

109TH CONGRESS
1ST SESSION

H. R. 3160

To protect public health by clarifying the authority of the Secretary of Agriculture to prescribe performance standards for the reduction of pathogens in meat, meat products, poultry, and poultry products processed by establishments receiving inspection services and to enforce the Hazard Analysis and Critical Control Point (HACCP) System requirements, sanitation requirements, and the performance standards.

IN THE HOUSE OF REPRESENTATIVES

JUNE 30, 2005

Ms. ESHOO (for herself, Mr. ENGLISH of Pennsylvania, Ms. BALDWIN, Ms. DELAURO, Mr. BROWN of Ohio, Mr. FRANK of Massachusetts, Mr. GRIJALVA, Ms. HART, Mr. HONDA, Ms. JACKSON-LEE of Texas, Mr. KILDEE, Mr. KIND, Mr. LANTOS, Ms. LEE, Mr. LEWIS of Georgia, Mrs. LOWEY, Ms. MCCOLLUM of Minnesota, Mr. McNULTY, Mr. GEORGE MILLER of California, Mrs. NAPOLITANO, Ms. SCHAKOWSKY, Ms. SLAUGHTER, and Mr. WAXMAN) introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To protect public health by clarifying the authority of the Secretary of Agriculture to prescribe performance standards for the reduction of pathogens in meat, meat products, poultry, and poultry products processed by establishments receiving inspection services and to enforce the Hazard Analysis and Critical Control Point

(HACCP) System requirements, sanitation requirements, and the performance standards.

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.**

4 This Act may be cited as the “Meat and Poultry
5 Pathogen Reduction and Enforcement Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) the primary purpose of the Federal meat
9 and poultry inspection program is to protect public
10 health;

11 (2) the Centers for Disease Control and Preven-
12 tion report that human pathogens found in raw and
13 cooked meat, meat products, poultry, and poultry
14 products are a significant source of foodborne ill-
15 ness;

16 (3) to reduce the public health burden of
17 foodborne illness, the Federal meat and poultry in-
18 spection system should focus on reducing the risk of
19 foodborne illness associated with the presence of
20 foodborne pathogens through—

21 (A) establishment and enforcement of per-
22 formance standards for the reduction of patho-
23 gens in meat, meat products, poultry, and poul-

1 try products processed by establishments receiv-
2 ing inspection services; and

3 (B) enforcement of the Hazard Analysis
4 and Critical Control Point (HACCP) System
5 requirements and sanitation requirements;

6 (4) good public health practice requires control-
7 ling pathogens as close as practicable to the initial
8 source of contamination to reduce pathogens and
9 prevent foodborne illness;

10 (5) there is a need for strong safeguards at
11 slaughter establishments during the slaughter and
12 processing of meat and poultry products because
13 those establishments are where pathogen contamina-
14 tion often originates;

15 (6) while proper handling and cooking of meat
16 and poultry products can virtually eliminate the risk
17 of foodborne illness from the consumption of meat
18 and poultry, the presence of pathogens in raw meat
19 and poultry products leads to cross-contamination of
20 other foods and surrounding surfaces;

21 (7) to reduce the risk of foodborne illness and
22 protect public health, regulatory authorities and all
23 parties involved in the production and handling of
24 meat, meat products, poultry, or poultry products
25 should make a concerted effort to reduce, to the

1 maximum extent practicable, contamination by
2 pathogens using the best available scientific informa-
3 tion and appropriate technology;

4 (8) the distribution of meat, meat products,
5 poultry, and poultry products that contain human
6 pathogens—

7 (A) impairs the effective regulation of
8 wholesome meat, meat products, poultry, or
9 poultry products in interstate and foreign com-
10 merce; and

11 (B) destroys markets for wholesome prod-
12 ucts;

13 (9) all articles and other animals that are sub-
14 ject to this Act and the amendments made by this
15 Act are either in or substantially affect interstate or
16 foreign commerce;

17 (10) regulation by the Secretary of Agriculture
18 and cooperation by the States are necessary to pre-
19 vent or eliminate burdens on interstate or foreign
20 commerce and to protect the health and welfare of
21 consumers; and

22 (11) the 2003 report of the National Academy
23 of Sciences recommended that Congress grant regu-
24 latory agencies—

1 (A) clear authority to establish, implement,
 2 and enforce food safety criteria, including per-
 3 formance standards; and

4 (B) the flexibility within the administrative
 5 process to update the criteria.

