

103^D CONGRESS
1ST SESSION

S. 954

To prohibit the use of bovine somatotropin in intrastate, interstate, or international commerce until equivalent marketing practices for the use of bovine somatotropin are established with the marketing practices of other major milk or dairy products exporting nations.

IN THE SENATE OF THE UNITED STATES

MAY 13 (legislative day, APRIL 19), 1993

Mr. KOHL (for himself, Mr. LEAHY, and Mr. FEINGOLD) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To prohibit the use of bovine somatotropin in intrastate, interstate, or international commerce until equivalent marketing practices for the use of bovine somatotropin are established with the marketing practices of other major milk or dairy products exporting nations.

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 shall be known as the “Bovine Somatotropin
5 Marketing Equivalency Act of 1993”.

1 **SEC. 2. DEFINITIONS.**

2 (a) BOVINE SOMATOTROPIN.—The term “bovine
3 somatotropin” means a synthetic growth hormone pro-
4 duced through the process of recombinant DNA tech-
5 niques intended for use in cows (bovine animals).

6 (b) EQUIVALENT MARKETING PRACTICES.—The
7 term “equivalent marketing practices” means:

8 (1) Practices designed to affect the use of bo-
9 vine somatotropin in intrastate, interstate, or inter-
10 national commerce; or

11 (2) Measures which have the effect of discour-
12 aging the sale of, or discriminating against, the use
13 of bovine somatotropin in intrastate, interstate, or
14 international commerce which are similar or quan-
15 titatively approximate.

16 **SEC. 3. FINDINGS.**

17 Congress finds that—

18 (1) the United States is the single largest milk
19 producing country in the world;

20 (2) an important national policy interest exists
21 for the United States when entering into trade
22 agreements to provide a more level playing field for
23 international trade;

24 (3) it is important that the dairy industry in
25 the United States with respect to the use of bovine
26 somatotropin have equivalent marketing practices

1 with those of other major milk or dairy products ex-
2 porting nations and regions, such as New Zealand,
3 Australia, Canada, and the European Community;

4 (4) the European Community has imposed a
5 moratorium on the use of bovine somatotropin
6 through December 31, 1993;

7 (5) in order to avoid possible discrimination
8 against its dairy exports, Australia has announced
9 its intention not to approve the commercial use of
10 bovine somatotropin until other major milk and
11 dairy exporting nations approve bovine
12 somatotropin;

13 (6) bovine somatotropin has not been approved
14 for commercial use in either New Zealand or Can-
15 ada;

16 (7) the Dairy Price Support Program in the
17 United States relies on the Federal Government to
18 remove surplus dairy products from the domestic
19 market, and to make subsequent sales of surplus
20 products to defray budgetary costs of the program;

21 (8) the introduction by the dairy industry in the
22 United States of bovine somatotropin into intrastate,
23 interstate, or international commerce prior to
24 achievement of equivalent marketing practices by
25 other countries could have a detrimental effect on

1 the sales of milk or dairy products, causing disrup-
 2 tions to milk consumption, to management of the
 3 Dairy Price Support Program, to Commodity Credit
 4 Corporation dairy stocks, and to dairy producer in-
 5 come; and

6 (9) the Food and Drug Administration is likely
 7 to approve the use of bovine somatotropin prior to
 8 December 31, 1993.

9 **SEC. 4. DEFINITION OF BOVINE SOMATOTROPIN FOR PUR-**
 10 **POSES OF THE FOOD, DRUG, AND COSMETIC**
 11 **ACT.**

12 Section 201 of the Federal Food, Drug, and Cosmetic
 13 Act (21 U.S.C. 321) is amended by adding at the end the
 14 following:

15 “(gg) The term ‘bovine somatotropin’ means a syn-
 16 thetic growth hormone produced through the process of
 17 recombinant DNA techniques intended for use in cows
 18 (bovine animals).”.

19 **SEC. 5. PROHIBITION ON THE USE OF BOVINE**
 20 **SOMATOTROPIN IN COMMERCE.**

21 (a) PROHIBITED ACT.—Section 301 of the Food,
 22 Drug, and Cosmetic Act (21 U.S.C. 331) is amended by
 23 adding at the end the following:

24 “(u) The use of bovine somatotropin in intrastate,
 25 interstate, or international commerce absent a certifi-

1 cation by the President as provided in the ‘Bovine
2 Somatotropin Marketing Equivalency Act of 1993’.’’.

3 (b) EXCEPTION.—Nothing in subsection (a) shall
4 preclude.—

5 (1) the conduct of research on bovine
6 somatotropin; or

7 (2) the introduction into intrastate or interstate
8 commerce of bovine somatotropin to be used for
9 research.

10 **SEC. 6. CERTIFICATION.**

11 A “certification” as used in this Act means a certifi-
12 cation originated by the President, and submitted to Con-
13 gress, in which the President makes findings, that, with
14 respect to the use of bovine somatotropin, the dairy indus-
15 try in the United States has established equivalent mar-
16 keting practices with those of one or more other major
17 milk and dairy exporting countries.

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