

104TH CONGRESS
2D SESSION

H. R. 4302

To consolidate within the Department of Agriculture all inspection activities regarding livestock and poultry carcasses, seafood, meat products, poultry products, and seafood products to provide for the improved inspection of those articles and products.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 28, 1996

Mr. GUNDERSON introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To consolidate within the Department of Agriculture all inspection activities regarding livestock and poultry carcasses, seafood, meat products, poultry products, and seafood products to provide for the improved inspection of those articles and products.

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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Meat, Poultry, and Seafood Inspection Reform Act of
6 1996”.

1 (b) TABLE OF CONTENTS.—The table of contents of
 2 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions
- Sec. 3. Congressional intent and statement of findings.
- Sec. 4. Transfer of jurisdiction over seafood inspection.

**TITLE I—INSPECTION AND LABELING OF LIVESTOCK ,
 POULTRY, SEAFOOD, AND THEIR PRODUCTS**

Subtitle A—Inspection Requirements

- Sec. 101. Ante-mortem examination.
- Sec. 102. Post-mortem examination.
- Sec. 103. Processing examination.
- Sec. 104. Facility sanitation.
- Sec. 105. Night examinations and verifications.
- Sec. 106. Prohibited acts: adulteration.
- Sec. 107. Exempt activities.
- Sec. 108. Microbiological testing.

Subtitle B—Labeling Requirements

- Sec. 121. Inspection labeling.
- Sec. 122. Derivation labeling; separate preparation and slaughtering activities.
- Sec. 123. Prohibited acts: misbranding.

Subtitle C—International Commerce

- Sec. 131. Imported livestock and poultry carcasses, seafood, meat products, poultry products, and seafood products.
- Sec. 132. Exports and certificates of condition.

Subtitle D—Miscellaneous

- Sec. 141. Transitional period.
- Sec. 142. Rulemaking.
- Sec. 143. Appeals.
- Sec. 144. Safe Meat, Poultry, and Seafood Inspection Advisory Panel.
- Sec. 145. Bribery of officers, employees, or officials.
- Sec. 146. Conditions for entry.
- Sec. 147. Pre-slaughter identification and control.
- Sec. 148. Monitoring and closure of growing areas and fishing grounds.
- Sec. 149. Trade secret protection.

TITLE II—RELATED INDUSTRIES

- Sec. 201. Prohibition of title I inspection for articles not intended for use as human food; Denaturation or other identification prior to distribution in commerce; Inedible articles.
- Sec. 202. Record keeping requirements.
- Sec. 203. Registration of person, place of business, and trade name.
- Sec. 204. Regulation of certain transactions, transportation, or importation of certain livestock, poultry, or seafood to prevent its use as human food.

Sec. 205. Applicability to State and territorial businesses not engaged in interstate commerce.

TITLE III—FEDERAL AND STATE COOPERATION

Sec. 301. Federal and State cooperation.

TITLE IV—AUXILIARY PROVISIONS

Sec. 401. Inspection services.

Sec. 402. Administrative detention and release of carcasses, meat products, poultry products, and seafood products.

Sec. 403. Seizure and condemnation.

Sec. 404. Federal jurisdiction.

Sec. 405. Criminal acts against inspection officials.

Sec. 406. Violations.

Sec. 407. Other Federal laws applicable to administration and enforcement of Act.

Sec. 408. State jurisdiction over federally-regulated matters.

Sec. 409. Federal Food, Drug, and Cosmetic Act applications.

TITLE V—PUBLIC EDUCATION

Sec. 501. Education.

TITLE VI—MISCELLANEOUS PROVISIONS

Sec. 601. Research.

Sec. 602. Cost of inspection; Overtime.

Sec. 603. Authorization of appropriations.

Sec. 604. Reports to Congress

TITLE VII—REPEAL OF SUPERSEDED LAWS

Sec. 701. Poultry Products Inspection Act.

Sec. 702. Federal Meat Inspection Act.

Sec. 703. Related laws.

Sec. 704. Conforming amendments.

TITLE VIII—EFFECTIVE DATE

Sec. 801. Effective date.

1 SEC. 2. DEFINITIONS.

2 The following definitions apply for purposes of this

3 Act:

4 (a) DEFINITIONS RELATED TO REGULATED ARTI-

5 CLES.—

1 (1) CARCASS.—The term “carcass” means the
2 body of any livestock or poultry following the re-
3 moval of the viscera, hide, head, tail, or extremities.

4 (2) LIVESTOCK.—The term “livestock” means
5 any wild, domesticated, or exotic animal or reptile
6 produced and intended for use, or used, as food.

7 (3) MEAT PRODUCT.—The term “meat prod-
8 uct” means any product capable of use as human
9 food that is made in whole or in part from any por-
10 tion of a livestock carcass.

11 (4) POULTRY.—The term “poultry” means any
12 wild, domesticated, or exotic bird produced and in-
13 tended for use, or used, as food.

14 (5) POULTRY PRODUCT.—The term “poultry
15 product” means any product capable of use as
16 human food that is made in whole or in part from
17 any portion of a poultry carcass.

18 (6) RAW AGRICULTURAL COMMODITY.—The
19 term “raw agricultural commodity” has the same
20 meaning given the term in section 201(r) of the
21 Federal Food, Drug, and Cosmetic Act (21 U.S.C.
22 321(r)).

23 (7) REGULATED ARTICLE.—The term “regu-
24 lated article” means any livestock or poultry carcass,

1 seafood, meat product, poultry product, or seafood
2 product.

3 (8) SEAFOOD.—The term “seafood” means wild
4 or cultured aquatic life, except birds, animals, and
5 reptiles, produced and intended for use, or used, as
6 food.

7 (9) SEAFOOD PRODUCT.—The term “seafood
8 product” means any product capable of use as
9 human food and derived in whole or in part from
10 seafood.

11 (b) DEFINITIONS RELATED TO REGULATED PER-
12 SONS.—

13 (1) ANIMAL FOOD MANUFACTURER.—The term
14 “animal food manufacturer” means any person en-
15 gaged in the business of processing animal food de-
16 rived in whole or in part from any portion of a car-
17 cass or from seafood.

18 (2) BROKER.—The term “broker” means any
19 person engaged in negotiating the purchase or sale
20 of all or any portion of a carcass, seafood, meat
21 product, poultry product, seafood product, or sea-
22 food for other than the person’s own account or as
23 an employee of another person.

24 (3) PERSON.—The term “person” means any
25 individual, corporation, unincorporated business en-

1 tity (such as a partnership, association, cooperative,
2 or joint venture), the Federal Government, or a
3 local, State, or foreign government.

4 (4) PROCESSING.—The term “processing”
5 means heading and gutting, filleting, fermenting,
6 freezing, dehydrating, mincing, drying, canning, salt-
7 ing, curing, smoking, stuffing, rendering, boning,
8 cutting up, grinding, cooking, assembling, labeling or
9 otherwise manufacturing or preparing a carcass,
10 seafood, meat product, poultry product, or seafood
11 product for direct or indirect sale to a consumer.

12 (5) PROCESSING FACILITY.—The term “proc-
13 essing facility” means a building or other premises,
14 including a vessel, where the processing of carcasses,
15 seafood, meat products, poultry products, or seafood
16 products is conducted.

17 (6) RENDERER.—The term “renderer” means
18 any person engaged in the business of rendering any
19 portion of a carcass or seafood, except those persons
20 inspected or exempted under title I.

21 (7) SLAUGHTER.—The term “slaughter” means
22 the intentional cessation of the life of an animal cov-
23 ered by this Act for purposes of food production.

24 (8) SLAUGHTERING FACILITY.—The term
25 “slaughtering facility” means a building or other

1 premises, including a vessel, where slaughtering of
2 livestock, poultry, or seafood is conducted. A slaugh-
3 tering facility may also be a processing facility.

4 (c) DEFINITIONS RELATED TO STANDARDS.—

5 (1) ADULTERATED.—The term “adulterated”
6 means all or any portion of any carcass, seafood,
7 meat product, poultry product, or seafood product to
8 which one or more of the following circumstances
9 apply:

10 (A) The regulated article bears or contains
11 any poisonous or deleterious substance that ren-
12 ders it injurious to health, except that, if the
13 substance is not an intentionally added sub-
14 stance, the regulated article shall not be consid-
15 ered adulterated under this subparagraph if the
16 quantity of the substance in or on the regulated
17 article is not sufficient to render the regulated
18 article injurious to the health of an ordinary
19 consumer.

20 (B) The regulated article bears or contains
21 (by reason of administration of any substance
22 to live animals regulated under this Act or oth-
23 erwise) any added poisonous or added delete-
24 rious substance (other than a substance which
25 is (i) a pesticide chemical in or on a raw agri-

1 cultural commodity, (ii) a food additive, or (iii)
2 a color additive) which, in the judgment of the
3 Secretary, makes the regulated article unfit for
4 human food.

5 (C) The regulated article is, in whole or in
6 part, a raw agricultural commodity and such
7 commodity bears or contains a pesticide chemi-
8 cal which is unsafe within the meaning of sec-
9 tion 408 of the Federal Food, Drug, and Cos-
10 metic Act (21 U.S.C. 346a).

11 (D) The regulated article bears or contains
12 any food additive that is unsafe within the
13 meaning of section 409 of the Federal Food,
14 Drug, and Cosmetic Act (21 U.S.C. 348).

15 (E) The regulated article bears or contains
16 any color additive that is unsafe within the
17 meaning of section 721 of the Federal Food,
18 Drug, and Cosmetic Act (21 U.S.C. 379e).

19 (F) The regulated article is not adulter-
20 ated under subparagraphs (C), (D), or (E), but
21 use of the pesticide chemical, food additive, or
22 color additive in or on the article is prohibited
23 by regulations of the Secretary in facilities at
24 which inspection is maintained under title I.

1 (G) The regulated article consists in whole
2 or in part of any decomposed substance or is
3 for any other reason unwholesome or otherwise
4 unfit for human food.

5 (H) The regulated article has been pre-
6 pared, packed, or held under unsanitary condi-
7 tions whereby it may have become contami-
8 nated, or whereby it may have been rendered
9 injurious to health.

10 (I) The regulated article is, in whole or in
11 part, the product of livestock or poultry that
12 has died otherwise than by slaughter.

13 (J) The container of the regulated article
14 is composed, in whole or in part, of any poison-
15 ous or deleterious substance that may render
16 the contents injurious to health.

17 (K) The regulated article has been ren-
18 dered radioactive.

19 (L) Any valuable constituent of the regu-
20 lated article has been, in whole or in part, omit-
21 ted or abstracted from the article, or any sub-
22 stance has been substituted, in whole or in part,
23 therefor, or damage or inferiority has been con-
24 cealed in any manner, or any substance has
25 been added thereto or mixed or packed there-

1 with so as to increase its bulk or weight, or re-
2 duce its quality or strength, or make it appear
3 better or of greater value than it is.

4 (M) The regulated article is margarine
5 containing livestock, poultry, or seafood fat and
6 any of the raw material used therein consisted
7 in whole or in part of any decomposed sub-
8 stance.

9 (N) The regulated article is a seafood
10 product derived in whole or in part from sea-
11 food harvested in—

12 (i) from a growing area or fishing
13 ground that, for the protection of the pub-
14 lic health, has been closed to such growing
15 or harvesting under Federal or State law;
16 or

17 (ii) a State or foreign nation that does
18 not have a program of inspection approved
19 or certified by the Secretary.

20 (O) A regulated article that is raw or is in
21 a not-ready-to-eat condition is not adulterated
22 simply because of the presence of micro-
23 biological organisms found in or on the regu-
24 lated article, except that the Secretary may,
25 through rulemaking under section 523 of title

1 5, United States Code, identify specific micro-
2 biological organisms that, when found in suffi-
3 cient quantities in or on a regulated article fol-
4 lowing normal handling and preparation, render
5 the regulated article injurious to the health of
6 an ordinary consumer.

7 (2) CAPABLE OF USE AS HUMAN FOOD.—The
8 term “capable of use as human food” means any
9 portion of a carcass or seafood, unless it is—

10 (A) denatured;

11 (B) identified in a manner prescribed by
12 the Secretary so as to deter its use as human
13 food; or

14 (C) naturally inedible by humans.

15 (3) COLOR ADDITIVE.—The term “color addi-
16 tive” has the same meaning given the term in sec-
17 tion 201(5) of the Federal Food, Drug, and Cos-
18 metic Act (21 U.S.C. 321(t)).

19 (4) FOOD ADDITIVE.—The term “food additive”
20 has the same meaning given the term in section
21 201(s) of the Federal Food, Drug, and Cosmetic Act
22 (21 U.S.C. 321(s)).

23 (5) GENERALLY RECOGNIZED CONTROL PROCE-
24 DURES AND CORRECTIVE ACTIONS.—The term “gen-
25 erally recognized control procedures and corrective

1 actions” means those techniques which have been
2 shown to be effective through scientific method or
3 which are acknowledged as good and effective food
4 processing practices by the Panel established under
5 section 144.

6 (6) LABEL.—The term “label” means a display
7 of written, printed, or graphic matter upon the im-
8 mediate container (not including package liners) of
9 any regulated article.

10 (7) LABELING.—The term “labeling” means all
11 labels and other written, printed, or graphic mat-
12 ter—

13 (A) upon any regulated article or any of its
14 containers or wrappers; or

15 (B) accompanying such article.

16 (8) MISBRANDED.—The term “misbranded”
17 means all or any portion of a carcass, seafood, meat
18 product, poultry product, or seafood product to
19 which one or more of the following circumstances
20 apply:

21 (A) The labeling of the regulated product
22 is false or misleading in any particular.

23 (B) The regulated article is offered for sale
24 under the name of another food.

1 (C) The regulated article is an imitation of
2 another food, unless its label bears, in type of
3 uniform size and prominence, the word “imita-
4 tion” and immediately thereafter the name of
5 the food imitated.

6 (D) The container of the regulated article
7 is so made, formed, or filled as to be mislead-
8 ing.

9 (E) The regulated article is in a package
10 or other container that does not bear a label
11 showing—

12 (i) the name and place of business of
13 the manufacturer, packer, or distributor;
14 and

15 (ii) an accurate statement of the
16 quantity of the contents in terms of
17 weight, measure, or numerical count, ex-
18 cept that, with respect to this clause rea-
19 sonable variations may be permitted, and
20 exemptions as to small packages may be
21 established, by regulations prescribed by
22 the Secretary.

23 (F) Any word, statement, or other infor-
24 mation required by or under authority of this
25 Act to appear on the label or other labeling of

1 the regulated article is not prominently placed
2 thereon with such conspicuousness (as com-
3 pared with other words, statements, designs, or
4 devices in the labeling) and in such terms as to
5 render it likely to be read and understood by
6 the ordinary individual under customary condi-
7 tions of purchase and use.

8 (G) The regulated article purports to be or
9 is represented as a food for which a definition
10 and standard of identity or composition has
11 been prescribed by regulations of the Secretary
12 under section 121 unless—

13 (i) it conforms to such definition and
14 standard; and

15 (ii) its label bears the name of the
16 food specified in the definition and stand-
17 ard and, insofar as may be required by
18 such regulations, the common names of op-
19 tional ingredients (other than spices, fla-
20 voring, and coloring) present in such food.

21 (H) The regulated article purports to be or
22 is represented as a food for which a standard
23 or standards of fill of container have been pre-
24 scribed by regulations of the Secretary under
25 section 121(c)(2), and it falls below the stand-

1 ard of fill of container applicable thereto, unless
2 its label bears, in such manner and form as
3 such regulations specify, a statement that it
4 falls below such standard.

5 (I)(i) The regulated article is not subject
6 to subparagraph (G) and the label of the article
7 does not bear—

8 (I) the common or usual name of the
9 food, if any there be; and

10 (II) in case it is fabricated from two
11 or more ingredients, the common or un-
12 usual name of each such ingredient.

13 (ii) Spices, flavorings, and colorings may,
14 when authorized by the Secretary, be des-
15 ignated as spices, flavorings, and colorings
16 without naming each. To the extent that com-
17 pliance with subclause (II) of clause (i) is im-
18 practicable, or results in deception or unfair
19 competition, exemptions shall be established by
20 regulations promulgated by the Secretary.

21 (J) The regulated article purports to be or
22 is represented for special dietary uses, unless its
23 label bears such information concerning its vita-
24 min, mineral, and other dietary properties as
25 the Secretary, after consultation with the Sec-

1 retary of Health and Human Services, deter-
2 mines to be, and by regulation prescribes as,
3 necessary in order fully to inform purchasers as
4 to its value for such uses.

5 (K) The regulated article contains any ar-
6 tificial flavoring, artificial coloring, or chemical
7 preservative, unless it bears labeling stating
8 that fact, except that, to the extent that compli-
9 ance with the requirements of this subpara-
10 graph is impracticable, exemptions shall be es-
11 tablished by regulations promulgated by the
12 Secretary.

13 (L) The regulated article fails to bear, di-
14 rectly thereon or on its container, as the Sec-
15 retary may by regulations prescribe, the inspec-
16 tion legend and, unrestricted by any of the fore-
17 going, such other information as the Secretary
18 may require in such regulation to assure that it
19 will not have false or misleading labeling and
20 that the public will be informed of the manner
21 of handling required to maintain the article in
22 a wholesome condition.

23 (9) PESTICIDE CHEMICAL.—The term “pes-
24 ticide chemical” has the same meaning given the

1 term in section 201(q) of the Federal Food, Drug,
2 and Cosmetic Act (21 U.S.C. 321(q)).

3 (10) SIGNIFICANT RISK TO HUMAN HEALTH.—

4 The term “significant risk to human health” means
5 a hazard of such a nature that its prevention, elimi-
6 nation, or reduction to an acceptable level is essen-
7 tial to the production of a safe product. In determin-
8 ing whether a specific hazard poses a significant
9 risk, consideration is to be given to the frequency
10 and severity with which the hazard occurs, and to
11 whether the hazard can be controlled at a subse-
12 quent stage of processing.

13 (d) OTHER DEFINITIONS.—

14 (1) COMMERCE.—The term “commerce” means
15 commerce between any State or territory of the
16 United States, or the District of Columbia, and any
17 other State or territory of the United States, the
18 District of Columbia, or a foreign nation.

19 (2) OFFICIAL CERTIFICATE.—The term “offi-
20 cial certificate” means the certificate of any person
21 performing official functions under this Act, as de-
22 termined by the Secretary.

23 (3) OFFICIAL DEVICE.—The term “official de-
24 vice” means any device used to apply any official
25 mark, as determined by the Secretary.

1 (4) OFFICIAL INSPECTION LEGEND.—The term
2 “official inspection legend” means any symbol indi-
3 cating that an article passed any inspection under
4 this Act, as determined by the Secretary.

5 (5) OFFICIAL MARK.—The term “official mark”
6 means the official inspection legend or other symbol
7 used to identify the status of any article under this
8 Act, as determined by the Secretary.

9 (6) PANEL.—The term “Panel” means the Safe
10 Meat, Poultry, and Seafood Inspection Panel estab-
11 lished under section 144.

12 (7) SECRETARY.—The term “Secretary” means
13 the Secretary of Agriculture.

14 (8) STATE.—The term “State” means any
15 State of the United States.

16 (9) TERRITORY.—The term “territory” means
17 Puerto Rico, Guam, the Virgin Islands of the United
18 States, American Samoa, and any other territory or
19 possession of the United States, excluding the Canal
20 Zone.

21 (10) UNITED STATES.—The term “United
22 States” means the States and territories of the
23 United States and the District of Columbia.

1 **SEC. 3. CONGRESSIONAL INTENT AND STATEMENT OF**
2 **FINDINGS.**

3 (a) IMPORTANCE OF WHOLESOME, UNADULTER-
4 ATED, AND PROPERLY BRANDED PRODUCTS.—Congress
5 finds that meat products, poultry products, and seafood
6 products are an essential portion of the nation’s total food
7 supply. It is important that the Government work together
8 with producers, processors, and consumers to assure that
9 meat products, poultry products, and seafood products are
10 wholesome and unadulterated as well as properly marked,
11 labeled, and packaged, handled, prepared, and stored. Un-
12 wholesome, adulterated, misbranded, mishandled, improv-
13 erly prepared, or improperly stored meat products, poultry
14 products, and seafood products not only injure the public
15 health and safety, but also destroy markets for legitimate
16 products and result in losses to producers and processors.
17 It is intended that the only articles regulated under this
18 Act are those which are either in interstate or foreign com-
19 merce, or substantially affect such commerce.

20 (b) PARAMOUNT INTEREST OF FEDERAL INSPEC-
21 TION.—Congress finds that the paramount purpose of
22 Government oversight of the meat, poultry, and seafood
23 industries is to promote the public health and safety, and
24 that this purpose takes priority over aesthetic or economic
25 concerns.

1 (c) GOAL OF RISK- AND SCIENCE-BASED SYSTEM OF
2 INSPECTION.—Congress finds that promoting the public
3 health and safety can only be achieved with a risk-based
4 program that covers the entire food production system
5 from the raising, slaughtering, and processing of livestock,
6 poultry, or seafood to retail distribution and that covers
7 the proper handling, preparation, and storage of meat
8 products, poultry products, and seafood products. Fur-
9 ther, any program of Government oversight must be
10 science-based and focus on the prevention, not detection,
11 of food safety hazards to be effective and viable.

12 (d) IDENTIFICATION OF HAZARDS AND CONTROL
13 PROCEDURES.—Congress finds that a preventive program
14 of meat, poultry and seafood inspection requires the iden-
15 tification of hazards that pose a significant risk to the
16 public health and implementation of scientifically recog-
17 nized control procedures to address such hazards.

18 (e) SUPPORT FOR STATE INSPECTION PROGRAMS.—
19 Because of the importance of meat, poultry, and seafood
20 products to the Nation's food supply, Congress intends
21 that the Federal Government foster and support effective
22 State inspection programs under this Act to ensure com-
23 prehensive meat, poultry, and seafood inspection.

1 **SEC. 4. TRANSFER OF JURISDICTION OVER SEAFOOD IN-**
2 **SPECTION.**

3 (a) TRANSFER.—Upon the effective date of this Act,
4 Federal inspection responsibilities over seafood and sea-
5 food products is hereby transferred from the Food and
6 Drug Administration to the Food Safety and Inspection
7 Service of the Department of Agriculture.

8 (b) CONFORMING REPEAL.—Section 706 of the Fed-
9 eral Food, Drug, and Cosmetic Act (21 U.S.C. 376) is
10 repealed.

11 **TITLE I—INSPECTION AND LA-**
12 **BELING OF LIVESTOCK,**
13 **POULTRY, SEAFOOD, AND**
14 **THEIR PRODUCTS**

15 **Subtitle A—Inspection**
16 **Requirements**

17 **SEC. 101. ANTE-MORTEM EXAMINATION.**

18 (a) EXAMINATION REQUIRED, PURPOSE.—

19 (1) IN GENERAL.—The Secretary shall provide
20 a written procedure for a risk-based ante-mortem ex-
21 amination of livestock, poultry, and seafood prior to
22 entry into a slaughtering facility. The examination
23 shall be for the purpose of detecting any abnormality
24 in the livestock, poultry, or seafood and to assure
25 compliance with any requirements imposed by sec-
26 tion 147. Livestock, poultry, or seafood showing an

1 abnormality shall be set apart and slaughtered only
2 after being examined separately by an official chosen
3 by the Secretary.

4 (2) SELF-INSPECTION AUTHORIZED.—Upon the
5 petition of a facility, the Secretary may permit the
6 ante-mortem examination to be conducted by one or
7 more representatives of that facility. In such cases,
8 the Secretary may prescribe the minimum qualifica-
9 tions for such representatives which shall not exceed
10 the minimum qualification of other officials chosen
11 by the Secretary to perform such examinations.

12 (3) WRITTEN PROCEDURE.—Petitions for self-
13 inspection shall contain a written procedure for con-
14 ducting ante-mortem examinations. The written pro-
15 cedure shall incorporate generally recognized control
16 procedures and corrective actions to enable the facil-
17 ity to monitor those physical, biological, and chemi-
18 cal hazards that pose a significant risk to human
19 health and to control such risks. A facility may limit
20 its written procedure to food safety concerns. Aes-
21 thetic and economic concerns need not be part of the
22 required procedure and shall not be subject to the
23 mandatory verification activities provided by this
24 section. All written procedures shall include—

1 (A) a provision empowering officials chosen
2 by the Secretary to verify compliance with the
3 written procedure;

4 (B) a provision specifying how the facility
5 will perform the ante-mortem examination of
6 livestock, poultry, and seafood required by this
7 section;

8 (C) a provision requiring the facility to
9 document both the procedure by which abnor-
10 malities are detected and the disposition of live-
11 stock, poultry, and seafood with abnormalities;
12 and

13 (D) a provision mandating that any live-
14 stock, poultry, and seafood to be used as
15 human food showing an abnormality shall be
16 set apart and examined separately by an official
17 chosen by the Secretary.

18 (b) VERIFICATION OF THE WRITTEN PROCEDURE.—

19 (1) VERIFICATION BY SECRETARY.—Following
20 the approval of a facility's petition for self-inspec-
21 tion, the Secretary shall choose officials to verify a
22 facility's compliance with its written procedure of
23 ante-mortem examination. The Secretary may re-
24 quire a slaughtering facility to maintain such

1 records as may be necessary to verify the facility's
2 compliance with its written procedure.

3 (2) VERIFICATION ACTIVITIES.—In verifying
4 the compliance of a slaughtering facility with its
5 written procedure, the officials chosen by the Sec-
6 retary shall review the following documents main-
7 tained by the facility—

8 (A) written procedure of ante-mortem ex-
9 amination;

10 (B) in-house monitoring and control
11 records;

12 (C) records of deviations and dispositions
13 taken;

14 (D) in-house reviews of the ante-mortem
15 examination procedures of the facility; and

16 (E) upon the request of the facility, the
17 quality assurance program, if any, adopted and
18 followed by the facility.

19 The officials chosen by the Secretary may also re-
20 view any other records generated by a facility's writ-
21 ten procedure, make visual observations of the facili-
22 ty's ante-mortem inspections, and take samples of
23 carcasses and products to ensure the facility is fol-
24 lowing its written procedure.

1 (c) REMEDIATION OF THE WRITTEN PROCEDURE.—
2 If a verification inspection raises questions as to whether
3 product produced under the written procedure of ante-
4 mortem examination poses an unacceptable risk to human
5 health, the official making the inspection shall notify the
6 facility, in writing, of the alleged deficiencies in the written
7 procedure and what corrective action is necessary. The fa-
8 cility may either amend its written procedure to conform
9 to the recommendations of the official making the inspec-
10 tion or appeal the matter. The Secretary shall provide an
11 expedited hearing process for such appeals. Until a final
12 administrative decision is rendered, the facility may con-
13 tinue to operate pursuant to its written procedure, unless
14 the Secretary makes an express factual determination that
15 product processed under that written procedure would
16 pose a direct and significant risk to public health and safe-
17 ty.

18 (d) DISPOSITION OF PRODUCT.—Except as provided
19 in subsection (c), any product produced in accordance with
20 the written procedure of ante-mortem examination may be
21 shipped in commerce. When a facility determines that a
22 deviation has occurred, the facility shall retain the product
23 and either reprocess the suspect product using generally
24 recognized procedures or destroy the product. Any product

1 so destroyed shall be deemed to have been condemned by
2 the Secretary.

3 (e) NONCOMPLIANCE WITH THE WRITTEN PROCE-
4 DURE.—Should an official making a verification inspec-
5 tion determine that a facility is not following its written
6 procedure, that official may increase verification activities
7 until the official determines the facility will follow the pro-
8 cedure without such increased verification. The official
9 also may retain product if such product would pose a di-
10 rect and significant risk to public health and safety. The
11 decision of any official under this subsection may be ap-
12 pealed to the Secretary by the facility. The Secretary shall
13 provide an expedited process to hear and decide such ap-
14 peals.

15 **SEC. 102. POST-MORTEM EXAMINATION.**

16 (a) EXAMINATION REQUIRED, PURPOSE.—

17 (1) IN GENERAL.—The Secretary shall provide
18 for a risk-based post-mortem examination of live-
19 stock and poultry carcasses and seafood at a slaugh-
20 tering facility. The Secretary is authorized, but is
21 not required, to accomplish such examination
22 through a separate inspection of each article follow-
23 ing its slaughter.

24 (2) SELF-INSPECTION AUTHORIZED.—Upon the
25 petition of a facility, the Secretary may permit the

1 post-mortem examination to be conducted by one or
2 more representatives of the facility pursuant to a
3 written procedure which is prepared by the facility
4 and based on the nature of the operations conducted
5 by the facility. In such cases, the Secretary may pre-
6 scribe minimum qualifications for such representa-
7 tives which shall not exceed the minimum qualifica-
8 tions of other officials chosen by the Secretary to
9 perform such examinations.

10 (3) CONTENTS OF THE WRITTEN PROCE-
11 DURE.—Petitions for self-inspection shall contain a
12 written procedure for conducting post-mortem ex-
13 aminations. The written procedure shall incorporate
14 generally recognized control procedures and correc-
15 tive actions to enable the facility to monitor those
16 physical, biological, and chemical hazards that pose
17 a significant risk to human health and to control
18 such risks. A facility may limit its written procedure
19 to food safety concerns. Aesthetic and economic con-
20 cerns need not be part of the required procedure and
21 shall not be subject to the mandatory verification ac-
22 tivities provided by this section. All written proce-
23 dures shall include—

1 (A) a provision empowering officials chosen
2 by the Secretary to verify compliance with the
3 written procedure;

4 (B) a provision specifying how the facility
5 will perform the post-mortem examination of
6 livestock and poultry carcasses and seafood re-
7 quired by this section;

8 (C) a provision requiring the facility to
9 document both the procedure by which abnor-
10 malities are detected and the disposition of live-
11 stock and poultry carcasses and seafood with
12 abnormalities; and

13 (D) a provision mandating that any live-
14 stock or poultry carcass or seafood to be used
15 as human food showing an abnormality shall be
16 set apart and examined separately by an official
17 chosen by the Secretary.

18 (b) VERIFICATION OF THE WRITTEN PROCEDURE.—

19 (1) VERIFICATION BY SECRETARY.—Following
20 the approval of a facility's petition for self-inspec-
21 tion, the Secretary shall choose officials to verify a
22 facility's compliance with its written procedure of
23 post-mortem examination. The Secretary may re-
24 quire a slaughtering facility to maintain such

1 records as may be necessary to verify the facility's
2 compliance with its written procedure.

3 (2) VERIFICATION ACTIVITIES.—In verifying
4 the compliance of a slaughtering facility with its
5 written procedure, the officials chosen by the Sec-
6 retary shall review the following documents main-
7 tained by the facility—

8 (A) written procedure of post-mortem ex-
9 amination;

10 (B) in-house monitoring and control
11 records;

12 (C) records of deviations and dispositions
13 taken;

14 (D) in-house reviews of the post-mortem
15 examination procedures of the facility; and

16 (E) upon the request of the facility, the
17 quality assurance program, if any, adopted and
18 followed by the facility.

19 The officials chosen by the Secretary may also re-
20 view any other records generated by a facility's writ-
21 ten procedure, make visual observations of the facili-
22 ty's post-mortem inspections, and take samples of
23 carcasses and products to ensure the facility is fol-
24 lowing its written procedure.

1 (c) REMEDIATION OF THE WRITTEN PROCEDURE.—

2 If a verification inspection raises questions as to whether
3 product produced under the written procedure of post-
4 mortem examination poses an unacceptable risk to human
5 health, the official making the inspection shall notify the
6 facility, in writing, of the alleged deficiencies in the written
7 procedure and what corrective action is necessary. The fa-
8 cility may either amend its written procedure to conform
9 to the recommendations of the official making the inspec-
10 tion or appeal the matter. The Secretary shall provide an
11 expedited hearing process for such appeals. Until a final
12 administrative decision is rendered, the facility may con-
13 tinue to operate pursuant to its written procedure, unless
14 the Secretary makes an express factual determination that
15 product processed under that written procedure would
16 pose a direct and significant risk to public health and safe-
17 ty.

18 (d) DISPOSITION OF PRODUCT.—Except as provided
19 in subsection (c), any product produced in accordance with
20 the written procedure of post-mortem examination may be
21 shipped in commerce. When a facility determines that a
22 deviation has occurred, the facility shall retain the product
23 and either reprocess the suspect product using generally
24 recognized procedures or destroy the product. Any product

1 so destroyed shall be deemed to have been condemned by
2 the Secretary.

3 (e) NONCOMPLIANCE WITH THE WRITTEN PROCE-
4 DURE.—Should an official making a verification inspec-
5 tion determine that a facility is not following its written
6 procedure, that official may increase verification activities
7 until the official determines the facility will follow the pro-
8 cedure without such increased verification. The official
9 also may retain product if such product would pose a di-
10 rect and significant risk to public health and safety. The
11 decision of any official under this subsection may be ap-
12 pealed to the Secretary by the facility. The Secretary shall
13 provide an expedited process to hear and decide such ap-
14 peals.

15 **SEC. 103. PROCESSING EXAMINATION.**

16 (a) EXAMINATION REQUIRED; PURPOSE.—

17 (1) IN GENERAL.—The Secretary shall provide
18 for a risk-based examination of meat products, poul-
19 try products, or seafood products at any processing
20 facility according to the requirements of this sec-
21 tion—

22 (2) SELF-INSPECTION AUTHORIZED.—Upon the
23 petition of a facility, the Secretary may permit the
24 processing examination to be conducted by one or
25 more representatives of the processing facility pursu-

1 ant to a written procedure which is prepared by the
2 facility and based on the nature of the operations
3 conducted by the facility. In such cases, the Sec-
4 retary may prescribe minimum qualifications for
5 such representatives which shall not exceed the mini-
6 mum qualifications of other officials chosen by the
7 Secretary to perform such examinations.

8 (3) WRITTEN PROCEDURE.—Petitions for self-
9 inspection shall contain a written procedure for con-
10 ducting processing examinations. The written proce-
11 dure shall incorporate generally recognized control
12 procedures and corrective actions to enable the proc-
13 essing facility to monitor those physical, biological,
14 and chemical hazards that pose a significant risk to
15 human health and to control such risks. A process-
16 ing facility may limit its written procedure to food
17 safety concerns only. Aesthetic and economic con-
18 cerns need not be part of the required procedure and
19 shall not be subject to the verification activities pro-
20 vided in this section. All written procedures shall in-
21 clude a provision empowering officials chosen by the
22 Secretary to verify compliance with the written pro-
23 cedure.

24 (b) VERIFICATION OF THE WRITTEN PROCEDURE.—

1 (1) VERIFICATION BY SECRETARY.—Following
2 the approval of a facility’s petition for self-inspec-
3 tion, the Secretary shall choose officials to verify a
4 facility’s compliance with its written procedure of
5 processing examination. The Secretary shall coordi-
6 nate the choice of such officials with other state and
7 Federal agencies to maximize the efficient use of
8 verification resources. The Secretary may require a
9 processing facility to maintain such records as may
10 be necessary to verify the facility’s compliance with
11 its written procedure.

12 (2) VERIFICATION ACTIVITIES.—In verifying
13 the compliance of a processing facility with its writ-
14 ten procedure, the officials chosen by the Secretary
15 shall review the following documents maintained by
16 the facility—

17 (A) written procedure of processing exam-
18 ination;

19 (B) in-house monitoring and control
20 records;

21 (C) records of deviations and dispositions
22 taken;

23 (D) in-house reviews of the processing ex-
24 amination procedures of the facility; and

1 (E) upon the request of the facility, if any,
2 adopted and followed by the facility.

3 The officials chosen by the Secretary may also review any
4 other records generated by a facility's written procedure,
5 make visual observations of the facility's post-mortem in-
6 spections, and take samples of products to ensure the fa-
7 cility is following its written procedure.

8 (3) FREQUENCY OF VERIFICATION.—Among
9 the factors the Secretary shall consider in determin-
10 ing the frequency of verification activities at a proc-
11 essing facility are—

12 (A) the public health risk presented at the
13 various stages of processing;

14 (B) the reliability of the monitoring and
15 control systems used by the facility; and

16 (C) the compliance history of the facility.

17 (c) REMEDIATION OF THE WRITTEN PROCEDURE.—

18 If a verification inspection raises questions as to whether
19 product produced under the written procedure of process-
20 ing examination poses an unacceptable risk to human
21 health, the official making the inspection shall notify the
22 facility, in writing, of the alleged deficiencies in the written
23 procedure and what corrective action is necessary. The fa-
24 cility may either amend its written procedure to conform
25 to the recommendations of the official making the inspec-

1 tion or appeal the matter. The Secretary shall provide an
2 expedited hearing process for such appeals. Until a final
3 administrative decision is rendered, the facility may con-
4 tinue to operate pursuant to its written procedure, unless
5 the Secretary makes an express factual determination that
6 product processed under that written procedure would
7 pose a direct and significant risk to public health and safe-
8 ty.

9 (d) DISPOSITION OF PRODUCT.—Except as provided
10 in subsection (c), any product produced in accordance with
11 the written procedure of post-mortem examination may be
12 shipped in commerce. When a facility determines that a
13 deviation has occurred, the facility shall retain the product
14 and either reprocess the suspect product using generally
15 recognized procedures or destroy the product. Any product
16 so destroyed shall be deemed to have been condemned by
17 the Secretary.

18 (e) NONCOMPLIANCE WITH THE WRITTEN PROCE-
19 DURE.—Should an official making a verification inspec-
20 tion determine that a facility is not following its written
21 procedure of processing examination, that official may in-
22 crease verification activities until the official determines
23 the facility will follow the procedure without such in-
24 creased verification. The official also may retain product
25 if such product would pose a direct and significant risk

1 to public health and safety. The decision of any official
2 under this subsection may be appealed to the Secretary
3 by the facility. The Secretary shall provide an expedited
4 process to hear and decide such appeals.

5 **SEC. 104. FACILITY SANITATION.**

6 (a) SANITATION.—Each slaughtering facility or proc-
7 essing facility, and any other facility that is engaged in
8 the business of buying, selling, freezing, storing, or trans-
9 porting livestock and poultry carcasses, seafood, meat
10 products, poultry products, or seafood products, shall
11 adopt a written procedure providing for the maintenance
12 of sanitary conditions at that facility. Among the topics
13 covered by the written procedure shall be the proper stor-
14 age and handling of articles and products to assure that
15 they do not become adulterated or misbranded.

16 (b) VERIFICATION OF THE WRITTEN PROCEDURE.—
17 The Secretary shall choose officials who, using the proce-
18 dures set forth in section 104, shall periodically verify a
19 facility's compliance with its written procedure for sanita-
20 tion.

21 **SEC. 105. NIGHT EXAMINATIONS AND VERIFICATIONS.**

22 If a slaughtering facility or a processing facility oper-
23 ates both during the day and at night, the Secretary shall
24 require that a portion of the examinations at that facility
25 and a portion of any visual observations by officials to ver-

1 ify compliance with that facility's written procedure for
2 examinations occur at night.

3 **SEC. 106. PROHIBITED ACTS: ADULTERATED PRODUCT.**

4 Except as provided in section 105, no person shall
5 do any of the following with respect to any livestock or
6 poultry carcass, seafood, meat product, poultry product,
7 or seafood product capable of use as human food:

8 (1) Slaughter or process any such article or
9 product except in compliance with the requirements
10 of this title.

11 (2) Fail to destroy any article or product that
12 has been condemned within such time as the Sec-
13 retary may prescribe.

14 (3) Sell, offer for sale or transportation, receive
15 for transportation, or transport any such article or
16 product that—

17 (A) was not slaughtered or processed in
18 compliance with the requirements of this title;

19 or

20 (B) is otherwise adulterated

21 (4) Commit any act which was intended to
22 cause, or has the effect of causing, any such article
23 or product to become adulterated.

1 **SEC. 107. EXEMPT ACTIVITIES.**

2 (a) **ACTIVITIES EXEMPT FROM FEDERAL INSPEC-**
3 **TION.**—The provisions of this title requiring examination
4 of the slaughter of livestock, poultry, or seafood and the
5 processing of meat products, poultry products, and sea-
6 food products conducting shall not apply to—

7 (1) any person who slaughters or processes live-
8 stock, poultry, or seafood raised by that person for
9 the exclusive use of that person or his or her house-
10 hold;

11 (2) any person who engages in the custom
12 slaughter of livestock, poultry, or seafood received
13 from the owner thereof for the exclusive use by the
14 owner and his or her household; or

15 (3) the custom processing by any person of live-
16 stock, poultry, seafood, game animals, or game birds
17 received from the owner thereof exclusively for use
18 by the owner or his or her household.

19 (b) **SEGREGATION OF EXEMPT PRODUCT FROM IN-**
20 **SPECTED PRODUCT.**—The Secretary shall require that
21 any person who, at the same facility, engages in both the
22 activity described in subsection (a) and other slaughtering
23 or processing activity for which ante-mortem, post-
24 mortem, or processing examinations are required by this
25 title—

1 (1) shall keep the livestock and poultry car-
2 carcasses, seafood, meat products, poultry products,
3 seafood products, containers, and packages of each
4 activity separate and distinct from the livestock and
5 poultry carcasses, seafood, meat products, poultry
6 products, seafood products, containers and packages
7 of the other activity at all times; and

8 (2) shall plainly mark all articles, containers, or
9 packages containing products slaughtered or proc-
10 essed under the conditions described in subsection
11 (a) as “Not For Sale.”

12 (c) **SUSPENSION OF EXEMPTION.**—The Secretary
13 may suspend the exemption provided under subsection (a)
14 for any person who fails to comply with section 106 or
15 subsection (b) of this section.

16 **SEC. 108. MICROBIOLOGICAL TESTING.**

17 The Secretary may adopt such microbiological testing
18 as has been demonstrated to be necessary in assisting offi-
19 cials in verifying the effectiveness of the written proce-
20 dures established by a slaughtering facility or a processing
21 facility to control foodborne hazards under sections 102
22 and 103. In determining the appropriate role and use of
23 such testing, the Secretary shall collaborate with the Panel
24 established in section 144 and utilize the most current sci-
25 entific and technological evidence available.

1 **Subtitle B—Labeling Requirements**

2 **SEC. 121. INSPECTION LABELING.**

3 (a) RECEPTACLE LABELS.—Any meat product, poul-
4 try product, or seafood product which has been examined
5 under chapter 1, prepared for commerce, and placed or
6 packed in any can, pot, tin, canvas, or other receptacle
7 or covering, shall have a label attached to said can, pot,
8 tin, canvas, or other receptacle or covering, by the slaugh-
9 tering facility or processing facility stating that its con-
10 tents have been “inspected and passed” pursuant to the
11 provisions of this Act.

12 (b) CARCASS AND PRODUCT LABELING.—Any live-
13 stock or poultry carcass, portion of a livestock or poultry
14 carcass, seafood, meat product, poultry product, or sea-
15 food product which has been examined under chapter 1 and
16 found to be unadulterated, shall have a label attached di-
17 rectly on the article or product or its container, as the
18 Secretary may designate, which contains the information
19 required to avoid misbranding.

20 (c) LABEL SPECIFICATIONS AND PRODUCT STAND-
21 ARDS.—Whenever the Secretary determines that action is
22 necessary to protect the public from false or misleading
23 information which poses a direct and significant threat to
24 public health or safety, the Secretary may—

1 (1) prescribe the styles and sizes of type to be
2 used when labeling any articles or products subject
3 to this Act; and

4 (2) provide definitions, standards of identity or
5 composition and standards of fill of container for ar-
6 ticles and products subject to this Act which are
7 consistent with any such standards established
8 under the Federal Food, Drug, and Cosmetic Act.
9 The Secretary shall collaborate with the Secretary of
10 Health and Human Services and the Panel estab-
11 lished under section 144 prior to the issuance of
12 such findings to avoid any inconsistency with other
13 state or Federal standards and to coordinate the ad-
14 ministration of those standards.

15 (d) FALSE AND MISLEADING MARKINGS, LABELS
16 AND CONTAINERS.—The Secretary shall prohibit articles
17 or products subject to this Act from being sold, marketed
18 or transported with markings, labels, or containers which
19 convey false or misleading information that poses a direct
20 and significant threat to public health or safety. If the
21 Secretary determines that such a threat exists from any
22 marking, labeling, or container, the Secretary shall direct
23 that the marking, label, or contain be withheld unless
24 modified. The person or facility may either alter the mark-
25 ing, label, or container to conform to the specifications of

1 the Secretary or appeal the matter. Until a final adminis-
2 trative decision is rendered, the person or facility may not
3 continue to utilize the marking, label, or container.

4 **SEC. 122. DERIVATION LABELING; SEPARATE PREPARA-**
5 **TION AND SLAUGHTERING ACTIVITIES.**

6 (a) DERIVATION LABELING.—No person shall sell,
7 market, or transport any livestock or poultry carcass, any
8 portion of a livestock or poultry carcass, seafood, meat
9 product, poultry product, or seafood product unless it is
10 conspicuously marked, labeled, or otherwise identified to
11 show the species of livestock, poultry, or seafood from
12 which it was derived.

13 (b) SEPARATE PROCESSING AND SLAUGHTERING FA-
14 CILITIES.—The Secretary may require that livestock or
15 poultry carcasses, seafood, meat products, poultry prod-
16 ucts, or seafood products from a particular species be
17 processed in facilities separate from the facilities in which
18 livestock or poultry carcasses, seafood, meat products,
19 poultry products, or seafood products of other species are
20 slaughtered or processed.

21 **SEC. 123. PROHIBITED ACTS: MISBRANDING.**

22 Except as specifically authorized by the Secretary, no
23 person shall do any of the following acts with respect to
24 any livestock or poultry carcass, seafood, meat product,
25 or seafood product—

1 (1) forge any official marking, label, or certifi-
2 cate;

3 (2) simulate, alter, detach, deface, or destroy
4 any official marking, label, or certificate;

5 (3) fail to use any official marking, label, or
6 certificate required by the Secretary;

7 (4) knowingly possess any counterfeit, simu-
8 lated, forged, or altered official certificate;

9 (5) knowingly make any false statement in any
10 certificate or other official or unofficial document re-
11 quired by the Secretary;

12 (6) knowingly possess any article or product
13 bearing any counterfeit, simulated, forged, or altered
14 official marking; or

15 (7) knowingly misrepresent that any article or
16 product either has passed inspection or is exempt
17 from examination under this Act.

18 **Subtitle C—International**

19 **Commerce**

20 **SEC. 131. IMPORTED LIVESTOCK AND POULTRY CAR-** 21 **CASSES, SEAFOOD, MEAT PRODUCTS, POUL-** 22 **TRY PRODUCTS, AND SEAFOOD PRODUCTS.**

23 (a) IMPORTS TO MEET DOMESTIC STANDARDS.—

24 (1) INSPECTION AND VERIFICATION REQUIRE-
25 MENTS.—Notwithstanding any other provision of law

1 and except as provided in paragraphs (3) and (4),
2 all livestock and poultry carcasses, seafood, meat
3 products, poultry products, and seafood products ca-
4 pable of use as human food offered for importation
5 into the United States shall be subject to the re-
6 quirements of this Act and the provisions of the
7 Federal Food, Drug and Cosmetic Act, and shall
8 further—

9 (A) be subject to inspection, sanitary, qual-
10 ity, species verification and residue standards
11 that are equivalent to those applied to products
12 produced in the United States; and

13 (B) have been slaughtered and processed
14 in facilities and under conditions that are equiv-
15 alent to those under which similar products are
16 processed in the United States, including the
17 requirements for humane methods of handling
18 and slaughter included in Public Law 85–765
19 (7 U.S.C. 1901–1906).

20 (2) FAILURE TO MEET DOMESTIC STAND-
21 ARDS.—Any imported livestock and poultry car-
22 casses, seafood, meat products, poultry products, or
23 seafood products that do not meet the domestic
24 standards specified in paragraph (1) shall not be

1 permitted entry into the United States. The Sec-
2 retary shall enforce this provision through—

3 (A) the imposition of risk-based sampling,
4 testing, and inspection both at the point of
5 slaughter or processing in an exporting country
6 and at the point of entry into the United
7 States; and

8 (B) the certification by the Secretary of an
9 exporting country's inspection, sanitary, quality,
10 species verification, and residue standards. The
11 Secretary shall periodically review such certifi-
12 cations. A foreign country whose standards
13 have not been certified by the Secretary as
14 equivalent to domestic standards shall not be el-
15 igible to export livestock and poultry carcasses,
16 seafood, meat products, poultry products, and
17 seafood products into the United States.

18 (3) CANADA AND MEXICO.—At any time during
19 which the North American Free Trade Agreement is
20 in effect, Canada and Mexico may demonstrate com-
21 pliance with the requirements of paragraph (1) of
22 this subsection by providing the Secretary with sci-
23 entific or other evidence, in accordance with risk as-
24 sessment methodologies adopted by the Secretary
25 and the exporting country, that the exporting coun-

1 try achieves a level of consumer protection the Sec-
2 retary deems appropriate based on sound scientific
3 principles and reliable analytical methods.

4 (4) EXEMPTION FOR PERSONAL USE.—Live-
5 stock or poultry carcasses, seafood, meat products,
6 poultry products, or seafood products slaughtered or
7 processed in a foreign country shall be exempt from
8 the provisions of this section when purchased by an
9 individual exclusively for his or her household and if
10 the total weight all of the imported articles or prod-
11 ucts do not exceed fifty pounds.

12 (b) USAGE OF DRUGS BANNED IN THE UNITED
13 STATES.—The Secretary may limit the circumstances and
14 specify the terms and conditions upon which live livestock,
15 poultry, or seafood to which a drug banned for use in the
16 United States has been administered, or articles and prod-
17 ucts from such livestock, poultry, and seafood, may be im-
18 ported into the United States.

19 (c) REQUIREMENT THAT FOREIGN INSPECTION
20 STANDARDS BE BASED ON SOUND SCIENTIFIC PRIN-
21 CIPLES AND RELIABLE ANALYTICAL METHODS.—

22 (1) The Secretary shall determine whether any
23 foreign country applies inspection, sanitary, quality,
24 species verification, residue or other standards to
25 imports of livestock or poultry carcasses, seafood,

1 meat products, poultry products, or seafood products
2 which are either unrelated to public health or safety
3 or cannot be justified by sound scientific principles
4 and reliable analytical methods.

5 (2) Following a determination by the Secretary
6 that a foreign country is employing standards to
7 United States imports as specified in paragraph (1)
8 of this subsection and consultation with the United
9 States Trade Representative, the President may re-
10 voke any certification provided under subsection (a)
11 to that foreign country unless that country's inspec-
12 tion, sanitary, quality, species verification, or other
13 standards applicable to livestock and poultry car-
14 casses, seafood, meat products, poultry products,
15 and seafood products are identical to those required
16 in the United States.

17 (3) The action authorized under paragraph (2)
18 may be utilized under the circumstances noted in
19 that paragraph instead of, or in addition to, any
20 other action taken under any other law.

21 (d) DESTRUCTION OF IMPORTED ARTICLES CON-
22 DEMNED BY THE SECRETARY.—The Secretary may speci-
23 fy the terms and conditions for the destruction of articles
24 and products that are imported contrary to this section.
25 However, imported articles and products which are not in

1 compliance with this section solely because of misbranding
2 may be brought into compliance under the supervision of
3 authorized representatives of the Secretary and subse-
4 quently released.

5 (e) REPORT TO CONGRESS.—Not later than March
6 1 of each year the Secretary shall submit to the Committee
7 on Agriculture of the House of Representatives and the
8 Committee on Agriculture, Nutrition, and Forestry of the
9 Senate a comprehensive written report regarding the ad-
10 ministration of this section during the immediately preced-
11 ing calendar year. Such report shall include the following:

12 (1) A certification by the Secretary that foreign
13 persons exporting livestock and poultry carcasses,
14 seafood, meat products, poultry products, and sea-
15 food products to the United States employ inspec-
16 tion, sanitary, quality, species verification, and resi-
17 due standards that are equivalent to those applied to
18 products produced in the United States, and have
19 been slaughtered and processed under conditions
20 and in facilities that are equivalent to those under
21 which similar articles and products are slaughtered
22 and processed in the United States. The Secretary
23 may treat the standards of Canada or Mexico as
24 equivalent if that country provides the Secretary
25 with scientific or other evidence, in accordance with

1 risk assessment methodologies accepted by the Sec-
2 retary and the exporting country, that the country
3 achieves the level of consumer protection that the
4 Secretary considers appropriate based upon sound
5 scientific principles and reliable analytical methods.

6 (2) The names and locations of facilities that
7 exported livestock and poultry carcasses, seafood,
8 meat products, poultry products, or seafood products
9 to the United States.

10 (3) The number of officials utilized by the Unit-
11 ed States Department of Agriculture during that
12 calendar year to inspect the facilities, articles and
13 products specified in paragraph (2) and the fre-
14 quency with which each such facility was inspected
15 by those officials.

16 (4) The number of officials utilized by each
17 country during that year to inspect the facilities, ar-
18 ticles, and products specified in paragraph (2) and
19 the frequency and effectiveness of such inspection.

20 (5) The total volume of livestock and poultry
21 carcasses, seafood, meat products, poultry products,
22 or seafood products imported into the United States
23 during that calendar year from each country, includ-
24 ing the volume of each major category of such im-
25 ports from each country and a detailed accounting

1 by facility, country, and product of facilities or prod-
2 ucts that failed to meet the standards prescribed by
3 this Act.

4 (6) The name of each country that employs
5 standards specified in subsection (c)(1).

6 **SEC. 132. EXPORTS AND CERTIFICATES OF CONDITION.**

7 (a) EXPORT EXAMINATION OF LIVESTOCK, POUL-
8 TRY, AND SEAFOOD.—The Secretary shall require the ex-
9 amination of all live livestock, poultry, and seafood offered
10 for export to foreign countries to ascertain whether such
11 animals are free from disease.

12 (b) EXPORT REVIEW OF LIVESTOCK AND POULTRY
13 CARCASSES, SEAFOOD, MEAT PRODUCTS, POULTRY
14 PRODUCTS, AND SEAFOOD PRODUCTS.—The Secretary
15 shall require the review of all livestock and poultry car-
16 casses, seafood, meat products, poultry products, and sea-
17 food products offered for export to any foreign country
18 to assure compliance with the examinations specified in
19 sections 101, 102, and 103.

20 (c) CERTIFICATES OF CONDITION.—The Secretary
21 shall choose officials to perform the examinations and re-
22 views required by this section and to issue official certifi-
23 cates stating the condition in which such live livestock,
24 poultry, and seafood, and such livestock and poultry car-
25 casses, seafood, meat products, poultry products, and sea-

1 food products are found. Three copies of each certificate
2 shall be made and distributed as follows:

3 (1) one copy shall be filed with the United
4 States Department of Agriculture;

5 (2) one copy shall be delivered to the person ex-
6 porting the articles or products; and

7 (3) one copy shall be delivered to the person in
8 charge of the means of transportation through which
9 the articles or products are exported.

10 (d) DENIAL OF EXPORT.—The following items shall
11 not be exported to a foreign country unless the Secretary
12 has waived the requirement for certificates of condition
13 for that foreign country—

14 (1) live livestock, poultry or seafood without a
15 certificate of condition stating that the same are
16 sound and healthy; and

17 (2) livestock and poultry carcasses, seafood,
18 meat products, poultry products, and seafood prod-
19 ucts without a certificate of condition stating that
20 the examination of the same complied with sections
21 101, 102, and 103.

22 **Subtitle D—Miscellaneous**

23 **SEC. 141. TRANSITIONAL PERIOD.**

24 (a) DEADLINE TO DEVELOP AND IMPLEMENT WRIT-
25 TEN PROCEDURES; ASSISTANCE DURING TRANSITION PE-

1 RIOD.—Each person subject to this Act shall implement
2 any written procedure required by sections 101, 102, 103,
3 and 104 that is applicable to its facility within three years
4 of the effective date of this Act. The Secretary shall direct
5 the Cooperative State Research, Education, and Extension
6 Service to develop an extension program to assist persons
7 and facilities which are small businesses to develop and
8 implement the written procedures required under sections
9 101, 102, 103, and 104.

10 (b) APPLICATION OF CURRENT LAW.—During the
11 period specified in subsection (a), the provisions of the
12 Federal Meat Inspection Act (21 U.S.C. 601 et seq.) and
13 the Poultry Products Inspection Act (21 U.S.C. 451 et
14 seq.), as in effect on the day before the effective date of
15 this Act, shall be applicable to any person subject to this
16 Act until such time as the person has implemented all of
17 the written procedures required by sections 101, 102, 103,
18 and 104 that are applicable to the facilities of the person.

19 (c) PROHIBITION OF SLAUGHTERING AND PROCESS-
20 ING ACTIVITY.—The Secretary may prohibit any person
21 who fails, within the period specified in subsection (a), to
22 implement any written procedure required by sections 101,
23 102, 103, and 104 that is applicable to the facilities of
24 the person from engaging in the slaughtering or process-
25 ing of livestock and poultry carcasses, seafood, meat prod-

1 ucts, poultry products, or seafood products until such time
2 as the person has developed and implemented the required
3 written procedures.

4 **SEC. 142. RULEMAKING.**

5 The Secretary shall promulgate such rules and regu-
6 lations as may be necessary for the efficient execution of
7 this title using the procedure set forth in section 523 of
8 title 5, United States Code.

9 **SEC. 143. APPEALS.**

10 (a) **FINALITY OF SECRETARY'S DETERMINATION.**—

11 Any determination by the Secretary under this Act shall
12 be final and conclusive unless, within thirty days of writ-
13 ten notice, the person to which the determination is appli-
14 cable appeals that determination to the court of appeals
15 for the circuit in which that person has its principal place
16 of business by filing with the clerk of such court a petition
17 asking that the Secretary's determination be set aside or
18 modified as specified in the petition. The court may re-
19 quire the petitioner to file a bond sufficient to pay the
20 cost of the court proceedings.

21 (b) **FINALITY OF APPELLATE REVIEW.**—The court of

22 appeals shall have exclusive jurisdiction to review and af-
23 firm, set aside, or modify the determination of the Sec-
24 retary. The court's decision shall be final except that it
25 shall be subject to review by the Supreme Court of the

1 United States upon certiorari, as provided in section 1254
2 of title 28, United States Code, if application is made for
3 such writ within sixty days of the entry of the decree.

4 **SEC. 144. SAFE MEAT, POULTRY, AND SEAFOOD INSPEC-**
5 **TION ADVISORY PANEL.**

6 (a) **ESTABLISHMENT.**—There is established in the
7 Department of Agriculture a permanent advisory panel to
8 be known as the “Safe Meat, Poultry, and Seafood Inspec-
9 tion Advisory Panel”.

10 (b) **DUTIES.**—

11 (1) **REVIEW AND EVALUATION.**—The Panel
12 shall review and evaluate, as the Panel considers
13 necessary, the adequacy, necessity, safety, cost-effec-
14 tiveness, and scientific merit of—

15 (A) inspection procedures of, and work
16 rules and worker relations involving Federal
17 employees employed in, plants inspected under
18 this Act;

19 (B) informal petitions or proposals for
20 changes in inspection procedures, processes,
21 and techniques of plants inspected under this
22 Act;

23 (C) formal changes in inspection regula-
24 tions promulgated under this Act, whether in
25 notice, proposed, or final form; and

1 (D) such other matters as may be referred
2 to the Panel by the Secretary regarding the
3 quality or effectiveness of a safe and cost-effec-
4 tive meat, poultry, and seafood inspection sys-
5 tem under this Act.

6 (2) REPORTS.—

7 (A) IN GENERAL.—The Panel shall submit
8 to the Secretary a report on the results of each
9 review and evaluation carried out under para-
10 graph (1), including such recommendations as
11 the Panel considers appropriate.

12 (B) REPORTS ON FORMAL CHANGES.—In
13 the case of a report concerning a formal change
14 in inspection regulations, the report shall be
15 made within the time limits prescribed for for-
16 mal comments on such changes.

17 (C) PUBLICATION IN FEDERAL REG-
18 ISTER.—Each report of the Panel to the Sec-
19 retary shall be published in the Federal Reg-
20 ister.

21 (c) SECRETARIAL RESPONSE.—Not later than 90
22 days after the publication of a Panel report under sub-
23 section (b)(2)(C), the Secretary shall publish in the Fed-
24 eral Register any response required of the Secretary to
25 the report.

1 (d) COMPOSITION OF PANEL.—The Panel shall be
2 composed of 7 members, not fewer than 5 of whom shall
3 be from the food science, meat science, poultry science,
4 or seafood science profession, appointed to staggered
5 terms not to exceed 3 years by the Secretary from nomina-
6 tions received from the National Institutes of Health and
7 the Federation of American Societies of Food Animal
8 Science and based on the professional qualifications of the
9 nominees.

10 (e) NOMINATIONS.—

11 (1) INITIAL PANEL.—The members of the Safe
12 Meat and Poultry Inspection Panel established
13 under section 410 of the Federal Meat Inspection
14 Act, as in effect on the day before the effective date
15 of this Act, shall constitute the initial Panel.

16 (2) VACANCIES.—Any subsequent vacancy on
17 the Panel shall be filled by the Secretary after solie-
18 iting 2 nominees from the National Institutes of
19 Health and 2 nominees from the Federation of
20 American Societies of Food Animal Science.

21 (3) REQUIREMENTS FOR NOMINEES.—

22 (A) IN GENERAL.—Each nominee provided
23 under paragraph (2) shall have a background in
24 public health issues and a scientific expertise in

1 food, meat, or poultry science or in veterinary
2 science.

3 (B) SUBMISSION OF INFORMATION.—The
4 Secretary may require nominees to submit such
5 information as the Secretary considers nec-
6 essary prior to completing the selection process.

7 (4) ADDITIONAL NOMINEES.—If any list of
8 nominees provided under paragraph (2) is unsatis-
9 factory to the Secretary, the Secretary may request
10 the nominating entities to submit an additional list
11 of nominees.

12 (f) TRAVEL EXPENSES.—While away from the home
13 or regular place of business of a member of the Panel in
14 the performance of services for the Panel, the member
15 shall be allowed travel expenses, including per diem in lieu
16 of subsistence, at the same rate as a person employed
17 intermittently in the Government service would be allowed
18 under section 5703 of title 5, United States Code.

19 (g) CONFLICTS OF INTEREST.—The Secretary shall
20 promulgate regulations regarding conflicts of interest with
21 respect to the members of the Panel.

22 (h) EXEMPTION.—The Federal Advisory Committee
23 Act (5 U.S.C. App.) and title XVIII of the Food and Agri-
24 culture Act of 1977 (7 U.S.C. 2281 et seq.) shall not apply
25 to the Panel.

1 (i) FUNDING.—From funds available to the Secretary
2 to carry out this Act, the Secretary shall ensure that suffi-
3 cient sums are made available to the Panel to carry out
4 its duties under this section. Funds made available to the
5 Panel shall not be subject to funding limitations included
6 in annual appropriations Acts enacted after the date of
7 the enactment of this Act.

8 **SEC. 145. BRIBERY OF OFFICERS, EMPLOYEES, OR OFFI-**
9 **CIALS.**

10 (a) OFFERING BRIBES TO OFFICERS, EMPLOYEES,
11 OR OFFICIALS.—Any person who directly or indirectly
12 gives, pays, or offers to give or pay to any officer or em-
13 ployee of the United States or other official chosen by the
14 Secretary to perform any of the duties prescribed by this
15 Act or the regulations made pursuant to this Act, any-
16 thing of value, with intent to influence said officer, em-
17 ployee or official in the discharge of any duty prescribed
18 by this Act or the regulations made pursuant to this Act,
19 shall be guilty of the felony of bribery and, upon convic-
20 tion, shall be punished by a fine of not less than five thou-
21 sand dollars nor more than ten thousand dollars or by im-
22 prisonment of not less than one year nor more than three
23 years, or both.

24 (b) OFFICERS, EMPLOYEES, OR OFFICIALS ACCEPT-
25 ING BRIBES.—Any officer or employee of the United

1 States or other official chosen by the Secretary to perform
2 any of the duties prescribed by this Act or the regulations
3 made pursuant to this Act, who accepts anything of value
4 from any person with the intent that such payment or gift
5 would influence the performance or forbearance of any
6 duty prescribed by this Act or the regulations made pursu-
7 ant to this Act, shall be guilty of the felony of accepting
8 bribes and, upon conviction, shall be summarily discharged
9 from his or her duties under this Act and shall be pun-
10 ished further with a fine of not less than five thousand
11 dollars nor more than ten thousand dollars or by imprison-
12 ment of not less than one year nor more than three years,
13 or both.

14 **SEC. 146. CONDITIONS FOR ENTRY.**

15 The Secretary may limit the entry of live livestock,
16 poultry, or seafood, or livestock and poultry carcasses, sea-
17 food, meat products, poultry products, or seafood prod-
18 ucts, or any other materials, into any facility subject to
19 sections 102 or 103, or both, of this title to ensure that
20 the entry of such articles or products is consistent with
21 the purposes of this Act.

22 **SEC. 147. PRE-SLAUGHTER IDENTIFICATION AND CONTROL.**

23 (a) IDENTIFICATION OF THE SOURCE OF LIVESTOCK,
24 POULTRY, AND SEAFOOD.—The Secretary may require
25 persons involved in the production or marketing livestock,

1 growing areas, seafood growing areas, and fishing grounds
2 from which significant quantities of seafood are harvested
3 within waters under Federal jurisdiction seaward of the
4 inner boundary of the exclusive economic zone. Within
5 such areas, the Secretary shall collect samples and other
6 scientific information concerning potential hazards with a
7 significant probability of rendering one or more species of
8 seafood and seafood products processed from such areas
9 and grounds adulterated.

10 (b) CLOSURE OF WATERS UNDER FEDERAL JURIS-
11 DICTION.—

12 (1) CLOSURE UPON DETERMINATION OF ADUL-
13 TERATION.—If the Secretary determines, based on
14 sampling or other scientific information, that one or
15 more species of seafood or seafood products proc-
16 essed from seafood harvested from a specific area or
17 ground is adulterated, the Secretary may prohibit or
18 otherwise impose conditions on the harvesting of
19 that seafood in a specific area of waters under Fed-
20 eral jurisdiction seaward of the inner boundary of
21 the exclusive economic zone in order to assure public
22 health and safety.

23 (2) IMMEDIATE EFFECT OF CLOSURE.—Any
24 conditions or closure imposed by the Secretary and
25 published in the Federal Register under authority

1 provided by section 523 of title 5, United States
2 Code, shall have immediate effect.

3 (3) REVIEW AND DURATION OF CLOSURE.—The
4 Secretary shall review any conditions or closure im-
5 posed on a specific area of waters at least once every
6 six months to determine whether seafood from those
7 waters continues to be adulterated. The conditions
8 or closure shall remain in effect until the Secretary
9 determines that the source of adulteration no longer
10 exists.

11 (c) CLOSURE OF STATE WATERS.—

12 (1) GUIDELINES FOR CLOSURE OF STATE WA-
13 TERS.—The Secretary, in consultation with appro-
14 priate Federal and State agencies, shall develop
15 guidelines to assist states in establishing procedures
16 for closing waters under State jurisdiction.

17 (2) STATE CLOSURE OF STATE WATERS.—If the
18 Secretary determines that one or more species of
19 seafood or seafood products processed from seafood
20 harvested in an area of State waters is adulterated,
21 the Secretary shall immediately request the Gov-
22 ernor of such State to close or otherwise restrict
23 such area with respect to the harvesting of that spe-
24 cies of seafood until the circumstances that led to
25 the request no longer exist. The Secretary shall also

1 notify the Secretary of Commerce and, if the species
2 of seafood is a species of shellfish or other bivalve
3 mollusk, the Chairman of the Interstate Shellfish
4 Sanitation Conference of his or her request of the
5 Governor.

6 (3) FEDERAL CLOSURE OF STATE WATERS.—

7 (A) If a State has not closed the affected
8 State waters within 15 days of the Secretary’s
9 request, and the Secretary determines that a
10 significant risk of adulteration continues, the
11 Secretary shall request the Secretary of Com-
12 merce to close the affected area of State waters
13 to the harvesting of the species identified, which
14 area shall remained closed until the Secretary
15 determines that the risk of adulteration no
16 longer exists.

17 (B) The Secretary may not determine that
18 a significant risk of adulteration exists with re-
19 spect to a species of shellfish or other bivalve
20 mollusk until the Secretary has consulted with
21 the Chairman of the Interstate Shellfish Sanita-
22 tion Conference.

23 (d) EXCLUSIVE ECONOMIC ZONE.—The term “exclu-
24 sive economic zone” has the same meaning as that pro-

1 vided by section 3(6) of the Magnuson Fishery Conserva-
2 tion and Management Act (16 U.S.C. 1801(6)).

3 **SEC. 149. TRADE SECRET PROTECTION.**

4 No person shall reveal any information acquired
5 under the authority of sections 101, 102, 103, 104, or 121
6 concerning any method or process that is a bona fide trade
7 secret or confidential commercial information, except to
8 the Secretary, another officer or employee of the United
9 States, an official chosen by the Secretary, or to a judge
10 when relevant to any administrative or judicial proceeding
11 brought under this Act.

12 **TITLE II—RELATED INDUSTRIES**

13 **SEC. 201. PROHIBITION OF TITLE I INSPECTION OF ARTI-**
14 **CLES NOT INTENDED FOR USE AS HUMAN**
15 **FOOD; DENATURATION OR OTHER IDENTI-**
16 **FICATION PRIOR TO DISTRIBUTION IN COM-**
17 **MERCE; INEDIBLE ARTICLES.**

18 Inspection shall not be provided under title I at any
19 facility for the slaughter of livestock, poultry, or seafood,
20 or the preparation of any livestock or poultry carcasses,
21 seafood, meat products, poultry products, or seafood prod-
22 ucts, that are not intended for use as human food, but
23 such articles shall, prior to their offer for sale or transpor-
24 tation in commerce, unless naturally inedible by humans,
25 must be denatured or identified in a manner that will

1 deter their use for human food. No person shall buy, sell,
2 market, store, transport, or import, any livestock or poul-
3 try carcasses, seafood, meat products, poultry products,
4 or seafood products, that are not intended for use as
5 human food unless they are denatured or otherwise identi-
6 fied as inedible by humans.

7 **SEC. 202. RECORD KEEPING REQUIREMENTS.**

8 (a) **PERSONS REQUIRED TO KEEP RECORDS; AC-**
9 **CESS AND EXAMINATION OF RECORDS.**—The following
10 persons shall keep such records as will fully and correctly
11 disclose all transactions involved in their businesses and
12 shall, at all reasonable times and upon notice by the Sec-
13 retary, afford any duly appointed representative of the
14 Secretary access to their places of business, an oppor-
15 tunity to examine the facilities, inventory, and records,
16 and to remove reasonable samples of inventory upon pay-
17 ment of its fair market value:

18 (1) Any person that engages in the business of
19 slaughtering any livestock or poultry, or preparing,
20 freezing, packaging, labeling, or storing any livestock
21 or poultry carcasses, seafood, meat products, poultry
22 products, or seafood products for use as human food
23 or animal food. However, this section shall not su-
24 persede or otherwise impact on the records or docu-

1 dying, disabled, or diseased livestock, poultry, or seafood
2 or the carcasses or parts of the carcasses of any such live-
3 stock, poultry, or seafood that died otherwise than by
4 slaughter, unless that person has registered with the Sec-
5 retary the name and address of each place of business at
6 which, and all of the trade names under which, it conducts
7 its business.

8 **SEC. 204. REGULATION OF TRANSACTIONS, TRANSPOR-**
9 **TATION, OR IMPORTATION OF CERTAIN LIVE-**
10 **STOCK, POULTRY, OR SEAFOOD TO ITS USE**
11 **AS HUMAN FOOD.**

12 No person shall engage in the business of buying, sell-
13 ing, marketing, storing, transporting, or importing dead,
14 dying, disabled, or diseased livestock, poultry, or seafood
15 or the carcasses or parts of the carcasses of any such live-
16 stock, poultry, or seafood that died otherwise than by
17 slaughter, shall buy, sell, transport, unless such trans-
18 action is made in accordance with such regulations as the
19 Secretary may prescribe to assure that such livestock,
20 poultry, or seafood, or the unwholesome parts of products
21 thereof, will be prevented from being used for human food
22 purposes.

1 **SEC. 205. APPLICABILITY TO STATE AND TERRITORIAL**
2 **BUSINESSES NOT ENGAGED IN INTERSTATE**
3 **COMMERCE.**

4 The Secretary may exercise the authority contained
5 in this title with respect to any person in any State or
6 Territory engaged in any business described in section
7 202, but not engaged in interstate commerce, whenever
8 the Secretary determines, after consultation with an ap-
9 propriate advisory committee described in section 301,
10 that the State or Territory regulating that person either
11 does not have authority under its laws or is not exercising
12 the authority it has under its laws to regulate that person
13 in a manner which effectuates the purposes of this Act.
14 The authority under such a State or Territorial law must
15 at least be equal to that provided under this title.

16 **TITLE III—FEDERAL AND STATE**
17 **COOPERATION**

18 **SEC. 301. FEDERAL AND STATE COOPERATION.**

19 (a) CONGRESSIONAL POLICY.—It is the policy of the
20 Congress to protect the consuming public from livestock
21 and poultry carcasses, seafood, meat products, poultry
22 products, and seafood products that are adulterated or
23 misbranded and to assist in any efforts by State and other
24 government agencies to accomplish this objective. In fur-
25 therance of this policy:

1 (1) The Secretary is authorized, whenever he or
2 she determines that it would effectuate the purposes
3 of this Act, to cooperate with the appropriate State
4 agency in developing and administering a State
5 meat, poultry, or seafood inspection program in any
6 State that has enacted a State meat, poultry or sea-
7 food inspection law that imposes mandatory ante-
8 mortem examination, post-mortem examination, and
9 sanitation requirements that are at least equal to
10 those under title I of this Act, with respect to per-
11 sons engaged in the State in slaughtering of live-
12 stock, poultry, or seafood, or preparing the car-
13 casses, parts thereof, meat products, poultry prod-
14 ucts, or seafood products of any such livestock, poul-
15 try, or seafood for use as human food.

16 (2) The Secretary is further authorized, when-
17 ever the Secretary determines that it would effec-
18 tuate the purposes of this Act—

19 (A) to cooperate with appropriate State
20 agencies in developing and administering State
21 programs under State laws containing authori-
22 ties at least equal to those provided in title II;
23 and

1 (B) to cooperate with other agencies of the
2 United States in carrying out any provisions of
3 this Act.

4 (3) Cooperation with State agencies under this
5 section shall include furnishing to the appropriate
6 State agency—

7 (A) advisory assistance in planning and
8 otherwise developing an adequate State pro-
9 gram under the State law and provide for a
10 fully operational Federal-State relations office
11 staffed in proportion to the size of Federal
12 State program; and

13 (B) technical and laboratory assistance
14 and training, the total cost to be borne by the
15 United States (including necessary curricular
16 and instructional materials and equipment),
17 and financial and other aid for administration
18 of such a program, and consulting with State
19 officials regarding the development and imple-
20 mentation of regulatory requirements. The
21 amount to be contributed to any State by the
22 Secretary under this section, except as provided
23 in subparagraph (B), from Federal funds for
24 any year shall not exceed 50 percent of the esti-
25 mated total cost of the cooperative program;

1 and the Federal funds shall be allocated among
2 the States desiring to cooperate on an equitable
3 basis. Such cooperation and payment shall be
4 contingent at all times upon the administration
5 of the State program in a manner which the
6 Secretary, in consultation with the appropriate
7 advisory committee appointed under paragraph
8 (4), deems adequate to effectuate the purposes
9 of this section. The Secretary shall inform the
10 States of program changes within a reasonable
11 period of time.

12 (4) The Secretary shall appoint advisory com-
13 mittees consisting of such representatives of appro-
14 priate State agencies as the Secretary and the State
15 agencies may designate to consult with him concern-
16 ing State and Federal programs with respect to
17 meat and poultry inspection and other matters with-
18 in the scope of this Act, including evaluating State
19 programs for purposes of this Act and obtaining bet-
20 ter coordination and more uniformity among the
21 State programs and between the Federal and State
22 programs and adequate protection of consumers.

23 (5) In addition to appointing officials as pro-
24 vided in this Act the Secretary may enter into agree-
25 ments to utilize officers and employees of a State or

1 the District of Columbia to conduct examinations
2 and investigations authorized under this Act, as the
3 Secretary determines practicable.

4 (b) STATE AGENCY.—The appropriate State agency
5 with which the Secretary may cooperate under this Act
6 shall be a single agency in the State that is primarily re-
7 sponsible for the coordination of the State programs hav-
8 ing objectives similar to those under this Act. When the
9 State programs include performance of certain functions
10 by a municipality or other subordinate governmental unit,
11 such unit shall be deemed to be a part of the State agency
12 for purposes of this section.

13 (c) DESIGNATION OF A STATE WITHOUT INSPECTION
14 REQUIREMENTS AT LEAST EQUAL TO FEDERAL INSPEC-
15 TION REQUIREMENTS.—

16 (1) If, at the end of two years following the en-
17 actment of this Act, the Secretary has reason to be-
18 lieve that a State has failed to develop or is not en-
19 forcing meat, poultry, and seafood inspection re-
20 quirements at least equal to those imposed under ti-
21 tles I and IV, with respect to all facilities within its
22 jurisdiction that are slaughtering or processing live-
23 stock, poultry, or seafood, their carcasses, or parts
24 or products thereof, for use as human food, the Sec-

1 retary shall promptly notify the Governor of the
2 State of this fact.

3 (A) If the Secretary determines after con-
4 sultation with the Governor of the State, or
5 representative selected by him or her, that such
6 requirements have not been developed and acti-
7 vated, the Secretary shall promptly, after the
8 expiration of such two year period, designate
9 such State as one in which the provisions of ti-
10 tles I and IV shall apply to operations and
11 transactions wholly within such State.

12 (B) If the Secretary has reason to believe
13 that the State will activate such requirements
14 within one additional year, he or she may delay
15 such designation for said period, and not des-
16 ignate the State, if the Secretary believes that,
17 by the end of that year, the State will have
18 such requirements in effective operation.

19 (C) The Secretary shall publish any such
20 designation in the Federal Register and, upon
21 the expiration of 30 days after such publication,
22 the provisions of titles I and IV shall apply to
23 operations and transactions of persons engaged
24 in such businesses in that State to the same ex-
25 tent and in the same manner as if such oper-

1 ations and transactions were conducted in inter-
2 state commerce.

3 (D) Upon request of the Governor, the
4 Secretary shall revoke such designation if the
5 Secretary determines that such State has devel-
6 oped and will enforce requirements at least
7 equal to those imposed under title I and title
8 IV.

9 (E) Notwithstanding any other provision of
10 this section, if the Secretary determines that
11 any person within a State is producing for
12 intrastate distribution adulterated meat prod-
13 ucts, poultry products, or seafood products that
14 would clearly endanger the public health, the
15 Secretary shall notify the Governor of the State
16 and the appropriate Advisory Committee de-
17 scribed in section 301 of such fact for effective
18 action under State or local law. If the State
19 does not take action within a reasonable time to
20 end this endangerment to public health, the
21 Secretary may immediately designate the facil-
22 ity of such person as subject to the provisions
23 of titles I and IV of the Act, and that facility
24 shall be subject to those provisions as though
25 engaged in interstate commerce until such time

1 as the Secretary determines that such State has
2 developed and will enforce inspection require-
3 ments at least equal to those imposed under ti-
4 tles I and IV.

5 (2) Whenever the Secretary determines that
6 any State designated under this subsection has de-
7 veloped and will enforce State meat, poultry, and
8 seafood inspection requirements at least equal to
9 those imposed under titles I and IV, with respect to
10 all establishments within its jurisdiction that do not
11 operate under Federal inspection under title I and at
12 which any livestock, poultry, or seafood are slaugh-
13 tered, or livestock and poultry carcasses, seafood,
14 meat products, poultry products, or seafood products
15 are processed or distributed for use as human food,
16 the Secretary shall terminate the designation of that
17 State. Such termination shall not preclude the sub-
18 sequent redesignation of that State following publi-
19 cation of that redesignation in the Federal Register
20 and 30 days notice to its Governor.

21 (3) The Secretary shall periodically review the
22 meat, poultry, and seafood inspection requirements
23 of the States not designated under this subsection.
24 In the annual report required under section 604, the
25 Secretary shall include the results of the review and

1 comment on whether these State requirements are at
2 least equal to the Federal inspection requirements
3 under titles I and IV.

4 (d) INTERSTATE DISTRIBUTION OF STATE-IN-
5 SPECTED MEAT, POULTRY AND SEAFOOD PRODUCTS.—

6 (1) Livestock and poultry carcasses, seafood,
7 meat products, poultry products, and seafood prod-
8 ucts inspected under any State meat, poultry, and
9 seafood inspection law (other than a State des-
10 ignated under subsection (c)) whose requirements
11 the Secretary has verified as being at least equal to
12 the substantive Federal inspection requirements of
13 title I, shall be eligible for distribution in interstate
14 commerce and for use in the preparation of products
15 in establishments at which Federal inspection is
16 maintained under title I.

17 (A) The Secretary is authorized to perform
18 random inspections at the facilities of persons
19 operating under any State meat, poultry, and
20 seafood inspection law to insure that the state
21 inspection requirements employed in that facil-
22 ity are at least equal to the substantive Federal
23 inspection requirements of title I.

24 (B) The Secretary may utilize Federal per-
25 sonnel, or may cooperate with the appropriate

1 State agency under this Act to train and utilize
2 State personnel, to perform any random inspec-
3 tions authorized by this paragraph.

4 (C) In the event that a random inspection
5 performed under this paragraph discloses that a
6 state-inspected facility is not employing inspec-
7 tion requirements at least equal to the sub-
8 stantive Federal inspection requirements under
9 title I, the Secretary may restrict the products
10 produced by that facility to intrastate distribu-
11 tion until a subsequent inspection verifies that
12 the facility has re-established inspection re-
13 quirements at least equal to the substantive
14 Federal inspection requirements under title I.

15 (2) Livestock and poultry carcasses, seafood,
16 meat products, poultry products, or seafood products
17 that are inspected pursuant to a State law (other
18 than a State designated under subsection (c)), shall
19 bear the official inspection mark of the State which
20 performed those inspection services.

21 (3) A person may transfer between Federal in-
22 spection under title I and a State meat, poultry, and
23 seafood inspection program whose requirements are
24 at least equal to Federal inspection under title I on

1 October 1st of any year upon 60 days written notice
2 to the Secretary.

3 **TITLE IV—AUXILIARY**
4 **PROVISIONS**

5 **SEC. 401. INSPECTION SERVICES.**

6 (a) WITHDRAWAL OF INSPECTION SERVICES FOR
7 CAUSE.—The Secretary may (for such period, or indefi-
8 nitely, as he or she deems necessary to effectuate the pur-
9 poses of this Act) refuse to provide, or withdraw, inspec-
10 tion under title I with respect to the facility of any person
11 if he or she determines, after an opportunity for a hearing
12 is accorded to the applicant for or recipient of inspection,
13 that such applicant or recipient is unfit to engage in any
14 business requiring inspection under title I because the ap-
15 plicant or recipient, or anyone responsibly connected to the
16 applicant or recipient has been convicted, in any Federal
17 or State Court, of—

18 (1) more than one violation of any law, other
19 than a felony, based upon the acquiring, handling,
20 or distributing of unwholesome, mislabeled, or decep-
21 tively packaged food, or upon fraud in connection
22 with transactions in food, or

23 (2) any felony.

24 (b) ADMINISTRATIVE REQUEST FOR TEMPORARY
25 COURT ORDER; DURATION; ADMINISTRATIVE ORDER.—

1 (1) At the sentencing of any individual respon-
2 sibly connected with any business requiring inspec-
3 tion under title I and who is convicted of a felony
4 involving—

5 (A) the intentional adulteration of food
6 (except as defined in section 2(c)(1)(L));

7 (B) the adulteration of food, as defined in
8 section 2(c)(1)(L), with intent to defraud;

9 (C) bribery; or

10 (D) extortion;

11 the Secretary may request the sentencing court to
12 issue a temporary order forbidding such individual
13 to exercise operational control of, or to be physically
14 present at, any facility requiring inspection under
15 title I if the court finds that the exercise of oper-
16 ational control by, or the presence of such individual
17 at any such facility, either poses a direct and sub-
18 stantial threat to the public health or safety or, if
19 such individual is convicted of a felony described in
20 subparagraph (B), poses a clear likelihood of signifi-
21 cant economic harm to consumers.

22 (2) If issued, such temporary court order shall
23 terminate—

24 (A) whenever the Secretary determines by
25 administrative order, after a hearing on the

1 record, whether such individual should exercise
2 operational control of, or be physically present
3 at, any facility requiring inspection under title
4 I, and judicial review, if any, of such determina-
5 tion is completed; or

6 (B) 90 days after the issuance of such
7 temporary order by the court if the Secretary
8 does not commence such hearing before the ex-
9 piration of such 90 days, whichever occurs ear-
10 lier.

11 (c) CONCLUSIVENESS OF ADMINISTRATIVE
12 ORDER.—Any determination and order of the Secretary
13 issued under subsection (a) or (b)(2) shall be conclusive
14 and enforceable unless the affected applicant for or recipi-
15 ent of inspection or the affected individual files, not later
16 than 30 days after the effective date of such order, a peti-
17 tion for review of such order in the United States Court
18 of Appeals for the District of Columbia Circuit or the
19 United States Court of Appeals for the circuit in which
20 the relevant facility is doing business. Judicial review of
21 such order shall be on the record on which the determina-
22 tion and order are based.

23 (d) JUDICIAL REMEDIES; WITHDRAWAL OF INSPEC-
24 TION SERVICES; REMOVAL OF INDIVIDUAL FROM CON-
25 TROL.—

1 (1) Subject to paragraph (3), the Secretary
2 may commence a civil action in an appropriate
3 court, as provided in section 404, to withdraw in-
4 spection under title I with respect to any facility or
5 to prevent any individual responsibly connected with
6 any business requiring inspection under title I from
7 exercising operational control of, or being present at,
8 any facility requiring inspection under title I.

9 (2) If the court finds, on the basis of clear and
10 convincing evidence, that the recipient of inspection
11 or such individual has repeatedly failed to comply
12 with the requirements of this Act, or the rules and
13 regulations issued under this Act, in a manner that
14 poses a direct and substantial threat to the public
15 health or safety, the court shall issue an order—

16 (A) withdrawing inspection at such facility;

17 or

18 (B) forbidding such individual to exercise
19 operational control of, or to be physically
20 present at, such facility, for such period as the
21 court determines is necessary to carry out the
22 purposes of this Act.

23 (3) Not less than 90 days, and not more than
24 450 days, before commencing a civil action under
25 paragraph (1), the Secretary shall provide to each

1 recipient of inspection, and each individual respon-
2 sibly connected with the business, with respect to
3 which such action is commenced, a written notice
4 that includes—

5 (A) a statement that the Secretary intends
6 to commence such action;

7 (B) a comprehensive description of the vio-
8 lations of this Act and the regulations issued
9 under this Act alleged by the Secretary; and

10 (C) a description of the actions the Sec-
11 retary considers necessary to be taken by such
12 recipient or such individual to comply with this
13 Act and to eliminate the need to commence
14 such civil action.

15 (e) TEMPORARY WITHDRAWAL OF INSPECTION
16 SERVICES.—

17 (1) The Secretary may temporarily withdraw
18 inspection under title I with respect to any facility
19 for such period as is necessary to ensure the safe
20 and effective performance of official duties under
21 this Act if the Secretary determines, after an oppor-
22 tunity for a hearing on the record, that an officer,
23 employee, or agent of such facility—

24 (A) threatened to forcibly assault;

25 (B) forcibly assaulted;

1 (C) forcibly intimidated; or

2 (D) forcibly interfered with, an employee
3 of the United States engaged in, or on account
4 of, the performance of any such official duties.

5 (2)(A) Notwithstanding paragraph (1), the Sec-
6 retary may temporarily suspend inspection under
7 title I with respect to any facility, pending an expe-
8 dited administrative hearing on the record and judi-
9 cial review of the order of the Secretary based on
10 such record, if the Secretary determines that tem-
11 porary suspension of such inspection is necessary for
12 the safety of any employee who performs official du-
13 ties under this Act.

14 (B) If the Secretary receives, before or
15 after temporarily suspending such inspection in
16 accordance with subparagraph (A), adequate
17 written assurances from the recipient of the in-
18 spection, or the individuals involved, that the
19 conduct or circumstances that threatened the
20 safety of such employee will not continue or
21 recur, the Secretary may continue or restore
22 such inspection on condition that such assur-
23 ances are fulfilled.

1 (f) NO IMPACT ON OTHER REMEDIES.—This section
2 shall not affect in any way other provisions of this Act
3 for the withdrawal of inspection under title I.

4 (g) DEFINITION OF “RESPONSIBLY CONNECTED
5 WITH THE BUSINESS”.—For the purposes of this section,
6 a person shall be deemed to be responsibly connected with
7 the business if he or she is a partner, officer, director,
8 holder, or owner of 10 percent or more of its voting stock,
9 or an employee in a managerial or executive capacity.

10 (h) JUDICIAL REVIEW OF ADMINISTRATIVE
11 ORDER.—Except as provided in subsection (e)(2), the de-
12 termination and order of the Secretary with respect there-
13 to under this section shall be final and conclusive unless
14 the applicant for, or recipient of, files an application for
15 judicial review within thirty days after the effective date
16 of such order in the appropriate court as provided in sub-
17 section (e). Judicial review of any such order shall be upon
18 the record upon which the determination and order are
19 based.

20 **SEC. 402. ADMINISTRATIVE DETENTION AND RELEASE OF**
21 **CARCASSES, MEAT PRODUCTS, POULTRY**
22 **PRODUCTS, AND SEAFOOD PRODUCTS.**

23 Whenever any livestock or poultry carcass, seafood,
24 meat product, poultry product, or seafood product, or any
25 dead, dying, disabled, or diseased livestock, poultry, or

1 seafood is found by any authorized representative of the
2 Secretary upon any premises where it is held for purposes
3 of, or during or after distribution, in commerce, or other-
4 wise subject to title I or II, and there is reason to believe
5 that any such article is adulterated or misbranded and is
6 capable of use as human food, or that it has not been in-
7 spected, in violation of the provisions of title I or of any
8 other Federal law or the laws of any State or Territory,
9 or the District of Columbia, or that such article has been
10 or is intended to be, distributed in violation of any such
11 provisions, it may be detained by such representative for
12 a period not to exceed twenty days, pending action under
13 section 403 or notification of any Federal, State, or other
14 governmental authorities having jurisdiction over such ar-
15 ticle, and shall not be moved by any person from the place
16 at which it is located when so detained, until released by
17 such representative. All official marks may be required by
18 such representative to be removed from such article before
19 it is released unless it appears to the satisfaction of the
20 Secretary that the article or animal is eligible to retain
21 such marks.

22 **SEC. 403. SEIZURE AND CONDEMNATION.**

23 (a) PROCEDURE.—Any livestock or poultry carcass,
24 seafood, meat product, poultry product, or seafood prod-
25 uct, or any dead, dying, disabled, or diseased livestock,

1 poultry, or seafood that is being transported in interstate
2 commerce or otherwise subject to title I or II, or is held
3 for sale in the United States after such transportation,
4 and that—

5 (1) is or has been prepared, sold, transported,
6 or otherwise distributed or offered or received for
7 distribution in violation of this Act,

8 (2) is capable of use as human food and is
9 adulterated or misbranded, or

10 (3) in any other way is in violation of this Act,
11 shall be liable to be proceeded against and seized
12 and condemned, at any time, on a libel of informa-
13 tion in any United States district court or other
14 proper court as provided in section 404 within the
15 jurisdiction of which the article or animal is found.

16 If the article is condemned it shall, after entry of the
17 decree, be disposed of by destruction or sale as the court
18 may direct and the proceeds, if sold, less the court costs
19 and fees, and storage and other proper expenses, shall be
20 paid into the Treasury of the United States, but the article
21 shall not be sold contrary to the provisions of this Act,
22 or the laws of the jurisdiction in which it is sold. Upon
23 the execution and delivery of a good and sufficient bond
24 conditioned that the article shall not be sold or otherwise
25 disposed of contrary to the provisions of this Act, or the

1 laws of the jurisdiction in which disposal is made, the
2 court may direct that such article be delivered to the
3 owner thereof subject to such supervision by authorized
4 representatives of the Secretary as is necessary to insure
5 compliance with the applicable laws. When a decree of con-
6 demnation is entered against the article and it is released
7 under bond, or destroyed, court costs and fees, and stor-
8 age and other proper expenses shall be awarded against
9 the person, if any, intervening as claimant of the article.
10 The proceedings in such libel cases shall conform, as near-
11 ly as may be, to the proceedings in admiralty, except that
12 either party may demand trial by jury or any issue of fact
13 joined in any case, and all such proceedings shall be at
14 the suit of and in the name of the United States.

15 (b) **IMPACT ON OTHER PROVISIONS.**—The provisions
16 of this section shall in no way derogate from authority
17 for condemnation or seizure conferred by other provisions
18 of this Act, or other laws.

19 **SEC. 404. FEDERAL JURISDICTION.**

20 The United States District Courts, the District Court
21 of Guam, the District Court of the Virgin Islands, the
22 highest court of American Samoa, and the United States
23 courts of the other Territories, are vested with jurisdiction
24 specifically to enforce, and to prevent and restrain viola-
25 tions of, this Act, and shall have jurisdiction in all other

1 cases arising under this Act, except as provided in section
2 401(e).

3 **SEC. 405. CRIMINAL ACTS AGAINST INSPECTION OFFI-**
4 **CIALS.**

5 Any person who forcibly assaults, resists, opposes,
6 impedes, intimidates, or interferes with any person while
7 engaged in or on account of the performance of his official
8 duties under this Act shall be fined not more than \$5,000
9 or imprisoned not more than three years, or both. Who-
10 ever, in the commission of any such acts, uses a deadly
11 or dangerous weapon, shall be fined not more than
12 \$10,000 or imprisoned not more than ten years, or both.
13 Whoever kills any person while engaged in or on account
14 of the performance of his official duties under this Act
15 shall be punished as provided under sections 1111 and
16 1114 of title 18, United States Code.

17 **SEC. 406. VIOLATIONS.**

18 (a) **CRIMINAL PENALTIES.**—Any person who violates
19 any provisions of this Act for which no other criminal pen-
20 alty is provided by this Act shall upon conviction be sub-
21 ject to imprisonment for not more than one year, or a fine
22 of not more than \$1,000, or both such imprisonment and
23 fine; but if such violation involves intent to defraud, or
24 any distribution or attempted distribution of an article
25 that is adulterated (except as defined in section

1 2(c)(1)(L)), such person shall be subject to imprisonment
2 for not more than three years or a fine of not more than
3 \$10,000, or both. No person shall be subject to penalties
4 under this section for receiving for transportation any ar-
5 ticle in violation of this Act if such receipt was made in
6 good faith, unless such person refuses to furnish on re-
7 quest of a representative of the Secretary the name and
8 address of the person from whom he or she received such
9 article and copies of all documents, if any there be, per-
10 taining to the delivery of the articles to him or her.

11 (b) MINOR VIOLATIONS.—Nothing in this Act shall
12 be construed as requiring the Secretary to report for pros-
13 ecution or for the institution of libel or injunction proceed-
14 ings, minor violations of this Act whenever he or she be-
15 lieves that the public interest will be adequately served by
16 a suitable written notice of warning. In determining
17 whether the public interest could be adequately served by
18 a written notice of warning, the Secretary shall take into
19 account, among other factors—

- 20 (1) the compliance history of such facility;
- 21 (2) the magnitude of the violation;
- 22 (3) whether compliance with this Act would
23 likely be obtained as a result of such notice; and
- 24 (4) whether such violation is of a minor or tech-
25 nical nature.

1 (c) NOTICE OF REFERRAL OF CRIMINAL VIOLA-
2 TION.—Unless the Secretary by regulation provides other-
3 wise, before any violation of this Act is reported by the
4 Secretary for prosecution in a criminal proceeding, the
5 Secretary shall give the person alleged to have committed
6 such violation—

7 (1) reasonable notice that the Secretary intends
8 to report such violation for prosecution; and

9 (2) an opportunity to present to the Secretary,
10 orally or in writing, views with respect to such pro-
11 ceeding.

12 (d) CIVIL PENALTIES.—In lieu of proceeding under
13 subsection (a) above any person who violates this Act or
14 any regulations issued thereunder may be liable to the
15 United States for a civil penalty in an amount not to ex-
16 ceed \$10,000. A civil penalty under this paragraph may
17 be assessed by the Secretary of Agriculture in the case
18 of violations arising under section 110, and by the Sec-
19 retary in the case of violations arising under other provi-
20 sions of this Act, by an order made on the record after
21 opportunity for a hearing provided in accordance with this
22 paragraph and section 554 of title 5, United States Code.
23 Before issuing such an order, the Secretary shall give writ-
24 ten notice to the person to be assessed a civil penalty of
25 the Secretary's proposal to issue such order and provide

1 such person an opportunity for a hearing. In determining
2 the amount of any civil penalty, such Secretary shall take
3 into account the nature, circumstances, extent, and grav-
4 ity of the violation or violations and, with respect to the
5 violator, ability to pay, effect on ability to continue to do
6 business, any history of prior such violations, the degree
7 of culpability, and other matters as justice may require.
8 The Secretary may compromise, modify, or remit, with or
9 without conditions, any civil penalty that may be assessed
10 under this paragraph. The amount of such penalty, when
11 finally determined, or the amount agreed upon in com-
12 promise, may be deducted from any sums owing by the
13 United States to the person charged.