6 **SEC. 3. DEFINITION OF SECRETARY.**

7 In this Act, the term “Secretary” means the Sec-
 8 retary of Agriculture.

9 **SEC. 4. PATHOGEN PERFORMANCE STANDARDS.**

10 (a) MEAT AND MEAT PRODUCTS.—The Federal Meat
 11 Inspection Act (21 U.S.C. 601 et seq.) is amended by in-
 12 serting after section 8 (21 U.S.C. 608) the following:

13 **“SEC. 8A. PATHOGEN PERFORMANCE STANDARDS.**

14 “(a) DEFINITIONS.—In this section:

15 “(1) PATHOGEN REDUCTION PERFORMANCE
 16 STANDARDS.—The term ‘pathogen reduction per-
 17 formance standards’ means standards establishing
 18 the degree to which a step or combination of steps
 19 in the production, processing, distribution, or prepa-
 20 ration of a food must operate to achieve the required
 21 level of control over microbiological contamination.

22 “(2) PUBLIC HEALTH GOALS AND OBJEC-
 23 TIVES.—The term ‘public health goals and objec-
 24 tives’ means goals and objectives establishing the de-

1 sired outcome associated with reducing the burden
2 of foodborne disease in society.

3 “(b) STANDARDS, GOALS, AND OBJECTIVES.—In
4 order to protect the public health and promote food safety,
5 the Secretary shall prescribe—

6 “(1) pathogen surveys to determine current
7 contamination levels of raw meat and meat products
8 with foodborne pathogens;

9 “(2) public health goals and objectives; and

10 “(3) pathogen reduction performance standards
11 to—

12 “(A) reduce pathogens in raw meat and
13 meat products processed by each establishment
14 receiving inspection services under this Act; and

15 “(B) achieve public health goals and objec-
16 tives.

17 “(c) LIST OF PATHOGENS.—

18 “(1) IN GENERAL.—In consultation with the
19 Secretary of Health and Human Services, and tak-
20 ing into account data available from the Centers for
21 Disease Control and Prevention, the Secretary shall
22 identify the pathogens that make a significant con-
23 tribution to the total burden of foodborne disease as-
24 sociated with meat and meat products.

1 “(2) PUBLICATION; UPDATES.—The Secretary
2 shall—

3 “(A) publish a list of the pathogens de-
4 scribed in paragraph (1) not later than 60 days
5 after the date of enactment of this section; and

6 “(B) update and publish the list annually
7 thereafter.

8 “(d) PATHOGEN SURVEYS.—

9 “(1) IN GENERAL.—Not later than 180 days
10 after the date of enactment of this section, the Sec-
11 retary shall initiate comprehensive, statistically rep-
12 resentative surveys to determine the current levels
13 and incidence of contamination of raw meat and
14 meat products with the pathogens listed under sub-
15 section (c), including the variation in levels and inci-
16 dence of contamination among establishments.

17 “(2) PUBLICATION.—Not later than 2 years
18 after the date of enactment of this section, the Sec-
19 retary shall compile, and publish in the Federal Reg-
20 ister, the results of the surveys.

21 “(3) UPDATES.—At least once every 3 years
22 after the surveys under paragraph (1) are con-
23 ducted, the Secretary shall—

24 “(A) conduct additional surveys in accord-
25 ance with paragraph (1); and

1 “(B) compile and publish the results of the
2 surveys in accordance with paragraph (2).

