

CRS Report for Congress

Received through the CRS Web

Updating Animal Health Protection Statutes: Comparison of Current Law with Senate Farm Bill and House Proposals

April 4, 2002

Alejandro E. Segarra
Agricultural Policy Analyst
Resources, Science, and Industry Division

Updating Animal Health Protection Statutes: Comparison of Current Law with Senate Farm Bill and House Proposals

Summary

Congress is considering measures that would consolidate and modernize the statutes authorizing the U.S. Department of Agriculture's (USDA) animal health protection activities. Currently, over 20 different statutes, some dating back more than a century, authorize the Department's Animal and Plant Health Inspection Service (APHIS) to protect U.S. animal agriculture through border inspections and quarantine, domestic surveillance and eradication programs, and related activities.

A broad consensus has developed over the last two decades between producers, industry groups and policymakers on the need to reform and update the statutes to meet new challenges posed by trade globalization, emerging animal diseases, and the threat of bioterrorism. Congress passed analogous legislation consolidating, reforming, and reauthorizing APHIS's plant protection statutes in 2000.

Two proposals under consideration, one free-standing (H.R. 2002) and the other contained in Title IX of the Senate-passed farm bill (H.R. 2646), would seek to consolidate and modernize animal health protection authorities. While most of the authorities contained in these proposals come from existing law, some new provisions aim to address new disease threats, enhance investigatory powers, impose stiffer penalties, and substantially increase the consistency between APHIS's animal health protection and plant health protection laws. Among the new authorities proposed are:

- Expanded definition of disease to include new threats such as mad-cow disease;
- Cost recovery from owners who fail to comply with orders for remedial action;
- Authority to stop and inspect persons or means of conveyance coming from quarantined areas in intrastate commerce;
- Authority to carry out operations to detect, control, and eradicate pest and diseases of livestock at slaughterhouses, stockyards, or any other points of concentration;
- Codifying regulations for a Veterinary Accreditation Program;
- Stiffer criminal and civil penalty structures for smugglers and other violators;
- New power of subpoena for investigation and enforcement actions.

Contents

Introduction	1
Background	1
Current Legislative Proposals	3
New Authorities and Key Provisions	3
Definitions	3
Import and Export Authorities	3
Interstate Movement	4
Emergency Authorities: Seizure, Quarantine and Disposal	4
Inspection, Seizures and Warrants	4
Detection, Control, and Eradication of Diseases and Pests	4
Veterinary Accreditation Program	4
Cooperation	4
Consultations with Heads of Federal Agencies	5
Preclearance Inspections Abroad, Reimbursable Agreements, and Payment of Overtime	5
Penalties	5
Enforcement	5
Repeals	5

List of Tables

Table 1. Comparison of Current Law with Provisions in H.R.2002 and H.R. 2646 EAS (Title X, Subtitle C).	7
--	---

Updating Animal Health Protection Statutes: Comparison of Current Law with the Senate Farm Bill and House Proposals

Introduction

Background

Statutes authorizing the U.S. Department of Agriculture (USDA) to prevent the introduction or dissemination of livestock and poultry diseases date back to the Act of May 29, 1884. Since then, Congress has passed and periodically amended laws giving the Secretary – through the Department’s Animal and Plant Health Inspection Service (APHIS) – new authorities to deal with new or pressing animal health protection issues. In all, over 20 separate statutes authorize the Secretary’s actions in animal health protection. Current authorities allow APHIS to order mandatory quarantine inspections for livestock imports, to protect U.S. export markets, to restrict interstate livestock commerce during emergencies, to seize and dispose of diseased livestock and property, to declare extraordinary emergencies, to compensate owners for their losses, and to enforce laws and regulations through criminal and civil penalties.

A broad consensus has developed over the last 25 years between producers, industry groups and policymakers on the need to modernize and consolidate animal health protection laws. Early congressional discussions on modernizing and consolidating animal and plant health statutes began in the 1980s with hearings by the House Committee on Agriculture. Later, in 1993, findings in an Office of Technology Assessment report to Congress confirmed the need to consolidate and modernize these authorities, calling present plant and animal health protection authorities, “... a largely an uncoordinated patchwork of laws, regulations, policies, and programs.”¹

In 1994, legislation to modernize animal health statutes was first offered, and later in 1995, a similar proposal was introduced to modernize plant protection laws. Neither of these measures, nor subsequent proposals in the 104th and 105th Congresses, was passed.

