

108TH CONGRESS
2D SESSION

H. R. 3705

To amend the Federal Meat Inspection Act to enhance the safety of beef and beef food products originating in the United States by requiring the testing of cattle for bovine spongiform encephalopathy (commonly known as mad cow disease) at the time of slaughter, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 20, 2004

Mr. GEORGE MILLER of California introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To amend the Federal Meat Inspection Act to enhance the safety of beef and beef food products originating in the United States by requiring the testing of cattle for bovine spongiform encephalopathy (commonly known as mad cow disease) at the time of slaughter, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Mad Cow Testing Act
5 of 2004”.

1 **SEC. 2. POST MORTEM EXAMINATION OF CATTLE FOR BO-**
2 **VINE SPONGIFORM ENCEPHALOPATHY.**

3 (a) TESTING REQUIRED.—Section 4 of the Federal
4 Meat Inspection Act (21 U.S.C. 604) is amended—

5 (1) by striking “That for” and inserting “(a)
6 POST MORTEM EXAMINATION REQUIRED.—For” ;
7 and

8 (2) by adding at the end the following new sub-
9 section:

10 “(b) TESTING FOR BOVINE SPONGIFORM
11 ENCEPHALOPATHY.—(1) As part of the post-mortem ex-
12 amination and inspection required by subsection (a) of all
13 cattle carcasses and parts thereof intended for use as
14 human food, the Secretary shall require that a test be con-
15 ducted to determine the presence of bovine spongiform
16 encephalopathy. The Secretary shall specify the type of
17 test to be used to comply with this requirement.

18 “(2) The Secretary shall use only personnel of the
19 Animal and Plant Health Inspection Service to conduct
20 the tests required by paragraph (1). Notwithstanding the
21 Act of June 5, 1948 (Chapter 423; 21 U.S.C. 695), all
22 costs related to the testing shall be borne by slaughtering,
23 meat-canning, salting, packing, rendering, and other es-
24 tablishments subject to the testing requirement. The Sec-
25 retary shall collect fees, at rates determined by the Sec-
26 retary, from such establishments to cover the costs in-

1 curred or to be incurred by the Secretary to conduct the
2 tests. Amounts collected by the Secretary under this para-
3 graph shall remain available until expended, without fur-
4 ther appropriation or fiscal year limitation, to carry out
5 paragraph (1).

6 “(3) Notwithstanding paragraph (1), if the Secretary
7 determines that a test is not available to accurately deter-
8 mine the presence of bovine spongiform encephalopathy in
9 cattle under a certain age, the Secretary may delay the
10 implementation of the testing requirement with regard to
11 cattle under that age until such time as an accurate test
12 for cattle of that age is readily available. The Secretary
13 shall submit to Congress notice of any determination made
14 under this paragraph, including the reasons why the delay
15 in implementation is necessary. At least once each year
16 during the course of an implementation delay granted
17 under this paragraph, the Secretary shall evaluate whether
18 an accurate test has been developed for the presence of
19 bovine spongiform encephalopathy in cattle of the age cov-
20 ered by the delay. The Secretary shall submit to Congress
21 the results of the evaluation.”.

22 (b) EFFECTIVE DATE.—Section 4(b) of the Federal
23 Meat Inspection Act, as added by subsection (a), shall
24 apply to the slaughter of cattle in establishments subject
25 to the such Act beginning not later than 30 days after

- 1 the date of the enactment of this Act or such earlier date
- 2 as the Secretary of Agriculture may prescribe.

