

103^D CONGRESS
1ST SESSION

H. R. 1786

To amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to require the inspection of meat and poultry to determine the presence of microbial contamination that can cause food poisoning or infection in humans, to require the Secretary of Agriculture to develop appropriate labeling to warn purchasers of meat and poultry of potential microbial contamination and give proper handling and cooking instructions to destroy microbial contaminants, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 21, 1993

Mr. KREIDLER (for himself and Mr. SWIFT) introduced the following bill;
which was referred to the Committee on Agriculture

A BILL

To amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to require the inspection of meat and poultry to determine the presence of microbial contamination that can cause food poisoning or infection in humans, to require the Secretary of Agriculture to develop appropriate labeling to warn purchasers of meat and poultry of potential microbial contamination and give proper handling and cooking instructions to destroy microbial contaminants, 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,*

1 **SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Food-borne Illness Prevention Act of 1993”.

4 (b) TABLE OF CONTENTS.—The table of contents for
5 this Act is as follows:

Sec. 1. Short title and table of contents.

TITLE I—AMENDMENTS TO FEDERAL MEAT INSPECTION ACT

Sec. 101. Definition of pathogens.

Sec. 102. Adulterated meat to include contamination with pathogens.

Sec. 103. Standards of animal cleanliness.

Sec. 104. Domestic inspection for pathogen contamination.

Sec. 105. Inspection of imported meat articles for pathogen contamination.

Sec. 106. Pathogens warning and handling and cooking instructions for raw
meat and meat products.

Sec. 107. Recordkeeping.

TITLE II—AMENDMENTS TO POULTRY PRODUCTS INSPECTION
ACT

Sec. 201. Definition of pathogens.

Sec. 202. Adulterated poultry to include contamination with pathogens.

Sec. 203. Standards of poultry cleanliness.

Sec. 204. Domestic inspection for pathogen contamination.

Sec. 205. Inspection of imported poultry for pathogen contamination.

Sec. 206. Pathogens warning and handling and cooking instructions for raw
poultry products.

Sec. 207. Recordkeeping.

TITLE III—MISCELLANEOUS PROVISIONS

Sec. 301. Research program to prevent contamination of meat and poultry by
pathogens.

Sec. 302. Animal identification program to trace pathogen contamination.

Sec. 303. Advisory council on meat and poultry pathogen control.

Sec. 304. Annual reports.

Sec. 305. Recoupment of costs of inspection for pathogen contamination and
other activities under this Act.

1 **TITLE I—AMENDMENTS TO FED-**
2 **ERAL MEAT INSPECTION ACT**

3 **SEC. 101. DEFINITION OF PATHOGENS.**

4 Section 1 of the Federal Meat Inspection Act (21
5 U.S.C. 601) is amended by adding at the end the following
6 new definition:

7 “(w) The term ‘pathogens’ means bacteria and other
8 microbial organisms which, if present on or in a carcass,
9 part of a carcass, meat, or meat food product of cattle,
10 sheep, swine, goats, horses, mules, or other equines, may
11 cause food poisoning or infection if consumed without
12 proper handling and cooking.”.

13 **SEC. 102. ADULTERATED MEAT TO INCLUDE CONTAMINA-**
14 **TION WITH PATHOGENS.**

15 (a) Section 1(m) of the Federal Meat Inspection Act
16 (21 U.S.C. 601(m)) is amended—

17 (1) by striking “or” at the end of paragraph
18 (8);

19 (2) by striking the period at the end of para-
20 graph (9) and inserting “; or”; and

21 (3) by adding at the end the following new
22 paragraph:

23 “(10) if it contains a level of pathogens in ex-
24 cess of the level of pathogens established by the Sec-

1 retary by rule for the particular type of carcass, part
2 of a carcass, meat, or meat food product involved.”.

3 **SEC. 103. STANDARDS OF ANIMAL CLEANLINESS.**

4 (a) STANDARDS.—Section 8 of the Federal Meat In-
5 spection Act (21 U.S.C. 608) is amended—

6 (1) by striking “SEC. 8.” and inserting the fol-
7 lowing:

8 **“SEC. 8. SANITATION AND ANIMAL CLEANLINESS AT IN-**
9 **SPECTED ESTABLISHMENTS.**

10 “(a) SANITARY INSPECTION AND REGULATION OF
11 ESTABLISHMENTS.—”; and

12 (2) by adding at the end the following new sub-
13 section:

14 “(b) STANDARDS OF CLEANLINESS FOR ANIMALS.—

15 (1) The Secretary shall prescribe by rule for slaughtering,
16 meat-canning, salting, packing, rendering, or similar es-
17 tablishments certain standards of cleanliness—

18 “(A) for cattle, sheep, swine, goats, horses,
19 mules, and other equines, which shall apply between
20 the time they are first allowed to enter the establish-
21 ment under section 3(a) and the time they are
22 slaughtered; and

23 “(B) for the carcasses and parts of carcasses of
24 cattle, sheep, swine, goats, horses, mules, and other
25 equines after slaughter during the preparation of

1 such carcasses and parts of carcasses as meat or
2 meat food products for commerce.

3 “(2) The Secretary shall cause to be made, by experts
4 in sanitation or by other competent inspectors, such in-
5 spection of these establishments as may be necessary to
6 determine—

7 “(A) the sanitary condition of cattle, sheep,
8 swine, goats, horses, mules, and other equines pend-
9 ing their slaughter;

10 “(B) the sanitary condition of carcasses and
11 parts of carcasses during the preparation of such
12 carcasses and parts of carcasses as meat or meat
13 food products for commerce; and

14 “(C) whether a violation of the standards of
15 cleanliness established under paragraph (1) exists.

16 “(3) If the sanitary condition of cattle, sheep, swine,
17 goats, horses, mules, and other equines or the sanitary
18 condition of carcasses and parts of carcasses at such an
19 establishment are such that the Secretary determines that
20 a violation of the standards of cleanliness exists and the
21 meat or meat food products prepared at the establishment
22 are rendered adulterated, the Secretary shall refuse to
23 allow the meat or meat food products to be labeled,
24 marked, stamped, or tagged as ‘inspected and passed’.”.

1 (b) EFFECT OF NONCOMPLIANCE.—Section 1(m) of
2 such Act (21 U.S.C. 601(m)) is amended—

3 (1) in paragraph (4), by inserting “or in viola-
4 tion of the standards of cleanliness established under
5 section 8(b),” after “insanitary conditions”; and

6 (2) in paragraph (5), by striking “the product
7 of an animal which has died otherwise than by
8 slaughter;” and inserting the following: “the product
9 of—

10 “(A) an animal that has been held by a
11 slaughtering, meat-canning, salting, packing,
12 rendering, or similar establishment in violation
13 of the standards of cleanliness established
14 under section 8(b); or

15 “(B) an animal that has died otherwise
16 than by slaughter;”.

17 **SEC. 104. DOMESTIC INSPECTION FOR PATHOGEN CON-**
18 **TAMINATION.**

19 The Federal Meat Inspection Act is amended by in-
20 serting after section 6 (21 U.S.C. 606) the following new
21 section:

1 **“SEC. 6A. MICROBIAL TESTING OF CARCASSES, PARTS OF**
2 **CARCASSES, MEAT, AND MEAT FOOD PROD-**
3 **UCTS TO DETERMINE PATHOGEN LEVELS.**

4 “(a) MICROBIAL TESTING REQUIRED.—The Sec-
5 retary shall initiate an inspection program of microbial
6 testing of a statistically significant sample of carcasses
7 and parts of carcasses of cattle, sheep, swine, goats,
8 horses, mules, and other equines slaughtered at any
9 slaughtering, meat-canning, salting, packing, rendering, or
10 similar establishment in the United States and of meat
11 and meat food products prepared for commerce in any
12 such establishment to determine the presence of pathogens
13 and to detect levels of pathogens exceeding those levels
14 established under subsection (c).

15 “(b) VIOLATION OF PATHOGEN LEVELS.—Any car-
16 cass, part of a carcass, meat, or meat food product found
17 by microbial testing to be adulterated under section
18 1(m)(10) shall be marked, stamped, tagged, or labeled as
19 ‘Inspected and condemned’. Such a condemned item shall
20 be destroyed for human food purposes, and the Secretary
21 may suspend inspection at, and remove inspectors from,
22 any establishment that fails to condemn adulterated items
23 or fails to destroy condemned items.

24 “(c) ESTABLISHMENT OF PATHOGEN LEVELS.—The
25 Secretary shall issue rules establishing allowable levels of
26 pathogens for purposes of determining whether a carcass,

1 part of a carcass, meat, or meat food product of cattle,
2 sheep, swine, goats, horses, mules, or other equines is
3 adulterated under section 1(m)(10). For the purpose of
4 establishing such levels, the Secretary shall collect and
5 evaluate scientific information on the presence and quan-
6 tities of pathogens occurring—

7 “(1) in live animals, including different species
8 and classes of animals, such as dairy cattle and dis-
9 eased animals to be slaughtered separately under
10 section 3(a);

11 “(2) in carcasses condemned under section 4;
12 and

13 “(3) in raw meat and meat food products.

14 “(d) IDENTIFICATION OF PATHOGENS.—The Sec-
15 retary of Agriculture shall identify those bacteria and
16 other organisms which cannot normally be detected by vis-
17 ual inspection and which, when present on or in carcasses,
18 parts of carcasses, meat, or meat food products of cattle,
19 sheep, swine, goats, horses, mules, and other equines, can
20 cause food poisoning or infection if consumed without
21 proper handling and cooking.

22 “(e) INVESTIGATION OF DETECTION METHODS.—To
23 effectively carry out the inspection program required
24 under subsection (a), the Secretary shall periodically in-
25 vestigate existing and potentially available methods of de-

1 tecting pathogens on or in carcasses, parts of carcasses,
2 meat, or meat food products of cattle, sheep, swine, goats,
3 horses, mules, and other equines.

4 “(f) IDENTIFICATION OF CONTAMINATION RISKS.—
5 The Secretary shall identify those steps in the process by
6 which meat and meat food products are prepared for com-
7 merce which represent substantial risk of contamination
8 by pathogens.”.

9 **SEC. 105. INSPECTION OF IMPORTED MEAT ARTICLES FOR**
10 **PATHOGEN CONTAMINATION.**

11 Section 20(f) of the Federal Meat Inspection Act (21
12 U.S.C. 620(f)) is amended by inserting after the first sen-
13 tence the following new sentence: “The inspection stand-
14 ards referred to in the preceding sentence shall include
15 the participation of such meat articles in the program of
16 microbial testing required by section 6A and compliance
17 by such meat articles with the levels of pathogens estab-
18 lished under such section.”.

19 **SEC. 106. PATHOGENS WARNING AND HANDLING AND**
20 **COOKING INSTRUCTIONS FOR RAW MEAT**
21 **AND MEAT PRODUCTS.**

22 (a) LABELING REQUIRED.—The Federal Meat In-
23 spection Act is amended by inserting after section 7 (21
24 U.S.C. 607) the following new section:

1 **“SEC. 7A. PATHOGENS WARNING AND HANDLING AND**
2 **COOKING INSTRUCTIONS FOR RAW MEAT**
3 **AND MEAT PRODUCTS.**

4 “(a) LABELING REQUIRED.—All raw meat and raw
5 meat food products that are intended to be sold at retail
6 stores or cooked at restaurants or other food-service estab-
7 lishments shall include accompanying labeling that con-
8 tains—

9 “(1) an adequate explanation to the purchaser
10 that the raw meat or raw meat food product may
11 contain pathogens capable of causing food poisoning
12 or infection, which will multiply unless the product
13 is properly handled and cooked; and

14 “(2) handling and cooking instructions designed
15 to minimize the risk of food poisoning or infection.

16 “(b) DESIGN AND CONTENT OF LABELING.—The
17 Secretary shall prescribe by rule the design and content
18 of the labeling required by subsection (a) and the slaugh-
19 tering, meat-canning, salting, packing, rendering, or simi-
20 lar establishments, including retail stores, to be subject
21 to the labeling requirements.”.

22 (b) MISBRANDED MEAT AND MEAT FOOD PROD-
23 UCTS.—Section 1(n) of such Act (21 U.S.C. 601(n)) is
24 amended—

25 (1) by striking “or” at the end of paragraph
26 (11);

1 (2) by redesignating paragraph (12) as para-
2 graph (13); and

3 (3) by inserting after paragraph (11) the fol-
4 lowing new paragraph:

5 “(12) if it is a raw meat or meat food product
6 that fails to comply with the labeling requirements
7 established under section 6A; or”.