Separate consideration of reforms to the animal health and plant health statutes continued between 1997 and 2000. In 1999, APHIS released a comprehensive

¹U.S. Congress, Office of Technology Assessment. *Harmful non-indigenous species in the United States*. OTA-F-565. Washington, D.C.: U.S. Government Printing Office, Sept., 1993.

stakeholder review of its plant protection laws and activities.² The report, entitled ‘Safeguarding American Plant Resources,’ included the input of a broad audience of producers, industry groups, consumers, and environmental groups. Consensus recommendations from this document, and broad backing from producer and industry groups were key factors for the passage and enactment of the Plant Protection Act in 2000.³

In October 2001, the National Association of State Departments of Agriculture (NASDA)⁴ published the ‘Animal Health Safeguarding Review.’ Similar to its counterpart report on plant health protection, this document contains the consensus recommendations of a broad array of stakeholders for strengthening criminal and civil penalties for animal health violations and reforming the statutes to make them consistent with the authorities given to the Secretary under the Plant Protection Act.

The Animal Health Safeguarding Review, among other things, identifies four key issues that stakeholders maintain should be addressed in any reform of animal health protection laws:

- **Greater investigative powers** – Current animal health statutes do not authorize the Secretary to subpoena witnesses to assist in investigating suspected violations. Agency officials cite the lack of subpoena authority as a frequent hindrance to prosecuting violations.
- **Increased Penalties:** Under current law there is a maximum civil penalty of \$1,000 per violation, and up to \$5,000 and 1 year imprisonment for criminal violations. Industry and producer groups, increasingly aware of the great potential for economic damage from diseases such as foot-and-mouth disease or from acts of bioterrorism, have called for stiffer penalties and fines as a deterrent to prevent illegal smuggling of animals and animal products into the United States.
- **Consistency with Plant Protection Statutes:** The Plant Protection Act of 2000 gave the Secretary increased powers to recover the costs of remedial actions from negligent owners, to preempt state actions in intrastate commerce, to impose stiffer criminal and civil penalties, and to use subpoena power to prosecute violations. Proponents of reform of the animal health statutes argue that similar legislation covering animals is needed to establish consistency between plant and animal authorities.

² The report was prepared by the National Plant Board, an organization of plant pest regulatory agencies from each state and the Commonwealth of Puerto Rico that serves APHIS in an advisory capacity.

³ The new Plant Protection Act was enacted as a part of the Agricultural Risk Protection Act of 2000 (P.L. 106-224; 114 STAT. 438; 7 USC §7701 et seq.).

⁴ The National Association of State Departments of Agriculture (NASDA) is a nonprofit association of public officials representing the Commissioners, Secretaries, and Directors of Agriculture in the fifty states and four territories.

- **Modernizing to Meet Challenge of New Diseases and Technologies.** Traditionally, USDA's animal health protection actions were directed against known contagious and infectious diseases (e.g., foot-and-mouth disease). Today, new disease threats have appeared which have new or poorly understood infectious agents, often with long incubation periods (e.g., mad cow disease and chronic wasting disease of deer and elk). In addition, proponents of statutory reform argue that clearer authority is needed to deal with any threats that might emerge from animals produced through biotechnology, or used by terrorists to harm U.S. agriculture.

Current Legislative Proposals

Two animal health protection bills have been introduced in the 107th Congress. The first, H.R. 2002, was introduced on May 24, 2001, by Representatives Pombo and Peterson and referred to the House Agriculture and Judiciary Committees. The measure has received no further action, but it is substantially similar to the second proposal, S. 1482, which was introduced by Senator Harkin on October 2, 2001. This measure, entitled the Animal Health Protection Act, was incorporated as an amendment to the Senate-passed version of H.R. 2646, the Agriculture, Conservation, and Rural Enhancement Act of 2002 (the 2002 farm bill), which is currently in conference. The House-passed farm bill does not include updates to animal health protection laws.

New Authorities and Key Provisions

Both H.R. 2002 and H.R. 2646 (Title X, Subtitle C) consolidate and retain existing statutory authorities of USDA's animal pest and disease protection activities. The bills would establish substantial uniformity between APHIS's animal health and plant health policies. In addition, the proposals contain a number of new authorities pertaining to the issues described earlier in this report (see the following paragraphs). Table 1, below, presents a side-by-side comparison of key provisions from H.R. 2646 and H.R. 2002 with current law.

