

103^D CONGRESS
2^D SESSION

H. R. 3751

To establish a Meat, Poultry, and Eggs Inspection Agency to administer the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act, to expand the application of these Acts, to provide for the establishment of safe cooking standards for meat and poultry products, and to improve scientific research and understanding of foodborne illnesses.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 26, 1994

Mr. TORRICELLI introduced the following bill; which was referred jointly to the Committees on Agriculture and Energy and Commerce

A BILL

To establish a Meat, Poultry, and Eggs Inspection Agency to administer the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act, to expand the application of these Acts, to provide for the establishment of safe cooking standards for meat and poultry products, and to improve scientific research and understanding of foodborne illnesses.

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.**

2 This Act may be cited as the “Katie O’Connell Safe
3 Food Act”.

4 **SEC. 2. TABLE OF CONTENTS.**

5 The table of contents of this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.

TITLE I—MEAT, POULTRY, AND EGGS INSPECTION AGENCY

SUBTITLE A—ESTABLISHMENT AND AUTHORITIES OF AGENCY

- Sec. 101. Establishment of Meat, Poultry, and Eggs Inspection Agency.
- Sec. 102. Director of Meat, Poultry, and Eggs Inspection.
- Sec. 103. General authorities of the Director.
- Sec. 104. Bureau for Improved Inspection Capabilities.
- Sec. 105. Rules.

SUBTITLE B—TRANSITIONAL PROVISIONS

- Sec. 131. Termination of Food Safety and Inspection Service and transfer of assets, appropriations, and personnel to the Agency.
- Sec. 132. Clarification of authority of Director to administer the Federal Meat Inspection Act.
- Sec. 133. Clarification of authority of Director to administer the Poultry Products Inspection Act.
- Sec. 134. Clarification of authority of Director to administer the Egg Products Inspection Act.
- Sec. 135. Office of Inspector General of the Agency.

SUBTITLE C—OTHER MATTERS

- Sec. 141. Definitions.

TITLE II—EXPANSION OF FOODS COVERED BY INSPECTION LAWS.

- Sec. 201. Coverage of additional meats under the Federal Meat Inspection Act.
- Sec. 202. Coverage of additional poultry under the Poultry Products Inspection Act.

TITLE III—ESTABLISHMENT AND ENFORCEMENT OF SAFE COOKING STANDARDS FOR MEAT AND POULTRY PRODUCTS

- Sec. 301. Establishment of safe cooking standards.
- Sec. 302. Enforcement of safe cooking standards.
- Sec. 303. Civil penalty for violations of safe cooking standards.
- Sec. 304. Effect on State and local laws.
- Sec. 305. Whistleblower protections.
- Sec. 306. Definitions.

TITLE IV—EPIDEMIOLOGICAL ACTIVITIES REGARDING
FOODBORNE DISEASES

Sec. 401. Epidemiological activities.

TITLE V—RESEARCH ON TREATMENT OF FOODBORNE DISEASES

Sec. 501. Research on treatment; National Institute of Diabetes and Digestive
and Kidney Diseases.

1 **TITLE I—MEAT, POULTRY, AND**
2 **EGGS INSPECTION AGENCY**
3 **Subtitle A—Establishment and**
4 **Authorities of Agency**

5 **SEC. 101. ESTABLISHMENT OF MEAT, POULTRY, AND EGGS**
6 **INSPECTION AGENCY.**

7 (a) ESTABLISHMENT OF AGENCY.—There is estab-
8 lished in the executive branch an agency to be known as
9 the “Meat, Poultry, and Eggs Inspection Agency”. The
10 Agency shall be an independent establishment, as defined
11 in section 104 of title 5, United States Code.

12 (b) RESPONSIBILITIES OF AGENCY.—The Agency
13 shall be responsible for the implementation and adminis-
14 tration of—

15 (1) the Federal Meat Inspection Act (21 U.S.C.
16 601 et seq.);

17 (2) the Poultry Products Inspection Act (21
18 U.S.C. 451 et seq.);

19 (3) the Egg Products Inspection Act (21 U.S.C.
20 1031 et seq.);

1 (4) the establishment and enforcement pursu-
2 ant to title III of safe cooking standards for the
3 preparation of meat and poultry products at res-
4 taurants and other retail food establishments; and

5 (5) such other inspection, research, and over-
6 sight authorities regarding meat, poultry products,
7 and eggs inspection as may be provided to the Agen-
8 cy by this Act or other laws.

9 **SEC. 102. DIRECTOR OF MEAT, POULTRY, AND EGGS IN-**
10 **SPECTION.**

11 (a) APPOINTMENT.—There shall be at the head of the
12 Agency a Director of Meat, Poultry, and Eggs Inspection
13 who shall be appointed by the President, by and with the
14 advice and consent of the Senate. The Agency and the in-
15 spection laws shall be administered under the supervision
16 and direction of the Director.

