

108TH CONGRESS
2D SESSION

H. R. 3993

To amend the Agricultural Marketing Act of 1946, as recently amended by the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2004, to expedite the implementation of the country of origin labeling requirements of such Act, to impose certain recordkeeping requirements on retailers subject to such Act, to clarify the authority to impose civil penalties under such Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 18, 2004

Mrs. BONO (for herself and Ms. HOOLEY of Oregon) introduced the following bill; which was referred to the Committee on Agriculture

A BILL

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Country-of-Origin La-
3 beling Enhancement Act of 2004”.

4 **SEC. 2. EXPEDITED IMPLEMENTATION OF COUNTRY OF OR-**
5 **IGIN LABELING REQUIREMENTS.**

6 Section 285 of the Agricultural Marketing Act of
7 1946 (7 U.S.C. 1638d), as amended by section 749 of the
8 Agriculture, Rural Development, Food and Drug Adminis-
9 tration, and Related Agencies Appropriations Act, 2004
10 (division A of Public Law 108–199; 118 Stat. 37), is
11 amended by striking “September 30, 2006, except for
12 ‘farm-raised fish’ and ‘wild fish’ which shall be September
13 30, 2004” and inserting “September 30, 2004”.

14 **SEC. 3. MAINTENANCE OF RECORDS AND ANIMAL IDENTI-**
15 **FICATION.**

16 Section 282 of the Agricultural Marketing Act of
17 1946 (7 U.S.C. 1638a) is amended—

18 (1) in subsection (e), by adding at the end the
19 following new sentence: “A retailer shall maintain
20 records of country of origin information for not less
21 than 180 days at a location selected by the re-
22 tailer.”; and

23 (2) in subsection (f), by striking paragraph (1)
24 and inserting the following new paragraph:

25 “(1) NATIONAL ANIMAL IDENTIFICATION SYS-
26 TEM.—After the implementation of a national ani-

1 mal identification system, the Secretary shall use in-
2 formation collected under that system to augment
3 verification under this section.”.

4 **SEC. 4. ENFORCEMENT AUTHORITY.**

5 Section 283 of the Agricultural Marketing Act of
6 1946 (7 U.S.C. 1638b) is amended by striking subsection
7 (c) and inserting the following new subsection:

8 “(c) CIVIL MONEY PENALTIES.—If, on completion of
9 the 30-day period described in subsection (b)(2) with re-
10 spect to a retailer, the Secretary determines, after pro-
11 viding notice and an opportunity for a hearing, that the
12 retailer knowingly violated section 282, the Secretary shall
13 impose on the retailer a civil money penalty with respect
14 to the violation. The amount of the civil money penalty
15 for a violation may not exceed the product obtained by
16 multiplying—

17 “(1) 5 percent of the average monthly retail
18 price (as determined by the Secretary) of the com-
19 modity that is not labeled in accordance with this
20 subtitle; by

21 “(2) the quantity of the commodity that is not
22 labeled in accordance with this subtitle.”.

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