To establish the Food Safety Administration to protect the public health by preventing food-borne illness, ensuring the safety of food intended for human consumption, improving research on contaminants leading to food-borne illness, and improving security of food from intentional contamination.

IN THE SENATE OF THE UNITED STATES

Mr. DURBIN introduced the following bill; which was read twice and referred to the Committee on

A BILL

To establish the Food Safety Administration to protect the public health by preventing food-borne illness, ensuring the safety of food intended for human consumption, improving research on contaminants leading to food-borne illness, and improving security of food from intentional contamination.

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 Food Act of 2004”.
(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings; purposes.
Sec. 3. Definitions.

TITLE I—ESTABLISHMENT OF FOOD SAFETY ADMINISTRATION
Sec. 101. Establishment of Food Safety Administration.
Sec. 102. Consolidation of separate food safety and inspection services and agencies.
Sec. 103. Additional duties of the Administration.

TITLE II—ADMINISTRATION OF FOOD SAFETY PROGRAM
Sec. 201. Administration of national program.
Sec. 202. Registration of food establishments and foreign food establishments.
Sec. 203. Preventative process controls to reduce adulteration of food.
Sec. 204. Performance standards for contaminants in food.
Sec. 205. Inspections of food establishments.
Sec. 206. Food production facilities.
Sec. 207. Federal and State cooperation.
Sec. 208. Imports.
Sec. 209. Resource plan.

TITLE III—RESEARCH AND EDUCATION
Sec. 301. Public health assessment system.
Sec. 302. Public education and advisory system.
Sec. 303. Research.

TITLE IV—ENFORCEMENT
Sec. 401. Prohibited Acts.
Sec. 402. Food detention, seizure, and condemnation.
Sec. 403. Notification and recall.
Sec. 404. Injunction proceedings.
Sec. 405. Civil and criminal penalties.
Sec. 406. Presumption.
Sec. 407. Whistleblower protection.
Sec. 408. Administration and enforcement.
Sec. 409. Citizen civil actions.

TITLE V—IMPLEMENTATION
Sec. 501. Definition.
Sec. 502. Reorganization plan.
Sec. 503. Transitional authorities.
Sec. 504. Savings provisions.
Sec. 505. Conforming amendments.
Sec. 506. Additional technical and conforming amendments.
Sec. 507. Regulations.
Sec. 508. Authorization of appropriations.
SEC. 2. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the safety of the food supply of the United States is vital to the public health, to public confidence in the food supply, and to the success of the food sector of the Nation’s economy;

(2) lapses in the protection of the food supply and loss of public confidence in food safety are damaging to consumers and the food industry, and place a burden on interstate commerce;

(3) the safety and security of the food supply requires an integrated, system-wide approach to preventing food-borne illness, a thorough and broad-based approach to basic and applied research, and intensive, effective, and efficient management of the Nation’s food safety program;

(4) the task of preserving the safety of the food supply of the United States faces tremendous pressures with regard to—

(A) emerging pathogens and other contaminants and the ability to detect all forms of contamination;
(B) an aging and immune compromised population, with a growing number of people at high-risk for food-borne illnesses;

(C) an increasing volume of imported food, without adequate monitoring and inspection; and

(D) maintenance of rigorous inspection of the domestic food processing and food service industries;

(5) Federal food safety standard setting, inspection, enforcement, and research efforts should be based on the best available science and public health considerations and food safety resources should be systematically deployed in ways that most effectively prevent food-borne illness;

(6) the Federal food safety system is fragmented, with at least 12 Federal agencies sharing responsibility for food safety, and operates under laws that do not reflect current conditions in the food system or current scientific knowledge about the cause and prevention of food-borne illness;

(7) the fragmented Federal food safety system and outdated laws preclude an integrated, system-wide approach to preventing food-borne illness, to the effective and efficient operation of the Nation’s
food safety program, and to the most beneficial deploy-
ment of food safety resources;

(8) the National Academy of Sciences rec-
ommended in the report “Ensuring Safe Food from
Production to Consumption” that Congress establish
by statute a unified and central framework for man-
aging Federal food safety programs, and rec-
ommended modifying Federal statutes so that in-
spection, enforcement, and research efforts are
based on scientifically supportable assessments of
risks to public health; and

(9) the lack of a single focal point for food safe-
ty leadership in the United States undercuts the
ability of the United States to exert food safety lead-
ership internationally, which is detrimental to the
public health and the international trade interests of
the United States.

(b) PURPOSES.—The purposes of this Act are—

(1) to establish a single agency to be known as
the “Food Safety Administration”—

(A) to regulate food safety and labeling to
protect the public health;

(B) to ensure that food establishments ful-
fill their responsibility to produce food in a
manner that protects the public health of all people in the United States;

(C) to lead an integrated, system-wide approach to food safety and to make more effective and efficient use of resources to prevent food-borne illness; and

(D) to provide a single focal point for food safety leadership, both nationally and internationally;

(2) to transfer to the Food Safety Administration the food safety, labeling, inspection, and enforcement functions that, as of the day before the effective date of this Act, are performed by other Federal agencies; and

(3) to modernize the Federal food safety laws to achieve more effective application and efficient management of the laws for the protection and improvement of public health.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATION.—The term “Administration” means the Food Safety Administration established under section 101(a)(1).
(2) ADMINISTRATOR.—The term “Administrator” means the Administrator of Food Safety appointed under section 101(a)(3).

(3) ADULTERATED.—

(A) IN GENERAL.—The term “adulterated” has the meaning described in subsections (a) through (c) of section 402 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342(a)–(c)).

(B) INCLUSION.—The term “adulterated” includes bearing or containing a contaminant that causes illness or death among sensitive populations.

(4) AGENCY.—The term “agency” has the meaning given that term in section 551 of title 5, United States Code.

(5) CATEGORY 1 FOOD ESTABLISHMENT.—The term “category 1 food establishment” means a food establishment that routinely slaughters animals for human consumption.

(6) CATEGORY 2 FOOD ESTABLISHMENT.—The term “category 2 food establishment” means a food establishment that processes raw meat, poultry, seafood products, and other products that the Administrator determines by regulation to be at high risk of
contamination and the processes of which do not include a step validated to destroy contaminants.

(7) CATEGORY 3 FOOD ESTABLISHMENT.—The term “category 3 food establishment” means a food establishment that processes meat, poultry, seafood products, and other products that the Administrator determines by regulation to be at high risk of contamination and whose processes include a step validated to destroy contaminants.

(8) CATEGORY 4 FOOD ESTABLISHMENT.—The term “category 4 food establishment” means a food establishment that processes all other categories of food products not described in paragraphs (5) through (7).

(9) CATEGORY 5 FOOD ESTABLISHMENT.—The term “category 5 food establishment” means a food establishment that stores, holds, or transports food products prior to delivery for retail sale.

(10) CONTAMINANT.—The term “contaminant” includes a bacterium, chemical, natural or manufactured toxin, virus, parasite, prion, physical hazard, or other human pathogen that when found on or in food can cause human illness, injury, or death.

(11) CONTAMINATION.—The term “contamination” refers to a presence of a contaminant in food.
(12) **FOOD.**—

(A) **IN GENERAL.**—The term “food” means a product intended to be used for food or drink for a human.

(B) **INCLUSIONS.**—The term “food” includes any product (including a meat food product, as defined in section 1(j) of the Federal Meat Inspection Act (21 U.S.C. 601(j))), capable for use as human food that is made in whole or in part from any animal, including cattle, sheep, swine, or goat, or poultry (as defined in section 4 of the Poultry Products Inspection Act (21 U.S.C. 453)).

(C) **EXCLUSION.**—The term “food” does not include dietary supplements, as defined in section 201(ff) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(ff)).

(13) **FOOD ESTABLISHMENT.**—

(A) **IN GENERAL.**—The term “food establishment” means a slaughterhouse, factory, warehouse, or facility owned or operated by a person located in any State that processes food.

(B) **EXCLUSIONS.**—For the purposes of registration, the term “food establishment” does not include a farm, restaurant, other retail
food establishment, nonprofit food establishment in which food is prepared for or served directly to the consumer, or fishing vessel (other than a fishing vessel engaged in processing, as that term is defined in section 123.3 of title 21, Code of Federal Regulations).

(14) **FOOD PRODUCTION FACILITY.**—The term “food production facility” means any farm, ranch, orchard, vineyard, aquaculture facility, confined animal-feeding operation, or animal feed production facility.

(15) **FOOD SAFETY LAW.**—The term “food safety law” means—

(A) the provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) related to and requiring the safety, labeling, and inspection of food, infant formulas, food additives, pesticide residues, and other substances present in food under that Act;

(B) the provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) and of any other Act that are administered by the Center for Veterinary Medicine of the Food and Drug Administration;
(C) the Poultry Products Inspection Act (21 U.S.C. 451 et seq.);

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

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

(F) the Sanitary Food Transportation Act of 1990 (49 U.S.C. App. 2801 et seq.);

(G) the provisions of the Humane Methods of Slaughter Act of 1978 (Public Law 95–448) administered by the Food Safety and Inspection Service;

(H) the provisions of this Act; and

(I) such other provisions of law related to and requiring food safety, labeling, inspection, and enforcement as the President designates by Executive order as appropriate to include within the jurisdiction of the Administration.