17 (b) COMPENSATION.—The Director shall be com-
18 pensated at the rate provided for level II of the Executive
19 Schedule under section 5313 of title 5, United States
20 Code.

21 **SEC. 103. GENERAL AUTHORITIES OF THE DIRECTOR.**

22 (a) ASSISTANT DIRECTORS.—The Director may ap-
23 point not more than eight assistant directors of the Agen-
24 cy, who shall perform such supervisory and administrative
25 duties with respect to the Agency and the inspection laws

1 as the Director considers appropriate. Each assistant di-
2 rector shall be compensated at the rate provided for level
3 IV of the Executive Schedule under section 5315 of title
4 5, United States Code.

5 (b) OFFICERS AND EMPLOYEES.—The Director may
6 appoint officers and employees for the Agency in accord-
7 ance with the provisions of title 5, United States Code,
8 relating to appointment in the competitive service, and fix
9 their compensation in accordance with chapter 51 and
10 with subchapter III of chapter 53 of such title, relating
11 to classification and General Schedule pay.

12 (c) DETAIL OF PERSONNEL OF OTHER AGENCIES.—
13 The Director may enter into agreements with other Gov-
14 ernment agencies, in particular the Department of Agri-
15 culture, under which officers or employees of such agencies
16 may be detailed to the Agency. The detailing of an officer
17 or employee of another agency under this subsection shall
18 be made without prejudice to the status or advancement
19 of such officers or employees within their own agencies.

20 (d) ADDITIONAL AGREEMENTS WITH OTHER AGEN-
21 CIES.—The Director may utilize or employ the services,
22 personnel, equipment, or facilities of any other Govern-
23 ment agency, with the consent of the head of the agency
24 concerned, to perform such functions on behalf of the
25 Agency as the Director considers appropriate.

1 (e) EXPERTS AND CONSULTANTS.—The Director
2 may procure the services of experts and consultants as au-
3 thorized by section 3109 of title 5, United States Code,
4 and pay in connection with such services travel expenses
5 of individuals, including transportation and per diem in
6 lieu of subsistence while away from their homes or regular
7 places of business, as authorized by section 5703 of such
8 title.

9 (f) BUREAUS, OFFICES, AND DIVISIONS.—The Direc-
10 tor may establish within the Agency such bureaus, offices,
11 and divisions as the Director may determine to be nec-
12 essary to discharge the responsibilities of the Agency.
13 Such an office may include an Office of the General Coun-
14 sel.

15 (g) REGIONAL AND FIELD OFFICES.—The Director
16 may establish, alter, discontinue, or maintain such re-
17 gional or other field offices as the Director may determine
18 to be necessary to carry out the functions vested in the
19 Director or other officials of the Agency.

20 **SEC. 104. BUREAU FOR IMPROVED INSPECTION CAPABILI-**
21 **TIES.**

22 (a) ESTABLISHMENT.—There is established within
23 the Agency an entity to be known as the “Bureau for Im-
24 proved Inspection Capabilities”, which shall support ef-
25 forts to discover modern scientific techniques to improve

1 the inspection of meat, poultry, and eggs under the inspec-
2 tion laws and to incorporate such techniques into the in-
3 spection practices used by the Agency.

4 (b) BUREAU DIRECTOR.—The Director shall des-
5 ignate one of the assistant directors of the Agency ap-
6 pointed under section 103(a) to serve as director of the
7 Bureau. The director of the Bureau shall report directly
8 to the Director.

9 (c) ADVISORY COMMISSION ON INSPECTION.—

10 (1) APPOINTMENT AND DUTIES.—The Director
11 shall appoint an advisory commission to make rec-
12 ommendations to the Director regarding methods to
13 improve inspection techniques used to carry out the
14 inspection laws or to improve the reliability of exist-
15 ing techniques. The commission shall also perform
16 such other advisory or investigative duties as may be
17 assigned to the commission by this section or the Di-
18 rector.

19 (2) MEMBERS.—The members of the commis-
20 sion shall consist of—

21 (A) representatives of the meat, poultry,
22 and egg industries;

23 (B) scientists who are experts in the field
24 of food safety; and

1 (C) government officials who are actively
2 involved in meat, poultry, or eggs inspection at
3 the Federal or State level.

4 (3) TIME PERIOD FOR FIRST RECOMMENDA-
5 TIONS.—Not later than six months after the date on
6 which the commission is first appointed, the commis-
7 sion shall present the Director with a list of rec-
8 ommendations regarding methods to improve current
9 meat, poultry, and eggs inspection techniques.

