

108TH CONGRESS
1ST SESSION

H. R. 3083

To amend the country of origin labeling requirements of the Agricultural Marketing Act of 1946 to specify the model upon which the certification program for producers shall be based, to facilitate verification of compliance with the requirements, to impose a schedule of penalties for violation of the requirements, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 11, 2003

Mr. PETERSON of Minnesota (for himself, Mr. REHBERG, Mr. HEFLEY, Mr. OBERSTAR, Mr. JANKLOW, and Ms. MCCOLLUM) introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To amend the country of origin labeling requirements of the Agricultural Marketing Act of 1946 to specify the model upon which the certification program for producers shall be based, to facilitate verification of compliance with the requirements, to impose a schedule of penalties for violation of the requirements, 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 “Country of Origin La-
5 beling Amendment Act of 2003”.

1 **SEC. 2. REVISED COUNTRY OF ORIGIN LABELING REQUIRE-**
2 **MENTS.**

3 The Agricultural Marketing Act of 1946 is amended
4 by striking subtitle D (7 U.S.C. 1638 et seq.) and insert-
5 ing the following new subtitle:

6 **“Subtitle D—Country of Origin**
7 **Labeling**

8 **“SEC. 281. DEFINITIONS.**

9 “In this subtitle:

10 “(1) BEEF.—The term ‘beef’ means meat pro-
11 duced from cattle (including veal).

12 “(2) COVERED COMMODITY.—

13 “(A) IN GENERAL.—The term ‘covered
14 commodity’ means—

15 “(i) muscle cuts of beef, lamb, and
16 pork;

17 “(ii) ground beef, ground lamb, and
18 ground pork;

19 “(iii) farm-raised fish;

20 “(iv) wild fish;

21 “(v) a perishable agricultural com-
22 modity; and

23 “(vi) peanuts.

24 “(B) EXCLUSIONS.—The term ‘covered
25 commodity’ does not include an item described

1 in subparagraph (A) if the item is an ingredient
2 in a processed food item.

3 “(3) FARM-RAISED FISH.—The term ‘farm-
4 raised fish’ includes—

5 “(A) farm-raised shellfish; and

6 “(B) fillets, steaks, nuggets, and any other
7 flesh from a farm-raised fish or shellfish.

8 “(4) FOOD SERVICE ESTABLISHMENT.—The
9 term ‘food service establishment’ means a res-
10 taurant, cafeteria, lunch room, food stand, saloon,
11 tavern, bar, lounge, or other similar facility operated
12 as an enterprise engaged in the business of selling
13 food to the public. The term may include a retailer,
14 but only to the extent that the retailer provides a
15 salad bar or prepared-food bar containing ready-to-
16 eat food that the consumer packages for purchase.

17 “(5) LAMB.—The term ‘lamb’ means meat,
18 other than mutton, produced from sheep.

19 “(6) PERISHABLE AGRICULTURAL COMMODITY;
20 RETAILER.—The terms ‘perishable agricultural com-
21 modity’ and ‘retailer’ have the meanings given the
22 terms in section 1(b) of the Perishable Agricultural
23 Commodities Act of 1930 (7 U.S.C. 499a(b)).

24 “(7) PORK.—The term ‘pork’ means meat pro-
25 duced from hogs.

1 “(8) SECRETARY.—The term ‘Secretary’ means
2 the Secretary of Agriculture, acting through the Ag-
3 ricultural Marketing Service.

4 “(9) WILD FISH.—

5 “(A) IN GENERAL.—The term ‘wild fish’
6 means naturally born or hatchery-raised fish
7 harvested in the wild and shellfish harvested in
8 the wild.

9 “(B) INCLUSIONS.—The term ‘wild fish’
10 includes a fillet, steak, nugget, and any other
11 flesh from wild fish or shellfish.

12 “(C) EXCLUSIONS.—The term ‘wild fish’
13 excludes netpen aquacultural or other farm-
14 raised fish.

15 **“SEC. 282. NOTICE OF COUNTRY OF ORIGIN.**

16 “(a) NOTICE OF COUNTRY OF ORIGIN REQUIRED.—
17 Except as provided in subsection (c), a retailer of a cov-
18 ered commodity shall inform consumers, at the final point
19 of sale of the covered commodity to consumers, of the
20 country of origin of the covered commodity.

21 “(b) UNITED STATES COUNTRY OF ORIGIN.—A re-
22 tailer of a covered commodity may designate the covered
23 commodity as having a United States country of origin
24 only if the covered commodity—

1 “(1) in the case of beef, is exclusively from an
2 animal that is exclusively born, raised, and slaugh-
3 tered in the United States (including from an animal
4 exclusively born and raised in Alaska or Hawaii and
5 transported for a period not to exceed 60 days
6 through Canada to the United States and slaugh-
7 tered in the United States);

8 “(2) in the case of lamb and pork, is exclusively
9 from an animal that is exclusively born, raised, and
10 slaughtered in the United States;

11 “(3) in the case of farm-raised fish, is hatched,
12 raised, harvested, and processed in the United
13 States;

14 “(4) in the case of wild fish—

15 “(A) is harvested in the United States or
16 a territory of the United States, if the wild fish
17 is harvested in a river, stream, or lake; or

18 “(B) is harvested by a vessel that is docu-
19 mented under chapter 121 of title 46, United
20 States Code, or registered in the United States,
21 if the wild fish is harvested at sea; and

22 “(5) in the case of a perishable agricultural
23 commodity or peanuts, is exclusively produced in the
24 United States.

