

108TH CONGRESS  
2D SESSION

# H. R. 3705

To amend the Federal Meat Inspection Act to enhance the safety of beef and beef food products originating in the United States by requiring the testing of cattle for bovine spongiform encephalopathy (commonly known as mad cow disease) at the time of slaughter, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 20, 2004

Mr. GEORGE MILLER of California introduced the following bill; which was referred to the Committee on Agriculture

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## A BILL

To amend the Federal Meat Inspection Act to enhance the safety of beef and beef food products originating in the United States by requiring the testing of cattle for bovine spongiform encephalopathy (commonly known as mad cow disease) at the time of slaughter, 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 “Mad Cow Testing Act  
5       of 2004”.

1 **SEC. 2. POST MORTEM EXAMINATION OF CATTLE FOR BO-**  
2 **VINE SPONGIFORM ENCEPHALOPATHY.**

3 (a) TESTING REQUIRED.—Section 4 of the Federal  
4 Meat Inspection Act (21 U.S.C. 604) is amended—

5 (1) by striking “That for” and inserting “(a)  
6 POST MORTEM EXAMINATION REQUIRED.—For” ;  
7 and

8 (2) by adding at the end the following new sub-  
9 section:

10 “(b) TESTING FOR BOVINE SPONGIFORM  
11 ENCEPHALOPATHY.—(1) As part of the post-mortem ex-  
12 amination and inspection required by subsection (a) of all  
13 cattle carcasses and parts thereof intended for use as  
14 human food, the Secretary shall require that a test be con-  
15 ducted to determine the presence of bovine spongiform  
16 encephalopathy. The Secretary shall specify the type of  
17 test to be used to comply with this requirement.

18 “(2) The Secretary shall use only personnel of the  
19 Animal and Plant Health Inspection Service to conduct  
20 the tests required by paragraph (1). Notwithstanding the  
21 Act of June 5, 1948 (Chapter 423; 21 U.S.C. 695), all  
22 costs related to the testing shall be borne by slaughtering,  
23 meat-canning, salting, packing, rendering, and other es-  
24 tablishments subject to the testing requirement. The Sec-  
25 retary shall collect fees, at rates determined by the Sec-  
26 retary, from such establishments to cover the costs in-

1 curred or to be incurred by the Secretary to conduct the  
2 tests. Amounts collected by the Secretary under this para-  
3 graph shall remain available until expended, without fur-  
4 ther appropriation or fiscal year limitation, to carry out  
5 paragraph (1).

6 “(3) Notwithstanding paragraph (1), if the Secretary  
7 determines that a test is not available to accurately deter-  
8 mine the presence of bovine spongiform encephalopathy in  
9 cattle under a certain age, the Secretary may delay the  
10 implementation of the testing requirement with regard to  
11 cattle under that age until such time as an accurate test  
12 for cattle of that age is readily available. The Secretary  
13 shall submit to Congress notice of any determination made  
14 under this paragraph, including the reasons why the delay  
15 in implementation is necessary. At least once each year  
16 during the course of an implementation delay granted  
17 under this paragraph, the Secretary shall evaluate whether  
18 an accurate test has been developed for the presence of  
19 bovine spongiform encephalopathy in cattle of the age cov-  
20 ered by the delay. The Secretary shall submit to Congress  
21 the results of the evaluation.”.

22 (b) EFFECTIVE DATE.—Section 4(b) of the Federal  
23 Meat Inspection Act, as added by subsection (a), shall  
24 apply to the slaughter of cattle in establishments subject  
25 to the such Act beginning not later than 30 days after

- 1 the date of the enactment of this Act or such earlier date
- 2 as the Secretary of Agriculture may prescribe.

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