10 (d) GRANT AND CONTRACT AUTHORITY FOR RE-
11 SEARCH.—The Director may make grants to and enter
12 into contracts with State and local governments, institu-
13 tions of higher education, and nonprofit research organiza-
14 tions for the purpose of promoting research to evaluate
15 the feasibility of implementing recommendations submit-
16 ted by the commission under subsection (c). Grants and
17 contracts under this subsection shall be made by the Di-
18 rector on a competitive basis in consultation with the Bu-
19 reau and commission. The commission shall review and
20 evaluate research conducted with assistance provided
21 under this subsection.

22 (e) IMPLEMENTATION OF RESULTS.—The Director
23 may prescribe rules to implement recommendations sub-
24 mitted by the commission under subsection (c) that are

1 shown to have potential for improving inspection tech-
2 niques or reliability under the inspection laws.

3 **SEC. 105. RULES.**

4 The Director may prescribe, in accordance with chap-
5 ters 5 and 6 of title 5, United States Code, such rules
6 as the Director determines to be necessary or appropriate
7 to administer and manage the functions of the Agency.

8 **Subtitle B—Transitional Provisions**

9 **SEC. 131. TERMINATION OF FOOD SAFETY AND INSPECTION**

10 **SERVICE AND TRANSFER OF ASSETS, APPRO-**

11 **PRIATIONS, AND PERSONNEL TO THE**

12 **AGENCY.**

13 (a) TERMINATION OF SERVICE.—Not later than
14 _____ days after the date of the enactment of this Act,
15 the Secretary of Agriculture shall terminate the activities
16 of the Food Safety and Inspection Service of the Depart-
17 ment of Agriculture to the extent such activities relate to
18 the administration or operation of the inspection laws.

19 (b) TRANSFER OF ASSETS AND FUNDS.—Consistent
20 with section 1531 of title 31, United States Code, the as-
21 sets, liabilities, contracts, property, records, and unex-
22 pended balances of appropriations, authorizations, alloca-
23 tions, and other funds of the Food Safety and Inspection
24 Service used in connection with the administration or op-
25 eration of the inspection laws shall be transferred to the

1 Agency not later than the date of the termination of the
2 Food Safety and Inspection Service under subsection (a).
3 Unexpended funds transferred pursuant to this subsection
4 shall be used by the Director only for the purposes for
5 which the funds were originally authorized and appro-
6 priated.

7 (c) TRANSFER OF PERSONNEL.—During the period
8 beginning on the date of the enactment of this Act and
9 ending upon the termination of the Food Safety and In-
10 spection Service under subsection (a), the Secretary of Ag-
11 riculture shall transfer to the Agency those officers and
12 employees of the Food Safety and Inspection Service who
13 perform duties in connection with the administration or
14 operation of the inspection laws.

15 (d) EFFECT OF TRANSFER ON PERSONNEL.—The
16 transfer under subsection (c) of full-time employees (ex-
17 cept special Government employees) and part-time em-
18 ployees holding permanent positions is not intended to
19 cause any such employee to be separated or reduced in
20 grade or compensation for one year after the date of the
21 transfer of the employee under such subsection. Any per-
22 son who, on the day preceding the effective date of this
23 Act, held a position compensated in accordance with the
24 Executive Schedule prescribed in chapter 53 of title 5,
25 United States Code, and who, without a break in service,

1 is appointed in the Agency to a position having duties
2 comparable to the duties performed immediately preceding
3 the appointment shall continue to be compensated in the
4 new position at not less than the rate provided for the
5 previous position, for the duration of the service of the
6 person in the new position.

7 (e) REFERENCES.—After the termination of the Food
8 Safety and Inspection Service under subsection (a), any
9 reference in any other Federal law, Executive order, rule,
10 regulation, document, or other material to the Food Safety
11 and Inspection Service in connection with the administra-
12 tion or operation of the inspection laws shall be deemed
13 a reference to the Agency.

14 **SEC. 132. CLARIFICATION OF AUTHORITY OF DIRECTOR TO**
15 **ADMINISTER THE FEDERAL MEAT INSPEC-**
16 **TION ACT.**

17 (a) DEFINITION OF DIRECTOR.—Section 1(a) of the
18 Federal Meat Inspection Act (21 U.S.C. 601(a)) is amend-
19 ed to read as follows:

20 “(a) The term ‘Director’ means the Director of Meat,
21 Poultry, and Eggs Inspection of the Meat, Poultry, and
22 Eggs Inspection Agency.”.

23 (b) REPEAL OF REFERENCES TO SECRETARY OF AG-
24 RICULTURE.—

1 (1) IN GENERAL.—Except as provided in para-
2 graph (2), the Federal Meat Inspection Act (21
3 U.S.C. 601 et seq.) is amended by striking “Sec-
4 retary” each place it appears and inserting “Direc-
5 tor”.

6 (2) EXCEPTIONS.—Paragraph (1) shall not
7 apply to the following uses of the term “Secretary”
8 in such Act:

9 (A) Section 1(n)(10) (21 U.S.C.
10 601(n)(10)), the second place the term appears.

11 (B) Section 7(c)(2) (21 U.S.C. 607(c)(2)),
12 the second place the term appears.

13 (C) Section 409(b) (21 U.S.C. 679(b)), the
14 first and third places the term appears.

15 (c) REPEAL OF REFERENCES TO THE DEPARTMENT
16 OF AGRICULTURE.—The Federal Meat Inspection Act is
17 further amended—

18 (1) in section 18 (21 U.S.C. 618), by striking
19 “Department” and inserting “Meat, Poultry, and
20 Eggs Inspection Agency”; and

21 (2) in section 20(e)(3) (21 U.S.C. 620(e)(3)) by
22 striking “Department of Agriculture” and inserting
23 “Meat, Poultry, and Eggs Inspection Agency”.

1 **SEC. 133. CLARIFICATION OF AUTHORITY OF DIRECTOR TO**
2 **ADMINISTER THE POULTRY PRODUCTS IN-**
3 **SPECTION ACT.**

4 (a) DEFINITION OF DIRECTOR.—Section 4(i) of the
5 Poultry Products Inspection Act (21 U.S.C. 453(i)) is
6 amended to read as follows:

7 “(i) The term ‘Director’ means the Director of Meat,
8 Poultry, and Eggs Inspection of the Meat, Poultry, and
9 Eggs Inspection Agency.”.

10 (b) DEFINITION OF AGENCY.—Section 4(q) of the
11 Poultry Products Inspection Act (21 U.S.C. 453(q)) is
12 amended to read as follows:

13 “(q) The term ‘inspection service’ means the Meat,
14 Poultry, and Eggs Inspection Agency.”.

15 (c) REPEAL OF REFERENCES TO SECRETARY OF AG-
16 RICULTURE.—

17 (1) IN GENERAL.—Except as provided in para-
18 graph (2), the Poultry Products Inspection Act is
19 amended—

20 (A) in section 2 (21 U.S.C. 451), by strik-
21 ing “Secretary of Agriculture” and inserting
22 “Director of Meat, Poultry, and Eggs Inspec-
23 tion of the Meat, Poultry, and Eggs Inspection
24 Agency”;

25 (B) in sections 4, 5, 6, 7, 8, 9, 11, 12, 13,
26 14, 15, 16, 18, 19, 20, 22, 23, 25, 27, and 29

1 (21 U.S.C. 453 et seq.) by striking “Secretary”
2 each place it appears and inserting “Director”;

3 (C) in section 17 (21 U.S.C. 466)—

4 (i) by striking “Secretary of Agri-
5 culture” each place it appears and insert-
6 ing “Director”; and

7 (ii) in subsection (d)(3), by striking
8 “Secretary” both places it appears and in-
9 serting “Director”; and

10 (D) in section 24(b) (21 U.S.C. 467f(b)),
11 by striking “Secretary” the second place it ap-
12 pears and inserting “Director”.

13 (2) EXCEPTIONS.—Paragraph (1) shall not
14 apply to the following uses of the term “Secretary”
15 in such Act:

16 (A) Section 4(h)(10) (21 U.S.C.
17 453(h)(10)), the second place the term appears.

18 (B) Section 8(b)(2) (21 U.S.C. 457(b)(2)),
19 the second place the term appears.

20 **SEC. 134. CLARIFICATION OF AUTHORITY OF DIRECTOR TO**
21 **ADMINISTER THE EGG PRODUCTS INSPEC-**
22 **TION ACT.**

23 (a) DEFINITION OF DIRECTOR.—Section 4(x) of the
24 Egg Products Inspection Act (21 U.S.C. 1033(x)) is
25 amended to read as follows:

1 “(i) The term ‘Director’ means the Director of Meat,
2 Poultry, and Eggs Inspection of the Meat, Poultry, and
3 Eggs Inspection Agency.”.

4 (b) REPEAL OF REFERENCES TO SECRETARY OF AG-
5 RICULTURE.—

6 (1) IN GENERAL.—Except as provided in para-
7 graph (2), the Egg Products Inspection Act is
8 amended—

9 (A) in section 2 (21 U.S.C. 1031), by
10 striking “Secretary of Agriculture” and insert-
11 ing “Director of Meat, Poultry, and Eggs In-
12 spection of the Meat, Poultry, and Eggs Inspec-
13 tion Agency”;

14 (B) in sections 4 (other than subsection
15 (j)), 5, 6, 7, 8 (other than subsection (e)(8)),
16 9, 10, 12, 14, 15, 16, 17, 18, 19, 20, 22, 24,
17 and 26 (21 U.S.C. 1033 et seq.) by striking
18 “Secretary” each place it appears and inserting
19 “Director”;

20 (C) in section 4(j) (21 U.S.C. 1033(j)) is
21 amended by striking “the responsible Sec-
22 retary” and inserting “the Director or the Sec-
23 retary of Health and Human Services, as the
24 case may be,”;

1 (D) in section 5(d) (21 U.S.C. 1034(d)) by
2 striking “said Secretaries” in the last sentence
3 and inserting “the Director or the Secretary of
4 Health and Human Services”;

5 (E) in section 8(e)(8) (21 U.S.C.
6 1037(e)(8)) by striking “the Secretary of Agri-
7 culture” and inserting “the Director”;

8 (F) in section 11 (21 U.S.C. 1040)—

9 (i) by striking “the Secretary of Agri-
10 culture” and inserting “the Director”; and

11 (ii) by striking “either of said Sec-
12 retaries” and inserting “either the Director
13 or the Secretary of Health and Human
14 Services”;

15 (G) in section 13 (21 U.S.C. 1042) by
16 striking “the Secretary of Agriculture” both
17 places it appears and inserting “the Director”;
18 and

19 (H) in subsections (c) and (d) of section
20 23 (21 U.S.C. 1052), by striking “the Secretary
21 of Agriculture” both places it appears and in-
22 serting “the Director”.

23 (2) EXCEPTIONS.—Paragraph (1) shall not
24 apply to the following uses of the term “Secretary”
25 in such Act:

1 (A) Section 5(d) (21 U.S.C. 1034(d)), the
2 second place the term appears.

3 (B) Section 5(e)(3) (21 U.S.C.
4 1034(e)(3)), both places the term appears.

5 (C) Section 5(e)(5) (21 U.S.C.
6 1034(e)(5)), the second place the term appears.

7 (c) REPEAL OF REFERENCES TO THE DEPARTMENT
8 OF AGRICULTURE.—The Egg Products Inspection Act is
9 further amended—

10 (1) in section 4(q) (21 U.S.C. 1033(q)), by
11 striking “Department of Agriculture” and inserting
12 “Meat, Poultry, and Eggs Inspection Agency”; and

13 (2) in section 26(a)(2)(C) (21 U.S.C.
14 1054(a)(2)(C)), by striking “Department of Agri-
15 culture” and inserting “Meat, Poultry, and Eggs In-
16 spection Agency”.

17 **SEC. 135. OFFICE OF INSPECTOR GENERAL OF THE**
18 **AGENCY.**

19 (a) TREATMENT OF AGENCY AS A DESIGNATED FED-
20 ERAL ENTITY.—Section 8F(a)(2) of the Inspector General
21 Act of 1978 (5 U.S.C. App.) is amended by inserting “the
22 Meat, Poultry, and Eggs Inspection Agency,” after “the
23 Legal Services Corporation,”.

24 (b) TIME FOR ESTABLISHMENT.—The Office of In-
25 spector General of the Agency required to be established

1 by the Director as a result of the amendment made by
2 subsection (a) shall be established not later than 180 days
3 after the date of the enactment of this Act.

4 **Subtitle C—Other Matters**

5 **SEC. 141. DEFINITIONS.**

6 For purposes of this title:

7 (1) AGENCY.—The term “Agency” means the
8 Meat, Poultry, and Eggs Inspection Agency estab-
9 lished under section 101.

10 (2) DIRECTOR.—The term “Director” means
11 the Director of Meat, Poultry, and Eggs Inspection
12 Agency appointed under section 102(a).

13 (3) INSPECTION LAWS.—The term “inspection
14 laws” means the Federal Meat Inspection Act (21
15 U.S.C. 601 et seq.), the Poultry Products Inspection
16 Act (21 U.S.C. 451 et seq.), and the Egg Products
17 Inspection Act (21 U.S.C. 1031 et seq.).

18 **TITLE II—EXPANSION OF FOODS** 19 **COVERED BY INSPECTION LAWS**

20 **SEC. 201. COVERAGE OF ADDITIONAL MEATS UNDER THE** 21 **FEDERAL MEAT INSPECTION ACT.**

22 The Federal Meat Inspection Act is amended by in-
23 serting after section 2 (21 U.S.C. 602) the following new
24 section:

1 **“SEC. 2A. AUTHORITY TO EXPAND ACT TO COVER ADDI-**
2 **TIONAL MEATS.**

3 “In addition to cattle, sheep, swine, goats, horses,
4 mules, and other equines specifically referred to in this
5 Act, the Director may extend the provisions of this Act
6 to cover other animals (such as deer, bison, and rabbits)
7 intended for human consumption.”.

8 **SEC. 202. COVERAGE OF ADDITIONAL POULTRY UNDER**
9 **THE POULTRY PRODUCTS INSPECTION ACT.**

10 The Poultry Products Inspection Act is amended by
11 inserting after section 5 (21 U.S.C. 454) the following new
12 section:

13 **“SEC. 5A. AUTHORITY TO EXPAND ACT TO COVER ADDI-**
14 **TIONAL POULTRY.**

15 “In addition to chickens and turkeys traditionally
16 covered by this Act, the Director may extend the provi-
17 sions of this Act to cover other poultry (such as quail,
18 pheasant, and squab) intended for human consumption.”.

19 **TITLE III—ESTABLISHMENT AND**
20 **ENFORCEMENT OF SAFE**
21 **COOKING STANDARDS FOR**
22 **MEAT AND POULTRY PROD-**
23 **UCTS**

24 **SEC. 301. ESTABLISHMENT OF SAFE COOKING STANDARDS.**

25 (a) ESTABLISHMENT.—The Director of Meat, Poul-
26 try, and Eggs Inspection Agency shall establish by rule

1 safe cooking standards for the preparation of meat and
2 poultry products, and foods containing meat and poultry
3 products, at restaurants and other retail food establish-
4 ments. The Director shall require that all meat and poul-
5 try products, and foods containing meat and poultry prod-
6 ucts, that require cooking or smoking shall be cooked to
7 heat all parts of the item to a temperature established in
8 the standards as sufficient to destroy potentially harmful
9 foodborne microorganisms.

10 (b) ENTITIES SUBJECT TO SAFE COOKING STAND-
11 ARDS.—Each restaurant or other retail food establishment
12 operating in the United States shall comply with the safe
13 cooking standards established pursuant to subsection (a),
14 except that the Director may exempt a restaurant or other
15 retail food establishment, or types of restaurants and
16 other retail food establishments, from the operation of the
17 standards.

18 (c) EXCEPTION TO COMPLIANCE.—A restaurant or
19 other retail food establishment may deviate from the safe
20 cooking standard applicable to the cooking or smoking of
21 a particular meat or poultry product, or a food containing
22 a meat or poultry product, if the customer orders the item
23 in an uncooked form or to be prepared in a manner that
24 necessitates a lower cooking temperature than the stand-
25 ard.

1 **SEC. 302. ENFORCEMENT OF SAFE COOKING STANDARDS.**

2 (a) ENFORCEMENT.—The Director shall use the per-
3 sonnel of the Meat, Poultry, and Eggs Inspection Agency
4 to enforce the safe cooking standards established under
5 section 301(a).

6 (b) INSPECTIONS.—To ensure compliance with the
7 safe cooking standards established under section 301(a),
8 the Director shall cause to be made, by inspectors ap-
9 pointed for that purpose, an examination and inspection
10 of the preparation of meat and poultry products, and foods
11 containing meat and poultry products, at restaurants and
12 other retail food establishments subject to this title. Such
13 examination and inspection shall be conducted with such
14 frequency and in such manner as the Director considers
15 necessary, as provided in rules issued by the Director. The
16 Director shall take into account such factors as the Direc-
17 tor considers to be appropriate, including—

18 (1) the nature and frequency of the cooking op-
19 erations at the restaurant or other retail food estab-
20 lishment involved;

21 (2) the adequacy and reliability of the cooking
22 controls and sanitary procedures at the restaurant
23 or establishment; and

24 (3) the history of compliance with inspection re-
25 quirements in effect under this title by the operator
26 of the restaurant or establishment.

1 (c) ACCESS.—For purposes of any examination and
2 inspection under subsection (b), inspectors shall have ac-
3 cess to every part of a restaurant or other retail food es-
4 tablishment subject to this title during operating hours of
5 the restaurant or establishment.

6 **SEC. 303. CIVIL PENALTY FOR VIOLATIONS OF SAFE COOK-**
7 **ING STANDARDS.**

8 (a) PENALTY.—Any restaurant or other retail food
9 establishment subject to this title that violates a safe cook-
10 ing standard established under section 301(a) shall be lia-
11 ble to the United States for a civil penalty assessed under
12 subsection (b) in an amount not less than \$100, but not
13 to exceed \$1000, for each violation.

14 (b) ASSESSMENT.—(1) A civil penalty payable under
15 subsection (a) may be assessed by the Director only on
16 the record after an opportunity for a hearing.

17 (2) In connection with a hearing under paragraph
18 (1), the Secretary shall have the power to issue subpoenas.

19 **SEC. 304. EFFECT ON STATE AND LOCAL LAWS.**

20 Nothing in this title shall be construed to preclude
21 a State or local government from establishing or enforcing
22 any safe cooking standards for the preparation of meat
23 and poultry products, and foods containing meat and poul-
24 try products, that is not in conflict with the safe cooking
25 standards established under section 301(a).

