

109TH CONGRESS  
1ST SESSION

# S. 1534

To reduce the risk to the food supply from intentional contamination, and  
for other purposes.

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IN THE SENATE OF THE UNITED STATES

JULY 28, 2005

Mr. DURBIN (for himself and Mr. AKAKA) introduced the following bill; which  
was read twice and referred to the Committee on Agriculture, Nutrition,  
and Forestry

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## A BILL

To reduce the risk to the food supply from intentional  
contamination, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4       (a) SHORT TITLE.—This Act may be cited as the  
5       “Safe and Secure Food Act of 2005”.

6       (b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

### TITLE I—FOOD SECURITY

#### Subtitle A—Department of Agriculture

Sec. 101. Food security for meat and meat food products.

Sec. 102. Food security for poultry and poultry food products.

Sec. 103. Food security for eggs and egg products.

Sec. 104. Confidentiality of information.

Subtitle B—Food and Drug Administration

Sec. 111. Food security for food products.

Subtitle C—Inspector Training

Sec. 121. Inspector training for food security.

TITLE II—RECALL AUTHORITY

Subtitle A—Department of Agriculture

Sec. 201. Food safety enforcement for meat and meat food products.

Sec. 202. Food safety enforcement for poultry and poultry food products.

Sec. 203. Food safety enforcement for eggs and egg products.

Sec. 204. Liability.

Subtitle B—Food and Drug Administration

Sec. 211. Food safety enforcement for food.

Sec. 212. Liability.

TITLE III—IMPORTED FOOD

Sec. 301. Imported food.

TITLE IV—RISK ASSESSMENT INFORMATION SHARING

Sec. 401. Risk assessment information sharing.

1           **TITLE I—FOOD SECURITY**  
 2           **Subtitle A—Department of**  
 3           **Agriculture**

4   **SEC. 101. FOOD SECURITY FOR MEAT AND MEAT FOOD**  
 5           **PRODUCTS.**

6           The Federal Meat Inspection Act (21 U.S.C. 601 et  
 7 seq.) is amended—

8           (1) by redesignating section 411 (21 U.S.C.  
 9           680) as section 415; and

10          (2) by inserting after section 410 (21 U.S.C.  
 11          679a) the following:

1 **“SEC. 411. FOOD SECURITY.**

2       “(a) IN GENERAL.—The Secretary, in consultation  
3 with the Secretary of Health and Human Services, shall  
4 promulgate regulations that require persons to implement  
5 procedures to prevent both unintentional and intentional  
6 contamination of meat and meat food products at estab-  
7 lishments covered by this Act.

8       “(b) SCOPE OF REGULATIONS.—The regulations  
9 shall require a person responsible for an establishment  
10 covered by this Act to implement security procedures for  
11 the entire establishment, as determined by the Secretary,  
12 including—

13           “(1) developing a security plan that addresses  
14 the specific vulnerabilities of the establishment;

15           “(2) developing an emergency response plan for  
16 the establishment;

17           “(3) securing establishment boundaries;

18           “(4) providing guards, alarms, and outside  
19 lighting, as necessary;

20           “(5) performing background checks before hir-  
21 ing new personnel;

22           “(6) limiting access to the establishment;

23           “(7) accounting for missing stock;

24           “(8) implementing mail-handling procedures;

25       and

1           “(9) such other security procedures as the Sec-  
 2       retary determines to be necessary to prevent unin-  
 3       tentional or intentional contamination of meat and  
 4       meat food products.

5       “(c) TRAINING OF FIELD INSPECTORS.—The Sec-  
 6       retary shall provide training for field inspectors of the  
 7       Food Safety and Inspection Service to monitor the imple-  
 8       mentation of the regulations described in subsection (a).”.

9       **SEC. 102. FOOD SECURITY FOR POULTRY AND POULTRY**  
 10           **FOOD PRODUCTS.**

11       (a) IN GENERAL.—The Poultry Products Inspection  
 12       Act (21 U.S.C. 451 et seq.) is amended—

13           (1) by redesignating sections 26 through 29 as  
 14       sections 31 through 34 and moving those sections to  
 15       the end of that Act;

16           (2) by redesignating section 30 as section 26;  
 17       and

18           (3) by inserting after section 26 (as redesign-  
 19       ated by paragraph (2)) the following:

20       **“SEC. 27. FOOD SECURITY.**

21       “(a) IN GENERAL.—The Secretary, in consultation  
 22       with the Secretary of Health and Human Services, shall  
 23       promulgate regulations that require persons to implement  
 24       procedures to prevent both unintentional and intentional

1 contamination of poultry and poultry food products at es-  
2 tablishments covered by this Act.

3 “(b) SCOPE OF REGULATIONS.—The regulations  
4 shall require a person that is responsible for an establish-  
5 ment covered by this Act to implement security procedures  
6 for the entire establishment, as determined by the Sec-  
7 retary, including—

8 “(1) developing a security plan that addresses  
9 the specific vulnerabilities of the establishment;

10 “(2) developing an emergency response plan for  
11 the establishment;

12 “(3) securing establishment boundaries;

13 “(4) providing guards, alarms, and outside  
14 lighting, as necessary;

15 “(5) performing background checks before hir-  
16 ing new personnel;

17 “(6) limiting access to the establishment;

18 “(7) accounting for missing stock;

19 “(8) implementing mail-handling procedures;

20 and

21 “(9) such other security procedures as the Sec-  
22 retary determines to be necessary to prevent unin-  
23 tentional or intentional contamination of poultry and  
24 poultry food products.

1       “(c) TRAINING OF FIELD INSPECTORS.—The Sec-  
 2 retary shall provide training for field inspectors of the  
 3 Food Safety and Inspection Service to monitor the imple-  
 4 mentation of the regulations described in subsection (a).”.

5       (b) CONFORMING AMENDMENTS.—Section 5(c)(1) of  
 6 the Poultry Products Inspection Act (21 U.S.C.  
 7 454(c)(1)) is amended in the first sentence—

8               (1) by striking “, by thirty days prior to the ex-  
 9 piration of two years after enactment of the Whole-  
 10 some Poultry Products Act,”; and

11              (2) by striking “sections 1–4, 6–10, and 12–22  
 12 of this Act” and inserting “sections 1 through 4, 6  
 13 through 10, 12 through 22, and 27 through 30”.

14 **SEC. 103. FOOD SECURITY FOR EGGS AND EGG PRODUCTS.**

15       The Egg Products Inspection Act (21 U.S.C. 1031  
 16 et seq.) is amended—

17              (1) by redesignating sections 27 through 29 as  
 18 sections 31 through 33, respectively;

19              (2) by inserting after section 26 (21 U.S.C.  
 20 1054) the following:

21 **“SEC. 27. FOOD SECURITY.**

22       “(a) IN GENERAL.—The Secretary, in consultation  
 23 with the Secretary of Health and Human Services, shall  
 24 promulgate regulations that require persons to implement  
 25 procedures to prevent both unintentional and intentional

1 contamination of eggs and egg products at establishments  
2 covered by this Act.

3 “(b) SCOPE OF REGULATIONS.—The regulations  
4 shall require a person that is responsible for an establish-  
5 ment covered by this Act to implement security procedures  
6 for the entire establishment, as determined by the Sec-  
7 retary, including—

8 “(1) developing a security plan that addresses  
9 the specific vulnerabilities of the establishment;

10 “(2) developing an emergency response plan for  
11 the establishment;

12 “(3) securing establishment boundaries;

13 “(4) providing guards, alarms, and outside  
14 lighting, as necessary;

15 “(5) performing background checks before hir-  
16 ing new personnel;

17 “(6) limiting access to the establishment;

18 “(7) accounting for missing stock;

19 “(8) implementing mail-handling procedures;

20 and

21 “(9) such other security procedures as the Sec-  
22 retary determines to be necessary to prevent unin-  
23 tentional or intentional contamination of eggs and  
24 egg products.

1       “(c) TRAINING OF FIELD INSPECTORS.—The Sec-  
 2 retary shall provide training for field inspectors of the  
 3 Food Safety and Inspection Service to monitor the imple-  
 4 mentation of the regulations described in subsection (a).”.

5 **SEC. 104. CONFIDENTIALITY OF INFORMATION.**

6       Section 1770(d) of the Food Security Act of 1985  
 7 (7 U.S.C. 2276(d)) is amended—

8               (1) in paragraph (11), by striking “or”; and

9               (2) by adding at the end the following:

10              “(13) section 411 of the Federal Meat Inspec-  
 11 tion Act;

12              “(14) section 31 of the Poultry Products In-  
 13 spection Act; or

14              “(15) section 27 of the Egg Products Inspec-  
 15 tion Act.”.

16                   **Subtitle B—Food and Drug**  
 17                   **Administration**

18 **SEC. 111. FOOD SECURITY FOR FOOD PRODUCTS.**

19       (a) IN GENERAL.—Chapter IV of the Federal Food,  
 20 Drug, and Cosmetic Act (21 U.S.C. 341 et seq.) is amend-  
 21 ed by adding at the end the following:

22 **“SEC. 416. FOOD SECURITY.**

23       “(a) IN GENERAL.—The Secretary, in consultation  
 24 with the Secretary of Agriculture, shall promulgate regula-  
 25 tions that require persons to implement procedures to pre-



1 vent both unintentional and intentional contamination of  
2 food at domestic facilities covered by this Act.