(16) FOREIGN FOOD ESTABLISHMENT.—

(A) IN GENERAL.—The term “foreign food establishment” means a slaughterhouse, factory, warehouse, or facility located outside the United States that processes food that is imported into the United States without further
processing or packaging inside the United States.

(B) FURTHER PROCESSING OR PACKAGING.—A food shall not be considered to have undergone further processing or packaging solely because labeling was added or a similar activity of a de minimis nature was carried out with respect to the food.

(17) INTERSTATE COMMERCE.—The term “interstate commerce” has the meaning given that term in section 201(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(b)).

(18) MISBRANDED.—The term “misbranded” has the meaning given that term in section 403 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343).

(19) PROCESS.—The term “process” or “processing” means the commercial harvesting, slaughter, packing, preparation, or manufacture of food.

(20) SAFE.—The term “safe” refers to human health.

(21) STATE.—The term “State” means—

(A) a State;

(B) the District of Columbia;
(C) the Commonwealth of Puerto Rico;
and
(D) any other territory or possession of the
United States.

**TITLE I—ESTABLISHMENT OF FOOD SAFETY ADMINISTRATION**

**SEC. 101. ESTABLISHMENT OF FOOD SAFETY ADMINISTRATION.**

(a) **Establishment.—**

(1) **In general.—** There is established in the executive branch an agency to be known as the “Food Safety Administration”.

(2) **Status.—** The Administration shall be an independent establishment (as defined in section 104 of title 5, United States Code).

(3) **Head of Administration.—** The Administration shall be headed by the Administrator of Food Safety, who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) **Duties of Administrator.—** The Administrator shall—

(1) administer and enforce the food safety law;

(2) serve as a representative to international food safety bodies and discussions;
(3) promulgate regulations to ensure the security of the food supply from all forms of contamination, including intentional contamination; and

(4) oversee—

(A) implementation of Federal food safety inspection, enforcement, and research efforts, to protect the public health;

(B) development of consistent and science-based standards for safe food;

(C) coordination and prioritization of food safety research and education programs with other Federal agencies;

(D) prioritization of Federal food safety efforts and deployment of Federal food safety resources to achieve the greatest possible benefit in reducing food-borne illness;

(E) coordination of the Federal response to food-borne illness outbreaks with other Federal and State agencies; and

(F) integration of Federal food safety activities with State and local agencies.

SEC. 102. CONSOLIDATION OF SEPARATE FOOD SAFETY AND INSPECTION SERVICES AND AGENCIES.

(a) TRANSFER OF FUNCTIONS.—For each Federal agency specified in subsection (b), there are transferred
to the Administration all functions that the head of the
Federal agency exercised on the day before the effective
date of this Act (including all related functions of any offi-
cer or employee of the Federal agency) that relate to ad-
ministration or enforcement of the food safety law, as de-
termined by the President.

(b) TRANSFERRED AGENCIES.—The Federal agen-
cies referred to in subsection (a) are—

(1) the Food Safety and Inspection Service of
the Department of Agriculture;

(2) the Center for Food Safety and Applied Nu-
trition of the Food and Drug Administration;

(3) the part of the Agriculture Marketing Serv-
ice that administers shell egg surveillance services
established under the Egg Products Inspection Act
(21 U.S.C. 1031 et seq.);

(4) the resources and facilities of the Office of
Regulatory Affairs of the Food and Drug Adminis-
tration that administer and conduct inspections of
food establishments and imports;

(5) the resources and facilities of the Office of
the Commissioner of the Food and Drug Adminis-
tration that support—

(A) the Center for Food Safety and Ap-
plied Nutrition;
(B) the Center for Veterinary Medicine;

and

(C) the Office of Regulatory Affairs facilities and resources described in paragraph (4);

(6) the Center for Veterinary Medicine of the Food and Drug Administration;

(7) the resources and facilities of the Environmental Protection Agency that control and regulate pesticide residues in food;

(8) the part of the Research, Education, and Economics mission area of the Department of Agriculture related to food safety and animal feed research;

(9) the part of the National Marine Fisheries Service of the National Oceanic and Atmospheric Administration of the Department of Commerce that administers the seafood inspection program; and

(10) such other offices, services, or agencies as the President designates by Executive order to carry out this Act.

SEC. 103. ADDITIONAL DUTIES OF THE ADMINISTRATION.

(a) OFFICERS AND EMPLOYEES.—The Administrator may—

(1) appoint officers and employees for the Administration in accordance with the provisions of
title 5, United States Code, relating to appointment in the competitive service; and

(2) fix the compensation of those officers and employees in accordance with chapter 51 and with subchapter III of chapter 53 of that title, relating to classification and General Schedule pay rates.

(b) EXPERTS AND CONSULTANTS.—The Administrator may—

(1) procure the services of temporary or intermittent experts and consultants as authorized by section 3109 of title 5, United States Code; and

(2) pay in connection with those services the travel expenses of the experts and consultants, including transportation and per diem in lieu of subsistence while away from the homes or regular places of business of the individuals, as authorized by section 5703 of that title.

(e) BUREAUS, OFFICES, AND DIVISIONS.—The Administrator may establish within the Administration such bureaus, offices, and divisions as the Administrator determines are necessary to perform the duties of the Administrator.
TITLE II—ADMINISTRATION OF
FOOD SAFETY PROGRAM

SEC. 201. ADMINISTRATION OF NATIONAL PROGRAM.

(a) In General.—The Administrator shall—

(1) administer a national food safety program
(referred to in this section as the “program”) to
protect public health; and

(2) ensure that persons who produce or process
food for human consumption meet their responsi-
bility to prevent or minimize food safety hazards re-
lated to their products.

(b) Comprehensive Analysis.—The program shall
be based on a comprehensive analysis of the hazards asso-
ciated with different food and with the processing of dif-
ferent food, including the identification and evaluation
of—

(1) the severity of the potential health risks;

(2) the sources and specific points of potential
contamination extending from the farm or ranch to
the consumer that may render food unsafe for
human consumption;

(3) the potential for persistence, multiplication,
or concentration of naturally occurring or added
contaminants in food;
(4) opportunities across the food production,
processing, distribution, and retail system to reduce
potential health risks; and
(5) opportunities for intentional contamination.

(c) PROGRAM ELEMENTS.—In carrying out the pro-
gram, the Administrator shall—

(1) implement a national system for the reg-
istration of food establishments and foreign food es-
tablishments and regular unannounced inspection of
food establishments;

(2) enforce the adoption of process controls in
food establishments, based on best available sci-
entific and public health considerations and best
available technologies;

(3) establish and enforce science-based stand-
ards for—

(A) substances that may contaminate food;

and

(B) safety and sanitation in the processing
and handling of food;

(4) implement a sampling program to ensure
that industry programs and procedures that prevent
food contamination are effective on an ongoing basis
and that food meets the standards established under
this Act;
(5) implement procedures and requirements to ensure the safety and security of imported food;

(6) coordinate with other agencies and State or local governments in carrying out inspection, enforcement, and monitoring;

(7) have access to the surveillance data of the Centers for Disease Control and Prevention, and other Federal Government agencies, in order to implement a national surveillance system to assess the health risks associated with the human consumption of food;

(8) develop public education risk communication and advisory programs;

(9) implement a research program to further the purposes of this Act; and

(10) coordinate and prioritize food safety research and educational programs with other agencies, including State or local agencies.

SEC. 202. REGISTRATION OF FOOD ESTABLISHMENTS AND FOREIGN FOOD ESTABLISHMENTS.

(a) In general.—The Administrator shall by regulation require that any food establishment or foreign food establishment engaged in processing food for human consumption in the United States be registered with the Administrator.
(b) **Registration Requirements.**—

(1) **In General.**—To be registered under subsection (a)—

(A) in the case of a food establishment, the owner, operator, or agent in charge of the food establishment shall submit a registration to the Administrator; and

(B) in the case of a foreign food establishment, the owner, operator, or agent in charge of the foreign food establishment shall—

(i) submit a registration to the Administrator; and

(ii) provide the name, address, and emergency contact information of the United States agent for the foreign food establishment.

(2) **Registration.**—A food establishment or foreign food establishment shall submit a registration under paragraph (1) to the Administrator that—

(A) identifies the name, address, and emergency contact information of each food establishment or foreign food establishment that the registrant operates under this Act and all trade
names under which the registrant conducts business relating to food;

(B) lists the primary purpose and business activity of each food establishment or foreign food establishment, including the dates of operation if the food establishment or foreign food establishment is seasonal;

(C) lists the types of food processed or sold at each food establishment or, for foreign food establishments selling food for consumption in the United States, identifies the specific food categories of that food as listed under section 170.3 of title 21, Code of Federal Regulations; and

(D) not later than 30 days after a change in the products, function, or legal status of the food establishment or foreign food establishment (including cessation of business activities), notifies the Administrator of the change.

(3) Procedure.—Upon receipt of a completed registration described in paragraph (1), the Administrator shall notify the registrant of the receipt of the registration and assign a registration number to each food establishment and foreign food establishment.
(4) List.—The Administrator shall compile and maintain an up-to-date list of food establishments and foreign food establishments that are registered under this section.

