

107TH CONGRESS
1ST SESSION

H. R. 1276

To expand the enforcement options under the Federal Meat Inspection Act and the Poultry Products Inspection Act to include the imposition of civil money penalties.

IN THE HOUSE OF REPRESENTATIVES

MARCH 28, 2001

Mrs. LOWEY (for herself and Mr. THOMPSON of Mississippi) introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To expand the enforcement options under the Federal Meat Inspection Act and the Poultry Products Inspection Act to include the imposition of civil money penalties.

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. CIVIL PENALTIES FOR VIOLATION OF MEAT**
4 **AND POULTRY INSPECTION LAWS.**

5 (a) **AUTHORITY TO ACCESS PENALTIES.**—The Sec-
6 retary of Agriculture may assess, by written order, a civil
7 penalty against a person that violates the Federal Meat
8 Inspection Act (21 U.S.C. 601 et seq.) or the Poultry
9 Products Inspection Act (21 U.S.C. 451 et seq.), including

1 a regulation promulgated or order issued under such Acts.
2 Each violation, and each day during which a violation con-
3 tinues, shall be a separate offense.

4 (b) AMOUNT AND FACTORS IN ACCESSING PEN-
5 ALTIES.—The maximum amount that may be accessed
6 under this section for a violation may not exceed
7 \$100,000. In determining the amount of the civil penalty,
8 the Secretary of Agriculture shall take into account—

- 9 (1) the gravity of the violation;
10 (2) the degree of culpability;
11 (3) the size and type of the business; and
12 (4) any history of prior offenses under the Fed-
13 eral Meat Inspection Act or the Poultry Products In-
14 spection Act.

15 (c) NOTICE AND OPPORTUNITY FOR HEARING.—The
16 Secretary of Agriculture shall not assess a civil penalty
17 under this section against a person unless the person is
18 given notice and opportunity for a hearing on the record
19 before the Secretary in accordance with sections 554 and
20 556 of title 5, United States Code.

21 (d) JUDICIAL REVIEW.—(1) An order assessing a
22 civil penalty against a person under subsection (a) may
23 be reviewed only in accordance with this subsection. The
24 order shall be final and conclusive unless the person—

1 (A) not later than 30 days after the effective
2 date of the order, files a petition for judicial review
3 in the United States court of appeals for the circuit
4 in which the person resides or has its principal place
5 of business or in the United States Court of Appeals
6 for the District of Columbia; and

7 (B) simultaneously sends a copy of the petition
8 by certified mail to the Secretary.

9 (2) The Secretary shall promptly file in the court a
10 certified copy of the record on which the violation was
11 found and the civil penalty assessed.

12 (e) COLLECTION ACTION FOR FAILURE TO PAY AS-
13 SESSMENT.—If a person fails to pay a civil penalty after
14 the order assessing the civil penalty has become final and
15 unappealable, the Secretary shall refer the matter to the
16 Attorney General, who shall bring a civil action to recover
17 the amount of the civil penalty in United States district
18 court. In the collection action, the validity and appro-
19 priateness of the order of the Secretary of Agriculture im-
20 posing the civil penalty shall not be subject to review.

21 (f) REFUSAL OR WITHDRAWAL OF INSPECTION
22 PENDING PAYMENT.—If a person fails to pay the amount
23 of a civil penalty after the order assessing the civil penalty
24 becomes final and unappealable, the Secretary of Agri-
25 culture may refuse to provide or withdraw inspection

1 under title I of the Federal Meat Inspection Act or under
2 the Poultry Products Inspection Act, as the case may be,
3 until the civil penalty is paid or until the Secretary directs
4 otherwise.

5 (g) PENALTIES IN LIEU OF OTHER ACTIONS.—Noth-
6 ing in the Federal Meat Inspection Act or the Poultry
7 Products Inspection Act requires the Secretary of Agri-
8 culture to report for prosecution, or for the institution of
9 an action, a violation of such Act if the Secretary believes
10 that the public interest will be adequately served by assess-
11 ment of a civil penalty under this section.

12 (h) ADDITIONAL REMEDIES.—The remedies provided
13 in this section shall be in addition to any other remedies
14 that may be available.

15 (i) PERSON DEFINED.—In this section, the term
16 “person” means any individual, partnership, corporation,
17 association, or other business unit.

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