3 “(e) PUBLIC HEALTH GOALS AND OBJECTIVES.—

4 “(1) IN GENERAL.—Not later than 1 year after
5 the completion of pathogen surveys under subsection
6 (d), and in coordination with the Secretary of
7 Health and Human Services and the Director of the
8 Centers for Disease Control and Prevention, the
9 Secretary shall establish public health goals and ob-
10 jectives to achieve a measurable population-based
11 target for the reduction of foodborne illness.

12 “(2) REQUIREMENTS.—The goals described in
13 subsection (b)(2) shall be updated every 2 years ac-
14 cording to current epidemiological studies in
15 foodborne illness and the most recently updated in-
16 formation from the Centers for Disease Control and
17 Prevention about the prevalence of foodborne illness.

18 “(f) PATHOGEN REDUCTION PERFORMANCE STAND-
19 ARDS.—

20 “(1) IN GENERAL.—The pathogen reduction
21 performance standards required under subsection (b)
22 shall ensure the lowest level or incidence of contami-
23 nation that is reasonably achievable using the best
24 available processing technology and practices.

1 “(2) CURRENT CONTAMINATION.—In deter-
2 mining what is reasonably achievable, the Secretary
3 shall consider data on current levels or incidence of
4 contamination, including what is being achieved by
5 establishments in the upper quartile of performance
6 in controlling the level or incidence of contamination.

7 “(3) INITIAL PATHOGENS.—Not later than 3
8 years after the date of enactment of this section, the
9 Secretary shall propose pathogen reduction perform-
10 ance standards for at least 2 pathogens from the list
11 published under subsection (c).

12 “(4) SUBSEQUENT PATHOGENS.—Not later
13 than 1 year after proposing pathogen reduction
14 standards for the initial pathogens under paragraph
15 (3), and each year thereafter, the Secretary shall
16 propose a pathogen reduction performance standard
17 for at least 1 pathogen each year from the list pub-
18 lished under subsection (c) until standards have
19 been proposed for all pathogens on the list.

20 “(5) FINAL STANDARDS.—Not later than 1
21 year after proposing a pathogen reduction standard
22 for a pathogen under this subsection, the Secretary
23 shall promulgate a final pathogen reduction stand-
24 ard for the pathogen.

1 “(6) ZERO-TOLERANCE STANDARDS.—Nothing
2 in this section affects the authority of the Secretary
3 to establish a zero-tolerance pathogen reduction per-
4 formance standard.

5 “(g) REVIEW OF STANDARDS.—

6 “(1) IN GENERAL.—Not later than 3 years
7 after promulgation of a final pathogen reduction
8 performance standard for a pathogen under sub-
9 section (f)(5), the Secretary shall review the stand-
10 ard to determine whether the standard continues to
11 ensure the lowest level or incidence of contamination
12 that is reasonably achievable using the best available
13 processing technology and practices, taking into ac-
14 count the most recent survey conducted under sub-
15 section (d).

16 “(2) PUBLIC HEALTH GOALS.—The goals de-
17 scribed in subsection (e) shall be—

18 “(A) used in addition to the most recent
19 survey conducted under subsection (d) to evalu-
20 ate the pathogen performance standards set by
21 the Secretary; and

22 “(B) considered when the Secretary re-
23 views and revises the final pathogen reduction
24 performance standards in accordance with sub-
25 section (f).

1 “(3) REVISIONS.—The Secretary shall revise
2 the standard, as necessary, to comply with sub-
3 section (f).

4 “(h) ENFORCEMENT.—

5 “(1) IN GENERAL.—The Secretary shall con-
6 duct regular microbial testing in establishments pro-
7 ducing raw meat and meat products to determine
8 compliance with the pathogen reduction performance
9 standards promulgated under this section.

10 “(2) INSPECTIONS.—If the Secretary deter-
11 mines that an establishment fails to meet a standard
12 promulgated under subsection (f) and that the es-
13 tablishment fails to take appropriate corrective ac-
14 tion, as determined by the Secretary, the Secretary
15 shall refuse to allow any meat or meat product sub-
16 ject to the standard and processed by the establish-
17 ment to be labeled, marked, stamped or tagged as
18 ‘inspected and passed’.

19 “(i) REPORT ON HEALTH-BASED PATHOGEN PER-
20 FORMANCE STANDARDS.—

21 “(1) IN GENERAL.—Not later than 1 year after
22 the date of enactment of this section, the Secretary,
23 in consultation with the Secretary of Health and
24 Human Services, shall submit to Congress a report
25 on the scientific feasibility of establishing health-

1 based performance standards for pathogens in raw
2 meat and meat products.

3 “(2) FACTORS.—In preparing the report, the
4 Secretary shall consider—

5 “(A) the scientific feasibility of deter-
6 mining safe levels for pathogens in raw meat
7 and meat products;

8 “(B) the scientific and public health cri-
9 teria that are relevant to determining the safe
10 levels; and

11 “(C) other factors determined by the Sec-
12 retary.

13 “(j) RELATIONSHIP TO ADULTERATION PROVI-
14 SIONS.—Nothing in this section affects the applicability
15 to pathogens of the provisions of this Act relating to adul-
16 teration.”.

17 (b) POULTRY AND POULTRY PRODUCTS.—The Poul-
18 try Products Inspection Act (21 U.S.C. 451 et seq.) is
19 amended by inserting after section 7 (21 U.S.C. 456) the
20 following:

21 **“SEC. 7A. PATHOGEN PERFORMANCE STANDARDS.**

22 “(a) DEFINITIONS.—In this section:

23 “(1) PATHOGEN REDUCTION PERFORMANCE
24 STANDARDS.—The term ‘pathogen reduction per-
25 formance standards’ means standards establishing

1 the degree to which a step or combination of steps
2 in the production, processing, distribution, or prepa-
3 ration of a food must operate to achieve the required
4 level of control over microbiological contamination.

5 “(2) PUBLIC HEALTH GOALS AND OBJEC-
6 TIVES.—The term ‘public health goals and objec-
7 tives’ means goals and objectives establishing the de-
8 sired outcome associated with reducing the burden
9 of foodborne disease in society.

10 “(b) STANDARDS, GOALS, AND OBJECTIVES.—In
11 order to protect the public health and promote food safety,
12 the Secretary shall prescribe—

13 “(1) pathogen surveys to determine current
14 contamination levels of raw poultry and poultry
15 products with foodborne pathogens;

16 “(2) public health goals and objectives; and

17 “(3) pathogen reduction performance standards
18 to—

19 “(A) reduce pathogens in raw poultry and
20 poultry products processed by each establish-
21 ment receiving inspection services under this
22 Act; and

23 “(B) achieve public health goals and objec-
24 tives.

25 “(c) LIST OF PATHOGENS.—

1 “(1) IN GENERAL.—In consultation with the
2 Secretary of Health and Human Services, and tak-
3 ing into account data available from the Centers for
4 Disease Control and Prevention, the Secretary shall
5 identify the pathogens that make a significant con-
6 tribution to the total burden of foodborne disease as-
7 sociated with poultry and poultry products.

8 “(2) PUBLICATION; UPDATES.—The Secretary
9 shall—

10 “(A) publish a list of the pathogens de-
11 scribed in paragraph (1) not later than 60 days
12 after the date of enactment of this section; and

13 “(B) update and publish the list annually
14 thereafter.

15 “(d) PATHOGEN SURVEYS.—

16 “(1) IN GENERAL.—Not later than 180 days
17 after the date of enactment of this section, the Sec-
18 retary shall initiate comprehensive, statistically rep-
19 resentative surveys to determine the current levels
20 and incidence of contamination of raw poultry and
21 poultry products with the pathogens listed under
22 subsection (c), including the variation in levels and
23 incidence of contamination among establishments.

24 “(2) PUBLICATION.—Not later than 2 years
25 after the date of enactment of this section, the Sec-

1 retary shall compile, and publish in the Federal Reg-
2 ister, the results of the surveys.

3 “(3) UPDATES.—At least once every 3 years
4 after the preceding surveys are conducted, the Sec-
5 retary shall—

6 “(A) conduct surveys described in para-
7 graph (1); and

8 “(B) compile and publish the results of the
9 surveys in accordance with paragraph (2).

