

embryos' sire and dam, including, but not limited to, the results of diagnostic tests, especially histopathology tests, conducted on any animals in the flock(s) or herd(s);

(v) Information concerning the health, within the 5 years immediately preceding collection of the embryos, of other ruminants, flocks, and herds with which the embryos' sire and dam and the flock or herd of the embryos' sire and dam might have had physical contact, and a description of the type and frequency of the physical contact; and

(vi) Any other information requested by the Administrator in specific cases as needed to make a determination.

(g) All progeny resulting from embryos imported under this section are subject to the requirements of 9 CFR part 54 and all other applicable regulations.

18. In part 98, subpart C, § 98.30 would be amended by adding definitions for *flock* and *herd*, in alphabetical order, to read as follows:

**§ 98.30 Definitions.**

\* \* \* \* \*

*Flock.* A herd.

*Herd.* All animals maintained on any single premises; and all animals under common ownership or supervision on two or more premises which are geographically separated, but among which there is an interchange or movement of animals.

\* \* \* \* \*

19. In § 98.35, paragraph (c) would be revised and a new paragraph (e) would be added to read as follows:

**§ 98.35 Declaration, health certificate, and other documents for animal semen.**

\* \* \* \* \*

(c) All animal semen intended for importation into the United States shall be accompanied by a health certificate issued by a full-time salaried veterinary officer of the national government of the country of origin, or issued by a veterinarian designated or accredited by the national government of the country of origin and endorsed by a full-time salaried veterinary officer of the national government of the country of origin, thereby representing that the veterinarian issuing the certificate was authorized to do so.

\* \* \* \* \*

(e) The certificate accompanying sheep or goat semen intended for importation from any part of the world shall, in addition to the statements required by paragraph (d) of this section, state that:

(1) The semen donor has not been in any flock or herd nor had contact with

sheep or goats which have been in any flock or herd where scrapie has been diagnosed or suspected during the 5 years prior to the date of collection of the semen;

(2) The semen donor showed no evidence of scrapie at the time the semen was collected; and

(3) The parents of the semen donor are not, nor were not, affected with scrapie.

**§ 98.36 [Amended]**

20. In § 98.36, paragraph (a), introductory text, would be amended by adding the words "is not a sheep or goat and" immediately before the colon.

21. A new § 98.37 would be added to read as follows:

**§ 98.37 Semen from sheep and goats in countries other than Australia, Canada, and New Zealand.**

(a) Except for semen from sheep and goats in Australia, Canada, and New Zealand, semen from sheep and goats may only be imported into the United States if it complies with all applicable provisions of this subpart and one of the following conditions:

(1) The semen is transferred to females in a flock or herd in the United States that participates in the Voluntary Scrapie Flock Certification Program (see 9 CFR part 54, subpart B) and qualifies as a "Certified" flock or herd; or

(2) The semen is transferred to females in a flock or herd in the United States that participates in the Voluntary Scrapie Flock Certification Program (see 9 CFR part 54, subpart B), and the flock or herd owner must agree, in writing, to maintain the flock or herd, and all progeny resulting from semen imported in accordance with this section, in compliance with all requirements of the Voluntary Scrapie Flock Certification Program until the flock or herd, including all progeny resulting from semen imported in accordance with this section, would qualify as a "Certified" flock or herd.

(b) Sheep or goat semen may be imported under paragraphs (a)(1) or (a)(2) of this section only if the importer provides the Voluntary Scrapie Flock Certification Program identification number of the receiving flock or herd as part of the application for an import permit.

(c) Sheep or goat semen may be imported under paragraph (a)(1) of this section only if it comes from a donor animal in a flock or herd in the country of origin that participates in a program determined by the Administrator to be equivalent to the Voluntary Scrapie Flock Certification Program, and the flock or herd has been determined by

the Administrator to be at a level equivalent to "Certified" in the Voluntary Scrapie Flock Certification Program.

(d) Sheep or goat semen may be imported under paragraph (a)(2) of this section only if it is transferred to animals in a Certifiable Class C flock or herd participating in the Voluntary Scrapie Flock Certification Program; *Except*, that if the semen comes from a donor animal whose flock or herd in the country of origin participates in a program determined by the Administrator to be equivalent to the Voluntary Scrapie Flock Certification Program, then the semen may be used in a herd or flock in the United States which would be classified at a level equivalent to or lower (i.e., at greater risk) than the certification level, as determined by the Administrator, of the flock or herd of the donor animal.

(e) The flock or her to which the sheep and goat semen is transferred pursuant to paragraph (a)(2) of this section, must be monitored for scrapie disease until the flock or herd, and all progeny resulting from the semen imported in accordance with this section, qualifies as a "Certified" flock or herd.

(f) Except for sheep and goat semen being placed in Certifiable Class C flocks or herds, the certificate accompanying the sheep or goat semen imported under paragraphs (a)(1) or (a)(2) of this section must contain the following statement: "The semen identified on this certificate has been collected from a sire that has been monitored by a salaried veterinary officer of [*name of country of origin*], for [*number of months*], in the same source flock or herd which had been determined by the Administrator, APHIS, prior to the exportation of the semen to the United States, to be equivalent to [*certification level*] of the Voluntary Scrapie Flock Certification Program authorized under 9 CFR part 54, subpart B."

(1) The Administrator will determine, based upon information supplied by the importer, whether the donor animal's flock or herd participates in a program in the country of origin that is equivalent to the Voluntary Scrapie Flock Certification Program, and if so, at what level the source flock or herd would be classified.

(2) In order for the Administrator to make a determination, the importer must supply the following information with the application for an import permit, no less than 1 month prior to the anticipated date of importation: