could vote for that mayor could vote for the congressmen. The congressmen are running in districts that have 750,000 people. So, when they see somebody who received 10,000 votes, they are like, "Wow! To the extent possible, I need to be friends with this person because his voters are my voters."

So, I'm trying to tell you the mentality of how many of the congress 'critters' work, and the productive routes to lobby your own congressman.

Kennedy: The organizations that I work for will try to keep the pressure on. It's needed now more than ever. When you see what is happening, it's a 'no-

brainer'. It's always a no-brainer, but now some people who didn't want to admit it are going to be forced to admit that this is the future. Any of those other bills on inspected slaughterhouses, the infrastructure isn't going to show up; it's not going to be there.

Massie: Not until we get the hurdles out of the way. That is what the PRIME Act does; it opens up the free market. We have Democrats, Republicans, liberals, conservatives, moderates, and people all across the spectrum on this bill. It truly is a bipartisan bill.

Kennedy: If this does get out of Congress, you will see many states all over it right away; there will be no waiting at all.

I really appreciate your time. It's been great. Again, enjoy your Wagyu burger for lunch. Hopefully we will talk before too long.

Massie: Thank you, Pete. Thank you for getting the word out and helping people.

Kennedy: Take care.

MODIFICATION

Transcripts are not always verbatim. Modifications are sometimes made to improve clarity, usefulness and readability, while staying true to the original intent.

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