10 “(e) PUBLIC HEALTH GOALS AND OBJECTIVES.—

11 “(1) IN GENERAL.—Not later than 1 year after
12 the completion of pathogen surveys under subsection
13 (d), and in coordination with the Secretary of
14 Health and Human Services and the Director of the
15 Centers for Disease Control and Prevention, the
16 Secretary shall establish public health goals and ob-
17 jectives to achieve a measurable population-based
18 target for the reduction of foodborne illness.

19 “(2) REQUIREMENTS.—The goals described in
20 subsection (b)(2) shall be updated every 2 years ac-
21 cording to current epidemiological studies in
22 foodborne illness and the most recently updated in-
23 formation from the Centers for Disease Control and
24 Prevention about the prevalence of foodborne illness.

1 “(f) PATHOGEN REDUCTION PERFORMANCE STAND-
2 ARDS.—

3 “(1) IN GENERAL.—The pathogen reduction
4 performance standards required under subsection (b)
5 shall ensure the lowest level or incidence of contami-
6 nation that is reasonably achievable using the best
7 available processing technology and practices.

8 “(2) CURRENT CONTAMINATION.—In deter-
9 mining what is reasonably achievable, the Secretary
10 shall consider data on current levels or incidence of
11 contamination, including what is being achieved by
12 establishments in the upper quartile of performance
13 in controlling the level or incidence of contamination.

14 “(3) INITIAL PATHOGENS.—Not later than 3
15 years after the date of enactment of this section, the
16 Secretary shall propose pathogen reduction perform-
17 ance standards for at least 2 pathogens from the list
18 published under subsection (c).

19 “(4) SUBSEQUENT PATHOGENS.—Not later
20 than 1 year after proposing pathogen reduction
21 standards for the initial pathogens under paragraph
22 (3), and each year thereafter, the Secretary shall
23 propose a pathogen reduction performance standard
24 for at least 1 pathogen each year from the list pub-

1 lished under subsection (c) until standards have
2 been proposed for all pathogens on the list.

3 “(5) FINAL STANDARDS.—Not later than 1
4 year after proposing a pathogen reduction standard
5 for a pathogen under this subsection, the Secretary
6 shall promulgate a final pathogen reduction stand-
7 ard for the pathogen.

8 “(6) ZERO-TOLERANCE STANDARDS.—Nothing
9 in this section affects the authority of the Secretary
10 to establish a zero-tolerance pathogen reduction per-
11 formance standard.

12 “(g) REVIEW OF STANDARDS.—

13 “(1) IN GENERAL.—Not later than 3 years
14 after promulgation of a final pathogen reduction
15 performance standard for a pathogen under sub-
16 section (f)(5), the Secretary shall review the stand-
17 ard to determine whether the standard continues to
18 ensure the lowest level or incidence of contamination
19 that is reasonably achievable using the best available
20 processing technology and practices, taking into ac-
21 count the most recent survey conducted under sub-
22 section (d).

23 “(2) PUBLIC HEALTH GOALS.—The goals de-
24 scribed in subsection (e) shall be—

1 “(A) used in addition to the most recent
2 survey conducted under subsection (d) to evalu-
3 ate the pathogen performance standards set by
4 the Secretary; and

5 “(B) considered when the Secretary re-
6 views and revises the final pathogen reduction
7 performance standards in accordance with sub-
8 section (f).

9 “(3) REVISIONS.—The Secretary shall revise
10 the standard, as necessary, to comply with sub-
11 section (f).

12 “(h) ENFORCEMENT.—

13 “(1) IN GENERAL.—The Secretary shall con-
14 duct regular microbial testing in establishments pro-
15 ducing raw poultry and poultry products to deter-
16 mine compliance with the pathogen reduction per-
17 formance standards promulgated under this section.