(5) Disclosure exemption.—The disclosure requirements under section 552 of title 5, United States Code, shall not apply to—

(A) the list compiled under paragraph (4); 

and

(B) information derived from the list under paragraph (4), to the extent that it discloses the identity or location of a specific registered person.

(6) Suspension of registration.—

(A) In general.—The Administrator may suspend the registration of a food establishment or foreign food establishment, including the facility of an importer, for violation of a food safety law.

(B) Notice and opportunity for hearing.—The Administrator shall provide notice to a registrant immediately upon the suspension of the registration of the facility and provide registrant with an opportunity for a hearing within 3 days of the suspension.
(7) REINSTATEMENT.—A registration that is suspended under this section may be reinstated pursuant to criteria published in the Federal Register by the Administrator.

SEC. 203. PREVENTATIVE PROCESS CONTROLS TO REDUCE ADULTERATION OF FOOD.

(a) IN GENERAL.—The Administrator shall, upon the basis of best available public health, scientific, and technological data, promulgate regulations to ensure that food establishments—

(1) process food in a sanitary manner;

(2) limit the presence of potentially harmful contaminants in food;

(3) implement appropriate measures of preventative process control to minimize and reduce the presence and growth of contaminants in food and meet the performance standards established under section 204;

(4) process all fully processed or ready-to-eat food in a sanitary manner, using reasonably available techniques and technologies to eliminate any potentially harmful contaminants; and

(5) label food intended for final processing outside commercial food establishments with instruc-
tions for handling and preparation for consumption
that, when adhered to, will destroy contaminants.

(b) REGULATIONS.—Not later than 1 year after the
effective date of this Act, the Administrator shall promul-
gate regulations that—

(1) require all food establishments to adopt pre-
ventative process controls that are—

(A) adequate to protect the public health;

(B) meet relevant regulatory and food
safety standards; and

(C) limit the presence and growth of con-
taminants in food prepared in a food establish-
ment;

(2) set standards for sanitation;

(3) meet any performance standards for con-
taminants established under section 204;

(4) require recordkeeping to monitor compli-
ance;

(5) require sampling and testing at a frequency
and in a manner sufficient to ensure that process
controls are effective on an ongoing basis and that
regulatory standards are being met; and

(6) provide for agency access to records kept by
food establishments and submission of copies of the
records to the Administrator, as the Administrator
determines appropriate.

(c) PROCESSING CONTROLS.—The Administrator
may require any person with responsibility for or control
over food or food ingredients to adopt process controls,
if the process controls are needed to ensure the protection
of the public health.

SEC. 204. PERFORMANCE STANDARDS FOR CONTAMINANTS
IN FOOD.

(a) IN GENERAL.—To protect the public health, the
Administrator shall establish by regulation and enforce
performance standards that define, with respect to specific
food-borne contaminants and foods, the level of food safety
performance that a person responsible for producing, proc-
 essing, or selling food shall meet.

(b) IDENTIFICATION OF CONTAMINANTS; PERFORMANCE STANDARDS.—

(1) IN GENERAL.—Not later than 6 months
after the date of enactment of this Act, the Adminis-
trator shall identify the food-borne contaminants
and food that contribute significantly to the risk of
food-borne illness.

(2) PERFORMANCE STANDARDS.—As soon as
practicable after the identification of the contami-
nants under paragraph (1), the Administrator shall
establish appropriate performance standards to protect against all food-borne contaminants.

(3) Significant Contaminants.—The Administrator shall establish performance standards for the 5 most significant contaminants associated with raw meat, poultry, and seafood not later than 3 years after the date of enactment of this Act.

(c) Performance Standards.—

(1) In General.—The performance standards established under this section shall include—

(A) health-based standards that set the level of a contaminant that can safely and lawfully be present in food;

(B) zero tolerances, in addition to any zero-tolerance standards in effect on the day before the date of enactment of this Act, when necessary to protect against significant adverse health outcomes;

(C) process standards, such as log reduction criteria for cooked products, when sufficient to ensure the safety of processed food; and

(D) in the absence of data to support a performance standard described in subparagraph (A), (B), or (C), standards that define required performance in terms of “best reason-
ably achievable performance”, using best available technologies, interventions, and practices.

(2) Best reasonably achievable performance standards.—In developing best reasonably achievable performance standards, the Administrator shall collect, or contract for the collection of, data on current best practices and food safety outcomes related to the contaminants and foods in question, as the Administrator determines necessary.

(3) Revocation by Administrator.—All performance standards, tolerances, action levels, or other similar standards in effect on the date of enactment of this Act shall remain in effect until revised or revoked by the Administrator.

(d) Enforcement.—

(1) In general.—Not later than 1 year after the promulgation of a performance standard under this section, the Administrator shall implement a sampling program to determine whether food establishments are complying with the performance standards promulgated under this section. The program established under this paragraph shall be at least as stringent as the Hazard Analysis and Critical Control Point System requirements established under
part 417 of title 9, Code of Federal Regulations (or successor regulation).

(2) INSPECTIONS.—If the Administrator determines that a food establishment fails to meet a standard promulgated under this section, and such establishment fails to take appropriate corrective action as determined by the Administrator, the Administrator shall, as appropriate—

(A) detain, seize, or condemn food from the food establishment under section 402;

(B) order a recall of food from the food establishment under section 403;

(C) increase the inspection frequency for the food establishment;

(D) withdraw the mark of inspection from the food establishment, if in use; or

(E) take other appropriate enforcement action concerning the food establishment.

(e) NEWLY IDENTIFIED CONTAMINANTS.—Notwithstanding any other provision of this section, the Administrator shall promulgate interim performance standards for newly identified contaminants as necessary to protect the public health.
SEC. 205. INSPECTIONS OF FOOD ESTABLISHMENTS.

(a) IN GENERAL.—The Administrator shall establish an inspection program, which shall include sampling and testing of food and food establishments, to determine if each food establishment—

(1) is operating in a sanitary manner;

(2) has continuous systems, interventions, and processes in place to minimize or eliminate contaminants in food;

(3) is in compliance with applicable performance standards established under section 203, and other regulatory requirements;

(4) is processing food that is safe for human consumption and not adulterated or misbranded;

(5) maintains records of process control plans under section 203, and other records related to the processing, sampling, and handling of food; and

(6) is in compliance with the requirements of the food safety law.

(b) ESTABLISHMENT CATEGORIES AND INSPECTION FREQUENCIES.—The resource plan required under section 209, including the description of resources required to carry out inspections of food establishments, shall be based on the following categories and inspection frequencies, subject to subsections (c) and (d):
(1) **Category 1 Food Establishments.**—A category 1 food establishment shall be subject to antemortem and continuous inspection of each slaughter line during all operating hours, and other inspection on a daily basis, sufficient to verify that—

- (A) diseased animals are not offered for slaughter;
- (B) the food establishment has successfully identified and removed from the slaughter line visibly defective or contaminated carcasses and destroyed or reprocessed them in a manner acceptable to the Administrator; and
- (C) that applicable performance standards and other provisions of the food safety law have been satisfied.

(2) **Category 2 Food Establishments.**—A category 2 food establishment shall be randomly inspected at least daily.

(3) **Category 3 Food Establishments.**—A category 3 food establishment shall—

- (A) have ongoing verification that its processes are controlled; and
- (B) be randomly inspected at least monthly.
(4) Category 4 food establishments.—A category 4 food establishment shall be randomly inspected at least quarterly.

(5) Category 5 food establishments.—A category 5 food establishment shall be randomly inspected at least annually.

(c) Alternative inspection frequencies.—With respect to a category 2, 3, 4, or 5 food establishment, the Administrator may establish alternative inspection frequencies for subcategories of food establishments or individual establishments, to foster risk-based allocation of resources, subject to the following criteria and procedures:

(1) Subcategories of food establishments and their alternative inspection frequencies shall be defined by regulation, subject to paragraphs (2) and (3).

(2) Regulations of alternative inspection frequencies for subcategories of food establishments under paragraph (1) and for a specific food establishment under paragraph (4) shall provide that—

(A) category 2 food establishments shall be inspected at least monthly; and

(B) category 3, 4, and 5 food establishments shall be inspected at least annually.
(3) In defining subcategories of food establishments and their alternative inspection frequencies under paragraphs (1) and (2), the Administrator shall consider—

(A) the nature of the food products being processed, stored, or transported;

(B) the manner in which food products are processed, stored, or transported;

(C) the inherent likelihood that the products will contribute to the risk of food-borne illness;

(D) the best available evidence concerning reported illnesses associated with the foods produced in the proposed subcategory of establishments; and

(E) the overall record of compliance with the food safety law among establishments in the proposed subcategory, including compliance with applicable performance standards and the frequency of recalls.

(4) The Administrator may adopt alternative inspection frequencies for a specific establishment, subject to paragraphs (2) and (5) and shall periodically publish a list of establishments subject to alternative inspections.
(5) In adopting alternative inspection frequencies for a specific establishment, the Administrator shall consider—

(A) the criteria in paragraph (3);

(B) whether products from the specific establishment have been associated with a case or an outbreak of food-borne illness; and

(C) the record of the establishment of compliance with the food safety law, including compliance with applicable performance standards and the frequency of recalls.