Definitions. The House and Senate proposals offer new definitions for the terms animal, article, disease, enter, export, facility, import, interstate commerce, livestock, means of conveyance, move, pest, and state. A key change from current statutes is the broadening of the definition of disease to include any non-infectious, as well as infectious, diseases of livestock. The new definition also includes any condition detrimental to production of livestock, which would pertain to the Secretary's authority to deal with new diseases like 'mad cow' disease.

Import and Export Authorities. Both proposals seek to consolidate current authorities on importing and exporting animals. The Secretary would keep existing authorities to: (1) prohibit or regulate the import and export of any animal, articles, or movement of vehicles or facilities upon a determination of disease, provided that the action is needed to prevent entry or dissemination of a pest or disease into or from the United States; (2) prohibit or restrict animal imports or exports due to unsanitary conditions, or for improper or inhumane treatment of livestock; and (3) order the

destruction, disinfection or removal of animals, their progeny (in imports only) and other property as remedial actions in case of disease. New language would allow USDA to recover costs from owners who fail to comply with orders for remedial action from the Secretary.

Interstate Movement. The new proposals consolidate current authority to regulate interstate movement of livestock and to prevent the transport or movement of diseased or quarantined livestock and poultry within the United States.

Emergency Authorities: Seizure, Quarantine and Disposal. Proposed legislation seeks to consolidate and retain existing emergency authorities to seize, quarantine, and dispose of animals or regulated items, while adding additional authority for such actions in the event of ‘extraordinary emergencies’. Current authorities for owner notification, cost recovery, owner compensation, and for exception to payments for non-compliance would also be retained. New requirements are proposed for the issuance of public announcements and notices. Another new provision would make final compensation payments not subject to judicial review.

Inspection, Seizures and Warrants. Both bills would retain current authorities for warrantless inspections of persons or means of conveyance in international and interstate commerce. The proposals also would retain existing authorities to inspect premises with a warrant, but such warrants could now also be executed by U.S. marshals in addition to USDA personnel. Both measures contain new authorities for the Secretary to stop and inspect, on probable cause, persons or means of conveyance coming from quarantined areas into intrastate commerce.

Detection, Control, and Eradication of Diseases and Pests. Both the House and the Senate proposals retain and expand existing authority for the Secretary to carry out operations and implement measures to detect, control, and eradicate pest and diseases of livestock, including the drawing of blood and diagnostic testing of animals at slaughterhouses, stockyards, or any other points of concentration. The measure also would authorize payment of claims arising from the destruction of animals, articles, or means of conveyance due to APHIS’s control and eradication programs. Neither proposal envisions payments for other kinds of losses caused by detention delays or from applicable contract penalties or fees.

Veterinary Accreditation Program. A new provision in both bills would codify existing regulations pertaining to the current veterinary accreditation program, and allow the Secretary to establish, upon consultation with State animal health officials (Senate bill only), a veterinary accreditation program and standards of conduct for veterinary practitioners. Currently, the veterinary accreditation program is voluntary and is used primarily for accrediting state and private veterinarians to perform animal health protection activities on behalf of APHIS (see 9 CFR §161 et seq.) .

Cooperation. The House and Senate bills would consolidate present authorities for APHIS to cooperate with other agencies, states, Indian tribes, foreign governments, and other organizations to carry out provisions related to animal health statutes. Both proposals also retain existing authority for the screwworm program, a long-standing cooperative program with Mexico and Central American countries

that aims to prevent entry of the pest into the United States by eradicating it in those countries.

Consultations with Heads of Federal Agencies. New provisions in both bills direct the Secretary to consult with the heads of a federal agencies with respect to any USDA animal health activity that is under their jurisdiction. The new provision also appoints USDA as lead agency with respect to issues related to pests and diseases of livestock.

Preclearance Inspections Abroad, Reimbursable Agreements, and Payment of Overtime. House and Senate proposals would retain existing authorities to enter into ‘reimbursable fee agreements’ with persons at locations outside of the United States. Currently, these agreements are used to operate animal and plant health importation preclearance inspection programs abroad. Also, both proposals would retain the Secretary’s authority to pay for overtime, night, or holiday time in connection with inspection and quarantine work, and for cost recovery from recipients of these services. A new authority would allow the Secretary to impose late penalties, including the payment of interest for unpaid fees.