18 “(2) INSPECTIONS.—If the Secretary deter-
19 mines that an establishment fails to meet a standard
20 promulgated under subsection (f) and that the es-
21 tablishment fails to take appropriate corrective ac-
22 tion, as determined by the Secretary, the Secretary
23 shall refuse to allow any poultry or poultry product
24 subject to the standard and processed by the estab-

1 lishment to be labeled, marked, stamped or tagged
2 as ‘inspected and passed’.

3 “(i) REPORT ON HEALTH-BASED PATHOGEN PER-
4 FORMANCE STANDARDS.—

5 “(1) IN GENERAL.—Not later than 1 year after
6 the date of enactment of this section, the Secretary,
7 in consultation with the Secretary of Health and
8 Human Services, shall submit to Congress a report
9 on the scientific feasibility of establishing health-
10 based performance standards for pathogens in raw
11 poultry and poultry products.

12 “(2) FACTORS.—In preparing the report, the
13 Secretary shall consider—

14 “(A) the scientific feasibility of deter-
15 mining safe levels for pathogens in raw poultry
16 and poultry products;

17 “(B) the scientific and public health cri-
18 teria that are relevant to determining the safe
19 levels; and

20 “(C) other factors determined by the Sec-
21 retary.

22 “(j) RELATIONSHIP TO ADULTERATION PROVI-
23 SIONS.—Nothing in this section affects the applicability
24 to pathogens of the provisions of this Act relating to adul-
25 teration.”.

1 **SEC. 5. NATIONAL ADVISORY COMMITTEE ON MICRO-**
2 **BIOLOGICAL CRITERIA FOR FOODS.**

3 (a) ESTABLISHMENT.—

4 (1) IN GENERAL.—In consultation with the Sec-
5 retary of Health and Human Services, the Secretary
6 shall establish a National Advisory Committee on
7 Microbiological Criteria for Foods (referred to in
8 this section as the “Committee”).

9 (2) ADMINISTRATION.—The Committee shall
10 report to—

11 (A) the Secretary, acting through the
12 Under Secretary for Food Safety; and

13 (B) the Secretary of Health and Human
14 Services, acting through the Assistant Secretary
15 for Health.

16 (b) MEMBERSHIP.—

17 (1) COMPOSITION.—The Committee shall be
18 composed of not fewer than 9 nor more than 15
19 members appointed by the Secretary, including a
20 Chairperson designated by the Secretary.

21 (2) QUALIFICATIONS.—In appointing members
22 of the Committee, the Secretary shall appoint indi-
23 viduals who—

24 (A) are qualified by education, training,
25 and experience to evaluate scientific and tech-

1 nical information on matters referred to the
2 Committee; and

3 (B) to the maximum extent practicable,
4 represent the fields of microbiology, risk assess-
5 ment, epidemiology, public health, food science,
6 veterinary medicine, and other relevant dis-
7 ciplines.

8 (3) PROHIBITION ON FEDERAL GOVERNMENT
9 EMPLOYMENT.—A member of the Committee ap-
10 pointed under paragraph (1) shall not be an em-
11 ployee of the Federal Government.

12 (4) DATE OF APPOINTMENTS.—The appoint-
13 ment of an initial member of the Committee shall be
14 made not later than 90 days after the date of enact-
15 ment of this Act.

16 (5) TERM.—A member of the Committee shall
17 be appointed for a term established by the Sec-
18 retary.

19 (c) MEETINGS.—

20 (1) INITIAL MEETING.—Not later than 30 days
21 after the date on which all members of the Com-
22 mittee have been appointed, the Committee shall
23 hold the initial meeting of the Committee.

1 (2) MEETINGS.—The Committee shall meet at
2 the call of the Chairperson, in consultation with the
3 Secretary.

4 (3) QUORUM.—A majority of the members of
5 the Committee shall constitute a quorum, but a less-
6 er number of members may hold hearings.

7 (4) CONFLICTS OF INTEREST.—

8 (A) IN GENERAL.—Notwithstanding sec-
9 tions 201 through 209 of title 18, United
10 States Code, a conflict of interest involving the
11 appointment of a member of the Committee
12 shall be waived under section 208(b)(3) of that
13 title only if the member with the conflict of in-
14 terest is essential to the completion of the work
15 of the Committee.