3 “(b) SCOPE OF REGULATIONS.—The regulations  
4 shall—

5 “(1) direct food inspectors to check for the  
6 safety and security of food during an inspection of  
7 a domestic facility; and

8 “(2) require a person that is responsible for a  
9 domestic facility to implement security procedures  
10 for the entire domestic facility, as determined by the  
11 Secretary, including—

12 “(A) developing a security plan that ad-  
13 dresses the specific vulnerabilities of the facil-  
14 ity;

15 “(B) developing an emergency response  
16 plan for the facility;

17 “(C) securing establishment boundaries;

18 “(D) providing guards, alarms, and outside  
19 lighting, as necessary;

20 “(E) performing background checks before  
21 hiring new personnel;

22 “(F) limiting access to the facility;

23 “(G) accounting for missing stock;

24 “(H) implementing mail-handling proce-  
25 dures; and

1                   “(I) such other security procedures as the  
 2                   Secretary determines to be necessary to prevent  
 3                   unintentional or intentional contamination of  
 4                   food.

5           “(c) TRAINING OF FIELD INSPECTORS.—The Sec-  
 6           retary shall provide training for field inspectors of the  
 7           Food and Drug Administration to monitor the implemen-  
 8           tation of the regulations described in subsection (a).

9           “(d) PROTECTION OF INFORMATION.—Information  
 10          furnished under the regulations described in subsection (a)  
 11          shall not be disclosed under section 552 of title 5, United  
 12          States Code (commonly known as the Freedom of Infor-  
 13          mation Act).

14          “(e) DEFINITION.—In this section, the term ‘domes-  
 15          tic facility’ has the meaning given that term under section  
 16          415(b)(2).”.

## 17           **Subtitle C—Inspector Training**

### 18   **SEC. 121. INSPECTOR TRAINING FOR FOOD SECURITY.**

19          (a) IN GENERAL.—Not later than 180 days after the  
 20          date of enactment of this Act, the Secretary of Agri-  
 21          culture, in consultation with the Secretary of Health and  
 22          Human Services, shall develop, publish, and initiate imple-  
 23          mentation of a joint training program for individuals who  
 24          perform inspections with respect to the food security regu-

1 lations promulgated pursuant to the amendments made by  
2 this title.

3 (b) CONTINUING TRAINING.—As part of the training  
4 program implemented under subsection (a), the Secretary  
5 of Agriculture and the Secretary of Health and Human  
6 Services shall require individuals described in subsection  
7 (a) to meet training and retraining requirements, as deter-  
8 mined by the Secretaries, at least once every 2 years.

## 9 **TITLE II—RECALL AUTHORITY**

### 10 **Subtitle A—Department of**

### 11 **Agriculture**

#### 12 **SEC. 201. FOOD SAFETY ENFORCEMENT FOR MEAT AND**

#### 13 **MEAT FOOD PRODUCTS.**

14 (a) IN GENERAL.—The Federal Meat Inspection Act  
15 (21 U.S.C. 601 et seq.) is amended by adding after section  
16 411 (as added by section 101) the following:

#### 17 **“SEC. 412. NOTIFICATION, NONDISTRIBUTION, AND RECALL**

#### 18 **OF ADULTERATED OR MISBRANDED ARTI-**

#### 19 **CLES.**

20 “(a) NOTIFICATION TO SECRETARY OF VIOLATION.—

21 “(1) IN GENERAL.—A person (other than a  
22 household consumer) that has reason to believe that  
23 any carcass, part of a carcass, meat, or meat food  
24 product of cattle, sheep, swine, goats, horses, mules,  
25 or other equines (referred to in this section as an

1 ‘article’) transported, stored, distributed, or other-  
2 wise handled by the person is adulterated or mis-  
3 branded shall, as soon as practicable, notify the Sec-  
4 retary of the identity and location of the article.

5 “(2) MANNER OF NOTIFICATION.—Notification  
6 under paragraph (1) shall be made in such manner  
7 and by such means as the Secretary may require by  
8 regulation.

9 “(b) RECALL AND CONSUMER NOTIFICATION.—

10 “(1) VOLUNTARY ACTIONS.—On receiving noti-  
11 fication under subsection (a) or by other means, if  
12 the Secretary finds that an article is adulterated or  
13 misbranded and that there is a reasonable prob-  
14 ability that human consumption of the article would  
15 present a threat to public health (as determined by  
16 the Secretary), the Secretary shall provide all appro-  
17 priate persons (as determined by the Secretary),  
18 that transported, stored, distributed, or otherwise  
19 handled the article with an opportunity—

20 “(A) to cease distribution of the article;

21 “(B) to notify all persons that transport,  
22 store, distribute, or otherwise handle the article,  
23 or to which the article has been transported,  
24 sold, distributed, or otherwise handled, to cease  
25 immediately distribution of the article;

1 “(C) to recall the article; or

2 “(D) in consultation with the Secretary, to  
3 provide notice of the finding of the Secretary to  
4 all consumers to which the article was, or may  
5 have been, distributed.

6 “(2) MANDATORY ACTIONS.—If the appropriate  
7 person referred to in paragraph (1) does not carry  
8 out the actions described in that paragraph with re-  
9 spect to an article within the time period and in the  
10 manner prescribed by the Secretary, the Secretary  
11 shall, by order, require, as the Secretary determines  
12 to be necessary, the person—

13 “(A) to cease immediately distribution of  
14 the article; and

15 “(B) to make immediately the notification  
16 described in paragraph (1)(B).

17 “(3) NOTICE TO CONSUMERS.—The Secretary  
18 shall, as the Secretary determines to be necessary,  
19 provide notice of the finding of the Secretary under  
20 paragraph (1) to consumers to which the article was,  
21 or may have been, distributed.

22 “(4) NONDISTRIBUTION BY NOTIFIED PER-  
23 SONS.—A person that transports, stores, distributes,  
24 or otherwise handles the article, or to which the arti-  
25 cle has been transported, sold, distributed, or other-

1 wise handled, and that is notified under paragraph  
 2 (1)(B) or (2)(B) shall cease immediately distribution  
 3 of the article.

4 “(5) AVAILABILITY OF RECORDS TO SEC-  
 5 RETARY.—Each appropriate person referred to in  
 6 paragraph (1) that transported, stored, distributed,  
 7 or otherwise handled an article shall make available  
 8 to the Secretary information necessary to carry out  
 9 this subsection, as determined by the Secretary, re-  
 10 garding—

11 “(A) persons that transport, store, dis-  
 12 tribute, or otherwise handle the article; and

13 “(B) persons to which the article has been  
 14 transported, sold, distributed, or otherwise han-  
 15 dled.

16 “(c) INFORMAL HEARINGS ON ORDERS.—

17 “(1) IN GENERAL.—The Secretary shall provide  
 18 a person subject to an order under subsection (b)  
 19 with an opportunity for an informal hearing (in ac-  
 20 cordance with such rules or regulations as the Sec-  
 21 retary shall prescribe) on—

22 “(A) the actions required by the order; and

23 “(B) any reasons why the article that is  
 24 the subject of the order should not be recalled.

1           “(2) TIMING OF HEARINGS.—The Secretary  
 2           shall hold a hearing under paragraph (1) as soon as  
 3           practicable, but not later than 2 business days, after  
 4           the date of issuance of the order.

5           “(d) POST-HEARING RECALL ORDERS.—

6           “(1) AMENDMENT OF ORDERS.—If, after pro-  
 7           viding an opportunity for an informal hearing under  
 8           subsection (c), the Secretary determines that there is  
 9           a reasonable probability that human consumption of  
 10          the article that is the subject of an order under sub-  
 11          section (b) presents a threat to public health, the  
 12          Secretary may, as the Secretary determines to be  
 13          necessary—

14                 “(A) amend the order under subsection  
 15                 (b)—

16                         “(i) to require recall of the article or  
 17                         other appropriate action; and

18                         “(ii) to specify a timetable during  
 19                         which the recall shall occur;

20                 “(B) require periodic reports to the Sec-  
 21                 retary describing the progress of the recall; or

22                 “(C) provide notice of the recall to con-  
 23                 sumers to which the article was, or may have  
 24                 been, distributed.

1           “(2) VACATION OF ORDERS.—If, after providing  
2           an opportunity for an informal hearing under sub-  
3           section (c), the Secretary determines that adequate  
4           grounds do not exist to continue the actions required  
5           by the order, the Secretary shall vacate the order.

6           “(e) REMEDIES NOT EXCLUSIVE.—The remedies au-  
7           thorized by this section shall be in addition to any other  
8           remedies that may be available.

9           **“SEC. 413. REFUSAL OR WITHDRAWAL OF INSPECTION OF**  
10           **ESTABLISHMENTS.**

11           “(a) IN GENERAL.—The Secretary may, for such pe-  
12           riod, or indefinitely, as the Secretary considers necessary  
13           to carry out this Act, refuse to provide or withdraw inspec-  
14           tion under title I with respect to an establishment if the  
15           Secretary determines, after opportunity for a hearing on  
16           the record is provided to the applicant for, or recipient  
17           of, inspection, that the applicant or recipient, or any per-  
18           son responsibly connected with the applicant or recipient  
19           (within the meaning of section 401), has committed a will-  
20           ful violation or repeated violations of this Act (including  
21           a regulation promulgated under this Act).

22           “(b) DENIAL OR SUSPENSION OF INSPECTION PEND-  
23           ING HEARING.—The Secretary may deny or suspend in-  
24           spection under title I, pending opportunity for an expe-  
25           dited hearing, with respect to an action under subsection



1 (a), if the Secretary determines that the denial or suspen-  
 2 sion is in the public interest to protect the health or wel-  
 3 fare of consumers or to ensure the effective performance  
 4 of an official duty under this Act.

