

CONGRESSIONAL FINDINGS

Section 502 of Pub. L. 100-607 provided that: “Congress finds that—

“(1) the public health has been effectively protected by the presence of the Food and Drug Administration during the last eighty years;

“(2) the presence and importance of the Food and Drug Administration must be guaranteed; and

“(3) the independence and integrity of the Food and Drug Administration need to be enhanced in order to ensure the continuing protection of the public health.”

§ 394. Scientific review groups

Without regard to the provisions of title 5 governing appointments in the competitive service and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, the Commissioner of Food and Drugs may—

(1) establish such technical and scientific review groups as are needed to carry out the functions of the Food and Drug Administration (including functions prescribed under this chapter); and

(2) appoint and pay the members of such groups, except that officers and employees of the United States shall not receive additional compensation for service as members of such groups.

(June 25, 1938, ch. 675, §904, formerly §903, as added Nov. 28, 1990, Pub. L. 101-635, title III, §301, 104 Stat. 4584; renumbered §904, June 10, 1993, Pub. L. 103-43, title XX, §2006(1), 107 Stat. 209.)

REFERENCES IN TEXT

The provisions of title 5 governing appointments in the competitive service, referred to in text, are classified generally to section 3301 et seq. of Title 5, Government Organization and Employees.

§ 395. Loan repayment program**(a) In general****(1) Authority for program**

Subject to paragraph (2), the Secretary shall carry out a program of entering into contracts with appropriately qualified health professionals under which such health professionals agree to conduct research, as employees of the Food and Drug Administration, in consideration of the Federal Government agreeing to repay, for each year of such service, not more than \$20,000 of the principal and interest of the educational loans of such health professionals.

(2) Limitation

The Secretary may not enter into an agreement with a health professional pursuant to paragraph (1) unless such professional—

(A) has a substantial amount of educational loans relative to income; and

(B) agrees to serve as an employee of the Food and Drug Administration for purposes of paragraph (1) for a period of not less than 3 years.

(b) Applicability of certain provisions

With respect to the National Health Service Corps Loan Repayment Program established in subpart III of part D of title III of the Public

Health Service Act [42 U.S.C. 254l et seq.], the provisions of such subpart shall, except as inconsistent with subsection (a) of this section, apply to the program established in such subsection in the same manner and to the same extent as such provisions apply to the National Health Service Corps Loan Repayment Program.

(c) Authorization of appropriations

For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1994 through 1996.

(June 25, 1938, ch. 675, §905, as added June 10, 1993, Pub. L. 103-43, title XX, §2006(2), 107 Stat. 210.)

REFERENCES IN TEXT

The Public Health Service Act, referred to in subsec. (b), is act July 1, 1944, ch. 373, 58 Stat. 682, as amended. Subpart III of part D of title III of the Act is classified generally to subpart III [§254l et seq.] of part D of subchapter II of chapter 6A of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 201 of Title 42 and Tables.

CHAPTER 10—POULTRY AND POULTRY PRODUCTS INSPECTION

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Federal and State cooperation in development and administration of State poultry product inspection programs. |
| | (a) State laws; planning, technical and financial assistance; advisory committees. |
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| | (c) Intrastate activities; designation of State for regulation; publication of designation; exempted operations; termination of designation; review of operations in nondesignated States; annual report. |
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| 455. | Inspection in official establishments.
(a) Ante mortem inspection.
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| 456. | Operation of premises, facilities and equipment.
(a) Sanitary practices.
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| 457. | Labeling and container standards.
(a) Requirements for shipping containers and immediate containers; nonconsumer packaged carcasses.
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| | (c) Use of trade names; false or misleading marking or labeling; misleading form or size of container. |
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| 458. | Prohibited acts. |