8 **SEC. 107. RECORDKEEPING.**

9 Section 202 of the Federal Meat Inspection Act (21
10 U.S.C. 642) is amended—

11 (1) by redesignating subsection (b) as sub-
12 section (c); and

13 (2) by inserting after subsection (a) the follow-
14 ing new subsection:

15 “(b) TRACING OF ADULTERATED MEAT.—Among the
16 records required to be kept under subsection (a), the Sec-
17 retary shall require the persons, firms, and corporations
18 referred to in such subsection to maintain records and
19 other means of animal identification adequate to permit
20 tracing back to the source of contamination any carcass,
21 part of a carcass, meat, or meat food product found to
22 be adulterated under section 1(m)(10).”.

1 **TITLE II—AMENDMENTS TO**
2 **POULTRY PRODUCTS INSPEC-**
3 **TION ACT**

4 **SEC. 201. DEFINITION OF PATHOGENS.**

5 Section 4 of the Poultry Products Inspection Act (21
6 U.S.C. 453) is amended by adding at the end the following
7 new definition:

8 “(cc) The term ‘pathogens’ means bacteria and other
9 microbial organisms which, if present on or in a poultry
10 product, may cause food poisoning or infection if
11 consumed without proper handling and cooking.”.

12 **SEC. 202. ADULTERATED POULTRY TO INCLUDE CONTAMI-**
13 **NATION WITH PATHOGENS.**

14 (a) Section 4(g) of the Poultry Products Inspection
15 Act (21 U.S.C. 453(g)) is amended—

16 (1) by striking “or” at the end of paragraph
17 (7);

18 (2) by striking the period at the end of para-
19 graph (8) and inserting “; or”; and

20 (3) by adding at the end the following new
21 paragraph:

22 “(9) if it contains a level of pathogens in excess
23 of the level of pathogens established by the Sec-
24 retary by rule for the particular type of poultry
25 product involved.”.

1 **SEC. 203. STANDARDS OF POULTRY CLEANLINESS.**

2 (a) STANDARDS.—Section 7 of the Poultry Products
3 Inspection Act (21 U.S.C. 456) is amended—

4 (1) in subsection (a), by inserting “SANITARY
5 INSPECTION AND REGULATION OF ESTABLISH-
6 MENTS.—” after “(a)”;

7 (2) in subsection (b), by striking “(b)” and in-
8 serting “(c) REFUSAL TO INSPECT.—”; and

9 (3) by inserting after subsection (a) the follow-
10 ing new subsection:

11 “(b) STANDARDS OF CLEANLINESS FOR POULTRY.—

12 (1) The Secretary shall prescribe by rule for official estab-
13 lishments slaughtering poultry or processing poultry prod-
14 ucts for commerce or otherwise subject to inspection under
15 this Act certain standards of cleanliness—

16 “(A) for poultry, which shall apply between the
17 time the poultry first enter the establishment and
18 the time the poultry are slaughtered; and

19 “(B) for poultry products during processing.

20 “(2) The Secretary shall cause to be made, by experts
21 in sanitation or by other competent inspectors, such in-
22 spection of these establishments as may be necessary to
23 determine—

24 “(A) the sanitary condition of poultry pending
25 their slaughter;

1 “(B) the sanitary condition of poultry products
2 during processing; and

3 “(C) whether a violation of the standards of
4 cleanliness established under paragraph (1) exists.

5 “(3) If the sanitary condition of poultry or poultry
6 products at such an establishment are such that the Sec-
7 retary determines that a violation of the standards of
8 cleanliness exists and the poultry products prepared at the
9 establishment are rendered adulterated, the Secretary
10 shall condemn the poultry products in the manner pro-
11 vided in section 6(c).”.

12 (b) EFFECT OF NONCOMPLIANCE.—Section 4(g) of
13 such Act (21 U.S.C. 453(g)) is amended—

14 (1) in paragraph (4), by inserting “or in viola-
15 tion of the standards of cleanliness established under
16 section 7(b),” after “insanitary conditions”; and

17 (2) in paragraph (5), by striking “the product
18 of any poultry which has died otherwise than by
19 slaughter;” and inserting the following: “the product
20 of—

21 “(A) any poultry that has been held by an
22 official establishment slaughtering poultry or
23 processing poultry products for commerce (or
24 an establishment otherwise subject to inspection

1 under this Act) in violation of the standards of
2 cleanliness established under section 7(b); or

3 “(B) any poultry that has died otherwise
4 than by slaughter;”.