5 “(c) JUDICIAL REVIEW.—

6 “(1) IN GENERAL.—A determination and order  
 7 of the Secretary with respect to the refusal or with-  
 8 drawal of inspection under this section shall be final  
 9 unless, not later than 30 days after the effective  
 10 date of the order, the affected applicant for, or re-  
 11 cipient of, inspection—

12 “(A) files a petition for judicial review of  
 13 the order; and

14 “(B) simultaneously sends a copy of the  
 15 petition by certified mail to the Secretary.

16 “(2) REFUSAL OR WITHDRAWAL OF INSPEC-  
 17 TION PENDING REVIEW.—Inspection shall be refused  
 18 or withdrawn as of the effective date of the order  
 19 pending any judicial review of the order unless the  
 20 Secretary directs otherwise.

21 “(3) VENUE; RECORD.—Judicial review of the  
 22 order shall be—

23 “(A) in—

24 “(i) the United States court of ap-  
 25 peals for the circuit in which the applicant

1                   for, or recipient of, inspection resides or  
2                   has its principal place of business; or

3                   “(ii) the United States Court of Ap-  
4                   peals for the District of Columbia Circuit;  
5                   and

6                   “(B) on the record on which the deter-  
7                   mination and order are based.

8                   “(d) REMEDIES NOT EXCLUSIVE.—The remedies au-  
9                   thorized by this section shall be in addition to any other  
10                  remedies that may be available.

11       **“SEC. 414. CIVIL PENALTIES.**

12                  “(a) IN GENERAL.—

13                       “(1) ASSESSMENT.—The Secretary may assess  
14                       against a person that commits a serious violation (as  
15                       defined by the Secretary by regulation) of this Act  
16                       (including a regulation promulgated or order issued  
17                       under this Act) a civil penalty for each violation of  
18                       not more than \$100,000.

19                       “(2) SEPARATE OFFENSES.—Each violation  
20                       and each day during which the violation continues  
21                       shall be considered to be a separate offense.

22                       “(3) NOTICE AND OPPORTUNITY FOR HEAR-  
23                       ING.—The Secretary shall not assess a civil penalty  
24                       under this section against a person unless the person  
25                       is given notice and opportunity for a hearing on the

1 record before the Secretary in accordance with sec-  
 2 tions 554 and 556 of title 5, United States Code.

3 “(4) DETERMINATION OF CIVIL PENALTY  
 4 AMOUNT.—The amount of a civil penalty under this  
 5 section—

6 “(A) shall be assessed by the Secretary by  
 7 written order, taking into account—

8 “(i) the gravity of the violation;

9 “(ii) the degree of culpability of the  
 10 person;

11 “(iii) the size and type of the business  
 12 of the person; and

13 “(iv) any history of prior offenses by  
 14 the person under this Act; and

15 “(B) shall be reviewed only in accordance  
 16 with subsection (b).

17 “(b) JUDICIAL REVIEW.—

18 “(1) IN GENERAL.—An order assessing a civil  
 19 penalty against a person under subsection (a) shall  
 20 be final unless the person—

21 “(A) not later than 30 days after the effec-  
 22 tive date of the order, files a petition for judi-  
 23 cial review of the order in—

24 “(i) the United States court of ap-  
 25 peals for the circuit in which the person re-

1 sides or has its principal place of business;

2 or

3 “(ii) the United States Court of Ap-

4 peals for the District of Columbia Circuit;

5 and

6 “(B) simultaneously sends a copy of the

7 petition by certified mail to the Secretary.

8 “(2) FILING OF COPY OF RECORD.—The Sec-

9 retary shall promptly file in the court a certified

10 copy of the record on which the order was issued.

11 “(c) COLLECTION ACTIONS FOR FAILURE TO PAY

12 ASSESSMENT.—

13 “(1) REFERRAL TO ATTORNEY GENERAL.—If a

14 person fails to pay a civil penalty assessed under

15 subsection (a) after the order assessing the civil pen-

16 alty has become a final order, or after the court of

17 appeals has entered final judgment in favor of the

18 Secretary, the Secretary shall refer the matter to the

19 Attorney General.

20 “(2) ACTION BY ATTORNEY GENERAL.—Upon

21 referral of a matter under paragraph (1), the Attor-

22 ney General shall bring a civil action to recover the

23 amount of the civil penalty in United States district

24 court.

1           “(3) SCOPE OF REVIEW.—In a civil action  
2           under paragraph (2), the validity and appropriate-  
3           ness of the order of the Secretary assessing the civil  
4           penalty shall not be subject to review.

5           “(d) REFUSAL OR WITHDRAWAL OF INSPECTION  
6 PENDING PAYMENT.—If a person fails to pay the amount  
7 of a civil penalty after the order assessing the civil penalty  
8 has become a final order, the Secretary may refuse to pro-  
9 vide or withdraw inspection under title I of the person  
10 until the civil penalty is paid or until the Secretary directs  
11 otherwise.

12          “(e) PENALTIES IN LIEU OF OTHER ACTIONS.—  
13 Nothing in this Act requires the Secretary to report for  
14 prosecution, or for the commencement of an action, any  
15 violation of this Act in any case in which the Secretary  
16 believes that the public interest will be adequately served  
17 by the assessment of a civil penalty under this section.

18          “(f) REMEDIES NOT EXCLUSIVE.—The remedies au-  
19 thorized by this section shall be in addition to any other  
20 remedies that may be available.”.

21          (b) CRIMINAL PENALTIES.—

22               (1) ASSAULTING, RESISTING, OR IMPEDING  
23 CERTAIN PERSONS.—Section 405 of the Federal  
24 Meat Inspection Act (21 U.S.C. 675) is amended—

1 (A) in the first sentence, by striking “not  
2 more than \$5,000” and inserting “under title  
3 18, United States Code,”; and

4 (B) in the second sentence, by striking  
5 “not more than \$10,000” and inserting “under  
6 title 18, United States Code,”.

7 (2) VIOLATIONS.—Section 406 of the Federal  
8 Meat Inspection Act (21 U.S.C. 676) is amended—

9 (A) by striking “of not more than \$1,000,”  
10 and inserting “under title 18, United States  
11 Code,”; and

12 (B) by striking “of not more than  
13 \$10,000,” and inserting “under title 18, United  
14 States Code,”.

15 (c) CONFORMING AMENDMENTS.—

16 (1) Section 1 of the Federal Meat Inspection  
17 Act (21 U.S.C. 601) is amended by adding at the  
18 end the following:

19 “(w) PERSON.—The term ‘person’ means any indi-  
20 vidual, partnership, corporation, association, or other busi-  
21 ness unit.”.

22 (2) The Federal Meat Inspection Act (21  
23 U.S.C. 601 et seq.) is amended—

1 (A) by striking “person, firm, or corpora-  
 2 tion” each place it appears and inserting “per-  
 3 son”;

4 (B) by striking “persons, firms, and cor-  
 5 porations” each place it appears and inserting  
 6 “persons”; and

7 (C) by striking “persons, firms, or corpora-  
 8 tions” each place it appears and inserting “per-  
 9 sons”.

10 **SEC. 202. FOOD SAFETY ENFORCEMENT FOR POULTRY AND**  
 11 **POULTRY FOOD PRODUCTS.**

12 (a) IN GENERAL.—The Poultry Products Inspection  
 13 Act (21 U.S.C. 451 et seq.) (as amended by section 102)  
 14 is amended by inserting after section 27 (as added by sec-  
 15 tion 102(a)(3)) the following:

16 **“SEC. 28. NOTIFICATION, NONDISTRIBUTION, AND RECALL**  
 17 **OF ADULTERATED OR MISBRANDED ARTI-**  
 18 **CLES.**

19 “(a) NOTIFICATION TO SECRETARY OF VIOLATION.—

20 “(1) IN GENERAL.—A person (other than a  
 21 household consumer) that has reason to believe that  
 22 any poultry or poultry product (referred to in this  
 23 section as an ‘article’) transported, stored, distrib-  
 24 uted, or otherwise handled by the person is adulter-  
 25 ated or misbranded shall, as soon as practicable, no-

1       tify the Secretary of the identity and location of the  
2       article.

3               “(2) MANNER OF NOTIFICATION.—Notification  
4       under paragraph (1) shall be made in such manner  
5       and by such means as the Secretary may require by  
6       regulation.

7               “(b) RECALL AND CONSUMER NOTIFICATION.—

8               “(1) VOLUNTARY ACTIONS.—On receiving noti-  
9       fication under subsection (a) or by other means, if  
10      the Secretary finds that an article is adulterated or  
11      misbranded and that there is a reasonable prob-  
12      ability that human consumption of the article would  
13      present a threat to public health (as determined by  
14      the Secretary), the Secretary shall provide all appro-  
15      priate persons (as determined by the Secretary),  
16      that transported, stored, distributed, or otherwise  
17      handled the article with an opportunity—

18              “(A) to cease distribution of the article;

19              “(B) to notify all persons that transport,  
20      store, distribute, or otherwise handle the article,  
21      or to which the article has been transported,  
22      sold, distributed, or otherwise handled, to cease  
23      immediately distribution of the article;

24              “(C) to recall the article; or



1           “(D) in consultation with the Secretary, to  
2           provide notice of the finding of the Secretary to  
3           all consumers to which the article was, or may  
4           have been, distributed.

5           “(2) MANDATORY ACTIONS.—If the appropriate  
6           person referred to in paragraph (1) does not carry  
7           out the actions described in that paragraph with re-  
8           spect to an article within the time period and in the  
9           manner prescribed by the Secretary, the Secretary  
10          shall, by order, require, as the Secretary determines  
11          to be necessary, the person—

12                 “(A) to cease immediately distribution of  
13                 the article; and

14                 “(B) to make immediately the notification  
15                 described in paragraph (1)(B).

16          “(3) NOTICE TO CONSUMERS.—The Secretary  
17          shall, as the Secretary determines to be necessary,  
18          provide notice of the finding of the Secretary under  
19          paragraph (1) to consumers to which the article was,  
20          or may have been, distributed.

21          “(4) NONDISTRIBUTION BY NOTIFIED PER-  
22          SONS.—A person that transports, stores, distributes,  
23          or otherwise handles the article, or to which the arti-  
24          cle has been transported, sold, distributed, or other-  
25          wise handled, and that is notified under paragraph

1 (1)(B) or (2)(B) shall cease immediately distribution  
2 of the article.

3 “(5) AVAILABILITY OF RECORDS TO SEC-  
4 RETARY.—Each appropriate person referred to in  
5 paragraph (1) that transported, stored, distributed,  
6 or otherwise handled an article shall make available  
7 to the Secretary information necessary to carry out  
8 this subsection, as determined by the Secretary, re-  
9 garding—

10 “(A) persons that transport, store, dis-  
11 tribute, or otherwise handle the article; and

12 “(B) persons to which the article has been  
13 transported, sold, distributed, or otherwise han-  
14 dled.

15 “(c) INFORMAL HEARINGS ON ORDERS.—

16 “(1) IN GENERAL.—The Secretary shall provide  
17 a person subject to an order under subsection (b)  
18 with an opportunity for an informal hearing (in ac-  
19 cordance with such rules or regulations as the Sec-  
20 retary shall prescribe) on—

21 “(A) the actions required by the order; and

22 “(B) any reasons why the article that is  
23 the subject of the order should not be recalled.

24 “(2) TIMING OF HEARINGS.—The Secretary  
25 shall hold a hearing under paragraph (1) as soon as

1 practicable, but not later than 2 business days, after  
 2 the date of issuance of the order.

3 “(d) POST-HEARING RECALL ORDERS.—

4 “(1) AMENDMENT OF ORDERS.—If, after pro-  
 5 viding an opportunity for an informal hearing under  
 6 subsection (c), the Secretary determines that there is  
 7 a reasonable probability that human consumption of  
 8 the article that is the subject of an order under sub-  
 9 section (b) presents a threat to public health, the  
 10 Secretary may, as the Secretary determines to be  
 11 necessary—

12 “(A) amend the order under subsection

13 (b)—

14 “(i) to require recall of the article or  
 15 other appropriate action; and

16 “(ii) to specify a timetable during  
 17 which the recall shall occur;

18 “(B) require periodic reports to the Sec-  
 19 retary describing the progress of the recall; or

20 “(C) provide notice of the recall to con-  
 21 sumers to which the article was, or may have  
 22 been, distributed.

23 “(2) VACATION OF ORDERS.—If, after providing  
 24 an opportunity for an informal hearing under sub-  
 25 section (c), the Secretary determines that adequate

1 grounds do not exist to continue the actions required  
 2 by the order, the Secretary shall vacate the order.

3 “(e) REMEDIES NOT EXCLUSIVE.—The remedies au-  
 4 thorized by this section shall be in addition to any other  
 5 remedies that may be available.

6 **“SEC. 29. REFUSAL OR WITHDRAWAL OF INSPECTION OF**  
 7 **ESTABLISHMENTS.**

8 “(a) IN GENERAL.—The Secretary may, for such pe-  
 9 riod, or indefinitely, as the Secretary considers necessary  
 10 to carry out this Act, refuse to provide or withdraw inspec-  
 11 tion under this Act with respect to an establishment if the  
 12 Secretary determines, after opportunity for a hearing on  
 13 the record is provided to the applicant for, or recipient  
 14 of, inspection, that the applicant or recipient, or any per-  
 15 son responsibly connected with the applicant or recipient  
 16 (within the meaning of section 18(a)), has committed a  
 17 willful violation or repeated violations of this Act (includ-  
 18 ing a regulation promulgated under this Act).

19 “(b) DENIAL OR SUSPENSION OF INSPECTION PEND-  
 20 ING HEARING.—The Secretary may deny or suspend in-  
 21 spection under this Act, pending opportunity for an expe-  
 22 dited hearing, with respect to an action under subsection  
 23 (a), if the Secretary determines that the denial or suspen-  
 24 sion is in the public interest to protect the health or wel-

1 fare of consumers or to ensure the effective performance  
 2 of an official duty under this Act.

3 “(c) JUDICIAL REVIEW.—

4 “(1) IN GENERAL.—A determination and order  
 5 of the Secretary with respect to the refusal or with-  
 6 drawal of inspection under this section shall be final  
 7 unless, not later than 30 days after the effective  
 8 date of the order, the affected applicant for, or re-  
 9 cipient of, inspection—

10 “(A) files a petition for judicial review of  
 11 the order; and

12 “(B) simultaneously sends a copy of the  
 13 petition by certified mail to the Secretary.

14 “(2) REFUSAL OR WITHDRAWAL OF INSPEC-  
 15 TION PENDING REVIEW.—Inspection shall be refused  
 16 or withdrawn as of the effective date of the order  
 17 pending any judicial review of the order unless the  
 18 Secretary directs otherwise.

19 “(3) VENUE; RECORD.—Judicial review of the  
 20 order shall be—

21 “(A) in—

22 “(i) the United States court of ap-  
 23 peals for the circuit in which the applicant  
 24 for, or recipient of, inspection resides or  
 25 has its principal place of business; or

1 “(ii) the United States Court of Ap-  
2 peals for the District of Columbia Circuit;  
3 and

4 “(B) on the record on which the deter-  
5 mination and order are based.

6 “(d) REMEDIES NOT EXCLUSIVE.—The remedies au-  
7 thorized by this section shall be in addition to any other  
8 remedies that may be available.

9 **“SEC. 30. CIVIL PENALTIES.**

10 “(a) IN GENERAL.—

11 “(1) ASSESSMENT.—The Secretary may assess  
12 against a person that commits a serious violation (as  
13 defined by the Secretary by regulation) of this Act  
14 (including a regulation promulgated or order issued  
15 under this Act) a civil penalty for each violation of  
16 not more than \$100,000.

17 “(2) SEPARATE OFFENSES.—Each violation  
18 and each day during which the violation continues  
19 shall be considered to be a separate offense.

20 “(3) NOTICE AND OPPORTUNITY FOR HEAR-  
21 ING.—The Secretary shall not assess a civil penalty  
22 under this section against a person unless the person  
23 is given notice and opportunity for a hearing on the  
24 record before the Secretary in accordance with sec-  
25 tions 554 and 556 of title 5, United States Code.

1           “(4) DETERMINATION OF CIVIL PENALTY  
2           AMOUNT.—The amount of a civil penalty under this  
3           section—

4                   “(A) shall be assessed by the Secretary by  
5           written order, taking into account—

6                           “(i) the gravity of the violation;

7                           “(ii) the degree of culpability of the  
8           person;

9                           “(iii) the size and type of the business  
10          of the person; and

11                          “(iv) any history of prior offenses by  
12          the person under this Act; and

13                          “(B) shall be reviewed only in accordance  
14          with subsection (b).

15          “(b) JUDICIAL REVIEW.—

16                   “(1) IN GENERAL.—An order assessing a civil  
17          penalty against a person under subsection (a) shall  
18          be final unless the person—

19                           “(A) not later than 30 days after the effec-  
20          tive date of the order, files a petition for judi-  
21          cial review of the order in—

22                                  “(i) the United States court of ap-  
23          peals for the circuit in which the person re-  
24          sides or has its principal place of business;  
25          or

1 “(ii) the United States Court of Ap-  
2 peals for the District of Columbia Circuit;  
3 and

4 “(B) simultaneously sends a copy of the  
5 petition by certified mail to the Secretary.

6 “(2) FILING OF COPY OF RECORD.—The Sec-  
7 retary shall promptly file in the court a certified  
8 copy of the record on which the order was issued.

9 “(c) COLLECTION ACTIONS FOR FAILURE TO PAY  
10 ASSESSMENT.—

11 “(1) REFERRAL TO ATTORNEY GENERAL.—If a  
12 person fails to pay a civil penalty assessed under  
13 subsection (a) after the order assessing the civil pen-  
14 alty has become a final order, or after the court of  
15 appeals has entered final judgment in favor of the  
16 Secretary, the Secretary shall refer the matter to the  
17 Attorney General.

18 “(2) ACTION BY ATTORNEY GENERAL.—Upon  
19 referral of a matter under paragraph (1), the Attor-  
20 ney General shall bring a civil action to recover the  
21 amount of the civil penalty in United States district  
22 court.

23 “(3) SCOPE OF REVIEW.—In a civil action  
24 under paragraph (2), the validity and appropriate-



1       ness of the order of the Secretary assessing the civil  
2       penalty shall not be subject to review.

3       “(d) REFUSAL OR WITHDRAWAL OF INSPECTION  
4 PENDING PAYMENT.—If a person fails to pay the amount  
5 of a civil penalty after the order assessing the civil penalty  
6 has become a final order, the Secretary may refuse to pro-  
7 vide or withdraw inspection under this Act of the person  
8 until the civil penalty is paid or until the Secretary directs  
9 otherwise.

10       “(e) PENALTIES IN LIEU OF OTHER ACTIONS.—  
11 Nothing in this Act requires the Secretary to report for  
12 prosecution, or for the commencement of an action, any  
13 violation of this Act in any case in which the Secretary  
14 believes that the public interest will be adequately served  
15 by the assessment of a civil penalty under this section.

16       “(f) REMEDIES NOT EXCLUSIVE.—The remedies au-  
17 thorized by this section shall be in addition to any other  
18 remedies that may be available.”.

19       (b) CRIMINAL PENALTIES.—Section 12 of the Poul-  
20 try Products Inspection Act (21 U.S.C. 461) is amend-  
21 ed—

22               (1) in the first sentence of subsection (a)—

23                       (A) by striking “not more than \$1,000”  
24                       and inserting “under title 18, United States  
25                       Code,”; and

1 (B) by striking “not more than \$10,000”  
 2 and inserting “under title 18, United States  
 3 Code,”; and  
 4 (2) in subsection (c)—

5 (A) in the first sentence, by striking “not  
 6 more than \$5,000” and inserting “under title  
 7 18, United States Code,”; and

8 (B) in the second sentence, by striking  
 9 “not more than \$10,000” and inserting “under  
 10 title 18, United States Code,”.

11 **SEC. 203. FOOD SAFETY ENFORCEMENT FOR EGGS AND**  
 12 **EGG PRODUCTS.**

13 (a) IN GENERAL.—The Egg Products Inspection Act  
 14 (21 U.S.C. 1031 et seq.) is amended by inserting after  
 15 section 27 (as added by section 103) the following:

16 **“SEC. 28. NOTIFICATION, NONDISTRIBUTION, AND RECALL**  
 17 **OF ADULTERATED OR MISBRANDED ARTI-**  
 18 **CLES.**

19 “(a) NOTIFICATION TO SECRETARY OF VIOLATION.—

20 “(1) IN GENERAL.—A person (other than a  
 21 household consumer) that has reason to believe that  
 22 any egg or egg product (referred to in this section  
 23 as an ‘article’) transported, stored, distributed, or  
 24 otherwise handled by the person is adulterated or

1 misbranded shall, as soon as practicable, notify the  
 2 Secretary of the identity and location of the article.

3 “(2) MANNER OF NOTIFICATION.—Notification  
 4 under paragraph (1) shall be made in such manner  
 5 and by such means as the Secretary may require by  
 6 regulation.

7 “(b) RECALL AND CONSUMER NOTIFICATION.—

8 “(1) VOLUNTARY ACTIONS.—On receiving noti-  
 9 fication under subsection (a) or by other means, if  
 10 the Secretary finds that an article is adulterated or  
 11 misbranded and that there is a reasonable prob-  
 12 ability that human consumption of the article would  
 13 present a threat to public health (as determined by  
 14 the Secretary), the Secretary shall provide all appro-  
 15 priate persons (as determined by the Secretary),  
 16 that transported, stored, distributed, or otherwise  
 17 handled the article with an opportunity—

18 “(A) to cease distribution of the article;

19 “(B) to notify all persons that transport,  
 20 store, distribute, or otherwise handle the article,  
 21 or to which the article has been transported,  
 22 sold, distributed, or otherwise handled, to cease  
 23 immediately distribution of the article;

24 “(C) to recall the article; or

1           “(D) in consultation with the Secretary, to  
2           provide notice of the finding of the Secretary to  
3           all consumers to which the article was, or may  
4           have been, distributed.

5           “(2) MANDATORY ACTIONS.—If the appropriate  
6           person referred to in paragraph (1) does not carry  
7           out the actions described in that paragraph with re-  
8           spect to an article within the time period and in the  
9           manner prescribed by the Secretary, the Secretary  
10          shall, by order, require, as the Secretary determines  
11          to be necessary, the person—

12                 “(A) to cease immediately distribution of  
13                 the article; and

14                 “(B) to make immediately the notification  
15                 described in paragraph (1)(B).

16          “(3) NOTICE TO CONSUMERS.—The Secretary  
17          shall, as the Secretary determines to be necessary,  
18          provide notice of the finding of the Secretary under  
19          paragraph (1) to consumers to which the article was,  
20          or may have been, distributed.

21          “(4) NONDISTRIBUTION BY NOTIFIED PER-  
22          SONS.—A person that transports, stores, distributes,  
23          or otherwise handles the article, or to which the arti-  
24          cle has been transported, sold, distributed, or other-  
25          wise handled, and that is notified under paragraph

1 (1)(B) or (2)(B) shall cease immediately distribution  
2 of the article.

3 “(5) AVAILABILITY OF RECORDS TO SEC-  
4 RETARY.—Each appropriate person referred to in  
5 paragraph (1) that transported, stored, distributed,  
6 or otherwise handled an article shall make available  
7 to the Secretary information necessary to carry out  
8 this subsection, as determined by the Secretary, re-  
9 garding—

10 “(A) persons that transport, store, dis-  
11 tribute, or otherwise handle the article; and

12 “(B) persons to which the article has been  
13 transported, sold, distributed, or otherwise han-  
14 dled.

15 “(c) INFORMAL HEARINGS ON ORDERS.—

16 “(1) IN GENERAL.—The Secretary shall provide  
17 a person subject to an order under subsection (b)  
18 with an opportunity for an informal hearing (in ac-  
19 cordance with such rules or regulations as the Sec-  
20 retary shall prescribe) on—

21 “(A) the actions required by the order; and

22 “(B) any reasons why the article that is  
23 the subject of the order should not be recalled.

24 “(2) TIMING OF HEARINGS.—The Secretary  
25 shall hold a hearing under paragraph (1) as soon as

1 practicable, but not later than 2 business days, after  
 2 the date of issuance of the order.

3 “(d) POST-HEARING RECALL ORDERS.—

4 “(1) AMENDMENT OF ORDERS.—If, after pro-  
 5 viding an opportunity for an informal hearing under  
 6 subsection (c), the Secretary determines that there is  
 7 a reasonable probability that human consumption of  
 8 the article that is the subject of an order under sub-  
 9 section (b) presents a threat to public health, the  
 10 Secretary may, as the Secretary determines to be  
 11 necessary—

12 “(A) amend the order under subsection

13 (b)—

14 “(i) to require recall of the article or  
 15 other appropriate action; and

16 “(ii) to specify a timetable during  
 17 which the recall shall occur;

18 “(B) require periodic reports to the Sec-  
 19 retary describing the progress of the recall; or

20 “(C) provide notice of the recall to con-  
 21 sumers to which the article was, or may have  
 22 been, distributed.

23 “(2) VACATION OF ORDERS.—If, after providing  
 24 an opportunity for an informal hearing under sub-  
 25 section (c), the Secretary determines that adequate

1 grounds do not exist to continue the actions required  
 2 by the order, the Secretary shall vacate the order.

3 “(e) REMEDIES NOT EXCLUSIVE.—The remedies au-  
 4 thorized by this section shall be in addition to any other  
 5 remedies that may be available.

6 **“SEC. 29. REFUSAL OR WITHDRAWAL OF INSPECTION OF**  
 7 **ESTABLISHMENTS.**

8 “(a) IN GENERAL.—The Secretary may, for such pe-  
 9 riod, or indefinitely, as the Secretary considers necessary  
 10 to carry out this Act, refuse to provide or withdraw inspec-  
 11 tion under this Act with respect to an establishment if the  
 12 Secretary determines, after opportunity for a hearing on  
 13 the record is provided to the applicant for, or recipient  
 14 of, inspection, that the applicant or recipient, or any per-  
 15 son responsibly connected with the applicant or recipient  
 16 (within the meaning of section 18), has committed a will-  
 17 ful violation or repeated violations of this Act (including  
 18 a regulation promulgated under this Act).

19 “(b) DENIAL OR SUSPENSION OF INSPECTION PEND-  
 20 ING HEARING.—The Secretary may deny or suspend in-  
 21 spection under this Act, pending opportunity for an expe-  
 22 dited hearing, with respect to an action under subsection  
 23 (a), if the Secretary determines that the denial or suspen-  
 24 sion is in the public interest to protect the health or wel-

1 fare of consumers or to ensure the effective performance  
 2 of an official duty under this Act.

3 “(c) JUDICIAL REVIEW.—

4 “(1) IN GENERAL.—A determination and order  
 5 of the Secretary with respect to the refusal or with-  
 6 drawal of inspection under this section shall be final  
 7 unless, not later than 30 days after the effective  
 8 date of the order, the affected applicant for, or re-  
 9 cipient of, inspection—

10 “(A) files a petition for judicial review of  
 11 the order; and

12 “(B) simultaneously sends a copy of the  
 13 petition by certified mail to the Secretary.

14 “(2) REFUSAL OR WITHDRAWAL OF INSPEC-  
 15 TION PENDING REVIEW.—Inspection shall be refused  
 16 or withdrawn as of the effective date of the order  
 17 pending any judicial review of the order unless the  
 18 Secretary directs otherwise.

19 “(3) VENUE; RECORD.—Judicial review of the  
 20 order shall be—

21 “(A) in—

22 “(i) the United States court of ap-  
 23 peals for the circuit in which the applicant  
 24 for, or recipient of, inspection resides or  
 25 has its principal place of business; or



1 “(ii) the United States Court of Ap-  
2 peals for the District of Columbia Circuit;  
3 and

4 “(B) on the record on which the deter-  
5 mination and order are based.

6 “(d) REMEDIES NOT EXCLUSIVE.—The remedies au-  
7 thorized by this section shall be in addition to any other  
8 remedies that may be available.

9 **“SEC. 30. CIVIL PENALTIES.**

10 “(a) IN GENERAL.—

11 “(1) ASSESSMENT.—The Secretary may assess  
12 against a person that commits a serious violation (as  
13 defined by the Secretary by regulation) of this Act  
14 (including a regulation promulgated or order issued  
15 under this Act) a civil penalty for each violation of  
16 not more than \$100,000.

17 “(2) SEPARATE OFFENSES.—Each violation  
18 and each day during which the violation continues  
19 shall be considered to be a separate offense.

20 “(3) NOTICE AND OPPORTUNITY FOR HEAR-  
21 ING.—The Secretary shall not assess a civil penalty  
22 under this section against a person unless the person  
23 is given notice and opportunity for a hearing on the  
24 record before the Secretary in accordance with sec-  
25 tions 554 and 556 of title 5, United States Code.

1           “(4) DETERMINATION OF CIVIL PENALTY  
2           AMOUNT.—The amount of a civil penalty under this  
3           section—

4                   “(A) shall be assessed by the Secretary by  
5           written order, taking into account—

6                           “(i) the gravity of the violation;

7                           “(ii) the degree of culpability of the  
8           person;

9                           “(iii) the size and type of the business  
10          of the person; and

11                          “(iv) any history of prior offenses by  
12          the person under this Act; and

13                          “(B) shall be reviewed only in accordance  
14          with subsection (b).

15          “(b) JUDICIAL REVIEW.—

16                   “(1) IN GENERAL.—An order assessing a civil  
17          penalty against a person under subsection (a) shall  
18          be final unless the person—

19                           “(A) not later than 30 days after the effec-  
20          tive date of the order, files a petition for judi-  
21          cial review of the order in—

22                                  “(i) the United States court of ap-  
23          peals for the circuit in which the person re-  
24          sides or has its principal place of business;  
25          or

1 “(ii) the United States Court of Ap-  
2 peals for the District of Columbia Circuit;  
3 and

4 “(B) simultaneously sends a copy of the  
5 petition by certified mail to the Secretary.

6 “(2) FILING OF COPY OF RECORD.—The Sec-  
7 retary shall promptly file in the court a certified  
8 copy of the record on which the order was issued.

9 “(c) COLLECTION ACTIONS FOR FAILURE TO PAY  
10 ASSESSMENT.—

11 “(1) REFERRAL TO ATTORNEY GENERAL.—If a  
12 person fails to pay a civil penalty assessed under  
13 subsection (a) after the order assessing the civil pen-  
14 alty has become a final order, or after the court of  
15 appeals has entered final judgment in favor of the  
16 Secretary, the Secretary shall refer the matter to the  
17 Attorney General.

18 “(2) ACTION BY ATTORNEY GENERAL.—Upon  
19 referral of a matter under paragraph (1), the Attor-  
20 ney General shall bring a civil action to recover the  
21 amount of the civil penalty in United States district  
22 court.

23 “(3) SCOPE OF REVIEW.—In a civil action  
24 under paragraph (2), the validity and appropriate-

1       ness of the order of the Secretary assessing the civil  
2       penalty shall not be subject to review.

3       “(d) REFUSAL OR WITHDRAWAL OF INSPECTION  
4 PENDING PAYMENT.—If a person fails to pay the amount  
5 of a civil penalty after the order assessing the civil penalty  
6 has become a final order, the Secretary may refuse to pro-  
7 vide or withdraw inspection under this Act of the person  
8 until the civil penalty is paid or until the Secretary directs  
9 otherwise.

10       “(e) PENALTIES IN LIEU OF OTHER ACTIONS.—  
11 Nothing in this Act requires the Secretary to report for  
12 prosecution, or for the commencement of an action, any  
13 violation of this Act in any case in which the Secretary  
14 believes that the public interest will be adequately served  
15 by the assessment of a civil penalty under this section.

16       “(f) REMEDIES NOT EXCLUSIVE.—The remedies au-  
17 thorized by this section shall be in addition to any other  
18 remedies that may be available.”.

19       (b) CRIMINAL PENALTIES.—Section 12 of the Egg  
20 Products Inspection Act (21 U.S.C. 1041) is amended—

21               (1) in subsection (a)—

22                       (A) by striking “of not more than \$5,000”  
23                       and inserting “under title 18, United States  
24                       Code”; and

1 (B) by striking “of not more than  
2 \$10,000” and inserting “under title 18, United  
3 States Code”;

4 (2) in subsection (b)—

5 (A) by striking “not more than \$5,000”  
6 and inserting “under title 18, United States  
7 Code”; and

8 (B) by striking “not more than \$10,000”  
9 and inserting “under title 18, United States  
10 Code”;

11 (3) by striking subsection (c);

12 (4) in subsection (e), by striking “paragraph (c)  
13 of this section 12” and inserting “section 30”; and

14 (5) by redesignating subsections (d) and (e) as  
15 subsections (c) and (d), respectively.

16 **SEC. 204. LIABILITY.**

17 This subtitle and the amendments made by this sub-  
18 title shall not affect the liability of any person under any  
19 provision of law as in effect before the application of this  
20 subtitle and the amendments made by this subtitle.

21 **Subtitle B—Food and Drug**  
22 **Administration**

23 **SEC. 211. FOOD SAFETY ENFORCEMENT FOR FOOD.**

24 (a) IN GENERAL.—Chapter IV of the Federal Food,  
25 Drug, and Cosmetic Act (21 U.S.C. 341 et seq.) (as

1 amended by section 111) is amended by adding at the end  
2 the following:

3 **“SEC. 417. NOTIFICATION, NONDISTRIBUTION, AND RECALL**  
4 **OF ADULTERATED OR MISBRANDED FOOD.**

5 “(a) NOTICE TO SECRETARY OF VIOLATION.—

6 “(1) IN GENERAL.—A person (other than a  
7 household consumer or other individual who is the  
8 intended consumer of a food) that has reason to be-  
9 lieve that any food introduced into or in interstate  
10 commerce, or held for sale (whether or not the first  
11 sale) after shipment in interstate commerce, may be  
12 in violation of this Act shall immediately notify the  
13 Secretary of the identity and location of the food.

14 “(2) MANNER OF NOTIFICATION.—Notification  
15 under paragraph (1) shall be made in such manner  
16 and by such means as the Secretary may require by  
17 regulation.

18 “(b) RECALL AND CONSUMER NOTIFICATION.—

19 “(1) VOLUNTARY ACTIONS.—If the Secretary  
20 determines that food is in violation of the food safe-  
21 ty law when introduced into or while in interstate  
22 commerce or while held for sale (whether or not the  
23 first sale) after shipment in interstate commerce and  
24 that there is a reasonable probability that the food,  
25 if consumed, would present a threat to public health,

1 as determined by the Secretary, the Secretary shall  
2 give the appropriate persons (including the manufac-  
3 turers, importers, distributors, or retailers of the  
4 food) an opportunity to—

5 “(A) cease distribution of the food;

6 “(B) notify all persons—

7 “(i) processing, distributing, or other-  
8 wise handling the food to immediately  
9 cease such activities with respect to the  
10 food; or

11 “(ii) to which the food has been dis-  
12 tributed, transported, or sold, to imme-  
13 diately cease distribution of the food;

14 “(C) recall the food;

15 “(D) in conjunction with the Secretary,  
16 provide notice of the finding of the Secretary—

17 “(i) to consumers to whom the food  
18 was, or may have been, distributed; and

19 “(ii) to State and local public health  
20 officials; or

21 “(E) carry out any combination of the  
22 measures described in this paragraph, as deter-  
23 mined by the Secretary to be appropriate in the  
24 circumstances.

1           “(2) MANDATORY ACTIONS.—If a person re-  
 2           ferred to in paragraph (1) refuses to or does not  
 3           adequately carry out the actions described in that  
 4           paragraph within the time period and in the manner  
 5           prescribed by the Secretary, the Secretary shall—

6                       “(A) have authority to control and possess  
 7           the food, including ordering the shipment of the  
 8           food from the food establishment to the Sec-  
 9           retary—

10                      “(i) at the expense of the food estab-  
 11           lishment; or

12                      “(ii) in an emergency (as determined  
 13           by the Secretary), at the expense of the  
 14           Administration; and

15                      “(B) by order, require, as the Secretary  
 16           determines to be necessary, the person to imme-  
 17           diately—

18                      “(i) cease distribution of the food; and

19                      “(ii) notify all persons—

20                               “(I) processing, distributing, or  
 21           otherwise handling the food to imme-  
 22           diately cease such activities with re-  
 23           spect to the food; or



1 “(II) if the food has been distrib-  
 2 uted, transported, or sold, to imme-  
 3 diately cease distribution of the food.

4 “(3) NOTIFICATION TO CONSUMERS BY SEC-  
 5 RETARY.—The Secretary shall, as the Secretary de-  
 6 termines to be necessary, provide notice of the find-  
 7 ing of the Secretary under paragraph (1)—

8 “(A) to consumers to whom the food was,  
 9 or may have been, distributed; and

10 “(B) to State and local public health offi-  
 11 cials.

12 “(4) NONDISTRIBUTION BY NOTIFIED PER-  
 13 SONS.—A person that processes, distributes, or oth-  
 14 erwise handles the food, or to which the food has  
 15 been distributed, transported, or sold, and that is  
 16 notified under paragraph (1)(B) or (2)(B) shall im-  
 17 mediately cease distribution of the food.