14 **SEC. 407. OTHER FEDERAL LAWS APPLICABLE TO ADMINIS-**
15 **TRATION AND ENFORCEMENT OF ACT.**

16 For the efficient administration and enforcement of
17 this Act, the provisions (including penalties) of sections
18 6, 8, 9, and 10 of the Act entitled “An Act to create a
19 Federal Trade Commission, to define its powers and du-
20 ties, and for other purposes,” approved September 26,
21 1914 (38 Stat. 721 09723, as amended: 15 U.S.C. 46,
22 48, 49, and 50) (except subsections (c) through (h) of sec-
23 tion 6 and the last paragraph of section 9), and the provi-
24 sions of subsection 409(1) of the Communications Act of
25 1934 (48 Stat. 1096, as amended; 47 U.S.C. 409(1)), are

1 made applicable to the jurisdiction, powers, and duties of
2 the Secretary in administering and enforcing the provi-
3 sions of this Act and to any person, firm, or corporation
4 with respect to whom such authority is exercised. The Sec-
5 retary, in person or by such agents as he or she may des-
6 ignate, may prosecute any inquiry necessary to his or her
7 duties under this Act in any part of the United States,
8 and the powers conferred by said sections 9 and 10 of
9 the Act of September 26, 1914, as amended, on the dis-
10 trict courts of the United States may be exercised for the
11 purposes of this Act by any court designated in section
12 404.

13 **SEC. 408. STATE JURISDICTION OVER FEDERALLY REGU-**
14 **LATED MATTERS.**

15 (a) INSPECTION.—Requirements within the scope of
16 this Act with respect to premises, facilities, and operations
17 of any establishment at which inspection is provided under
18 title I, which are in addition to, or different than those
19 made under this Act may not be imposed by any State
20 or Territory or the District of Columbia. However, any
21 such jurisdiction may impose record keeping and other re-
22 quirements within the scope of section 202, if consistent
23 with such section, with respect to any such establishment.

24 (b) MARKING, LABELING, AND PACKAGING.—

1 (1) Marking, labeling, packaging, or ingredient
2 requirements in addition to or different than those
3 made under this Act may not be imposed by any
4 State or Territory or District of Columbia with re-
5 spect to articles prepared at any establishment
6 under Federal inspection in accordance with the re-
7 quirements of title I or with respect to articles pre-
8 pared for commerce at any State inspected establish-
9 ment in accordance with the requirements of section
10 301(d).

11 (2) A State or Territory or the District of Co-
12 lumbia may, consistent with the requirements under
13 this Act, exercise concurrent jurisdiction with the
14 Secretary over articles distributed in commerce or
15 otherwise subject to the Act, for the purpose of pre-
16 venting the distribution for human food purposes of
17 any such articles which are not in compliance with
18 the requirements under this Act and are outside of
19 any federally or State inspected establishment, or in
20 the case of imported articles, which are not at such
21 an establishment, after their entry into the United
22 States.

23 (c) CONSISTENT STATE ACTION PERMITTED.—This
24 Act shall not preclude any State or Territory or the Dis-
25 trict of Columbia from imposing a requirement or taking

1 other actions, consistent with this Act, with respect to any
2 other matters regulated under this Act.

3 **SEC. 409. FEDERAL FOOD, DRUG, AND COSMETIC ACT AP-**
4 **PLICATIONS.**

5 (a) CONSISTENCY WITH FFDCA.—Notwithstanding
6 any other provisions of law, including section 902(b) of
7 the Federal Food, Drug, and Cosmetic Act (21 U.S.C.
8 392(a)), the provisions of this Act shall not derogate from
9 any authority conferred by the Federal Food, Drug, and
10 Cosmetic Act prior to enactment of this Act.

11 (b) DETAINER AUTHORITY FOR ARTICLES OUTSIDE
12 OF INSPECTED FACILITY.—The detainer authority con-
13 ferred by section 402 shall apply to any authorized rep-
14 resentative of the Secretary of Health and Human Serv-
15 ices for purposes of the enforcement of the Federal Food,
16 Drug, and Cosmetic Act with respect to any livestock or
17 poultry carcass, seafood, meat product, poultry product,
18 or seafood product, that is outside any premises at which
19 inspection is being maintained under this Act, and for
20 such purposes the first reference to the Secretary in sec-
21 tion 402 shall be deemed to refer to the Secretary of
22 Health and Human Services.

1 **TITLE V—PUBLIC EDUCATION**

2 **SEC. 501. EDUCATION.**

3 The Secretary shall, in cooperation with the State de-
4 partments of agriculture, slaughterers, processors, univer-
5 sities, producers, cooperative extension services, other ap-
6 propriate State entities, and other interested parties de-
7 sign and implement a national public education program
8 on meat, poultry, and seafood products. The program shall
9 provide, but is not limited to—

10 (1) information to the public regarding Federal
11 good practice requirements and promotion of public
12 awareness, understanding, and acceptance of such
13 requirements;

14 (2) advice to individuals involved in recreational
15 and subsistence fisheries concerning the health haz-
16 ards associated with the seafood they may harvest
17 and the precautions they should take to safeguard
18 themselves and others from those hazards;

19 (3) information to consumers regarding appro-
20 priate handling and preparation of meat, poultry,
21 and seafood products, as well as information for pro-
22 ducers, processors, and food service handlers;

23 (4) such other information or advice to consum-
24 ers and other persons as the Secretary determines
25 will promote the purposes of this Act; and

1 (5) new technologies, such as irradiation, to
2 produce a safer food supply.

3 **TITLE VI—MISCELLANEOUS**
4 **PROVISIONS**

5 **SEC. 601. RESEARCH.**

6 The Secretary of Agriculture may conduct research
7 to assist the implementation of this Act, including studies
8 to—

9 (1) improve sanitation and safety practices in
10 the processing of meat, poultry, and seafood prod-
11 ucts;

12 (2) develop improved techniques for the mon-
13 itoring and inspection of meat, poultry, and seafood
14 products;

15 (3) develop efficient, rapid, and sensitive meth-
16 ods for determining and detecting the presence of
17 contaminants in livestock, poultry, or seafood and in
18 meat, poultry, and seafood products;

19 (4) determine the sources of contamination of
20 livestock, poultry, or seafood, and meat, poultry, or
21 seafood products with contaminants;

22 (5) develop consumption data with respect to
23 meat, poultry, and seafood products; and

24 (6) develop epidemiological and ecological data
25 that will identify risk factors, diagnostic procedures,

1 critical control points, and intervention strategies for
2 pre-slaughter assurance programs.

3 **SEC. 602. COST OF INSPECTION; OVERTIME.**

4 The cost of inspection rendered under the require-
5 ments of this Act, shall be borne by the United States,
6 except that the cost of overtime and holiday work per-
7 formed in establishments subject to the provisions of this
8 Act at such rates as the Secretary may determine shall
9 be borne by such establishments. Sums received by the
10 Secretary in reimbursement for sums paid out by him for
11 such premium pay work shall be available without fiscal
12 year limitation to carry out the purposes of this section.

13 **SEC. 603. AUTHORIZATION OF APPROPRIATIONS.**

14 There are authorized to be appropriated such sums
15 as are necessary to carry out the provisions of this Act.

16 **SEC. 604. REPORTS TO CONGRESS.**

17 The Secretary shall annually report to the Committee
18 on Agriculture of the House of Representatives and the
19 Committee on Agriculture, Nutrition, and Forestry of the
20 Senate with respect to the slaughter of livestock, poultry,
21 and seafood subject to this Act, and the preparation, stor-
22 age, handling, and distribution of livestock and poultry
23 carcasses, seafood, meat products, poultry products, and
24 seafood products and inspection of establishments oper-

1 ated in connection therewith, including the status and ef-
 2 fectiveness of inspection operations under this Act.

3 **TITLE VII—REPEAL OF** 4 **SUPERSEDED LAWS**

5 **SEC. 701. POULTRY PRODUCTS INSPECTION ACT.**

6 The Poultry Products Inspection Act (21 U.S.C. 451
 7 et seq.) is repealed.

8 **SEC. 702. FEDERAL MEAT INSPECTION ACT.**

9 The Federal Meat Inspection Act (21 U.S.C. 601 et
 10 seq.) is repealed.

11 **SEC. 703. RELATED LAWS.**

12 (a) REPORTS UNDER THE WHOLESOME MEAT
 13 ACT.—Section 17 of the Wholesome Meat Act (21 U.S.C.
 14 691) is repealed.

15 (b) INSPECTION OF REINDEER.—The proviso in the
 16 paragraph entitled “MEAT INSPECTION, BUREAU OF ANI-
 17 MAL INDUSTRY” under the heading “BUREAU OF ANI-
 18 MAL INDUSTRY” in the Act of June 30, 1914 (21
 19 U.S.C. 692), is repealed.

20 (c) INSPECTION OF DAIRY PRODUCTS FOR EX-
 21 PORT.—The first proviso in the third paragraph under the
 22 heading “BUREAU OF ANIMAL INDUSTRY” in the
 23 Act of May 23, 1908 (21 U.S.C. 693), is repealed.

24 (d) PAYMENT OF COST OF MEAT INSPECTION SERV-
 25 ICES.—The Act entitled “An Act relating to the meat-in-

1 spection service of the Department of Agriculture”, ap-
2 proved June 8, 1948 (21 U.S.C. 695), is repealed.

3 **SEC. 704. CONFORMING AMENDMENTS.**

4 (a) FOOD, AGRICULTURE, CONSERVATION, AND
5 TRADE ACT OF 1990.—The Food, Agriculture, Conserva-
6 tion, and Trade Act of 1990 is amended—

7 (1) in section 1327(a) (7 U.S.C. 138f(a)), by
8 striking “, the Federal Meat Inspection Act (21
9 U.S.C. 601 et seq.), or the Poultry Products Inspec-
10 tion Act (21 U.S.C. 451 et seq.)” and inserting “or
11 the Meat, Poultry, and Seafood Inspection Reform
12 Act of 1996”; and

13 (2) in section 2120(f) (7 U.S.C. 6519(f))—

14 (A) by striking “the Federal Meat Inspec-
15 tion Act (21 U.S.C. 601 et seq.), the Poultry
16 Products Inspection Act (21 U.S.C. 451 et
17 seq.),” and inserting “the Meat, Poultry, and
18 Seafood Inspection Reform Act of 1996”; and

19 (B) by striking “meat, poultry and egg
20 products” and inserting “meat, poultry, sea-
21 food, and egg products”.

22 (b) CONSUMER PRODUCT SAFETY ACT.—Section
23 3(a)(1)(I) of the Consumer Product Safety Act (15 U.S.C.
24 2052(a)(1)(I)) is amended by striking “poultry and poul-
25 try products (as defined in sections 4 (e) and (f) of the

1 Poultry Products Inspection Act), meat, meat food prod-
2 ucts (as defined in section 1(j) of the Federal Meat Inspec-
3 tion Act),” and inserting “livestock, poultry, seafood, and
4 their products regulated under the Meat, Poultry, and
5 Seafood Inspection Reform Act of 1996”.

6 (c) TOXIC SUBSTANCES CONTROL ACT.—Section
7 3(2)(B) of the Toxic Substances Control Act (15 U.S.C.
8 2602(2)(B)) is amended by striking “poultry and poultry
9 products (as defined in sections 4(e) and 4(f) of the Poul-
10 try Products Inspection Act), meat and meat food prod-
11 ucts (as defined in section 1(j) of the Federal Meat Inspec-
12 tion Act),” and inserting “livestock, poultry, seafood, and
13 their products regulated under the Meat, Poultry, and
14 Seafood Inspection Reform Act of 1996”.

15 (d) ENDANGERED SPECIES ACT OF 1973.—Section
16 11(h) of the Endangered Species Act of 1973 (16 U.S.C.
17 1540(h)) is amended by striking “, and 612–614)” and
18 inserting “), section 132 of the Meat, Poultry, and Sea-
19 food Inspection Reform Act of 1996,”.

20 (e) VIRUSES, SERUMS, TOXINS, AND ANALOGOUS
21 PRODUCTS.—The eighth paragraph of the matter under
22 the heading “BUREAU OF ANIMAL INDUSTRY” of
23 the Act of March 4, 1913 (21 U.S.C. 159), is amended—
24 (1) by striking “the Federal Meat Inspection
25 Act (21 U.S.C. 672, 673, and 674)” and inserting

1 “the Meat, Poultry, and Seafood Inspection Reform
2 Act of 1996”; and

3 (2) by striking “(21 U.S.C. 675)”.

4 (f) FEDERAL FOOD, DRUG, AND COSMETIC ACT.—
5 The Federal Food, Drug, and Cosmetic Act (21 U.S.C.
6 301 et seq.) is amended—

7 (1) in section 201(s)(4) (21 U.S.C. 321(s)(4)),
8 by striking “the Poultry Products Inspection Act
9 (21 U.S.C. 451 and the following) or the Meat In-
10 spection Act of March 4, 1907 (34 Stat. 1260), as
11 amended and extended (21 U.S.C. 71 and the fol-
12 lowing)” and inserting “the Federal Meat Inspection
13 Act (21 U.S.C. 601 et seq.) or the Poultry Products
14 Inspection Act (21 U.S.C. 451 et seq.), as in effect
15 before the date of the enactment of the Meat, Poul-
16 try, and Seafood Inspection Reform Act of 1996”;
17 and

18 (2) in section 902 (21 U.S.C. 392(a)), by strik-
19 ing subsection (b) and inserting the following new
20 subsection:

21 “(b) Livestock, poultry, seafood, and their products
22 regulated under the Meat, Poultry, and Seafood Inspec-
23 tion Reform Act of 1996 shall be exempt from the provi-
24 sions of this Act.”.

1 **TITLE VIII—EFFECTIVE DATE**

2 **SEC. 801. EFFECTIVE DATE.**

3 This Act and the amendments made by this Act shall
4 take effect 30 days after the date of the enactment of this
5 Act.

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