16 (B) VOTING.—Notwithstanding subpara-
17 graph (A), a member of the Committee with a
18 conflict of interest on a matter before the Com-
19 mittee shall not be allowed to vote on the mat-
20 ter.

21 (d) DUTIES.—

22 (1) IN GENERAL.—The Committee shall provide
23 such independent, impartial, scientific advice to Fed-
24 eral food safety agencies as may be requested by the
25 Secretary for use in the development of an inte-

1 grated national food safety systems approach from
2 farm-to-final consumption to ensure the safety of do-
3 mestic, imported, and exported foods and reduce the
4 public health burden of foodborne illness.

5 (2) FOOD SAFETY STANDARDS AND REGULA-
6 TIONS.—

7 (A) IN GENERAL.—At the time at which
8 the Secretary submits to any Federal agency
9 for formal review and comment any standard or
10 regulation proposed under the Federal Meat In-
11 spection Act (21 U.S.C. 601 et seq.), the Poul-
12 try Products Inspection Act (21 U.S.C. 451 et
13 seq.), or any program administered by the
14 Under Secretary for Food Safety, the Secretary
15 shall make available to the Committee—

16 (i) the standard or regulation; and

17 (ii) relevant scientific and technical
18 information possessed by the Secretary on
19 which the proposed standard or regulation
20 is based.

21 (B) ADVICE AND COMMENTS.—Not later
22 than a date specified by the Secretary that is
23 not later than 90 days after the date of receipt
24 of the standard or regulation, the Committee
25 may make available to the Secretary the advice

1 and comments of the Committee on the ade-
2 quacy of the scientific and technical basis for
3 the proposed standard or regulation, together
4 with any additional information the Committee
5 considers appropriate.

6 (C) CONTEMPORANEOUS REVIEW.—To the
7 maximum extent practicable, the review by the
8 Committee under subparagraph (A) shall be
9 conducted contemporaneously with review by
10 other Federal agencies.

11 (e) POWERS.—

12 (1) HEARINGS.—The Committee may hold such
13 hearings, sit and act at such times and places, take
14 such testimony, and receive such evidence as the
15 Committee considers advisable to carry out this sec-
16 tion.

17 (2) INFORMATION FROM FEDERAL AGENCIES.—

18 (A) IN GENERAL.—The Committee may
19 secure directly from a Federal agency such in-
20 formation as the Committee considers necessary
21 to carry out this section.

22 (B) PROVISION OF INFORMATION.—On re-
23 quest of the Chairperson of the Committee, the
24 head of the agency shall provide the informa-
25 tion to the Committee.

1 (3) SUBCOMMITTEES AND INVESTIGATIVE PAN-
2 ELS.—

3 (A) IN GENERAL.—The Committee may
4 establish such subcommittees and investigative
5 panels as the Secretary and the Committee de-
6 termine necessary to carry out this section.

7 (B) CHAIRPERSON.—Each subcommittee
8 and investigative panel shall be chaired by a
9 member of the Committee.

10 (4) POSTAL SERVICES.—The Committee may
11 use the United States mails in the same manner and
12 under the same conditions as other agencies of the
13 Federal Government.

14 (5) GIFTS.—The Committee may accept, use,
15 and dispose of gifts or donations of services or prop-
16 erty.

17 (f) COMMITTEE PERSONNEL MATTERS.—

18 (1) COMPENSATION OF MEMBERS.—A member
19 of the Committee shall be compensated at a rate
20 equal to the daily equivalent of the annual rate of
21 basic pay prescribed for level IV of the Executive
22 Schedule under section 5315 of title 5, United
23 States Code, for each day (including travel time)
24 during which the member is engaged in the perform-
25 ance of the duties of the Committee.

1 (2) TRAVEL EXPENSES.—A member of the
2 Committee shall be allowed travel expenses, includ-
3 ing per diem in lieu of subsistence, at rates author-
4 ized for an employee of an agency under subchapter
5 I of chapter 57 of title 5, United States Code, while
6 away from the home or regular place of business of
7 the member in the performance of the duties of the
8 Committee.