Penalties. The House and Senate proposals would increase criminal and civil penalties for violations of animal health statutes. New criminal penalties would consist of fines, set in accordance to Crimes and Criminal Procedures under Title 18 of the U.S. Code, or up to 1 year imprisonment (or both), for knowingly violating the Act, or for forging, counterfeiting, or otherwise altering official documents and certificates. New civil penalties would consist of fines not to exceed the greater of: \$50,000 for individuals after the first violation, which is fined at \$1,000; or \$250,000 for other persons for each violation; or \$500,000 for all violations adjudicated in a single proceeding. The measures allow the Secretary to take into account factors in determining the civil penalty, and to settle, compromise, or remit any civil penalty with or without conditions. Also, a new authority is given to suspend or revoke the accreditation of any veterinarian that violates the Act.

Enforcement. The current proposals would give the Secretary new authority to collect information and conduct investigations necessary for the administration and enforcement of the animal health statutes, including the power to subpoena witnesses. These proposed authorities currently exist in the recently revised plant protection statutes. The bills also provide for new enforcement procedures, and for new judicial review, witness compensation, and delegation procedures. The proposals would retain current authorities for the Attorney General to prosecute criminal violations, to compel compliance, or to enjoin any interference in carrying out the law. New authorities are sought for the Attorney General to bring actions for the recovery of unpaid penalties.

Repeals. Both the House and Senate proposals repeal and replace authorities for most sections in subchapters II and III of Chapter 4 in U.S.C. Title 21, which deal with the importation of livestock and quarantines, and with the prevention of contagion by livestock diseases. Notwithstanding, some authorities and programs of current law are not replaced. For example, the current program authority for the pseudorabies eradication program (§114i) is eliminated. Authority for this program expires in 2002, if not reauthorized by the new Farm Bill. Section 1059 of the

Senate-passed farm bill would extend the program's authority until FY2006. There is no comparable provision in the House-passed version (H.R.2646). Other authorities to carry out obsolete or inactive programs are similarly eliminated. These include: the control of cattle grubs program (§114e), the hog cholera eradication program (114g-h), and a program to build fences along international boundaries (§131). Other statutes repealed include, 7 U.S.C. §429 (cooperation with States); 7 U.S.C. §§2260-2260a (overtime payment, and reimbursable fee agreements); 19 U.S.C. §1306 (coordination of allowable imports with Treasury); 21 U.S.C. §§612-614 (inspection and certification of livestock exports); and 46 U.S.C. §39 (authorizing regulations for humane and sanitary accommodations for export animals). Sections dealing with foot-and-mouth disease (113a) and with agricultural quarantine inspection and collection of fees (136-136a) would be retained.

Table 1. Comparison of Current Law with Provisions in H.R.2002 and H.R. 2646 EAS (Title X, Subtitle C).

CURRENT LAW/POLICY	H.R. 2646 (Senate-approved bill)	H.R. 2002, AS INTRODUCED
<p>1. Definitions. Current animal health-related statutes define ‘animal’, ‘interstate’, Secretary, and ‘United States’ (21 USC§134).</p>	<p>Provides comparable definitions for ‘Secretary’ and ‘United States’ as in current statute. Offers new definitions for: animal, article, disease, enter, export, facility, import, Indian Tribe, interstate commerce, livestock, means of conveyance, move, pest, and State. <i>[Sec. 1023]</i>. (Similar definitions are found in 7USC§7702 from the Plant Protection Act, P.L. 106-224, §403 , 114 STAT 438-440).</p>	<p>Similar to Senate Bill, but in addition it contains new definitions for ‘interstate’ and for ‘person’. <i>[Sec. 3]</i>.</p>
<p>2. Animal Importation Current law authorizes the President to suspend animal importations to protect U.S. animals from infectious contagious animal diseases (Section 101 of Title 21). Current law also authorizes the Secretary to, among other things: (1) prohibit and regulate the importation of diseased or exposed animals into (or through) the United States (21 USC §102); (2) allow animal importation only through quarantine stations (§103); (3) order the slaughter of sick or exposed animals, and to reimburse owners, except on violations of law (§103); (4) inspect imported animals, means of conveyance and vessels, and to impose quarantines, or to dispose of livestock or poultry according to regulations (§§105 and 134a).</p>	<p>Consolidates current authorities on animal importation. The legislation would authorize the Secretary: (1) to prohibit the importation of animals, articles, means of conveyance (and their use) on a determination that the action is needed to prevent entry or dissemination of a pest or disease into the United States. Similar restrictions may apply to animals that have strayed into the United States, or due to unclean and unsanitary animal conditions or conveyances. The Secretary may order the destruction, disinfection or removal of animals, their progeny and other property to prevent disease; and also may recover costs from owners who fail to comply with orders for remedial action. <i>[Section 1024]</i>. Similar authorities are found 7USC §7714 for Plant Protection Authorities.</p>	<p>Similar to Senate Bill. Proposal does not authorize destruction, disinfection or removal of animal progeny. <i>[Sec 4]</i>.</p>