1 **SEC. 305. WHISTLEBLOWER PROTECTION.**

2 (a) PROTECTION.—No employee of a restaurant or
3 other retail food establishment subject to this title, and
4 no other person, may be harassed, prosecuted, held liable,
5 or discriminated against in any way because that employee
6 or other person—

7 (1) has notified the Meat, Poultry, and Eggs
8 Inspection Agency of a violation or possible violation
9 of the safe cooking standards established under sec-
10 tion 301(a); or

11 (2) has testified, is about to testify, has assisted
12 or participated, or is about to assist or participate,
13 in a proceeding or other action to enforce such safe
14 cooking standards.

15 (b) ENFORCEMENT OF PROTECTIONS.—The process
16 and procedures specified in subsections (c), (d), and (e)
17 of section 405 of the Surface Transportation Assistance
18 Act of 1982 (49 U.S.C. App. 2305) shall apply with re-
19 spect to an alleged violation of subsection (a) of this sec-
20 tion in the same manner as such subsections apply to a
21 violation of subsection (a) or (b) of that section, except
22 that any reference to the Secretary of Labor in such sub-
23 sections shall be deemed to mean the Secretary of Agri-
24 culture for purposes of this subsection.

25 **SEC. 306. DEFINITIONS.**

26 For purposes of this title:

1 (1) DIRECTOR.—The term “Director” means
2 the Director of Meat, Poultry, and Eggs Inspection
3 Agency appointed under section 102(a).

4 (2) FOOD.—The term “food” has the meaning
5 given that term in section 201(f) of the Federal
6 Food, Drug, and Cosmetic Act (21 U.S.C. 321(f)).

7 (3) MEAT.—The term “meat” has the meaning
8 given the term “meat food product” in section 1(j)
9 of the Federal Meat Inspection Act (21 U.S.C.
10 601(j)).

11 (4) POULTRY PRODUCT.—The term “poultry
12 product” has the meaning given that term in section
13 4(f) of the Poultry Products Inspection Act (21
14 U.S.C. 453(f)).

15 (5) RESTAURANT; OTHER RETAIL FOOD ESTAB-
16 LISHMENT.—The terms “restaurant” and “other re-
17 tail food establishment” mean any place at which
18 meat or poultry products, or foods containing meat
19 or poultry products, are cooked or smoked for retail
20 sale to and consumption by a customer without addi-
21 tional cooking by the customer, whether or not such
22 consumption occurs on the premises or elsewhere.
23 Such terms include any central kitchen facility that
24 cooks or smokes meat or poultry products, or foods
25 containing meat or poultry products, that are ready

1 to eat when they leave the facility and are served in
2 meals or as entrees sold to customers at a res-
3 taurant owned or operated by the same person, firm,
4 or corporation owning or operating the facility.

5 **TITLE IV—EPIDEMIOLOGICAL**
6 **ACTIVITIES REGARDING**
7 **FOODBORNE DISEASES**

8 **SEC. 401. EPIDEMIOLOGICAL ACTIVITIES.**

9 Part B of title III of the Public Health Service Act
10 (42 U.S.C. 243 et seq.), as amended by section 703 of
11 Public Law 103–183, is amended by inserting after sec-
12 tion 317F the following section:

13 “PREVENTION AND CONTROL OF FOODBORNE DISEASES

14 “SEC. 317G. (a) IN GENERAL.—The Secretary, act-
15 ing through the Director of the Centers for Disease Con-
16 trol and Prevention, may carry out activities for the pre-
17 vention and control of foodborne diseases. The Secretary
18 may carry out such activities directly, and through grants
19 to and cooperative agreements and contracts with public
20 and nonprofit private entities.

21 “(b) POPULATION-BASED SURVEILLANCE REGARD-
22 ING SELECTED DISEASES.—

23 “(1) IN GENERAL.—In carrying out subsection
24 (a), the Secretary, in collaboration with public and
25 nonprofit private entities, shall select specific popu-
26 lations and, with respect to the populations so se-

1 lected, carry out the following activities regarding
2 foodborne diseases:

3 “(A) Monitor the incidence and prevalence
4 of the diseases.

5 “(B) Carry out activities to identify the
6 pathogenic agents for the diseases.

7 “(C) Determine the extent to which var-
8 ious treatments are effective responses to the
9 agents so identified.

10 “(D) Carry out activities to determine the
11 circumstances in which individuals are at risk
12 of the diseases.

13 “(E) Evaluate efforts to control such dis-
14 eases.

15 “(F) Such other activities as the Secretary
16 determines to be appropriate.

17 “(2) SELECTION OF DISEASES FOR STUDY.—
18 The Secretary shall select the foodborne diseases
19 with respect to which paragraph (1) is to be carried
20 out. For purposes of the preceding sentence, the
21 Secretary may select conditions that have been sci-
22 entifically named and conditions that have not been
23 so named, and may select pathogenic agents.

24 “(c) ACTIVITIES REGARDING NEW AND EMERGING
25 FOODBORNE PATHOGENS.—In carrying out subsection

1 (a), the Secretary, in collaboration with States, shall carry
2 out the following activities regarding new and emerging
3 foodborne pathogens:

4 “(1) Collect data on the incidence and preva-
5 lence of such pathogens throughout the States.

