

108TH CONGRESS
2D SESSION

S. 2070

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

IN THE SENATE OF THE UNITED STATES

FEBRUARY 12, 2004

Mr. HAGEL introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To amend the Animal Health Protection Act to direct the Secretary of Agriculture to implement the United States Animal Identification Plan, 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”.

6 **SEC. 2. ANIMAL IDENTIFICATION PLAN.**

7 Section 10411 of the Animal Health Protection Act
8 (7 U.S.C. 8310) is amended by adding at the end the fol-
9 lowing:

1 “(f) ANIMAL IDENTIFICATION PLAN.—

2 “(1) DEFINITION OF ANIMAL IDENTIFICATION
3 PLAN.—

4 “(A) IN GENERAL.—The term ‘animal
5 identification plan’ means the United States
6 Animal Identification Plan developed by the
7 National Animal Identification Development
8 Team.

9 “(B) INCLUSIONS.—The term ‘animal
10 identification plan’ includes—

11 “(i) the operational premises identi-
12 fication allocation system;

13 “(ii) the operational certification sys-
14 tem able to certify State premises and ani-
15 mal number allocation systems;

16 “(iii) the operational premises reposi-
17 tory; and

18 “(iv) the operational identification
19 database.

20 “(2) IMPLEMENTATION PRIORITY.—Subject to
21 the availability of appropriations and cost-share
22 agreements, the Secretary shall implement the ani-
23 mal identification plan—

24 “(A) for beef and dairy cattle that are at
25 least 30 months old on the date of enactment

1 of this subsection, not later than 60 days after
 2 the date of enactment of this subsection;

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

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

9 “(D) for all other livestock, not later than
 10 1 year after the date of enactment of this sub-
 11 section.

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

18 “(4) CONFIDENTIALITY OF INFORMATION.—

19 “(A) IN GENERAL.—In implementing the
 20 animal identification plan, the Secretary shall
 21 ensure the privacy of producers by—

22 “(i) collecting only data necessary to
 23 establish and maintain the animal identi-
 24 fication plan; and

1 “(ii) maintaining the confidentiality of
2 information collected from producers.

3 “(B) NONAPPLICATION OF FOIA.—Section
4 552 of title 5, United States Code, shall not
5 apply to the animal identification plan.

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

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

14 “(6) AUTHORIZATION OF APPROPRIATIONS.—

15 “(A) IN GENERAL.—There is authorized to
16 be appropriated to carry out this subsection
17 \$50,000,000 for fiscal year 2004, of which at
18 least \$25,000,000 shall be available to carry out
19 paragraph (5).

20 “(B) USE OF COMMODITY CREDIT COR-
21 PORATION FUNDS.—Subject to subparagraph
22 (C), if less than \$50,000,000 is appropriated
23 for fiscal year 2004, the Secretary may use up
24 to \$50,000,000 of the funds of the Commodity
25 Credit Corporation to carry out this subsection.

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

4 **SEC. 3. RUMINANT FEED BAN.**

5 (a) IN GENERAL.—The Secretary of Health and
6 Human Services, acting through the Commissioner of
7 Food and Drugs, shall—

8 (1) monitor the implementation of section
9 589.2000 of title 21, Code of Federal Regulations
10 (relating to animal proteins prohibited in ruminant
11 feed);

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

14 (3) submit to Congress an annual report that
15 describes the formal evaluation.

16 (b) ENFORCEMENT PLAN.—

17 (1) IN GENERAL.—The Secretary shall develop
18 and implement a plan for enforcing section
19 589.2000 of title 21, Code of Federal Regulations.

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

21 (A) a hierarchy of enforcement actions to
22 be taken;

23 (B) a timeframe to allow a person subject
24 to section 589.2000 of title 21, Code of Federal
25 Regulations, to correct violations; and

- 1 (C) a timeframe for subsequent inspections
- 2 to confirm that violations have been corrected.

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