18 “(5) AVAILABILITY OF RECORDS TO SEC-  
 19 RETARY.—Each person referred to in paragraph (1)  
 20 that processed, distributed, or otherwise handled  
 21 food shall make available to the Secretary informa-  
 22 tion necessary to carry out this subsection, as deter-  
 23 mined by the Secretary, regarding—

24 “(A) persons that processed, distributed,  
 25 or otherwise handled the food; and

1                   “(B) persons to which the food has been  
2                   transported, sold, distributed, or otherwise han-  
3                   dled.

4                   “(c) INFORMAL HEARINGS ON ORDERS.—

5                   “(1) IN GENERAL.—The Secretary shall provide  
6                   any person subject to an order under subsection (b)  
7                   with an opportunity for an informal hearing, to be  
8                   held as soon as practicable but not later than 2 busi-  
9                   ness days after the issuance of the order.

10                  “(2) SCOPE OF THE HEARING.—In a hearing  
11                  under paragraph (1), the Secretary shall consider  
12                  the actions required by the order and any reasons  
13                  why the food that is the subject of the order should  
14                  not be recalled.

15                  “(d) POST HEARING RECALL ORDERS.—

16                  “(1) AMENDMENT OF ORDER.—If, after pro-  
17                  viding an opportunity for an informal hearing under  
18                  subsection (c), the Secretary determines that there is  
19                  a reasonable probability that the food that is the  
20                  subject of an order under subsection (b), if con-  
21                  sumed, would present a threat to the public health,  
22                  the Secretary, as the Secretary determines to be nec-  
23                  essary, may—

24                         “(A) amend the order to require recall of  
25                         the food or other appropriate action;

3 “(C) require periodic reports to the Sec-  
4 retary describing the progress of the recall; and

5                   “(D) provide notice of the recall to con-  
6                   sumers to whom the food was, or may have  
7                   been, distributed.

8                   “(2) VACATION OF ORDERS.—If, after providing  
9                   an opportunity for an informal hearing under sub-  
10                  section (c), the Secretary determines that adequate  
11                  grounds do not exist to continue the actions required  
12                  by the order, the Secretary shall vacate the order.

13       “(e) REMEDIES NOT EXCLUSIVE.—The remedies  
14       provided for in this section shall be in addition to, and  
15       not exclusive of, other remedies that may be available.

16 "SEC. 418. REFUSAL OR WITHDRAWAL OF INSPECTION OF  
17 ESTABLISHMENTS.

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1 under section 18 of the Egg Products Inspection Act (21  
 2 U.S.C. 1047)) with the applicant or recipient, has com-  
 3 mitted a willful violation or repeated violations of this  
 4 chapter (including a regulation promulgated under this  
 5 chapter).

6 “(b) DENIAL OR SUSPENSION OF INSPECTION PEND-  
 7 ING HEARING.—The Secretary may deny or suspend in-  
 8 spection under this chapter, pending the opportunity for  
 9 an expedited hearing, with respect to an action under sub-  
 10 section (a), if the Secretary determines that the denial or  
 11 suspension is in the public interest to protect the health  
 12 or welfare of consumers or to ensure the effective perform-  
 13 ance of an official duty under this Act.

14 “(c) JUDICIAL REVIEW.—

15 “(1) IN GENERAL.—A determination and order  
 16 of the Secretary with respect to the refusal or with-  
 17 drawal of inspection under this section shall be final  
 18 unless, not later than 30 days after the effective  
 19 date of the order, the affected applicant for, or re-  
 20 cipient of, inspection—

21 “(A) files a petition for judicial review of  
 22 the order; and

23 “(B) simultaneously sends a copy of the  
 24 petition by certified mail to the Secretary.

1           “(2) REFUSAL OR WITHDRAWAL OF INSPEC-  
 2           TION PENDING REVIEW.—Inspection shall be refused  
 3           or withdrawn as of the effective date of the order  
 4           pending any judicial review of the order unless the  
 5           Secretary directs otherwise.

6           “(3) VENUE; RECORD.—Judicial review of the  
 7           order shall be—

8                   “(A) in—

9                           “(i) the United States court of ap-  
 10                           peals for the circuit in which the applicant  
 11                           for, or recipient of, inspection resides or  
 12                           has its principal place of business; or

13                           “(ii) the United States Court of Ap-  
 14                           peals for the District of Columbia Circuit;  
 15                           and

16                   “(B) on the record on which the deter-  
 17                   mination and order are based.

18           “(d) REMEDIES NOT EXCLUSIVE.—The remedies au-  
 19           thorized by this section shall be in addition to any other  
 20           remedies that may be available.

21   **“SEC. 419. CIVIL PENALTIES.**

22           “(a) IN GENERAL.—

23                   “(1) ASSESSMENT.—The Secretary may assess  
 24                   against a person that commits a serious violation (as  
 25                   defined by the Secretary by regulation) of section

1       417 (including a regulation promulgated or order  
2       issued under such section) a civil penalty for each  
3       violation of not more than \$100,000.

4           “(2) SEPARATE OFFENSES.—Each violation  
5       and each day during which the violation continues  
6       shall be considered to be a separate offense.

7           “(3) NOTICE AND OPPORTUNITY FOR HEAR-  
8       ING.—The Secretary shall not assess a civil penalty  
9       under this section against a person unless the person  
10      is given notice and opportunity for a hearing on the  
11      record before the Secretary in accordance with sec-  
12      tions 554 and 556 of title 5, United States Code.

13          “(4) DETERMINATION OF CIVIL PENALTY  
14      AMOUNT.—The amount of a civil penalty under this  
15      section—

16           “(A) shall be assessed by the Secretary by  
17      written order, taking into account—

18           “(i) the gravity of the violation;

19           “(ii) the degree of culpability of the  
20      person;

21           “(iii) the size and type of the business  
22      of the person; and

23           “(iv) any history of prior offenses by  
24      the person under this Act; and

1 “(B) shall be reviewed only in accordance  
2 with subsection (b).

3 “(b) JUDICIAL REVIEW.—

4 “(1) IN GENERAL.—An order assessing a civil  
5 penalty against a person under subsection (a) shall  
6 be final unless the person—

7 “(A) not later than 30 days after the effec-  
8 tive date of the order, files a petition for judi-  
9 cial review of the order in—

10 “(i) the United States court of ap-  
11 peals for the circuit in which the person re-  
12 sides or has its principal place of business;  
13 or

14 “(ii) the United States Court of Ap-  
15 peals for the District of Columbia Circuit;  
16 and

17 “(B) simultaneously sends a copy of the  
18 petition by certified mail to the Secretary.

19 “(2) FILING OF COPY OF RECORD.—The Sec-  
20 retary shall promptly file in the court a certified  
21 copy of the record on which the order was issued.

22 “(c) COLLECTION ACTIONS FOR FAILURE TO PAY  
23 ASSESSMENT.—

24 “(1) REFERRAL TO ATTORNEY GENERAL.—If a  
25 person fails to pay a civil penalty assessed under

1 subsection (a) after the order assessing the civil pen-  
2 alty has become a final order, or after the court of  
3 appeals has entered final judgment in favor of the  
4 Secretary, the Secretary shall refer the matter to the  
5 Attorney General.

6 “(2) ACTION BY ATTORNEY GENERAL.—Upon  
7 referral of a matter under paragraph (1), the Attor-  
8 ney General shall bring a civil action to recover the  
9 amount of the civil penalty in United States district  
10 court.

11 “(3) SCOPE OF REVIEW.—In a civil action  
12 under paragraph (2), the validity and appropriate-  
13 ness of the order of the Secretary assessing the civil  
14 penalty shall not be subject to review.

15 “(d) REFUSAL OR WITHDRAWAL OF INSPECTION  
16 PENDING PAYMENT.—If a person fails to pay the amount  
17 of a civil penalty after the order assessing the civil penalty  
18 has become a final order, the Secretary may refuse to pro-  
19 vide or withdraw inspection under this chapter of the per-  
20 son until the civil penalty is paid or until the Secretary  
21 directs otherwise.

22 “(e) PENALTIES IN LIEU OF OTHER ACTIONS.—  
23 Nothing in this Act requires the Secretary to report for  
24 prosecution, or for the commencement of an action, any  
25 violation of this chapter in any case in which the Secretary



1 believes that the public interest will be adequately served  
 2 by the assessment of a civil penalty under this section.

3 “(f) REMEDIES NOT EXCLUSIVE.—The remedies au-  
 4 thorized by this section shall be in addition to any other  
 5 remedies that may be available.”.

6 (b) PROHIBITED ACTS.—Section 301 of the Federal  
 7 Food, Drug, and Cosmetic Act (21 U.S.C. 331) is amend-  
 8 ed by adding at the end the following:

9 “(hh)(1) The failure to notify the Secretary in viola-  
 10 tion of section 417(a).

11 “(2) The failure to comply with—

12 “(A) an order under section 417(b); or

13 “(B) an amended order issued under section  
 14 417(d)(1).”.

# 15 **SEC. 212. LIABILITY.**

16 This subtitle and the amendments made by this sub-  
 17 title shall not affect the liability of any person under any  
 18 provision of law as in effect before the application of this  
 19 subtitle and the amendments made by this subtitle.

