

116TH CONGRESS
2^D SESSION

S.

To amend the Agricultural Marketing Act of 1946 to require all beef distributed in U.S. commerce to be identified with its country of origin information and to require retailers of beef to inform consumers, at the final point of sale to consumers, of the country of origin of beef.

IN THE SENATE OF THE UNITED STATES

May XX, 2020

Mr. XXXX (for himself, and Mr./Ms. XXXX introduced the following bill; which was read twice and referred to the Committee on

A BILL

To amend the Agricultural Marketing Act of 1946 to require all beef distributed in U.S. commerce to be identified with its country of origin information and to require retailers of beef to inform consumers, at the final point of sale to consumers, of the country of origin of beef.

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 “Beef Labeling Act of 2020”.

5 **Sec. 2. Country of Origin Labeling of Beef**

6 The Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et
7 seq.) is amended by adding at the end the following:

8 **“Subtitle X – Country of Origin Labeling of Beef**

1 **“SEC. XXX. DEFINITIONS.**

2 “In this subtitle:

3 “(1) BEEF.- The term ‘beef’ means meat
4 produced from cattle (including veal).

5 “(2) BORN.-The term ‘born’ means the country
6 in which the animal from which the beef was derived
7 was birthed.

8 “(3) COVERED COMMODITY.-The term
9 ‘covered commodity’ means-

10 “(A) muscle cuts of beef;

11 “(B) ground beef; and

12 “(C) **hamburger**.

13 “(4) FOOD SERVICE ESTABLISHMENT.-The
14 term ‘food service establishment’ means a restaurant,
15 cafeteria, lunch room, food stand, saloon, tavern, bar,
16 lounge, or other similar facility operated as an enter-
17 prise engaged in the business of selling food to the pub-
18 lic.

19 “(5) IMPORTER.-The term ‘importer’ means all
20 persons who have an ownership interest in an imported
21 covered commodity during and after the covered com-
22 modity passes through U.S. Customs and Border Pro-
23 tection and enters U.S. commerce.

24 “(6) IMPORTED INTO THE UNITED STATES
25 FOR IMMEDIATE SLAUGHTER.- The term ‘imported
26 into the United States for immediate slaughter’ means a

1 consignment of imported cattle directly from the port of
2 entry to a recognized slaughtering establishment and
3 slaughtered within 2 weeks from the date of entry.

4 “(7) OFFICIAL FOREIGN MARKING OR DE-
5 VICE.- The term ‘official foreign marking or device’
6 means the permanent foreign marking (e.g., Canadian
7 “CAN” mark and Mexican “M” mark) and other devices
8 or methods of another country’s recognized official
9 identification system (e.g., Canadian official system,
10 Mexico official system, Australian official system) that
11 has been approved by the Secretary for the importation
12 of cattle before cattle are exported to the United States.
[References: 9 C.F.R. §§ 93.400, 93.418, 93.427; 7
C.F.R. § 65.500.]

13 “(8) PACKER.-The term ‘packer’ shall have the
14 same meaning as the term is defined at 7 U.S.C. § 191.

15 “(9) RAISED.-The term ‘raised’ means the
16 country or countries in which the animal from which
17 the beef was derived was reared from the time of birth
18 until the time of slaughter.

19 “(10) RETAILER.-The term ‘retailer’ shall mean
20 all persons that sell beef to the public in relatively small
21 quantities for consumption rather than for resale.

22 “(11) SLAUGHTERED AND HARVESTED.-The
23 terms ‘slaughtered’ and ‘harvested’ are interchangeable
24 and mean the point in which cattle are prepared into
25 beef products (covered commodities) for human con-

1 sumption.

2 “(12) SECRETARY.-The term ‘Secretary’ means
3 the Secretary of Agriculture, acting through the Agricul-
4 tural Marketing Service.

5 “(13) UNITED STATES COUNTRY OF
6 ORIGIN.-The term ‘United States country of origin’
7 means the covered commodity was derived exclusively
8 from an animal that was exclusively born, raised, and
9 slaughtered in the United States.

10 **“Sec. ~~XXX~~. NOTICE OF COUNTRY OF ORIGIN.**

11 “(a) In General.-

12 “(1) REQUIREMENT.-**(A)** A packer of a cov-
13 ered commodity shall label each covered commodity en-
14 tering U.S. commerce as to its country of origin; and,

15 **“(B)** An importer of a covered commodity shall
16 convey the country of origin information accompanying
17 the covered commodity when it first enters U.S. com-
18 merce to any subsequent purchaser of the covered com-
19 modity.

20 **“(C)** except as provided in subsection (b), a re-
21 tailer of a covered commodity shall inform consumers,
22 at the final point of sale of the covered commodity to
23 consumers, the country of origin of the covered com-
24 modity as designated by the label provided by the
25 packer when the covered commodity entered U.S. com-
26 merce or as designated by the importer and all interme-

1 diaries that distribute the covered commodity in U.S.
2 commerce.

3 “(2) DESIGNATION OF COUNTRY OF
4 ORIGIN OF BEEF.-

5 “(A) United States Country of Origin.-A packer
6 of a covered commodity shall designate the covered
7 commodity as exclusively having a United States
8 country of origin if the covered commodity is
9 derived from an animal that was present in the United
10 States without any official foreign marking or device,
11 and such covered commodity shall be identified with a
12 label stating the covered commodity was born, raised
13 and slaughtered (or harvested) in the United States.