9 (3) STAFF.—

10 (A) IN GENERAL.—The Chairperson of the
11 Committee may, without regard to the civil
12 service laws (including regulations), appoint
13 and terminate an executive director and such
14 other additional personnel as are necessary to
15 enable the Committee to perform the duties of
16 the Committee.

17 (B) CONFIRMATION OF EXECUTIVE DIREC-
18 TOR.—The employment of an executive director
19 shall be subject to confirmation by the Com-
20 mittee.

21 (C) COMPENSATION.—

22 (i) IN GENERAL.—Except as provided
23 in clause (ii), the Chairperson of the Com-
24 mittee may fix the compensation of the ex-
25 ecutive director and other personnel with-

1 out regard to the provisions of chapter 51
2 and subchapter III of chapter 53 of title 5,
3 United States Code, relating to classifica-
4 tion of positions and General Schedule pay
5 rates.

6 (ii) MAXIMUM RATE OF PAY.—The
7 rate of pay for the executive director and
8 other personnel shall not exceed the rate
9 payable for level V of the Executive Sched-
10 ule under section 5316 of title 5, United
11 States Code.

12 (4) PROCUREMENT OF TEMPORARY AND INTER-
13 MITTENT SERVICES.—The Chairperson of the Com-
14 mittee may procure temporary and intermittent serv-
15 ices in accordance with section 3109(b) of title 5,
16 United States Code, at rates for individuals that do
17 not exceed the daily equivalent of the annual rate of
18 basic pay prescribed for level V of the Executive
19 Schedule under section 5316 of that title.

20 (g) AUTHORIZATION OF APPROPRIATIONS.—

21 (1) IN GENERAL.—There are authorized to be
22 appropriated such sums as are necessary to carry
23 out this section, to remain available until expended.

24 (2) EXISTING FUNDS.—Any funds that are
25 available to the National Advisory Committee on

1 Microbiological Criteria in existence on the date of
2 enactment of this Act shall be made available to the
3 Committee.

4 **SEC. 6. ENFORCEMENT OF HACCP AND SANITATION RE-**
5 **QUIREMENTS.**

6 (a) IN GENERAL.—The Secretary shall enforce the
7 Hazard Analysis and Critical Control Point (HACCP)
8 System requirements established under part 417 of title
9 9, Code of Federal Regulations (or successor regulations),
10 and the sanitation requirements established under part
11 416 of title 9, Code of Federal Regulations (or successor
12 regulations), in any official establishment.

13 (b) ENFORCEMENT.—

14 (1) IN GENERAL.—If the Secretary determines
15 that an establishment fails to meet a requirement
16 described in subsection (a) and that the establish-
17 ment fails to take appropriate corrective action, as
18 determined by the Secretary, the Secretary may
19 refuse to allow any meat or meat product, or poultry
20 or poultry product, subject to the standard and proc-
21 essed by the establishment to be labeled, marked,
22 stamped or tagged as “inspected and passed”.

23 (2) ADDITIONAL AUTHORITY.—The authority
24 provided under paragraph (1) is in addition to any

1 other authority the Secretary may have to enforce
2 the requirements of this section.

3 **SEC. 7. REGULATIONS.**

4 (a) **IN GENERAL.**—Consistent with section 553 of
5 title 5, United States Code, the Secretary shall have the
6 authority to enforce the pathogen performance standards
7 of the Secretary in accordance with the Federal Meat In-
8 spection Act (21 U.S.C. 601 et seq.) and the Poultry
9 Products Inspection Act (21 U.S.C. 451 et seq.).

10 (b) **CHALLENGES.**—Subsection (a) does not prevent
11 a challenge to the standards described in subsection (a)
12 on any basis other than the basis that the Secretary lacks
13 the authority to issue and enforce pathogen performance
14 standards promulgated in accordance with section 553 of
15 title 5, United States Code.

16 (c) **EFFECTIVE DATE.**—This section takes effect on
17 January 1, 2000.

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