

110TH CONGRESS  
1ST SESSION

# H. R. 3624

To establish a comprehensive program to ensure the safety of food products intended for human consumption which are regulated by the Food and Drug Administration.

---

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 20, 2007

Mr. PALLONE introduced the following bill; which was referred to the  
Committee on Energy and Commerce

---

## A BILL

To establish a comprehensive program to ensure the safety of food products intended for human consumption which are regulated by the Food and Drug Administration.

1       “(d) PENALTIES PAID INTO TREASURY.—All pen-  
2 alties collected under authority of this section shall be paid  
3 into the Treasury of the United States.

4       “(e) SECRETARY’S DISCRETION TO PROSECUTE.—  
5 Nothing in this Act shall be construed as requiring the  
6 Secretary to report for prosecution, or for the institution  
7 of libel or injunction proceedings, violations of this Act  
8 whenever the Secretary believes that the public interest  
9 will be adequately served by assessment of civil penalties.

10       “(f) REMEDIES NOT EXCLUSIVE.—The remedies  
11 provided in this section shall be in addition to and not  
12 exclusive of other remedies that may be available.

13 **“SEC. 419. WHISTLEBLOWER PROTECTION.**

14       “(a) IN GENERAL.—No employee or other person  
15 may be harassed, prosecuted, held liable, or discriminated  
16 against in any way because that person—

17               “(1) has commenced, caused to be commenced,  
18 or is about to commence a proceeding, testified or is  
19 about to testify at a proceeding, or assisted or par-  
20 ticipated or is about to assist or participate in any  
21 manner in such a proceeding or in any other action  
22 to carry out the purposes, functions, or responsibil-  
23 ities of the Consumer Food Safety Act of 2007, the  
24 Federal Food, Drug, and Cosmetic Act, the Meat

1 Inspection Act, or the Poultry Products Inspection  
2 Act; or

3 “(2) is refusing to violate or assist in violation  
4 of law, rule, or regulation.

5 “(b) PROCEDURES.—The process and procedures  
6 with respect to prohibited discrimination under subsection  
7 (a) shall be governed by the applicable provisions of sec-  
8 tion 31105 of title 49, United States Code, unless the  
9 party bringing an action under this subsection chooses al-  
10 ternative dispute resolution procedures such as mediation  
11 or arbitration.

12 “(c) BURDENS OF PROOF.—The legal burdens of  
13 proof with respect to prohibited discrimination under sub-  
14 section (a) shall be governed by the applicable provisions  
15 of sections 1214 and 1221 of title 5, United States Code.

16 **“SEC. 420. ADMINISTRATION AND ENFORCEMENT; APPLICA-**  
17 **BILITY OF PENALTY PROVISIONS; CONDUCT**  
18 **OF INQUIRIES; POWER AND JURISDICTION OF**  
19 **COURTS.**

20 “For the efficient administration and enforcement of  
21 this chapter, the provisions (including penalties) of sec-  
22 tions 6, 8, 9, and 10 of the Federal Trade Commission  
23 Act (15 U.S.C. 46, 48, 49, and 50) (except subsections  
24 (c) through (h) of section 6 of such Act), are made appli-  
25 cable to the jurisdiction, powers, and duties of the Sec-