(6) Before establishing alternative inspection frequencies for subcategories of establishments or individual establishments, the Administrator shall—

(A) determine, based on the best available evidence, that the alternative uses of the resources required to carry out the inspection activity would make a greater contribution to protecting the public health and reducing the risk of food-borne illness than the use of resources described in subsection (b);

(B) describe the alternative uses of resources in general terms when issuing the regulation or order that establishes the alternative inspection frequency;
(C) consider the supporting evidence that an individual food establishment shall submit related to whether an alternative inspection frequency should be established for such establishment by the Administrator; and

(D) include a description of the alternative uses in the annual resource plan required in section 209.

(d) INSPECTION TRANSITION.—The Administrator shall manage the transition to the inspection system described in this Act as follows:

(1) In the case of a category 1 or 2 food establishment, the Administrator shall continue to implement the applicable inspection mandates of the Federal Meat Inspection Act (21 U.S.C. 601 et seq.), the Poultry Products Inspection Act (21 U.S.C. 451 et seq.), and the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) until—

(A) regulations required to implement this section have been promulgated;

(B) the performance standards required by section 204(c) have been promulgated and implemented for 1 year; and
(C) the establishment has achieved compliance with the other applicable provisions of the food safety law.

(2) In the case of a category 1 or 2 food establishment that, within 2 years after the promulgation of the performance standards required by section 204(c), has not achieved compliance with the food safety law, the Administrator shall—

(A) issue an order prohibiting the establishment from operating pending a demonstration by the establishment that sufficient changes in facilities, procedures, personnel, or other aspects of the process control system have been made such that the Administrator determines that compliance with the food safety law is achieved; and

(B) following the demonstration required in subparagraph (A), issue an order authorizing the food establishment to operate subject, at a minimum, to—

(i) the inspection requirement applicable to the establishment under subsection (b) (1) or (2); and

(ii) such other inspection or compliance measures determined by the Adminis-
trator necessary to assure compliance with
the applicable food safety law.

(3) In the case of a category 3 food establish-
ment, the Administrator shall continue to implement
the applicable inspection mandates of the Federal
Meat Inspection Act (21 U.S.C. 601 et seq.), the
Poultry Products Inspection Act (21 U.S.C. 451 et
seq.), and the Federal Food, Drug, and Cosmetic
Act (21 U.S.C. 301 et seq.) until—

(A) the regulations required to implement
this section have been promulgated;

(B) the first resource plan under section
209 has been submitted; and

(C) for individual establishments, compli-
ance with the food safety law has been dem-
onstrated.

(4) In the case of a category 3 food establish-
ment that, within 1 year after the promulgation of
the regulations required to implement this section,
have not demonstrated compliance with the food
safety law, the Administrator shall—

(A) issue an order prohibiting the estab-
lishment from operating, pending a demonstra-
tion by the establishment that sufficient
changes in facilities, procedures, personnel, or
other aspects of the process control system have been made such that the Administrator determines that compliance with the food safety law is achieved; and

(B) following the demonstration required in subparagraph (A), issue an order authorizing the establishment to operate subject, at a minimum, to—

(i) the inspection requirement applicable to the establishment under subsection (b)(3); and

(ii) such other inspection or compliance measures determined by the Administrator necessary to assure compliance with the food safety law.

(5) In the case of a category 4 or 5 food establishment, the inspection requirements of this Act shall be implemented as soon as possible after—

(A) the promulgation of the regulations required to implement this section;

(B) the publication of the first resource plan under section 209; and

(C) the commencement of the first fiscal year in which the Administration is operating with budgetary resources that Congress has ap-
propriated following consideration of the re-
source plan under section 209.

(c) **Official Mark.**—

(1) **In General.**—

(A) **Establishment.**—Before the comple-
tion of the transition process under paragraphs
(1) through (3) of subsection (d), the Adminis-
trator shall by regulation establish an official
mark that shall be affixed to a food product
produced in a category 1, 2, or 3 establishment,
subject to subparagraph (B).

(B) **Prerequisite.**—The official mark re-
quired under subparagraph (A) shall be affixed
to a food product by the Administrator if the
establishment has been inspected by the Admin-
istrator in accordance with the inspection fre-
quencies under this section and the establish-
ment is in compliance with the food safety law.

(2) **Category 1, 2, or 3 Food Establish-
ments.**—In the case of products produced in a cat-

ey 1, 2, or 3 food establishment—

(A) products subject to Federal Meat In-
spection Act (21 U.S.C. 601 et seq.), the Poul-
try Products Inspection Act (21 U.S.C. 451 et
seq.), the Egg Products Inspection Act (21
U.S.C. 1031 et seq.), and the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) as of the date of enactment of this Act shall remain subject to the requirement under those Acts that they bear the mark of inspection pending completion of the transition process under paragraphs (1) through (3) of subsection (d);

(B) the Administrator shall publicly certify on a monthly basis that the inspection frequencies required under this Act have been achieved; and

(C) a product from an establishment that has not been inspected in accordance with the required frequencies under this section shall not bear the official mark and shall not be shipped in interstate commerce.

(3) CATEGORY 4 AND 5 FOOD ESTABLISHMENTS.—In the case of a product produced in a category 4 or 5 food establishment the Administrator shall provide by regulation for the voluntary use of the official mark established under paragraph (1), subject to—
(A) such minimum inspection frequencies as determined appropriate by the Administrator;

(B) compliance with applicable performance standards and other provisions of the food safety law; and

(C) such other requirements the Administrator considers appropriate.

(f) IMPLEMENTATION.—Not later than 1 year after the effective date of this Act, the Administrator shall issue regulations to implement subsections (b) through (d).

(g) MAINTENANCE AND INSPECTION OF RECORDS.—

(1) IN GENERAL.—

(A) RECORDS.—A food establishment shall—

(i) maintain such records as the Administrator shall require by regulation, including all records relating to the processing, distributing, receipt, or importation of any food; and

(ii) permit the Administrator, in addition to any authority of the food safety agencies in effect on the day before the date of enactment of this Act, upon presentation of appropriate credentials and at
reasonable times and in a reasonable manner, to have access to and copy all records maintained by or on behalf of such food establishment representative in any format (including paper or electronic) and at any location, that are necessary to assist the Administrator—

(I) to determine whether the food is contaminated or not in compliance with the food safety law; or

(II) to track the food in commerce.

(B) REQUIRED DISCLOSURE.—A food establishment shall have an affirmative obligation to disclose to the Administrator the results of testing or sampling of food, equipment, or material in contact with food, that is positive for any contaminant.

(2) MAINTENANCE OF RECORDS.—The records in paragraph (1) shall be maintained for a reasonable period of time, as determined by the Administrator.

(3) REQUIREMENTS.—The records in paragraph (1) shall include records describing—
(A) the origin, receipt, delivery, sale, movement, holding, and disposition of food or ingredients;

(B) the identity and quantity of ingredients used in the food;

(C) the processing of the food;

(D) the results of laboratory, sanitation, or other tests performed on the food or in the food establishment;

(E) consumer complaints concerning the food or packaging of the food;

(F) the production codes, open date codes, and locations of food production; and

(G) other matters reasonably related to whether food is unsafe for human consumption, is adulterated or misbranded, or otherwise fails to meet the requirements of this Act.

(h) PROTECTION OF SENSITIVE INFORMATION.—

(1) IN GENERAL.—The Administrator shall develop and maintain procedures to prevent the unauthorized disclosure of any trade secret or confidential information obtained by the Administrator.

(2) LIMITATION.—The requirement under this subsection does not—
(A) limit the authority of the Administrator to inspect or copy records or to require the establishment or maintenance of records under this Act;

(B) have any legal effect on section 1905 of title 18, United States Code;

(C) extend to any food recipe, financial data, pricing data, personnel data, or sales data (other than shipment dates relating to sales); or

(D) limit the public disclosure of distribution records or other records related to food subject to a voluntary or mandatory recall under section 403.

(i) BRIBERY OF OR GIFTS TO INSPECTOR OR OTHER OFFICERS AND ACCEPTANCE OF GIFTS.—Section 22 of the Federal Meat Inspection Act (21 U.S.C. 622) shall apply to an inspection under this Act.

SEC. 206. FOOD PRODUCTION FACILITIES.

In carrying out the duties of the Administrator and the purposes of this Act, the Administrator shall have the authority, with respect to food production facilities, to—

(1) visit and inspect food production facilities in the United States and in foreign countries to investigate bioterrorism threats and for other critical food safety purposes;
(2) review food safety records as required to be kept by the Administrator to carry out traceback and for other critical food safety purposes;

(3) set good practice standards to protect the public and animal health and promote food safety;

(4) conduct monitoring and surveillance of animals, plants, products, or the environment, as appropriate; and

(5) collect and maintain information relevant to public health and farm practices.

SEC. 207. FEDERAL AND STATE COOPERATION.

(a) IN GENERAL.—The Administrator shall work with the States to carry out activities and programs that contribute to the national food safety program so that Federal and State programs function in a coordinated and cost-effective manner.

(b) STATE ACTION.—The Administrator shall work with States to—

(1) continue, strengthen, or establish State food safety programs, especially with respect to the regulation of retail commercial food establishments, transportation, harvesting, and fresh markets;

(2) establish inspection programs and requirements to ensure that food under the jurisdiction of the State is safe for human consumption; and
(3) support recall authorities at the State and local levels.