1 “(6) WILD FISH AND FARM-RAISED FISH.—The
2 notice of country of origin for wild fish and farm-
3 raised fish shall distinguish between wild fish and
4 farm-raised fish.

5 “(c) EXEMPTION FOR FOOD SERVICE ESTABLISH-
6 MENTS.—Subsection (a) shall not apply to a covered com-
7 modity if the covered commodity is—

8 “(1) prepared or served in a food service estab-
9 lishment; and

10 “(2)(A) offered for sale or sold at the food serv-
11 ice establishment in normal retail quantities; or

12 “(B) served to consumers at the food service es-
13 tablishment.

14 “(d) METHOD OF NOTIFICATION.—

15 “(1) IN GENERAL.—The information required
16 by subsection (a) may be provided to consumers by
17 means of a label, stamp, mark, placard, or other
18 clear and visible sign on the covered commodity or
19 on the package, display, holding unit, or bin con-
20 taining the commodity at the final point of sale to
21 consumers.

22 “(2) LABELED COMMODITIES.—If the covered
23 commodity is already individually or otherwise la-
24 beled for retail sale regarding country of origin, the

1 retailer shall not be required to provide any addi-
2 tional information to comply with this section.

3 “(e) USE OF EXISTING RECORDS TO VERIFY COM-
4 PLIANCE.—The Secretary shall use existing records, such
5 as inventory and tax records, to verify that any person
6 that prepares, stores, handles, or distributes a covered
7 commodity for retail sale complies with this subtitle, in-
8 cluding the regulations promulgated under section 284(b).
9 Such records may be maintained at the point of sale or
10 at a centralized distribution center.

11 “(f) INFORMATION ON COUNTRY OF ORIGIN.—Any
12 person engaged in the business of supplying a covered
13 commodity to a retailer shall provide information to the
14 retailer indicating the country of origin of the covered
15 commodity.

16 “(g) CERTIFICATION OF ORIGIN.—

17 “(1) CERTIFICATION PROGRAM.—The Secretary
18 shall carry out a program that provides for the self-
19 certification by producers of the country of origin of
20 covered commodities. In establishing the program,
21 the Secretary shall use as a model the procedures
22 contained in part 589.2000 of title 21, Code of Fed-
23 eral Regulations, regarding animal proteins prohib-
24 ited in ruminant feed.

1 “(2) THIRD PARTY AUDITS.—Except as pro-
2 vided in paragraph (3), the Secretary shall prohibit
3 any third party audit or verification of producer
4 compliance with country of origin labeling.

5 “(3) VERIFICATION.—To verify producer com-
6 pliance with country of origin requirements under
7 the certification program, the Secretary shall use
8 Department of Agriculture records of imports and
9 existing producer records, such as tax records, sale
10 receipts, brand records, feed bills, birth records, re-
11 ceiving records, breeding stock records, health
12 records, or animal inventory records.

13 “(h) PRODUCER PROTECTION.—A retailer or other
14 person subject to this section may not require, as a condi-
15 tion of the purchase of beef, lamb, or pork or of live cattle,
16 hogs, or sheep from a producer or packer, that the pro-
17 ducer or packer—

18 “(1) indemnify the retailer or other person from
19 any liability arising from a violation of this section;
20 or

21 “(2) produce records or other documentation to
22 verify the country of origin of the beef, lamb, or
23 pork or of the live cattle, hogs, or sheep.

1 **“SEC. 283. ENFORCEMENT.**

2 “(a) IN GENERAL.—Except as provided in sub-
3 sections (b) and (c), section 253 shall apply to a violation
4 of this subtitle in addition to violations of subtitle B.

5 “(b) WARNINGS.—If the Secretary determines that a
6 retailer is in violation of section 282, the Secretary shall—

7 “(1) notify the retailer of the determination of
8 the Secretary; and

9 “(2) provide the retailer a 30-day period, begin-
10 ning on the date on which the retailer receives the
11 notice under paragraph (1) from the Secretary, dur-
12 ing which the retailer may take necessary steps to
13 comply with section 282.

14 “(c) CIVIL PENALTY.—If, on completion of the 30-
15 day period described in subsection (b)(2), the Secretary
16 determines that the retailer has willfully violated section
17 282, after providing notice and an opportunity for a hear-
18 ing before the Secretary with respect to the violation, the
19 Secretary may assess a civil penalty against the retailer
20 in an amount of \$100 for the first day of the violation.
21 The civil penalty amount shall double for each subsequent
22 day that the retailer is in noncompliance for the same vio-
23 lation, except that the total amount of the civil penalty
24 assessed for a single violation may not exceed \$5,000.

25 “(d) ADULTERATION AND MISBRANDING.—The Sec-
26 retary may not treat a covered commodity as either adul-

1 terated or misbranded under the Federal Meat Inspection
2 Act (7 U.S.C. 601 et seq.) or any other provision of law
3 by reason of the failure of the covered commodity to com-
4 ply with the country of origin requirements of section 282.

5 **“SEC. 284. REGULATIONS.**

6 “(a) REGULATIONS.—Not later than September 30,
7 2004, the Secretary shall promulgate such regulations as
8 are necessary to implement this subtitle.

9 “(b) PARTNERSHIPS WITH STATES.—In promul-
10 gating the regulations, the Secretary shall, to the max-
11 imum extent practicable, enter into partnerships with
12 States with enforcement infrastructure to assist in the ad-
13 ministration of this subtitle.

14 **“SEC. 285. APPLICABILITY.**

15 “This subtitle shall apply to the retail sale of a cov-
16 ered commodity beginning September 30, 2004.”.

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