5 **SEC. 204. DOMESTIC INSPECTION FOR PATHOGEN CON-**
6 **TAMINATION.**

7 The Poultry Products Inspection Act is amended by
8 inserting after section 6 (21 U.S.C. 455) the following new
9 section:

10 **“SEC. 6A. MICROBIAL TESTING OF POULTRY PRODUCTS TO**
11 **DETERMINE PATHOGEN LEVELS.**

12 “(a) MICROBIAL TESTING REQUIRED.—The Sec-
13 retary shall initiate an inspection program of testing of
14 a statistically significant sample of poultry products at of-
15 ficial establishments slaughtering poultry or processing
16 poultry products for commerce or otherwise subject to in-
17 spection under this Act to determine the presence of
18 pathogens in such products and to detect levels of patho-
19 gens exceeding those levels established under subsection
20 (c).

21 “(b) VIOLATION OF PATHOGEN LEVELS.—Any poul-
22 try product found by microbial testing to be adulterated
23 under section 1(g)(9) shall be marked, stamped, tagged,
24 or labeled as ‘Inspected and condemned’. A condemned
25 poultry product shall be destroyed for human food pur-

1 poses, and the Secretary may suspend inspection at, and
2 remove inspectors from, any establishment that fails to
3 condemn adulterated poultry products or fails to destroy
4 condemned poultry products.

5 “(c) ESTABLISHMENT OF PATHOGEN LEVELS.—The
6 Secretary shall issue rules establishing allowable levels of
7 pathogens for purposes of determining whether poultry
8 products are adulterated under section 1(g)(9). For the
9 purpose of establishing such levels, the Secretary shall col-
10 lect and evaluate scientific information on the presence
11 and quantities of pathogens occurring—

12 “(1) in live poultry;

13 “(2) in poultry carcasses, parts of poultry prod-
14 ucts, and other poultry products condemned under
15 section 6(c); and

16 “(3) in raw poultry and poultry products.

17 “(d) IDENTIFICATION OF PATHOGENS.—The Sec-
18 retary of Agriculture shall identify those bacteria and
19 other organisms which cannot normally be detected by vis-
20 ual inspection and which, when present on or in poultry
21 products, can cause food poisoning or infection if
22 consumed without proper handling and cooking.

23 “(e) INVESTIGATION OF DETECTION METHODS.—To
24 effectively carry out the inspection program required
25 under subsection (a), the Secretary shall periodically in-

1 vestigate existing and potentially available methods of de-
2 tecting pathogens on or in poultry products.

3 “(f) IDENTIFICATION OF CONTAMINATION RISKS.—
4 The Secretary shall identify those steps in the processing
5 of poultry products which represent substantial risk of
6 contamination by pathogens.”.

7 **SEC. 205. INSPECTION OF IMPORTED POULTRY FOR**
8 **PATHOGEN CONTAMINATION.**

9 Section 17(a) of the Poultry Products Inspection Act
10 (21 U.S.C. 466(a)) is amended by inserting after the first
11 sentence the following new sentence: “The standards re-
12 ferred to in the preceding sentence shall include the par-
13 ticipation of imported poultry and poultry products in the
14 program of microbial testing required by section 6A and
15 compliance by such poultry and poultry products with the
16 levels of pathogens established by the Secretary under
17 such section.”.

18 **SEC. 206. PATHOGENS WARNING AND HANDLING AND**
19 **COOKING INSTRUCTIONS FOR RAW POULTRY**
20 **PRODUCTS.**

21 (a) LABELING REQUIRED.—The Poultry Products
22 Inspection Act is amended by inserting after section 8 (21
23 U.S.C. 457) the following new section:

1 **“SEC. 8A. PATHOGENS WARNING AND HANDLING AND**
2 **COOKING INSTRUCTIONS FOR RAW POULTRY**
3 **PRODUCTS.**

4 “(a) LABELING REQUIRED.—All raw poultry prod-
5 ucts that are intended to be sold at retail stores or cooked
6 at restaurants or other food-service establishments shall
7 include accompanying labeling that contains—

8 “(1) an adequate explanation to the purchaser
9 that the raw poultry product may contain pathogens
10 capable of causing food poisoning or infection, which
11 will multiply unless the product is properly handled
12 and cooked; and

13 “(2) handling and cooking instructions designed
14 to minimize the risk of food poisoning or infection.

15 “(b) DESIGN AND CONTENT OF LABELING.—The
16 Secretary shall prescribe by rule the design and content
17 of the labeling required by subsection (a) and the estab-
18 lishments slaughtering poultry or processing poultry prod-
19 ucts for commerce, including retail stores, to be subject
20 to the labeling requirements.”.