(c) ASSISTANCE.—To assist in planning, developing, and implementing a food safety program, the Administrator may provide to a State—

(1) advisory assistance;

(2) technical and laboratory assistance and training (including necessary materials and equipment); and

(3) financial and other aid.

(d) SERVICE AGREEMENTS.—

(1) IN GENERAL.—The Administrator may, under agreements entered into with Federal, State, or local agencies, use on a reimbursable basis or otherwise, the personnel and services of those agencies in carrying out this Act.

(2) TRAINING.—Agreements with a State under this subsection may provide for training of State employees.

(3) MAINTENANCE OF AGREEMENTS.—The Administrator shall maintain any agreement that is in effect on the day before the date of enactment of this Act until the Administrator evaluates such agreement and determines whether to maintain or substitute such agreement.
(e) Audits.—

(1) In General.—The Administrator shall annually conduct a comprehensive review of each State program that provides services to the Administrator in carrying out the responsibilities under this Act, including mandated inspections under section 205.

(2) Requirements.—The review shall—

(A) include a determination of the effectiveness of the State program; and

(B) identify any changes necessary to ensure enforcement of Federal requirements under this Act.

SEC. 208. IMPORTS.

(a) In General.—Not later than 2 years after the effective date of this Act, the Administrator shall establish a system under which a foreign government or foreign food establishment seeking to import food to the United States shall submit a request for certification to the Administrator.

(b) Certification Standard.—A foreign government or foreign food establishment requesting a certification to import food to the United States shall demonstrate, in a manner determined appropriate by the Administrator, that food produced under the supervision of a foreign government or by the foreign food establishment
has met standards for food safety, inspection, labeling, and consumer protection that are at least equivalent to standards applicable to food produced in the United States.

(c) Certification Approval.—

(1) Request by Foreign Government.— Prior to granting the certification request of a foreign government, the Administrator shall review, audit, and certify the food safety program of a requesting foreign government (including all statutes, regulations, and inspection authority) as at least equivalent to the food safety program in the United States, as demonstrated by the foreign government.

(2) Request by Foreign Food Establishment.— Prior to granting the certification request of a foreign food establishment, the Administrator shall certify, based on an onsite inspection, the food safety programs and procedures of a requesting foreign firm as at least equivalent to the food safety programs and procedures of the United States.

(d) Limitation.— A foreign government or foreign firm approved by the Administrator to import food to the United States under this section shall be certified to export only the approved food products to the United States for a period not to exceed 5 years.
(c) Withdrawal of Certification.—The Administrator may withdraw certification of any food from a foreign government or foreign firm—

(1) if such food is linked to an outbreak of human illness;

(2) following an investigation by the Administrator that finds that the foreign government programs and procedures or foreign food establishment is no longer equivalent to the food safety programs and procedures in the United States; or

(3) following a refusal to allow United States officials to conduct such audits and investigations as may be necessary to fulfill the requirements under this section.

(f) Renewal of Certification.—The Administrator shall audit foreign governments and foreign food establishments at least every 5 years to ensure the continued compliance with the standards set forth in this section.

(g) Required Routine Inspection.—The Administrator shall routinely inspect food before it enters the United States to ensure that it is—

(1) safe for human consumption;

(2) labeled as required for food produced in the United States; and
(3) otherwise meets requirements under the food safety law.

(h) ENFORCEMENT.—The Administrator—

(1) may deny importation of food from any foreign government that does not permit United States officials to enter the foreign country to conduct such audits and inspections as may be necessary to fulfill the requirements under this section;

(2) may deny importation of food from any foreign government or foreign firm that does not consent to an investigation by the Administration when food from that foreign country or foreign firm is linked to a food-borne illness outbreak or is otherwise found to be adulterated or mislabeled; and

(3) is authorized to promulgate rules and regulations to carry out the purposes of this section, including setting terms and conditions for the destruction of products that fail to meet the standards of this Act.

(i) DETENTION AND SEIZURE.—Any food imported for consumption in the United States may be detained, seized, or condemned pursuant to section 402.

SEC. 209. RESOURCE PLAN.

(a) IN GENERAL.—The Administrator shall prepare and update annually a resource plan describing the re-
sources required, in the best professional judgment of the
Administrator, to develop and fully implement the national
food safety program established under this Act.

(b) CONTENTS OF PLAN.—The resource plan shall—

(1) describe quantitatively the personnel, financial, and other resources required to carry out the
inspection of food establishments under section 205
and other requirements of the national food safety
program;

(2) allocate inspection resources in a manner
reflecting the distribution of risk and opportunities
to reduce risk across the food supply to the extent
feasible based on the best available information, and
subject to section 205; and

(3) describe the personnel, facilities, equipment,
and other resources needed to carry out inspection
and other oversight activities, at a total resource
level equal to at least 50 percent of the resources re-
quired to carry out inspections in food establish-
ments under section 205—

(A) in foreign establishments;

(B) at the point of importation; and

(C) at the point of production on farms,
ranches, and feedlots.
(c) GRANTS.—The resource plan shall include recommendations for funding to provide grants to States and local governments to carry out food safety activities in retail and food service facilities and the required inspections in food establishments.

(d) SUBMISSION OF PLAN.—The Administrator shall submit annually to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and other relevant committees of Congress, the resource plan required under this section.

SEC. 210. TRACEBACK.

(a) IN GENERAL.—The Administrator, in order to protect the public health, shall establish requirements for tracing food and food producing animals from point of origin to retail sale, subject to subsection (b).

(b) APPLICABILITY.—Traceability requirements shall—

(1) be established in accordance with regulations and guidelines issued by the Administrator; and

(2) apply to food production facilities and food establishments.

(e) RELATIONSHIP TO COUNTRY OF ORIGIN LABELING.—Nothing contained in this section prevents or interferes with implementation of the country of origin labeling
requirements of subtitle D of the Agricultural Marketing
Act of 1946 (7 U.S.C. 1638 et seq.).

TITLE III—RESEARCH AND
EDUCATION

SEC. 301. PUBLIC HEALTH ASSESSMENT SYSTEM.

(a) IN GENERAL.—The Administrator, acting in co-
ordination with the Director of the Centers for Disease
Control and Prevention and with the Research Education
and Economics mission area of the Department of Agri-
culture, shall—

(1) have access to the applicable data systems
of the Centers for Disease Control and Prevention;
(2) maintain an active surveillance system of
food, food products, and epidemiological evidence
submitted by States to the Centers for Disease Con-
trol and Prevention based on a representative pro-
portion of the population of the United States;
(3) assess the frequency and sources of human
illness in the United States associated with the con-
sumption of food; and
(4) maintain a state-of-the-art DNA matching
system and epidemiological system dedicated to food-
borne illness identification, outbreaks, and contain-
ment.

(b) PUBLIC HEALTH SAMPLING.—
(1) IN GENERAL.—Not later than 1 year after the effective date of this Act, the Administrator shall establish guidelines for a sampling system under which the Administrator shall take and analyze samples of food—

(A) to assist the Administrator in carrying out this Act; and

(B) to assess the nature, frequency of occurrence, and quantities of contaminants in food.

(2) REQUIREMENTS.—The sampling system described in paragraph (1) shall provide—

(A) statistically valid monitoring, including market-based studies, on the nature, frequency of occurrence, and quantities of contaminants in food available to consumers; and

(B) at the request of the Administrator, such other information, including analysis of monitoring and verification samples, as the Administrator determines may be useful in assessing the occurrence of contaminants in food.

(c) ASSESSMENT OF HEALTH HAZARDS.—

(1) IN GENERAL.—Through the surveillance system referred to in subsection (a) and the sam-
pling system described in subsection (b), the Administrator shall—

(A) rank food categories based on the hazard to human health presented by the food category;

(B) identify appropriate industry and regulatory approaches to minimize hazards in the food supply; and

(C) assess the public health environment for emerging diseases, including zoonosis, for their risk of appearance in the United States food supply.

(2) COMPONENTS OF ANALYSIS.—The analysis under subsection (b)(1) may include—

(A) a comparison of the safety of commercial processing with the health hazards associated with food that is harvested for recreational or subsistence purposes and prepared non-commercially;

(B) a comparison of the safety of food that is domestically processed with the health hazards associated with food that is processed outside the United States;
(C) a description of contamination originating from handling practices that occur prior to or after the sale of food to consumers; and

(D) use of comparative risk assessments.

SEC. 302. PUBLIC EDUCATION AND ADVISORY SYSTEM.

(a) Public Education.—

(1) In general.—The Administrator, in cooperation with private and public organizations, including the cooperative extension services and appropriate State and local entities, shall establish a national public education program on food safety.

(2) Requirements.—The program shall provide—

(A) information to the public regarding Federal standards and best practices and promotion of public awareness, understanding, and acceptance of those standards and practices;

(B) information for health professionals—

(i) to improve diagnosis and treatment of food-related illness; and

(ii) to advise individuals at special risk for food-related illnesses; and

(C) such other information or advice to consumers and other persons as the Adminis-
tractor determines will promote the purposes of this Act.

(b) Health Advisories.—The Administrator, in consultation with other Federal departments and agencies as the Administrator determines necessary, shall work with the States and other appropriate entities—

(1) to develop and distribute regional and national advisories concerning food safety;

(2) to develop standardized formats for written and broadcast advisories;

(3) to incorporate State and local advisories into the national public education program established under subsection (a); and

(4) to present prompt, specific information regarding foods found to pose a threat to the public health.

SEC. 303. RESEARCH.

(a) In General.—The Administrator shall conduct research to carry out this Act, including studies—

(1) to improve sanitation and food safety practices in the processing of food;

(2) to develop improved techniques to monitor and inspect food;

(3) to develop efficient, rapid, and sensitive methods to detect contaminants in food;
(4) to determine the sources of contamination of contaminated food;
(5) to develop food consumption data;
(6) to identify ways that animal production techniques could improve the safety of the food supply; and
(7) to conduct other research that supports the purposes of this Act.
(b) CONTRACT AUTHORITY.—The Administrator may enter into contracts and agreements with any State, university, Federal Government agency, or person to carry out this section.

**TITLE IV—ENFORCEMENT**

**SEC. 401. PROHIBITED ACTS.**

It is prohibited—
(1) to manufacture, introduce, deliver for introduction, or receive into interstate commerce any food that is adulterated, misbranded, or otherwise unsafe for human consumption;
(2) to adulterate or misbrand any food in interstate commerce;
(3) for a food establishment or foreign food establishment to fail to register under section 202, or to operate without a valid registration;
(4) to refuse to permit access to a food establish-
ment for the inspection and copying of a record
as required under section 205(g);

(5) to fail to establish or maintain any record
or to make any report as required under section
205(g);

(6) to refuse to permit entry to or inspection of
a food establishment as required under section 205;

(7) to fail to provide to the Administrator the
results of a testing or sampling of a food, equip-
ment, or material in contact with contaminated food
under section 205(h);

(8) to fail to comply with a provision, regula-
tion, or order of the Administrator under section
202, 203, 204, or 208;

(9) to slaughter an animal that is capable for
use in whole or in part as human food at a food es-
stablishment processing any such food for commerce,
except in compliance with the food safety law;

(10) to transfer food in violation of an adminis-
trative detention order under section 402 or to re-
move or alter a required mark or label identifying
the food as detained;

(11) to fail to comply with a recall or other
order under section 403; or
SEC. 402. FOOD DETENTION, SEIZURE, AND CONDEMNATION.

(a) Administrative Detention of Food.—

(1) Expanded Authority.—The Administrator shall have authority under section 304 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 334) to administratively detain and seize any food that the Administrator has reason to believe is unsafe for human consumption, is adulterated or misbranded, or otherwise fails to meet the requirements of the food safety law.

(2) Detention Authority.—If, during an inspection conducted in accordance with section 205 or 208, an officer, employee, or agent of the Administration making the inspection has reason to believe that a domestic food, imported food, or food offered for import is unsafe for human consumption, is adulterated or misbranded, or otherwise fails to meet the requirements of this Act, the officer or employee may order the food detained.

(3) Period of Detention.—

(A) In General.—A food may be detained for a reasonable period, not to exceed 20 days, unless a longer period, not to exceed 30 days,
is necessary for the Administrator to institute a seizure action.

(B) Perishable food.—The Administrator shall provide by regulation for procedures to institute a seizure action on an expedited basis with respect to perishable food.

(4) Security of detained food.—

(A) In general.—A detention order—

(i) may require that the food be labeled or marked as detained; and

(ii) shall require that the food be removed to a secure facility, if appropriate.

(B) Food subject to an order.—A food subject to a detention order shall not be transferred by any person from the place at which the food is removed, until released by the Administrator or until the expiration of the detention period applicable under the order, whichever occurs first.

(C) Delivery of food.—This subsection does not authorize the delivery of a food in accordance with execution of a bond while the article is subject to the order.

(b) Appeal of detention order.—
(1) IN GENERAL.—A person who would be entitled to be a claimant for a food subject to a detention order if the food were seized under section 304 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 334), may appeal the order to the Administrator.

(2) ACTION BY THE ADMINISTRATOR.—Not later than 5 days after an appeal is filed under paragraph (1), the Administrator, after providing an opportunity for an informal hearing, shall confirm, modify, or terminate the order involved.

(3) FINAL AGENCY ACTION.—Confirmation, modification, or termination by the Administrator under paragraph (2) shall be considered a final agency action for purposes of section 702 of title 5, United States Code.

(4) TERMINATION.—The order shall be considered to be terminated if, after 5 days, the Administrator has failed—

(A) to provide an opportunity for an informal hearing; or

(B) to confirm, modify, or terminate the order.

(5) EFFECT OF INITIATING COURT ACTION.—If the Administrator initiates an action under sec-
tion 302 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 332) or section 304(a) of that Act (21 U.S.C. 334(a)), the process for the appeal of the detention order shall terminate.

(c) CONDEMNATION OF FOOD.—

(1) IN GENERAL.—After confirming a detention order, the Administrator may order the food condemned.

(2) DESTRUCTION OF FOOD.—Any food condemned shall be destroyed under the supervision of the Administrator.

(3) RELEASE OF FOOD.—If the Administrator determines that, through reprocessing, relabeling, or other action, a detained food can be brought into compliance with this Act, the food may be released following a determination by the Administrator that the relabeling or other action as specified by the Administrator has been performed.

(d) TEMPORARY HOLDS AT PORTS OF ENTRY.—

(1) IN GENERAL.—If an officer or qualified employee of the Administration has reason to believe that a food is unsafe for human consumption, is adulterated or misbranded, or otherwise fails to meet the requirements of this Act, and the officer or qualified employee is unable to inspect, examine, or
investigate the food when the food is offered for import at a port of entry into the United States, the officer or qualified employee shall request the Secretary of Homeland Security to hold the food at the port of entry for a reasonable period of time, not to exceed 24 hours, to enable the Administrator to inspect or investigate the food as appropriate.

(2) Removal to secure facility.—The Administrator shall work in coordination with the Secretary of Homeland Security to remove a food held in accordance with paragraph (1) to a secure facility as appropriate.

(3) Prohibition on transfer.—During the period in which the food is held, the food shall not be transferred by any person from the port of entry into the United States, or from the secure facility to which the food has been removed.

(4) Delivery in accordance with a bond.—The delivery of the food in accordance with the execution of a bond while the food is held is not authorized.

SEC. 403. NOTIFICATION AND RECALL.

(a) Notice to Administrator of violation.—

(1) In general.—A person (other than a household consumer or other individual who is the
intended consumer of a food) that has reason to believe that any food introduced into or in interstate commerce, or held for sale (whether or not the first sale) after shipment in interstate commerce, may be in violation of the food safety law shall immediately notify the Administrator of the identity and location of the food.

(2) MANNER OF NOTIFICATION.—Notification under paragraph (1) shall be made in such manner and by such means as the Administrator may require by regulation.

(b) RECALL AND CONSUMER NOTIFICATION.—

(1) VOLUNTARY ACTIONS.—If the Administrator determines that food is in violation of the food safety law when introduced into or while in interstate commerce or while held for sale (whether or not the first sale) after shipment in interstate commerce and that there is a reasonable probability that the food, if consumed, would present a threat to public health, as determined by the Administrator, the Administrator shall give the appropriate persons (including the manufacturers, importers, distributors, or retailers of the food) an opportunity to—

(A) cease distribution of the food;

(B) notify all persons—
(i) processing, distributing, or otherwise handling the food to immediately cease such activities with respect to the food; or

(ii) to which the food has been distributed, transported, or sold, to immediately cease distribution of the food;

(C) recall the food;

(D) in conjunction with the Administrator, provide notice of the finding of the Administrator—

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

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

(E) take any combination of the measures described in this paragraph, as determined by the Administrator to be appropriate in the circumstances.

(2) MANDATORY ACTIONS.—If a person referred to in paragraph (1) refuses to or does not adequately carry out the actions described in that paragraph within the time period and in the manner prescribed by the Administrator, the Administrator shall—
(A) have authority to control and possess the food, including ordering the shipment of the food from the food establishment to the Administrator—

(i) at the expense of the food establishment; or

(ii) in an emergency (as determined by the Administrator), at the expense of the Administration; and

(B) by order, require, as the Administrator determines to be necessary, the person to immediately—

(i) cease distribution of the food; and

(ii) notify all persons—

(I) processing, distributing, or otherwise handling the food to immediately cease such activities with respect to the food; or

(II) if the food has been distributed, transported, or sold, to immediately cease distribution of the food.

(3) NOTIFICATION TO CONSUMERS BY ADMINISTRATOR.—The Administrator shall, as the Administrator determines to be necessary, provide notice of
the finding of the Administrator under paragraph (1)—

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

(B) to State and local public health officials.

(4) NONDISTRIBUTION BY NOTIFIED PERSONS.—A person that processes, distributes, or otherwise handles the food, or to which the food has been distributed, transported, or sold, and that is notified under paragraph (1)(B) or (2)(B) shall immediately cease distribution of the food.

(5) AVAILABILITY OF RECORDS TO ADMINISTRATOR.—Each person referred to in paragraph (1) that processed, distributed, or otherwise handled food shall make available to the Administrator information necessary to carry out this subsection, as determined by the Administrator, regarding—

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

(B) persons to which the food has been transported, sold, distributed, or otherwise handled.