CURRENT LAW/POLICY	H.R. 2646 (Senate-approved bill)	H.R. 2002, AS INTRODUCED
<p>3. Animal Exportation. The Secretary is authorized to prevent the export of diseased livestock and poultry from the United States (21 USC §§113 and 120). The Secretary may also order animal inspections, and the cleaning and disinfection of means of conveyance in connection to movement of animals into or out of the United States (21USC134b). Further, 21USC§§612-614 authorize the Secretary to issue health certificates for exporting cattle, swine, sheep, goat, and equines.</p>	<p>Would consolidate and keep current authorities of the Secretary: (1) to prohibit or restrict the exportation of any animal, article, or means of conveyance in order to prevent dissemination of a pest or disease from the United States; (2) to prohibit or restrict animal exports because of unsanitary conditions, or due to improper or inhumane treatment of livestock; (3) to order disinfection of conveyances, articles and individuals involved in exportation of animals; (4) to issue export certifications. New authorities are proposed to allow the Secretary to recover costs from owners on failures to comply with orders for remedial action, and to regulate on the use of certain means of conveyance. <i>[Section 1025]</i>.</p>	<p>Same as Senate Bill. <i>[Sec. 5]</i>.</p>
<p>4. Interstate Movement of Animals. Current laws broadly authorize the Secretary to regulate, and to adopt measures to prevent the transport or movement of diseased or quarantined livestock and poultry within the United States. (21 USC§§120, 125-128, 134a)</p>	<p>Consolidates current authorities. The proposal would keep the Secretary's current authority to prohibit or restrict the interstate commerce of any animal, article, facility, means of conveyance (or its use) on determination by the Secretary that the ban is needed to prevent entry or dissemination of a pest or disease within the United States. <i>[Section 1026]</i>.</p>	<p>Same as Senate Bill. <i>[Sec. 6]</i></p>

CURRENT LAW/POLICY	H.R. 2646 (Senate-approved bill)	H.R. 2002, AS INTRODUCED
<p>5. Seizure, Quarantine, and Disposal.</p> <p>(a) Several sections of Title 21 give the Secretary broad authorities to prevent the spread of contagious infectious diseases within the United States. Statutes authorize the declaration ‘extraordinary emergencies’ when the presence of a pest or disease threatens livestock and poultry anywhere in the United States. These declarations allow the Secretary to: (1) quarantine States or portions of States; and (2) seize, quarantine, and dispose of livestock and poultry, regulated articles, and means of conveyance in the quarantined area. (see 21USC§§ 111,113,123, 134a). Before issuing an extraordinary emergency current law requires the Secretary to find that the State or jurisdiction is not adequately addressing the emergency, and that the appropriate State officials are notified of the action [21USC §134a(b)].</p> <p>(b) Statutes also establish quarantine notification procedures for owners for disposing of animals or articles, for cost recovery and just compensation, and for restrictions on payments for non-compliance with orders of the Secretary [21USC § 134a(c)-(e)].</p> <p>(c) No provisions.</p>	<p>The Senate’s bill adds new authorities allowing the Secretary to ‘hold’, ‘treat’ or ‘destroy’ animals, their progeny, articles and means of conveyance (from imports or in interstate commerce), if these are affected by or have been exposed to a pest or a disease or in connection to an ‘extraordinary emergency’. Current ‘extraordinary emergency’ authorities to seize, quarantine, and dispose of animals or regulated items are consolidated and kept. Provisos are included in the bill requiring that the Secretary finds that the State’s measures are inadequate to control the disease, and also for a review and consultation with the Governor or authorized State official, or head of Indian Tribe on the proposed emergency actions. New requirements to issue public announcements, and Federal Register notices are proposed. [Section 1027].</p> <p>Present authorities for owner notification, or for disposal of animals or articles, for cost recovery, for compensation, and for exception to payments for non-compliance are consolidated and kept. [Section 1027].</p> <p>New provision of law would make final compensation payment not subject to judicial review (A similar language is found in 7USC§7715 for Plant Protection Authorities). [Section 1027].</p>	<p>Similar to Senate Bill. However, the proposal would also allow the Secretary to prohibit or restrict movement or use of animals or articles within premises. [Sec. 7].</p> <p>Same as Senate Bill. [Sec. 7].</p> <p>Same as Senate Bill. [Sec. 7]</p>