- Sec. 459. Compliance by all establishments.
- 460. Miscellaneous activities subject to regulation.
 - (a) Prohibition of inspection of articles not intended for use as human food; denaturation or other identification prior to distribution in commerce; inedible articles.
 - (b) Recordkeeping requirements; persons liable; scope of disclosure; access to places of business; examination of records, facilities, and inventories; copies; samples.
 - (c) Registration of business, name of person, and trade names.
 - (d) Regulation of transactions, transportation, or importation of dead, dying, disabled or diseased poultry or carcasses to prevent use as human food.
 - (e) Federal provisions applicable to State or Territorial business transactions of a local nature and not subject to local authority.
- 461. Offenses and punishment.
 - (a) Violations; liability of agents, employees, and employers.
 - (b) Liability of carrier.
 - (c) Assaulting, resisting, or impeding certain persons; murder; punishments.
- 462. Reporting of violations; notice; opportunity to present views.
- 463. Rules and regulations.
 - (a) Storage and handling of poultry products; violation of regulations.
 - (b) Other necessary rules and regulations.
 - (c) Oral presentation of views.
- 464. Exemptions.
 - (a) Persons exempted.
 - (b) Territorial exemption.
 - (c) Personal slaughtering; custom slaughtering; name and address of the poultry producer or processor in lieu of other labeling requirements; small enterprises; slaughterers or processors of specified number of turkeys; poultry producers raising poultry on own farms.
 - (d) Pizzas containing poultry products.
 - (e) Applicability of adulteration and misbranding provisions to articles exempted from inspection.
 - (f) Suspension or termination of exemption.
- 465. Limitations upon entry of poultry products and other materials into official establishments.
- 466. Imports.
 - (a) Compliance with standards and regulations; status after importation.
 - (b) Rules and regulations; destruction and exportation of refused imports.
 - (c) Storage, cartage and labor charges for imports refused admission.
 - (d) Domestic standards and processing facilities applicable; enforcement.
- 467. Inspection services.
 - (a) Refusal or withdrawal; hearing; business unfitness based upon certain convictions; persons responsibly connected with the business.
 - (b) Hearing to determine validity of withdrawal or refusal of inspection services; continuation of withdrawal or refusal.
 - (c) Finality and conclusiveness of determination; judicial review; record.

- Sec. 467a. Administrative detention; duration; pending judicial proceedings; notification of government authorities; release; removal of official marks.
- 467b. Seizure and condemnation.
 - (a) Proceedings in rem; libel of information; jurisdiction; disposal by destruction or sale; proceeds into the Treasury; sales restrictions; bonds; court costs and fees, storage, and other expenses against claimants; jury trial; United States as plaintiff.
 - (b) Condemnation or seizure under other provisions unaffected.
- 467c. Federal court jurisdiction of enforcement and injunction proceedings and other kinds of cases; limitations; United States as plaintiff; subpoenas.
- 467d. Administration and enforcement; applicability of penalty provisions; conduct of inquiries; power and jurisdiction of courts.
- 467e. Non-Federal jurisdiction of federally regulated matters; prohibition of additional or different requirements for establishments with inspection services and as to marking, labeling, packaging, and ingredients; recordkeeping and related requirements; concurrent jurisdiction over distribution for human food purposes of adulterated or misbranded and imported articles; other matters.
- 467f. Federal Food, Drug, and Cosmetic Act applications.
 - (a) Exemptions; authorities under food, drug, and cosmetic provisions unaffected.
 - (b) Enforcement proceedings; detainer authority of representatives of Secretary of Health and Human Services.
- 468. Cost of inspection; overtime.
- 469. Authorization of appropriations.
- 470. Reports to Congress.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 321 of this title; title 7 sections 138f, 6519.

§ 451. Congressional statement of findings

Poultry and poultry products are an important source of the Nation's total supply of food. They are consumed throughout the Nation and the major portion thereof moves in interstate or foreign commerce. It is essential in the public interest that the health and welfare of consumers be protected by assuring that poultry products distributed to them are wholesome, not adulterated, and properly marked, labeled, and packaged. Unwholesome, adulterated, or misbranded poultry products impair the effective regulation of poultry products in interstate or foreign commerce, are injurious to the public welfare, destroy markets for wholesome, not adulterated, and properly labeled and packaged poultry products, and result in sundry losses to poultry producers and processors of poultry and poultry products, as well as injury to consumers. It is hereby found that all articles and poultry which are regulated under this chapter are either in interstate or foreign commerce or substantially affect such commerce, and that regulation by the Secretary of Agriculture and cooperation by the States and other jurisdictions as contemplated by this chapter are appropriate