21 (b) MISBRANDED POULTRY PRODUCTS.—Section
22 4(h) of such Act (21 U.S.C. 453(h)) is amended—

23 (1) by striking “or” at the end of paragraph
24 (11);

25 (2) by redesignating paragraph (12) as para-
26 graph (13); and

1 (3) by inserting after paragraph (11) the fol-
2 lowing new paragraph:

3 “(12) if it is a raw poultry product that fails
4 to comply with the labeling requirements established
5 under section 8A; or”.

6 **SEC. 207. RECORDKEEPING.**

7 Section 11 of the Poultry Products Inspection Act
8 (21 U.S.C. 460) is amended by adding at the end the
9 following new subsection:

10 “(f) TRACING OF ADULTERATED POULTRY.—Among
11 the records required to be kept under subsection (b), the
12 Secretary shall require the persons, firms, and corpora-
13 tions referred to in such subsection to maintain records
14 and other means of poultry identification adequate to per-
15 mit tracing back to the source of contamination any poul-
16 try product found to be adulterated under section
17 1(g)(9).”.

18 **TITLE III—MISCELLANEOUS**
19 **PROVISIONS**

20 **SEC. 301. RESEARCH PROGRAM TO PREVENT CONTAMINA-**
21 **TION OF MEAT AND POULTRY BY PATHO-**
22 **GENS.**

23 (a) RESEARCH PROGRAM.—The Secretary of Agri-
24 culture shall engage in research—

1 (1) to determine the causes of animal infection
2 by pathogens, including asymptomatic infection;

3 (2) to determine the modes of transmission of
4 pathogen infection;

5 (3) to determine the relative risks to human
6 health of different pathogens and different levels of
7 such pathogens in meat or meat food products or
8 poultry products;

9 (4) to develop means to reduce the incidence of
10 pathogen infection, including—

11 (A) the use of animal vaccinations; and

12 (B) changes in the methods of raising live-
13 stock and poultry that can reduce the risk of
14 such infection;

15 (5) to develop methods of treating livestock or
16 poultry infected by pathogens to eliminate or control
17 the infection;

18 (6) to develop rapid and accurate means of test-
19 ing live animals and meat and poultry products for
20 infection by pathogens; and

21 (7) to develop methods by which animals can be
22 identified while proceeding through the slaughtering
23 process and the process of preparation as meat and
24 meat food products or poultry products so that any

1 pathogen infection discovered can be traced to its
2 source.

3 (b) DEFINITION OF PATHOGENS.—For purposes of
4 this section, the term “pathogens” means bacteria and
5 other microbial organisms which, if present on or in a
6 meat or poultry product, may cause food poisoning or in-
7 fection if consumed without proper handling and cooking.

8 **SEC. 302. ANIMAL IDENTIFICATION PROGRAM TO TRACE**
9 **PATHOGEN CONTAMINATION.**

10 (a) PURPOSE OF PROGRAM.—The Secretary of Agri-
11 culture shall carry out a program to develop means of ani-
12 mal identification designed to identify as accurately as
13 possible the animal or group of animals that is the source
14 of—

15 (1) adulteration under section 1(m)(10) of the
16 Federal Meat Inspection Act (21 U.S.C.
17 601(m)(10)) or section 4(g)(9) of the Poultry Prod-
18 ucts Inspection Act (21 U.S.C. 453(g)(9)); or

19 (2) any food-borne illness identified by a Fed-
20 eral, State, or local public health agency.

21 (b) USE OF IDENTIFICATION METHODS.—The Sec-
22 retary of Agriculture may require the use of animal identi-
23 fication methods developed under subsection (a) at farms,
24 feedlots, and other establishments where livestock or poul-
25 try are raised, slaughtered, or prepared for commerce.

1 (c) INSPECTIONS.—Upon notice by a duly authorized
2 representative of the Secretary of Agriculture, any person,
3 firm, or other entity subject to subsection (b) shall afford
4 the representative—

5 (1) access at all reasonable times to their places
6 of business in order to trace a pathogen contamina-
7 tion or to verify the use of required methods of ani-
8 mal identification; and

9 (2) the opportunity to examine the facilities, in-
10 ventory, and records of their places of business, to
11 copy such records, and to take reasonable samples of
12 their inventory upon payment of the fair market
13 value as part of such access.