(c) INFORMAL HEARINGS ON ORDERS.—
(1) IN GENERAL.—The Administrator shall provide any person subject to an order under subsection (b) with an opportunity for an informal hearing, to be held as soon as practicable but not later than 2 business days after the issuance of the order.

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

(d) POST-HEARING RECALL ORDERS.—

(1) AMENDMENT OF ORDER.—If, after providing an opportunity for an informal hearing under subsection (c), the Administrator determines that there is a reasonable probability that the food that is the subject of an order under subsection (b), if consumed, would present a threat to the public health, the Administrator, as the Administrator determines to be necessary, may—

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

(B) specify a timetable in which the recall shall occur;
(C) require periodic reports to the Administrator describing the progress of the recall; and

(D) provide notice of the recall to consumers to whom the food was, or may have been, distributed.

(2) VACATION OF ORDERS.—If, after providing an opportunity for an informal hearing under subsection (c), the Administrator determines that adequate grounds do not exist to continue the actions required by the order, the Administrator shall vacate the order.

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

SEC. 404. INJUNCTION PROCEEDINGS.

(a) JURISDICTION.—The district courts of the United States, and the United States courts of the territories and possessions of the United States, shall have jurisdiction, for cause shown, to restrain a violation of section 202, 203, 204, 207, or 401 (or a regulation promulgated under that section).

(b) TRIAL.—In a case in which violation of an injunction or restraining order issued under this section also
71
1 constitutes a violation of the food safety law, trial shall
2 be by the court or, upon demand of the accused, by a jury.
3
SEC. 405. CIVIL AND CRIMINAL PENALTIES.
4
(a) Civil Sanctions.—
5
   (1) Civil penalty.—
6
   (A) In general.—Any person that com-
7 mits an act that violates the food safety law (in-
8 cluding a regulation promulgated or order
9 issued under a Federal food safety law) may be
10 assessed a civil penalty by the Administrator of
11 not more than $10,000 for each such act.
12
   (B) Separate offense.—Each act de-
13 scribed in subparagraph (A) and each day dur-
14 ing which that act continues shall be considered
15 a separate offense.
16
   (2) Other requirements.—
17
   (A) Written order.—The civil penalty
18 described in paragraph (1) shall be assessed by
19 the Administrator by a written order, which
20 shall specify the amount of the penalty and the
21 basis for the penalty under subparagraph (B)
22 considered by the Administrator.
23
   (B) Amount of penalty.—Subject to
24 paragraph (1)(A), the amount of the civil pen-
alty shall be determined by the Administrator, after considering—

(i) the gravity of the violation;
(ii) the degree of culpability of the person;
(iii) the size and type of the business of the person; and
(iv) any history of prior offenses by the person under the food safety law.

(C) Review of Order.—The order may be reviewed only in accordance with subsection (c).

(b) Criminal Sanctions.—

(1) In General.—Except as provided in paragraphs (2) and (3), a person that knowingly produces or introduces into commerce food that is unsafe for human consumption or otherwise adulterated or misbranded shall be imprisoned for not more than 1 year or fined not more than $10,000, or both.

(2) Severe Violations.—A person that commits a violation described in paragraph (1) after a conviction of that person under this section has become final, or commits such a violation with the intent to defraud or mislead, shall be imprisoned for
not more than 3 years or fined not more than
$100,000, or both.

(3) EXCEPTION.—No person shall be subject to
the penalties of this subsection—

(A) for having received, proffered, or deliv-
ered in interstate commerce any food, if the re-
ceipt, proffer, or delivery was made in good
faith, unless that person refuses to furnish (on
request of an officer or employee designated by
the Administrator)—

(i) the name, address and contact in-
formation of the person from whom that
person purchased or received the food;

(ii) copies of all documents relating to
the person from whom that person pur-
chased or received the food; and

(iii) copies of all documents pertaining
to the delivery of the food to that person;
or

(B) if that person establishes a guaranty
signed by, and containing the name and address
of, the person from whom that person received
in good faith the food, stating that the food is
not adulterated or misbranded within the mean-
ing of this Act.
(c) JUDICIAL REVIEW.—

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

(A) not later than 30 days after the effective date of the order, files a petition for judicial review of the order in the United States court of appeals for the circuit in which that person resides or has its principal place of business or the United States Court of Appeals for the District of Columbia; and

(B) simultaneously serves a copy of the petition by certified mail to the Administrator.

(2) FILING OF RECORD.—Not later than 45 days after the service of a copy of the petition under paragraph (1)(B), the Administrator shall file in the court a certified copy of the administrative record upon which the order was issued.

(3) STANDARD OF REVIEW.—The findings of the Administrator relating to the order shall be set aside only if found to be unsupported by substantial evidence on the record as a whole.

(d) COLLECTION ACTIONS FOR FAILURE TO PAY.—

(1) IN GENERAL.—If any person fails to pay a civil penalty assessed under subsection (a) after the
order assessing the penalty has become a final order, or after the court of appeals described in subsection (b) has entered final judgment in favor of the Administrator, the Administrator shall refer the matter to the Attorney General, who shall institute in a United States district court of competent jurisdiction a civil action to recover the amount assessed.

(2) Limitation on Review.—In a civil action under paragraph (1), the validity and appropriateness of the order of the Administrator assessing the civil penalty shall not be subject to judicial review.

(e) Penalties Paid Into Account.—The Administrator—

(1) shall deposit penalties collected under this section in an account in the Treasury; and

(2) may use the funds in the account, without further appropriation or fiscal year limitation—

(A) to carry out enforcement activities under food safety law; or

(B) to provide assistance to States to inspect retail commercial food establishments or other food or firms under the jurisdiction of State food safety programs.

(f) Discretion of the Administrator toProsecute.—Nothing in this Act requires the Administrator
to report for prosecution, or for the commencement of an
action, the violation of the food safety law in a case in
which the Administrator finds that the public interest will
be adequately served by the assessment of a civil penalty
under this section.

(g) REMEDIES NOT EXCLUSIVE.—The remedies pro-
vided in this section may be in addition to, and not exclu-
sive of, other remedies that may be available.

SEC. 406. PRESUMPTION.

In any action to enforce the requirements of the food
safety law, the connection with interstate commerce re-
quired for jurisdiction shall be presumed to exist.

SEC. 407. WHISTLEBLOWER PROTECTION.

(a) IN GENERAL.—No employee or inspector of a
food establishment or other person may be harassed, pros-
ecuted, held liable, or discriminated against in any way
because that person—

(1) has commenced, caused to be commenced,
or is about to commence a proceeding, has testified
or is about to testify at a proceeding, or has assisted
or participated or is about to assist or participate in
any manner in a proceeding or other action, to carry
out the objectives, functions, or responsibilities spec-
ified in the food safety law; or
(2) is refusing to violate or assist in the violation of a law described in paragraph (1), including a regulation issued under that law.

(b) Procedures.—

(1) In general.—A person alleging a violation of subsection (a) may file a complaint in accordance with section 31105(b) of title 49, United States Code.

(2) Administration.—Except as provided in paragraphs (3) and (4), the process, procedures, and remedies under subsections (b), (c), and (d) of section 31105 of title 49, United States Code, with respect to allegations of violations of subsection (a) of that section shall be the process, procedures, and remedies that apply with respect to allegations of violations of subsection (a).

(3) Alternative process.—The person filing a complaint under paragraph (1) may elect to use an alternative dispute resolution procedure, including mediation or arbitration, in lieu of the hearing described in section 31105(b) of title 49, United States Code.

(4) Administrator.—The powers and duties that apply to the Secretary of Labor under section
31105 of title 49, United States Code, shall apply to
the Administrator under the food safety law.

(c) BURDENS OF PROOF.—The legal burdens of proof
with respect to a violation of subsection (a) shall be gov-
erned by the applicable provisions of sections 1214 and
1221 of title 5, United States Code.

SEC. 408. ADMINISTRATION AND ENFORCEMENT.

(a) IN GENERAL.—For the efficient administration
and enforcement of the food safety law, the provisions (in-
cluding provisions relating to penalties) of sections 6, 8,
9, and 10 of the Federal Trade Commission Act (15
U.S.C. 46, 48, 49, and 50) (except subsections (c) through
(h) of section 6 of that Act), relating to the jurisdiction,
powers, and duties of the Federal Trade Commission and
the Attorney General to administer and enforce that Act,
and to the rights and duties of persons with respect to
whom the powers are exercised, shall apply to the jurisdic-
tion, powers, and duties of the Administrator and the At-
torney General in administering and enforcing the provi-
sions of the food safety law and to the rights and duties
of persons with respect to whom the powers are exercised,
respectively.

(b) INQUIRIES AND ACTIONS.—

(1) IN GENERAL.—The Administrator, in per-
son or by such agents as the Administrator may des-
ignate, may prosecute any inquiry necessary to carry out the duties of the Administrator under the food safety law in any part of the United States.

(2) Powers.—The powers conferred by sections 9 and 10 of the Federal Trade Commission Act (15 U.S.C. 49 and 50) on the United States district courts may be exercised for the purposes of this chapter by any United States district court of competent jurisdiction.

SEC. 409. CITIZEN CIVIL ACTIONS.

(a) Civil Actions.—A person may commence a civil action against—

(1) a person that violates a regulation (including a regulation establishing a performance standard), order, or other action of the Administrator to ensure the safety of food; or

(2) the Administrator (in his or her capacity as the Administrator), if the Administrator fails to perform an act or duty to ensure the safety of food that is not discretionary under the food safety law.