## 20 **TITLE III—IMPORTED FOOD**

### 21 **SEC. 301. IMPORTED FOOD.**

22 (a) CERTIFICATION OF FOREIGN FOOD FACILI-  
 23 TIES.—Section 415 of the Federal Food, Drug, and Cos-  
 24 metic Act (21 U.S.C. 350d) is amended by—

1           (1) striking paragraphs (3) and (4) of sub-  
2           section (a);

3           (2) redesignating subsections (b) as subsection  
4           (d);

5           (3) striking subsection (c);

6           (4) inserting after subsection (a) the following:

7           “(b) CERTIFICATION OF FOREIGN FACILITIES AND  
8           GOVERNMENTS.—

9           “(1) IN GENERAL.—Not later than 1 year after  
10          the date of enactment of the Safe and Secure Food  
11          Act of 2005, a foreign facility or foreign government  
12          that submits a registration to import food to the  
13          United States under this section shall request certifi-  
14          cation from the Secretary by demonstrating, in a  
15          manner determined appropriate by the Secretary,  
16          that food produced under the supervision of the for-  
17          eign facility or foreign government has met stand-  
18          ards for food safety, inspection, labeling, and con-  
19          sumer protection that are at least equivalent to the  
20          standards applicable to food produced in the United  
21          States.

22          “(2) CERTIFICATION APPROVAL.—

23                 “(A) REQUEST BY FOREIGN GOVERN-  
24                 MENT.—Prior to granting the certification re-  
25                 quest of a foreign government, the Secretary

1           shall review, audit, and certify the food safety  
2           program of a requesting foreign government  
3           (including all statutes, regulations, and inspec-  
4           tion authority) as at least equivalent to the food  
5           safety program in the United States, as dem-  
6           onstrated by the foreign government.

7           “(B) REQUEST BY FOREIGN FACILITY.—

8           Prior to granting the certification request of a  
9           foreign facility, the Secretary shall certify,  
10          based on an onsite inspection, the food safety  
11          programs and procedures of a requesting for-  
12          eign facility as at least equivalent to the food  
13          safety programs and procedures of the United  
14          States.

15          “(3) LIMITATION.—A foreign government or  
16          foreign facility approved by the Secretary to import  
17          food to the United States under this section shall be  
18          certified to export only the approved food products  
19          to the United States for a period not to exceed 5  
20          years.

21          “(4) WITHDRAWAL OF CERTIFICATION.—The  
22          Secretary may withdraw certification of any food  
23          from a foreign government or foreign facility—

24                  “(A) if such food is linked to an outbreak  
25                  of human illness;

1           “(B) following an investigation by the Sec-  
2           retary that finds that the foreign government  
3           programs and procedures or foreign facility is  
4           no longer equivalent to the food safety pro-  
5           grams and procedures in the United States; or

6           “(C) following a refusal to allow United  
7           States officials to conduct such audits and in-  
8           vestigations as may be necessary to fulfill the  
9           requirements under this section.

10          “(5) RENEWAL OF CERTIFICATION.—The Sec-  
11          retary shall audit a foreign government or a foreign  
12          facility that imports food to the United States every  
13          5 years to ensure the continued compliance with the  
14          standards set forth in this section.

15          “(6) REQUIRED ROUTINE INSPECTION.—The  
16          Secretary shall routinely inspect food before it enters  
17          the United States to ensure that it is—

18                 “(A) safe for human consumption;

19                 “(B) labeled as required for food produced  
20                 in the United States; and

21                 “(C) otherwise meets requirements under  
22                 the food safety law.

23          “(7) ENFORCEMENT.—The Secretary—

24                 “(A) may deny importation of food from  
25                 any foreign government that does not permit

1 United States officials to enter the foreign  
2 country to conduct such audits and inspections  
3 as may be necessary to fulfill the requirements  
4 under this section;

5 “(B) may deny importation of food from  
6 any foreign government or foreign firm that  
7 does not consent to an investigation by the Ad-  
8 ministration when food from that foreign coun-  
9 try or foreign firm is linked to a food-borne ill-  
10 ness outbreak or is otherwise found to be adul-  
11 terated or mislabeled; and

12 “(C) is authorized to promulgate rules and  
13 regulations to carry out the purposes of this  
14 section, including setting terms and conditions  
15 for the destruction of products that fail to meet  
16 the standards of this Act.

17 “(c) ADMINISTRATIVE REQUIREMENTS.—

18 “(1) PROCEDURE.—

19 “(A) DOMESTIC FACILITIES.—Upon the  
20 receipt of a completed registration described in  
21 subsection (a)(1), the Secretary shall notify the  
22 domestic facility of the receipt of such registra-  
23 tion and assign a registration number to each  
24 registered domestic facility.

1           “(B) FOREIGN FACILITIES.—Upon the re-  
 2           ceipt of a completed registration described in  
 3           subsection (a)(1) and a certification under sub-  
 4           section (b), the Secretary shall notify the for-  
 5           eign facility of the receipt of such registration  
 6           and certification and assign a registration num-  
 7           ber to each registered and certified foreign fa-  
 8           cility.

9           “(2) LIST.—The Secretary shall maintain an  
 10          up-to-date list of domestic facilities that are reg-  
 11          istered and of foreign facilities that are registered  
 12          and certified under this section. Such list and any  
 13          registration or certification documents submitted  
 14          pursuant to this subsection shall not be subject to  
 15          disclosure under section 552 of title 5, United States  
 16          Code. Information derived from such list or registra-  
 17          tion or certification documents shall not be subject  
 18          to disclosure under section 552 of title 5, United  
 19          States Code, to the extent that it discloses the iden-  
 20          tity or location of a specific registered or certified  
 21          person.”; and

22                 (5) by adding at the end the following:

23          “(e) EFFECT ON CERTAIN FOREIGN FACILITIES.—  
 24          Foreign facilities maintaining a registration under this  
 25          section on the day before the date of enactment of the

1 Safe and Secure Food Act of 2005 shall submit a request  
2 for certification under subsection (b)(1) not later than 3  
3 years after the date of enactment of such Act.”.

4 (b) IN GENERAL.—Section 801 of the Federal Food,  
5 Drug, and Cosmetic Act (21 U.S.C. 381) is amended by  
6 adding at the end the following:

7 “(p)(1) The Secretary shall—

8 “(A) conduct an evaluation comparing the laws  
9 of the United States with other countries with re-  
10 spect to the inspection and security of food; and

11 “(B) promulgate regulations to—

12 “(i) develop new methods of detecting con-  
13 taminated imported food;

14 “(ii) increase coordination between Fed-  
15 eral, State, and local food safety officials with  
16 regard to food safety and security;

17 “(iii) direct food inspectors to check for  
18 the safety and security of food during an in-  
19 spection of a foreign facility; and

20 “(iv) require persons to implement proce-  
21 dures to prevent the unintentional and inten-  
22 tional contamination of food at foreign facilities  
23 covered by this Act.

24 “(2) The regulations promulgated under paragraph  
25 (1) shall require a person to implement security proce-

1 dures for the entire foreign facility, as determined by the  
 2 Secretary, including—

3 “(A) developing a security plan that addresses  
 4 the specific vulnerabilities of the facility;

5 “(B) developing an emergency response plan for  
 6 the facility;

7 “(C) securing establishment boundaries;

8 “(D) providing guards, alarms, and outside  
 9 lighting, as necessary;

10 “(E) performing background checks before hir-  
 11 ing new personnel;

12 “(F) limiting access to the facility;

13 “(G) accounting for missing stock;

14 “(H) implementing mail-handling procedures;  
 15 and

16 “(I) such other security procedures as the Sec-  
 17 retary determines to be necessary to prevent unin-  
 18 tentional or intentional contamination of food.

19 “(3) In this subsection, the term ‘foreign facility’ has  
 20 the meaning given that term in section 415(b)(3).”.

21 (c) ADULTERATION.—Section 402 of the Federal  
 22 Food, Drug, and Cosmetic Act (21 U.S.C. 342) is amend-  
 23 ed by adding at the end the following:

24 “(i) If it is food from a domestic or foreign facility  
 25 (as those terms are defined in section 415(b)) that fails



1 to comply with the regulations promulgated under section  
2 416 or 801(p).”.

3 (d) CONFORMING AMENDMENT.—Section 801(l)(1)  
4 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C.  
5 381(l)(1)) is amended by inserting “or that has not re-  
6 ceived a certification from the Secretary” after “for which  
7 a registration has not been submitted to the Secretary”.

## 8 **TITLE IV—RISK ASSESSMENT** 9 **INFORMATION SHARING**

### 10 **SEC. 401. RISK ASSESSMENT INFORMATION SHARING.**

11 (a) COORDINATION OF AGENCIES.—The Secretary of  
12 Health and Human Services shall coordinate with the Sec-  
13 retary of Agriculture, the Secretary of Homeland Security,  
14 and the Director of the Centers for Disease Control and  
15 Prevention to—

16 (1) assess the security risks to the food supply  
17 of the United States; and

18 (2) not later than 1 year after the date of en-  
19 actment of this Act, submit to Congress a report  
20 that—

21 (A) describes the assessment under para-  
22 graph (1);

23 (B) outlines measures to address any secu-  
24 rity risks described in such assessment; and

1 (C) describes the costs of addressing such  
2 security risks.

3 (b) COORDINATION WITH UNDERSECRETARY FOR  
4 SCIENCE AND TECHNOLOGY.—

5 (1) IN GENERAL.—The Secretary of Health and  
6 Human Services shall coordinate with the Undersec-  
7 retary of Science and Technology of the Department  
8 of Homeland Security with respect to entities award-  
9 ed grants relating to food safety under section  
10 307(b) of the Homeland Security Act of 2002 (6  
11 U.S.C. 187(b)).

12 (2) INFORMATION SHARING.—The Undersecre-  
13 tary of Science and Technology shall grant access to  
14 the Secretary of Health and Human Services with  
15 respect to information and data gathered at entities  
16 awarded grants relating to food safety under section  
17 307(b) of the Homeland Security Act of 2002 (6  
18 U.S.C. 187(b)).

○