6 “(2) Conduct epidemiological research on the
7 pathogens, including research to identify significant
8 strains and research to determine whether different
9 strains can cause the same foodborne disease.

10 “(3) Assist the States in developing the capabil-
11 ity to identify the pathogens.

12 “(4) Carry out demonstration projects for the
13 control of foodborne diseases caused by the patho-
14 gens, including projects for disseminating informa-
15 tion on the treatment of such diseases.

16 “(5) Such other activities as the Secretary de-
17 termines to be appropriate.

18 “(d) SUPPLIES AND SERVICES IN LIEU OF FINAN-
19 CIAL ASSISTANCE.—

20 “(1) IN GENERAL.—Upon the request of a re-
21 cipient of an award of a grant, cooperative agree-
22 ment, or contract under this section, the Secretary
23 may, subject to paragraph (2), provide supplies,
24 equipment, and services for the purpose of aiding
25 the recipient in carrying out the program involved

1 and, for such purpose, may detail to the recipient
2 any officer or employee of the Department of Health
3 and Human Services.

4 “(2) CORRESPONDING REDUCTION IN PAY-
5 MENTS.—With respect to a request described in
6 paragraph (1), the Secretary shall reduce the
7 amount of payments under the award involved by an
8 amount equal to the costs of detailing personnel and
9 the fair market value of any supplies, equipment, or
10 services provided by the Secretary. The Secretary
11 shall, for the payment of expenses incurred in com-
12 plying with such request, expend the amounts with-
13 held.

14 “(e) TECHNICAL ASSISTANCE.—The Secretary may
15 provide technical assistance to public and nonprofit pri-
16 vate entities with respect to the planning, development,
17 and operation of any program or service carried out pursu-
18 ant to this section. The Secretary may provide such tech-
19 nical assistance directly or through grants, cooperative
20 agreements, or contracts.

21 “(f) AUTHORIZATIONS OF APPROPRIATIONS.—

22 “(1) IN GENERAL.—For the purpose of carry-
23 ing out this section other than activities under sub-
24 section (b) or (c), there are authorized to be appro-

1 appropriated such sums as may be necessary for each of
2 the fiscal years 1994 through 1998.

3 “(2) POPULATION-BASED SURVEILLANCE RE-
4 GARDING SELECTED DISEASES.—For the purpose of
5 carrying out subsection (b), there are authorized to
6 be appropriated \$7,000,000 for fiscal year 1994,
7 and such sums as may be necessary for each of the
8 fiscal years 1995 through 1998.

9 “(3) ACTIVITIES REGARDING NEW AND EMERG-
10 ING FOODBORNE PATHOGENS.—For the purpose of
11 carrying out subsection (c), there are authorized to
12 be appropriated \$5,000,000 for fiscal year 1994,
13 and such sums as may be necessary for each of the
14 fiscal years 1995 through 1998.

15 “(4) AVAILABILITY OF FUNDS FOR STAFF-
16 ING.—The purposes for which amounts appropriated
17 under paragraph (1), (2), or (3) may be expended
18 include the costs of employing staff for the Centers
19 for Disease Control and Prevention. Amounts avail-
20 able for a fiscal year pursuant to the preceding sen-
21 tence are in addition to any other amounts that are
22 available for such year for program management re-
23 garding such Centers.”.

1 **TITLE V—RESEARCH ON TREAT-**
2 **MENT OF FOODBORNE DIS-**
3 **EASES**

4 **SEC. 501. RESEARCH ON TREATMENT; NATIONAL INSTI-**
5 **TUTE OF DIABETES AND DIGESTIVE AND KID-**
6 **NEY DISEASES.**

7 Subpart 3 of part C of title IV of the Public Health
8 Service Act (42 U.S.C. 285c et seq.) is amended by adding
9 at the end the following section:

10 “FOODBORNE DISEASES

11 “SEC. 434A. (a) IN GENERAL.—In carrying activities
12 under section 426, the Director of the Institute shall con-
13 duct or support activities regarding foodborne diseases, in-
14 cluding research on the treatment of such diseases.

15 “(b) CLINICAL GUIDELINES.—In carrying out sub-
16 section (a), the Director of the Institute shall develop clini-
17 cal guidelines on the treatment of foodborne diseases.

18 “(c) DATA SYSTEM; CLEARINGHOUSE.—The activi-
19 ties of the National Digestive Diseases Data System under
20 section 427(b) shall include activities regarding foodborne
21 diseases. The activities of the National Digestive Diseases
22 Information Clearinghouse under such section shall in-
23 clude activities regarding foodborne diseases, including ac-
24 tivities regarding clinical guidelines developed under sub-
25 section (b).”.