CURRENT LAW/POLICY	H.R. 2646 (Senate-approved bill)	H.R. 2002, AS INTRODUCED
<p>6. Inspection, Seizures, and Warrants. Under present law the Secretary is authorized to inspect, without a warrant all persons or means of conveyance entering the United States for prevention of introduction or dissemination of any communicable animal disease (7USC§134d). The Secretary has similar authorities in interstate commerce when, on probable cause, there is a need to determine whether persons or means of conveyance are carrying infected or exposed animals, products, or regulated articles. The statute also authorizes the inspection of premises, and seizures (on probable cause and with a court warrant) to prevent the introduction or dissemination of an animal disease. Needed warrants may be executed by USDA officials.</p>	<p>New authorities are given to the Secretary to stop and inspect, on probable cause, persons or means of conveyance coming from quarantined areas in intrastate commerce (under extraordinary emergency authorities as per §1027). Current authorities for warrantless inspections of persons or means of conveyance in international and interstate commerce are kept. The proposal also keeps present authorities to inspect premises with a warrant, but said warrant could now also be executed by a U.S. marshal. [Section 1028]. Similar authorities are found in 7USC§7731 for Plant Protection Authorities.</p>	<p>Same as Senate Bill. [Sec. 8].</p>
<p>7. Detection, Control, and Eradication of Diseases and Pests. No similar authorities currently exist without perhaps a declaration of extraordinary emergency by the Secretary.</p>	<p>Authorizes the Secretary to carry out operations and measures to detect, control, or eradicate any pest and disease of livestock (including the drawing of blood and diagnostic testing of animals), including animals at a slaughterhouse, stockyards, or any other point of concentration. The measure also authorizes the payment of claims arising from the destruction of animals, articles or means of conveyance. Provisions do not envision payment for other kinds of losses. [Section 1029].</p>	<p>Same as Senate Bill. [Sec. 9].</p>
<p>8. Veterinary Accreditation Program. The current veterinary accreditation program is voluntary administered by APHIS to accredit and authorize veterinarians to perform animal health protection activities on behalf of the agency. Regulations on the program and revocation rules are found in 9CFR§161-162.</p>	<p>Authorizes the Secretary to establish, upon consultation with State animal health officials, a veterinary accreditation program, which would include the establishment of standards of conduct for veterinary practitioners. Provision seeks to codify existing regulations [Section 1030].</p>	<p>Similar to Senate bill, but establishment of the accreditation program does not call for consultations with State officials. [Sec. 10].</p>

CURRENT LAW/POLICY	H.R. 2646 (Senate-approved bill)	H.R. 2002, AS INTRODUCED
<p>9. Cooperation.</p> <p>(a) Several sections of Title 21 give the Secretary broad authorities to cooperate with other agencies, States, foreign governments, and organizations to carry out provisions related to animal health statutes, provided that the cooperating entity is authorized. (See 21USC§114, 114b, 114d-1, and 7USC§429).</p> <p>(b) Current law authorizes USDA to produce and sell sterile screwworms to foreign countries or international organizations, with the proceeds going into the U.S. Treasury, and credited to the appropriation from which the operating expenses of the facility producing the screwworms had been paid. (21USC§114d).</p>	<p>Keeps and consolidates present authorities to cooperate with other agencies, States, Indian tribes, foreign governments, and organizations to carry out provisions related to animal health statutes. <i>[Section 1031]</i></p> <p>Retains the screwworms program as currently authorized, except that its proceeds are now deposited directly to the account from which the operating expenses have been paid and not to the program's yearly appropriation. <i>[Section 1031]</i>.</p>	<p>Similar to Senate Bill, but does not specifically mention Indian tribes. <i>[Sec. 11]</i>.</p> <p>Similar to Senate bill, but program proceeds are deposited directly to the yearly appropriation and not to the account from which the operating expenses have been paid from. <i>[Sec. 11]</i>.</p>
<p>10. Consultations with Head of Federal Agencies. No similar authorities exist related to animal health laws.</p>	<p>New provisions direct the Secretary to consult with the heads of a Federal agencies with respect to any activity that is under their jurisdiction. The new provision also appoints USDA as lead agency with respect issues related to pests and diseases of livestock. <i>[Section 1031]</i>.</p>	<p>Same as Senate bill. <i>[Sec. 11]</i>.</p>

CURRENT LAW/POLICY	H.R. 2646 (Senate-approved bill)	H.R. 2002, AS INTRODUCED
<p>11. Reimbursable Agreements. The Secretary is currently authorized to enter into reimbursable fee agreements with persons at locations outside of the United States to run animal and plant health importation preclearance programs. (7USC§2260a). Statute also authorizes the Secretary to pay USDA employees for: (1) performing inspection or quarantine services relating to imports and exports; (2) paying for all overtime, night, or holiday work performed; and (3) requiring reimbursements from the person for whom the services are performed. (7USC §2260).</p>	<p>Proposal keeps current authorities, but adds a new subsection for late payment penalties, including the payment of interest as currently required under 31USC§3717 on Interest and Penalties on Claims [Section1032].</p>	<p>Same as Senate bill. [Sec. 12].</p>
<p>12. Administration and Claims. No similar authorities exist related to animal health laws.</p>	<p>Proposes new authorities for the Secretary to acquire and maintain real or personal property, to employ a person, and to make grants, contracts, or agreements to carry out this Act. In addition, the Secretary acquires new authority to pay tort claims outside of the United States, as authorized by applicable statutes (see 28USC§2672). The new authority is identical to 7USC§7752 in plant protection statutes.</p>	<p>Same provisions in Senate bill, but Section title is: “Buildings, Land, People, Agreements, and Claims”. [Sec. 13].</p>

CURRENT LAW/POLICY	H.R. 2646 (Senate-approved bill)	H.R. 2002, AS INTRODUCED
<p>13. Penalties. Current law establishes criminal penalties of fines and/or up to one year of imprisonment, and also civil penalties of up to \$1000 for violations animal importation regulations (21USC§104). Section 21USC§117 establishes penalties for knowingly transporting diseased livestock or poultry in violation of law with:(1) criminal penalties that make it a misdemeanor punishable by up to \$5,000 fines or imprisonment, or both to; and (2) civil penalties of fines up to \$1,000 after a notice and the opportunity for a hearing on record. Orders for penalties shall be treated as a final, and are reviewable under 28USC§158. (Similar civil and criminal penalties are established by in Title 21 sections 122, 127, and 134b).</p> <p>No comparable provisions in current animal health statutes.</p>	<p>Proposal seeks to streamline criminal and civil penalties for violations of animal health statutes. (1) Establishes criminal penalties, as misdemeanor offences, fined in accordance to 18 USC, or/and up to 1 year imprisonment for knowingly violating the act, or for forging, counterfeiting, or for other actions to alter official documents and certificates; and (2) Provides for new civil penalties (after notice of hearing) with fines to be assessed to not exceed the greater of: \$50,000 for individuals after the first violation, which is fined at \$1,000; or \$250,000 for other persons for each violation; or \$500,000 for all violations adjudicated in a single proceeding. The measure also provides for the Secretary to take into account factors in determining the civil penalty, and to settle, compromise, or remit with or without conditions any civil penalty. <i>[Section 1034]</i>. Identical authorities are found in 7USC§7734 for Plant Protection Authorities.</p> <p>Provides new authority for the Secretary to suspend or revoke accreditation to any veterinarian that violates the Act. The Secretary may also summarily suspend an accreditation if there is reason to believe that the statutes have been violated. A prompt post-suspension hearing is mandated in such cases <i>[Section 1034]</i>.</p>	<p>Same as Senate bill. <i>[Sec. 14]</i>.</p> <p>Same as Senate bill. <i>[Sec. 14]</i>.</p>

