

108TH CONGRESS
2D SESSION

H. R. 3961

To amend the Animal Health Protection Act to direct the Secretary of Agriculture to implement the United States Animal Identification Plan developed by the National Animal Identification Development Team, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 11, 2004

Mr. OSBORNE (for himself and Mr. BOSWELL) introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Animal Health Protection Act to direct the Secretary of Agriculture to implement the United States Animal Identification Plan developed by the National Animal Identification Development Team, 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 “United States Animal
5 Identification Plan Implementation Act”.

1 **SEC. 2. ANIMAL IDENTIFICATION PLAN.**

2 Section 10411 of the Animal Health Protection Act
3 (7 U.S.C. 8310) is amended by adding at the end the fol-
4 lowing:

5 “(f) ANIMAL IDENTIFICATION PLAN.—

6 “(1) DEFINITION OF ANIMAL IDENTIFICATION
7 PLAN.—

8 “(A) IN GENERAL.—The term ‘animal
9 identification plan’ means the United States
10 Animal Identification Plan developed by the
11 National Animal Identification Development
12 Team.

13 “(B) INCLUSIONS.—The term ‘animal
14 identification plan’ includes—

15 “(i) the operational premises identi-
16 fication allocation system;

17 “(ii) the operational certification sys-
18 tem able to certify State premises and ani-
19 mal number allocation systems;

20 “(iii) the operational premises reposi-
21 tory; and

22 “(iv) the operational identification
23 database.

24 “(2) IMPLEMENTATION PRIORITY.—Subject to
25 the availability of appropriations and cost-share

1 agreements, the Secretary shall implement the ani-
2 mal identification plan—

3 “(A) for beef and dairy cattle that are at
4 least 30 months old on the date of enactment
5 of this subsection, not later than 60 days after
6 the date of enactment of this subsection;

7 “(B) for all other beef and dairy cattle, not
8 later than 90 days after the date of the enact-
9 ment of this subsection;

10 “(C) for all other ruminant livestock, not
11 later than 180 days after the date of enactment
12 of this subsection; and

13 “(D) for all other livestock, not later than
14 1 year after the date of enactment of this sub-
15 section.

16 “(3) PARTICIPATION BY STATE AND THIRD-
17 PARTY VENDORS.—The Secretary may enter into
18 agreements to collect information for the animal
19 identification plan with States or third-party vendors
20 that meet the requirements of the animal identifica-
21 tion plan.

22 “(4) CONFIDENTIALITY OF INFORMATION.—

23 “(A) IN GENERAL.—In implementing the
24 animal identification plan, the Secretary shall
25 ensure the privacy of producers by—

1 “(i) collecting only data necessary to
2 establish and maintain the animal identi-
3 fication plan; and

4 “(ii) maintaining the confidentiality of
5 information collected from producers.

6 “(B) NONAPPLICATION OF FOIA.—Section
7 552 of title 5, United States Code, shall not
8 apply to the animal identification plan.

9 “(C) APPLICATION OF PRIVACY ACT.—Sec-
10 tion 552a of title 5, United States Code, shall
11 apply to any information collected to implement
12 this subsection.

13 “(5) FINANCIAL ASSISTANCE.—The Secretary
14 may provide financial assistance to producers to as-
15 sist the producers in complying with the animal
16 identification plan.

17 “(6) AUTHORIZATION OF APPROPRIATIONS.—

18 “(A) IN GENERAL.—There is authorized to
19 be appropriated to carry out this subsection
20 \$50,000,000 for fiscal year 2004, of which at
21 least \$25,000,000 shall be available to carry out
22 paragraph (5).

23 “(B) USE OF COMMODITY CREDIT COR-
24 PORATION FUNDS.—Subject to subparagraph
25 (C), if less than \$50,000,000 is appropriated

1 for fiscal year 2004, the Secretary may use up
2 to \$50,000,000 of the funds of the Commodity
3 Credit Corporation to carry out this subsection.

4 “(C) LIMITATION ON AMOUNT OF
5 FUNDS.—No more than \$50,000,000 may be
6 used to carry out this subsection.”.

7 **SEC. 3. RUMINANT FEED BAN.**

8 (a) IN GENERAL.—The Secretary of Health and
9 Human Services, acting through the Commissioner of
10 Food and Drugs, shall—

11 (1) monitor the implementation of section
12 589.2000 of title 21, Code of Federal Regulations
13 (relating to animal proteins prohibited in ruminant
14 feed);

15 (2) conduct an annual formal evaluation of the
16 effectiveness and implementation of that section; and

17 (3) submit to Congress an annual report that
18 describes the formal evaluation.

19 (b) ENFORCEMENT PLAN.—

20 (1) IN GENERAL.—The Secretary shall develop
21 and implement a plan for enforcing section
22 589.2000 of title 21, Code of Federal Regulations.

23 (2) INCLUSIONS.—The plan shall include—

24 (A) a hierarchy of enforcement actions to
25 be taken;

1 (B) a timeframe to allow a person subject
2 to section 589.2000 of title 21, Code of Federal
3 Regulations, to correct violations; and

4 (C) a timeframe for subsequent inspections
5 to confirm that violations have been corrected.

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