14 “(B) MULTIPLE COUNTRIES OF ORIGIN.-

15 “(i) IN GENERAL.-A packer of a covered
16 commodity that is derived from an animal that-

17 “(I) bears an official foreign mark-
18 ing or device from a foreign country when presented for
19 slaughter, or

20 “(II) was imported into the United
21 States for immediate slaughter,
22 shall designate the country of origin of such covered
23 commodity with a label stating, in the case of subpara-
24 graph (B)(i)(I), the covered commodity was born in the
25 country identified by the official foreign marking or de-
26 vice, raised in that country and the United States, and

1 slaughtered (or harvested) in the United States; or in
2 the case of subparagraph (B)(i)(II), was born and raised
3 in the country from which the animal was imported and
4 slaughtered (or harvested) in the United States.

5 “(ii) RELATION TO GENERAL RE-
6 QUIREMENTS.-Nothing in this subparagraph alters the
7 mandatory requirements that packers label each cov-
8 ered commodity entering commerce as to its country of
9 origin and that retailers inform consumers of the coun-
10 try of origin of covered commodities under paragraph
11 (1).

12 “(C) FOREIGN COUNTRY OF ORIGIN.-A
13 packer, importer, or retailer of a covered commodity
14 that is derived from an animal that is not born, raised,
15 or slaughtered in the United States shall designate a
16 country other than the United States as the country of
17 origin of such commodity.

18 “(D) GROUND BEEF AND HAMBURGER.-The
19 notice of country of origin for ground beef and ham-
20 burger shall include-

21 “(i) a list of all countries of origin of such
22 ground beef or **hamburger**; or

23 “(ii) **a list of all reasonably possible coun-**
24 **tries of origin of such ground beef or hamburger.**

25 “(b) EXEMPTION FOR FOOD SERVICE ESTAB-
26 LISHMENTS.- Subsection (a)(1)(B) shall not apply to a

1 covered commodity if the covered commodity is-

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

4 “(2)(A) offered for sale or sold at the food ser-
5 vice establishment in normal retail quantities; or

6 “(B) served to consumers at the food service es-
7 tablishment.

8 “(c) METHOD OF NOTIFICATION.-

9 “(1) IN GENERAL.—The information required
10 by subsection (a) shall be provided by means of a con-
11 spicuously legible label, stamp, mark, placard, or other
12 clear and visible sign on the covered commodity or on the
13 package, display, holding unit, or bin containing the cov-
14 ered commodity while in U.S. commerce and at the final
15 point of sale to consumers.

16 “(2) LABELED COMMODITIES.—If the cov-
17 ered commodity is already individually labeled for retail
18 sale regarding country of origin, the retailer shall not be
19 required to provide any additional information to comply
20 with this section.

21 “(3) RELATION TO EXEMPTION FOR FOOD
22 SERVICE ESTABLISHMENTS.- A food service establish-
23 ment may rely on the country of origin notification re-
24 quirements in this subparagraph to voluntarily label cov-
25 ered commodities sold at a food service establishment.

26 “(d) AUDIT VERIFICATION SYSTEM.-

1 “(1) IN GENERAL.- The Secretary may con-
2 duct an audit of any person that slaughters, prepares,
3 stores, handles, imports, or distributes a covered commod-
4 ity in U.S. commerce or of a retailer to verify compliance
5 with this subchapter (including the regulations promul-
6 gated under this Act).

7 “(2) RECORD REQUIREMENTS.- A retailer
8 or other person subject to an audit under paragraph (1)
9 shall provide the Secretary with verification of the country
10 of origin of covered commodities. Records maintained in
11 the course of the normal conduct of the business of such
12 retailer or other person, including records of imported and
13 domestic cattle slaughtered, sales receipts, invoices, or im-
14 port or customs documents, may serve as such verification
15 provided such records describe the country of origin of the
16 covered commodity.

17 “(e) INFORMATION.-Any person engaged in the busi-
18 ness of distributing a covered commodity in U.S. com-
19 merce shall provide information to each subsequent dis-
20 tributor or purchaser indicating the country of origin of
21 the covered commodity.

22 “(f) CERTIFICATION OF ORIGIN.- The Secretary
23 shall not require a mandatory identification system to ver-
24 ify the country of origin of a covered commodity.

25 **“Sec. XXX. ENFORCEMENT.**

26 “(a) WARNINGS.- If the Secretary determines that a

1 retailer or person engaged in the business of distributing a
2 covered commodity in U.S. commerce is in violation of
3 section XXXX of this Act, the Secretary shall--

4 “(1) notify the retailer or person of the determi-
5 nation of the Secretary; and

6 “(2) provide the retailer or person a 30-day pe-
7 riod, beginning on the date on which the retailer or person
8 receives the notice under paragraph (1) from the Secretary,
9 during which the retailer or person may take necessary
10 steps to comply with section XXXX of this Act.

11 “(b) FINES.-If, on completion of the 30-day period de-
12 scribed in subsection (a)(2), the Secretary determines that
13 the retailer or person engaged in the business of
14 distributing a covered commodity in U.S. commerce has-

15 “(1) not made a good faith effort to comply
16 with section XXXX of this Act, and

17 “(2) continues to willfully violate section
18 XXXX of this Act with respect to the violation about
19 which the retailer or person received notification under
20 subsection (a)(1),

21 after providing notice and an opportunity for a hearing
22 before the Secretary with respect to the violation, the
23 Secretary may fine the retailer or person in an amount
24 of not more than \$10,000 for each violation.

25 **SEC. XXX. REGULATIONS.**

26 “(a) REGULATIONS.- Not later than September 30,

1 2020, the Secretary shall promulgate such regulations as
2 are necessary to implement this Act.

3 “(c) PARTNERSHIPS WITH STATES.- In promulgat-
4 ing the regulations, the Secretary shall, to the maximum
5 extent practicable, enter into partnerships with States with
6 enforcement infrastructure to assist in the administration
7 of this Act.

Æ