CURRENT LAW/POLICY	H.R. 2646 (Senate-approved bill)	H.R. 2002, AS INTRODUCED
<p>15. Regulations and Orders.</p> <p>Currently, several statutes authorize the Secretary to issue regulations necessary to carry out animal health law provisions for export, transport, certification, inspection, disinfection of livestock and poultry. (21USC§§ 111, 120, 125 and 134f).</p>	<p>The bill proposes to consolidate the Secretary’s broad authority to promulgate regulations, and issue orders, as necessary to carry out animal health statutes. [Section 1036].</p>	<p>Same as Senate bill. [Sec. 17].</p>
<p>16. Separability- Current statute allow that If any provision of the Act or application thereof to any person or circumstances is held invalid, the remainder of the Act and the application of such provision to other persons and circumstances shall not be thereby affected (21USC§134h).</p>	<p>No Provisions.</p>	<p>Same as current law, but under the subtitle of “Severability” [Section 18].</p>

CURRENT LAW/POLICY	H.R. 2646 (Senate-approved bill)	H.R. 2002, AS INTRODUCED
<p>17. Authorization of Appropriations.</p> <p>(a) Current animal health statutes authorize appropriations needed for establishing an international animal quarantine station, for the acceptance of gifts, for cooperation with breeders' organizations, and for the collection of fees. (21USC§§ 135 to 135b).</p> <p>(b) Transfer of funds- The Secretary is currently authorized to transfer from other appropriations, or from funds available to the agencies or corporations of the Department (e.g., the Commodity Credit Corporation or CCC) such sums as necessary to address pest and disease emergencies, for the arrest and eradication of contagious or infectious disease or pests of animals, poultry, or plants, and for other expenses. The law allows for unexpended balances from these transfers in one fiscal year to be merged with other transferred amounts for the next fiscal year. (see 21USC§§ 129 and 129a, as transferred from 7USC§147b).</p> <p>(c) Use of Funds. Section 114c of Title 21 authorizes the Secretary to use appropriated funds for the purchase or hire of passenger motor vehicles and aircraft, for printing and binding without regard to section 501 of title 44, for personal services in the District of Columbia and elsewhere including civilian foreign nationals, and for the construction and operation of research laboratories, quarantine stations and other buildings and facilities</p>	<p>The bill authorizes to be appropriated such sums as are necessary to carry out animal health law provisions. <i>[Section 1037(a)]</i>.</p> <p>Keeps the provisions for the transfer of funds from other appropriations, from or funds available to the USDA agencies or corporations that are necessary for the arrest, control, eradication, or prevention of the spread of the pest or disease of livestock, and for related expenses, and in connection with an emergency under which a pest or disease of livestock threatens any segment of agricultural production in the United States. The proposal also allows for funds transferred under this subsection to be available until expended, without fiscal year limitation. <i>[Section 1037(b)]</i>.</p> <p>Senate proposal keeps current authorities for the use of funds. <i>[Section 1037(c)]</i>.</p>	<p>Same as Senate bill. <i>[Sec. 16]</i>.</p> <p>Same as Senate bill. <i>[Sec. 16]</i>.</p> <p>House bill reserves this authority for provisions in connection with activities under §11 on Cooperation only.</p>

CURRENT LAW/POLICY	H.R. 2646 (Senate-approved bill)	H.R. 2002, AS INTRODUCED
18. Repeals.	<p>The Senate proposal would repeal most sections in subchapters II and III of Chapter 4 in Title 21 which deal with the importation of livestock and quarantines, and with the prevention of contagion by livestock diseases. Included are program authorities for control of cattle grubs (§114e), pseudorabies eradication (§114i), hog cholera eradication (114g-h), and for building fences along international boundaries (§131). Only sections 113a (dealing with foot and mouth disease prevention and research), and sections 136-136a (dealing with agricultural quarantine inspection and collection of fees) remain unrepealed. <i>[Section 1038(a)]</i></p> <p>Other statutes repealed include, 7USC§429 (i.e., cooperation with States); 7USC§§2260-2260a (i.e., overtime payment, and reimbursable fee agreements); 19USC§1306 (coordination of allowable imports with Treasury); 21USC§§612-614 (i.e., inspection and certification of livestock exports); and 46USC§39 (authorizing regulations for humane and sanitary accommodations for export animals). <i>[Section 1038(a)]</i>.</p>	<p>Repeals same statutes <i>[Sec. 19]</i>.</p> <p>Repeals same statutes <i>[Sec. 19]</i>.</p>

