(m) Separation of funds

The Executive Director shall ensure that the funds received from the Treasury are managed as individual programmatic funds under subsection (i), according to best accounting practices.

(n) Funding

From amounts appropriated to the Food and Drug Administration for each fiscal year, the Commissioner shall transfer not less than $500,000 and not more than $1,250,000, to the Foundation to carry out subsections (a), (b), and (d) through (m).

(June 25, 1938, ch. 675, § 770, as added Pub. L. 110–85, title VI, § 601(a), Sept. 27, 2007, 121 Stat. 890; amended Pub. L. 114–255, div. A, title III, § 3076, Dec. 13, 2016, 130 Stat. 1139.)

AMENDMENTS

2016—Subsec. (d)(1)(C)(ii). Pub. L. 114–255, § 3076(a)(1)(B), added cl. (ii). Former cl. (ii) redesignated (iii).

Subsec. (d)(1)(C)(iii). Pub. L. 114–255, § 3076(a)(1)(A), redesignated cl. (ii) as (iii).

Subsec. (d)(1)(C)(iii)(I). Pub. L. 114–255, § 3076(a)(1)(C), substituted ''The ex officio members, acting pursuant to clause (i), and the Board, acting pursuant to clause (ii), shall ensure'' for ''The ex officio members shall ensure''.

Subsec. (d)(1)(C)(iii)(II). Pub. L. 114–255, § 3076(a)(2), inserted at end ''For purposes of this section, the term 'employee of the Federal Government' does not include a special Government employee, as that term is defined in section 202(a) of title 18.''

Subsec. (d)(3)(A). Pub. L. 114–255, § 3076(a)(3), amended subpar. (A) generally. Prior to amendment, text read as follows: ''The term of office of each member of the Board appointed under paragraph (1)(C) shall be 4 years, except that the terms of offices for the initial appointed members of the Board shall expire on a staggered basis as determined by the ex officio members.''

Subsec. (g)(2). Pub. L. 114–255, § 3076(b), struck out before period at end ''but shall not be greater than the compensation of the Commissioner''.

Subsec. (m). Pub. L. 114–255, § 3076(c), substituted ''are managed as individual programmatic funds under subsection (i), according to best accounting practices'' for ''are held in separate accounts from funds received from entities under subsection (i)''.

§ 379dd–1. Location of Foundation

The Foundation shall, if practicable, be located not more than 20 miles from the District of Columbia.

(June 25, 1938, ch. 675, § 771, as added Pub. L. 110–85, title VI, § 601(b), Sept. 27, 2007, 121 Stat. 897.)

§ 379dd–2. Activities of the Food and Drug Administration

(a) In general

The Commissioner shall receive and assess the report submitted to the Commissioner by the Executive Director of the Foundation under section 379dd(*l*)(2) of this title.

(b) Report to Congress

Beginning with fiscal year 2009, the Commissioner shall submit to Congress an annual report summarizing the incorporation of the information provided by the Foundation in the report described under section 379dd(*l*)(2) of this title and by other recipients of grants, contracts, memoranda of understanding, or cooperative agreements into regulatory and product review activities of the Food and Drug Administration.

(c) Extramural grants

The provisions of this part and section 360bbb–5 of this title shall have no effect on any grant, contract, memorandum of understanding, or cooperative agreement between the Food and Drug Administration and any other entity entered into before, on, or after September 27, 2007.

(June 25, 1938, ch. 675, § 772, as added Pub. L. 110–85, title VI, § 601(b), Sept. 27, 2007, 121 Stat. 897.)

SUBCHAPTER VIII—IMPORTS AND EXPORTS

§ 381. Imports and exports

(a) Imports; list of registered foreign establishments; samples from unregistered foreign establishments; examination and refusal of admission

The Secretary of the Treasury shall deliver to the Secretary of Health and Human Services, upon his request, samples of food, drugs, devices, tobacco products, and cosmetics which are being imported or offered for import into the United States, giving notice thereof to the owner or consignee, who may appear before the Secretary of Health and Human Services and have the right to introduce testimony. The Secretary of Health and Human Services shall furnish to the Secretary of the Treasury a list of establishments registered pursuant to subsection (i) of section 360 or section 387e(h) of this title and shall request that if any drugs, devices, or tobacco products manufactured, prepared, propagated, compounded, or processed in an establishment not so registered are imported or offered for import into the United States, samples of such drugs, devices, or tobacco products be delivered to the Secretary of Health and Human Services, with notice of such delivery to the owner or consignee, who may appear before the Secretary of Health and Human Services and have the right to introduce testimony. If it appears from the examination of such samples or otherwise that (1) such article has been manufactured, processed, or packed under insanitary conditions or, in the case of a device, the methods used in, or the facilities or controls used for, the manufacture, packing, storage, or installation of the device do not conform to the requirements of section 360j(f) of this title, or (2) such article is forbidden or restricted in sale in the country in which it was produced or from which it was exported, or (3) such article is adulterated, misbranded, or in violation of section 355 of this title or the importer (as defined in section 384a of this title) is in violation of such section 384a of this title, or prohibited from introduction or delivery for introduction into interstate commerce under section 331(*ll*) of this title, or (4) the recordkeeping requirements under section 2223 of this title (other than the requirements under subsection (f) of such section) have not been complied with regarding such article, then such article shall be refused