14 **SEC. 303. ADVISORY COUNCIL ON MEAT AND POULTRY**
15 **PATHOGEN CONTROL.**

16 (a) ESTABLISHMENT REQUIRED.—The Secretary of
17 Agriculture shall establish an advisory council to advise
18 the Secretary with respect to actions required under the
19 amendments made by this Act and sections 301 and 302.

20 (b) MEMBERSHIP.—Members of the advisory council
21 shall be appointed by the Secretary of Agriculture. The
22 advisory council shall include representatives of the follow-
23 ing:

24 (1) The Centers for Disease Control and Pre-
25 vention.

1 (2) The Association of State and Territorial
2 Public Health Officers.

3 (3) The National Academy of Sciences.

4 (4) The Food and Drug Administration.

5 (5) Nonprofit organizations representing con-
6 sumers concerned about food safety.

7 (6) Nonprofit organizations representing pro-
8 ducers of meat and poultry subject to inspection
9 under the Federal Meat Inspection Act or the Poul-
10 try Products Inspection Act.

11 (c) ANNUAL REPORT.—Not later than January 1 of
12 each year, the advisory council shall submit a report to
13 the Secretary of Agriculture and the Congress—

14 (1) describing the activities of the advisory
15 council during the preceding fiscal year;

16 (2) evaluating the success of efforts to prevent
17 and control pathogen infections in livestock and
18 poultry, meat and meat food products, and poultry
19 products; and

20 (3) containing such recommendations as the ad-
21 visory council considers to be appropriate.

22 (d) TIME FOR ESTABLISHMENT.—The members of
23 the advisory council shall be first appointed not later than
24 90 days after the date of the enactment of this Act.

1 **SEC. 304. ANNUAL REPORTS.**

2 (a) MEAT.—Section 17 of the Wholesome Meat Act
3 (21 U.S.C. 691) is amended—

4 (1) by striking “the Committee on Agriculture
5 and Forestry of the Senate” and inserting “the
6 Committee on Agriculture, Nutrition, and Forestry
7 of the Senate”; and

8 (2) by adding at the end the following new sen-
9 tence: “The report shall include a description of the
10 actions undertaken by the Secretary during the pre-
11 ceding year to implement and improve the use of mi-
12 crobial testing to identify and control the contamina-
13 tion by pathogens of animals subject to this Act and
14 carcasses, parts of carcasses, meat, and meat food
15 products of such animals.”.

16 (b) POULTRY.—Section 27 of the Poultry Products
17 Inspection Act (21 U.S.C. 470) is amended—

18 (1) by striking “the Committee on Agriculture
19 and Forestry of the Senate” and inserting “the
20 Committee on Agriculture, Nutrition, and Forestry
21 of the Senate”; and

22 (2) by adding at the end the following new sen-
23 tence: “The report shall include a description of the
24 actions undertaken by the Secretary during the pre-
25 ceding year to implement and improve the use of mi-

1 crobial testing to identify and control the contamina-
2 tion by pathogens of poultry products.”.

3 **SEC. 305. RECOUPMENT OF COSTS OF INSPECTION FOR**
4 **PATHOGEN CONTAMINATION AND OTHER AC-**
5 **TIVITIES UNDER THIS ACT.**

6 (a) IMPOSITION OF FEES.—Notwithstanding the Act
7 of June 5, 1948 (62 Stat. 344; 21 U.S.C. 695), and sec-
8 tion 25 of the Poultry Products Inspection Act (21 U.S.C.
9 468), the Secretary of Agriculture shall develop a struc-
10 ture of fees to be imposed each fiscal year on persons and
11 establishments (including importers) subject to inspection
12 under the Federal Meat Inspection Act (21 U.S.C. 601
13 et seq.) or the Poultry Products Inspection Act (21 U.S.C.
14 451 et seq.) in order to collect an amount equal to the
15 total amount of appropriations made available to the Sec-
16 retary under the Federal Meat Inspection Act or the Poul-
17 try Products Inspection Act for that fiscal year—

18 (1) to carry out the microbial testing, labeling,
19 and other activities required by the amendments
20 made by this Act;

21 (2) to carry out the research and identification
22 programs authorized by sections 301 and 302; and

23 (3) to operate the advisory council established
24 under section 303.

1 (b) DEPOSIT OF FEES.—Fees collected by the Sec-
2 retary under subsection (a) shall be deposited in the gen-
3 eral fund of the Treasury.

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