(b) Court.—

(1) In General.—The action shall be commenced in the United States district court for the district in which the defendant resides, is found, or has an agent.
(2) JURISDICTION.—The court shall have jurisdiction, without regard to the amount in controversy, or the citizenship of the parties, to enforce a regulation (including a regulation establishing a performance standard), order, or other action of the Administrator, or to order the Administrator to perform the act or duty.

(3) DAMAGES.—The court may—

(A) award damages, in the amount of damages actually sustained; and

(B) if the court determines it to be in the interest of justice, award the plaintiff the costs of suit, including reasonable attorney’s fees, reasonable expert witness fees, and penalties.

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

TITLE V—IMPLEMENTATION

SEC. 501. DEFINITION.

For purposes of this title, the term “transition period” means the 12-month period beginning on the effective date of this Act.

SEC. 502. REORGANIZATION PLAN.

(a) SUBMISSION OF PLAN.—Not later than 180 days after the effective date of this Act, the President shall
transmit to the appropriate congressional committees a re-
organization plan regarding the following:

   (1) The transfer of agencies, personnel, assets,
   and obligations to the Administration pursuant to
   this Act.

   (2) Any consolidation, reorganization, or
   streamlining of agencies transferred to the Adminis-
   tration pursuant to this Act.

(b) PLAN ELEMENTS.—The plan transmitted under
subsection (a) shall contain, consistent with this Act, such
elements as the President determines appropriate, includ-
ing the following:

   (1) Identification of any functions of agencies
designated to be transferred to the Administration
pursuant to this Act that will not be transferred to
the Administration under the plan.

   (2) Specification of the steps to be taken by the
Administrator to organize the Administration, in-
cluding the delegation or assignment of functions
transferred to the Administration among the officers
of the Administration in order to permit the Admin-
istration to carry out the functions transferred
under the plan.
(3) Specification of the funds available to each agency that will be transferred to the Administration as a result of transfers under the plan.

(4) Specification of the proposed allocations within the Administration of unexpended funds transferred in connection with transfers under the plan.

(5) Specification of any proposed disposition of property, facilities, contracts, records, and other assets and obligations of agencies transferred under the plan.

(6) Specification of the proposed allocations within the Administration of the functions of the agencies and subdivisions that are not related directly to ensuring the safety of food intended for human consumption.

(c) Modification of Plan.—The President may, on the basis of consultations with the appropriate congressional committees, modify, or revise any part of the plan until that part of the plan becomes effective in accordance with subsection (d).

(d) Effective Date.—

(1) In general.—The reorganization plan described in this section, including any modifications
or revisions of the plan under subsection (c), shall become effective for an agency on the earlier of—

(A) the date specified in the plan (or the plan as modified pursuant to subsection (c)), except that such date may not be earlier than 90 days after the date the President has transmitted the reorganization plan to the appropriate congressional committees pursuant to subsection (a); or

(B) the end of the transition period.

(2) Statutory construction.—Nothing in this subsection may be construed to require the transfer of functions, personnel, records, balances of appropriations, or other assets of an agency on a single date.

(3) Supercedes existing law.—Paragraph (1) shall apply notwithstanding section 905(b) of title 5, United States Code.

**SEC. 503. TRANSITIONAL AUTHORITIES.**

(a) Provision of assistance by officials.—Until the transfer of an agency to the Administration, any official having authority over or function relating to the agency immediately before the effective date of this Act shall provide the Administrator such assistance, including the use of personnel and assets, as the Administrator may
request in preparing for the transfer and integration of
the agency to the Administration.

(b) SERVICES AND PERSONNEL.—During the transition period, upon the request of the Administrator, the
head of any executive agency may, on a reimbursable
basis, provide services or detail personnel to assist with
the transition.

(c) ACTING OFFICIALS.—

(1) IN GENERAL.—During the transition period, pending the advice and consent of the Senate
to the appointment of an officer required by this Act
to be appointed by and with such advice and consent, the President may designate any officer whose
appointment was required to be made by and with
such advice and consent and who was such an officer
immediately before the effective date of this Act
(and who continues to be in office) or immediately
before such designation, to act in such office until
the same is filled as provided in this Act.

(2) COMPENSATION.—While acting pursuant to
paragraph (1), such officers shall receive compensa-
tion at the higher of—

(A) the rates provided by this Act for the
respective offices in which they act; or
(B) the rates provided for the offices held
at the time of designation.

(3) LIMITATION.—Nothing in this Act shall be
construed to require the advice and consent of the
Senate to the appointment by the President to a po-
sition in the Administration of any officer whose
agency is transferred to the Administration pursuant
to this Act and whose duties following such transfer
are germane to those performed before such trans-
fer.

(d) TRANSFER OF PERSONNEL, ASSETS, OBLIGA-
TIONS, AND FUNCTION.—

(1) IN GENERAL.—Consistent with section 1531
of title 31, United States Code, the personnel, as-
sets, liabilities, contracts, property, records, and un-
extended balances of appropriations, authorizations,
allocations, and other funds that relate to the func-
tions transferred under subsection (a) from a Fed-
eral agency shall be transferred to the Administra-
tion.

(2) UNEXPENDED FUNDS.—Unexpended funds
transferred under this subsection shall be used by
the Administration only for the purposes for which
the funds were originally authorized and appro-
priated.
SEC. 504. SAVINGS PROVISIONS.

(a) COMPLETED ADMINISTRATIVE ACTIONS.—The enactment of this Act or the transfer of functions under this Act shall not affect any order, determination, rule, regulation, permit, personnel action, agreement, grant, contract, certificate, license, registration, privilege, or other administrative action issued, made, granted, or otherwise in effect or final with respect to that agency on the day before the transfer date with respect to the transferred functions.

(b) PENDING PROCEEDINGS.—Subject to the authority of the Administrator under this Act—

(1) pending proceedings in an agency, including notices of proposed rulemaking, and applications for licenses, permits, certificates, grants, and financial assistance, shall continue notwithstanding the enactment of this Act or the transfer of the agency to the Administration, unless discontinued or modified under the same terms and conditions and to the same extent that such discontinuance could have occurred if such enactment or transfer had not occurred; and

(2) orders issued in such proceedings, and appeals therefrom, and payments made pursuant to such orders, shall issue in the same manner on the same terms as if this Act had not been enacted or
the agency had not been transferred, and any such
order shall continue in effect until amended, modi-
ified, superceded, terminated, set aside, or revoked by
an officer of the United States or a court of com-
petent jurisdiction, or by operation of law.

(c) PENDING CIVIL ACTIONS.—Subject to the author-
ity of the Administrator under this Act, any civil action
commenced with regard to that agency pending before
that agency on the day before the transfer date with re-
spect to the transferred functions shall continue notwith-
standing the enactment of this Act or the transfer of an
agency to the Administration.

(d) REFERENCES.—

(1) IN GENERAL.—After the transfer of func-
tions from a Federal agency under this Act, any ref-
erence in any other Federal law, Executive order,
rule, regulation, directive, document, or other mate-
rial to that Federal agency or the head of that agen-
cy in connection with the administration or enforce-
ment of the food safety laws shall be deemed to be
a reference to the Administration or the Adminis-
trator, respectively.

(2) STATUTORY REPORTING REQUIREMENTS.—
Statutory reporting requirements that applied in re-
lation to such an agency immediately before the ef-
effective date of this Act shall continue to apply fol-
lowing such transfer if they refer to the agency by
name.

SEC. 505. CONFORMING AMENDMENTS.

(a) EXECUTIVE SCHEDULE.—Section 5313 of title 5,
United States Code, is amended by inserting at the end
the following new item:
“Administrator of Food Safety.”.

(b) REPEAL OF CERTAIN PROVISIONS.—Section 18
of the Poultry Products Inspection Act (21 U.S.C. 467),
section 401 of the Federal Meat Inspection Act (21 U.S.C.
671), and section 18 of the Egg Products Inspection Act
(21 U.S.C. 1047) are repealed.

SEC. 506. ADDITIONAL TECHNICAL AND CONFORMING
AMENDMENTS.

Not later than 60 days after the submission of the
reorganization plan under section 502, the President shall
prepare and submit proposed legislation to Congress con-
taining necessary and appropriate technical and con-
forming amendments to the Acts listed in section 3(15)
of this Act to reflect the changes made by this Act.

SEC. 507. REGULATIONS.

The Administrator may promulgate such regulations
as the Administrator determines are necessary or appro-
priate to perform the duties of the Administrator.
SEC. 508. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

SEC. 509. LIMITATION ON AUTHORIZATION OF APPROPRIATIONS.

For the fiscal year that includes the effective date of this Act, the amount authorized to be appropriated to carry out this Act shall not exceed—

(1) the amount appropriated for that fiscal year for the Federal agencies identified in section 102(b) for the purpose of administering or enforcing the food safety law; or

(2) the amount appropriated for those agencies for that purpose for the preceding fiscal year, if, as of the effective date of this Act, appropriations for those agencies for the fiscal year that includes the effective date have not yet been made.

SEC. 510. EFFECTIVE DATE.

This Act takes effect on the date of enactment of this Act.