

106TH CONGRESS  
1ST SESSION

# S. 1123

To amend the Federal Food, Drug, and Cosmetic Act to improve the safety of imported food, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MAY 25, 1999

Ms. COLLINS (for herself, Mr. FRIST, Mr. ABRAHAM, Ms. SNOWE, Mr. JEFFORDS, and Mr. COVERDELL) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

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## A BILL

To amend the Federal Food, Drug, and Cosmetic Act to improve the safety of imported food, and for other purposes.

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 “Imported Food Safety  
5       Improvement Act”.

1 **TITLE I—IMPROVEMENTS TO**  
2 **THE FOOD SAFETY IMPORT**  
3 **SYSTEM**

4 **SEC. 101. AUTHORITY TO PROTECT THE PUBLIC HEALTH**  
5 **FROM CONTAMINATED IMPORTED FOODS.**

6 (a) GENERAL AUTHORITY.—Section 801 of the Fed-  
7 eral Food, Drug, and Cosmetic Act (21 U.S.C. 381) is  
8 amended—

9 (1) by redesignating subsections (d), (e), and  
10 (f) as subsections (e), (f), and (g), respectively; and

11 (2) by inserting after subsection (c) the fol-  
12 lowing:

13 “(d)(1)(A) The Secretary shall establish a system, for  
14 use by the Secretary of the Treasury, to deny the entry  
15 of any food offered for import into the United States if  
16 the Secretary of Health and Human Services makes and  
17 publishes—

18 “(i) a written determination that the food—

19 “(I) has been associated with repeated and  
20 separate outbreaks of foodborne disease or has  
21 been repeatedly determined by the Secretary to  
22 be adulterated within the meaning of section  
23 402;

1           “(II) presents a reasonable probability of  
2           causing serious adverse health consequences or  
3           death; and

4           “(III) is likely, without systemic interven-  
5           tion or changes, to cause disease or be adulter-  
6           ated again; or

7           “(ii) an emergency written determination that  
8           the food has been strongly associated with a single  
9           outbreak of foodborne disease that has caused seri-  
10          ous adverse health consequences or death.

11          “(B)(i) The Secretary shall make a determination de-  
12         scribed in subparagraph (A) with respect to—

13                 “(I) a food from a specific producer, manufac-  
14                 turer, or transporter; or

15                 “(II) a food from a specific growing area or  
16                 country;

17         that meets the criteria described in subparagraph (A).

18                 “(ii) Only the food from the specific producer, manu-  
19                 facturer, transporter, growing area, or country for which  
20                 the Secretary makes the determination shall be subject to  
21                 denial of entry under this subsection.

22                 “(C) The denial of entry of any food under this para-  
23                 graph shall be done in a manner consistent with bilateral,  
24                 regional, and multilateral trade agreements and the rights

1 and obligations of the United States under the agree-  
2 ments.

3 “(D)(i) Before making any written determination  
4 under subparagraph (A)(i), the Secretary shall consider  
5 written comments, on a proposed determination, made by  
6 any party affected by the proposed determination and any  
7 remedial actions taken to address the findings made in  
8 the proposed determination. In making the written deter-  
9 mination, the Secretary may modify or rescind the pro-  
10 posed determination in accordance with such comments.

11 “(ii)(I) The Secretary may immediately issue an  
12 emergency written determination under subparagraph  
13 (A)(ii) without first considering comments on a proposed  
14 determination.

15 “(II) Within 30 days after the issuance of the emer-  
16 gency determination, the Secretary shall consider written  
17 comments on the determination that are made by a party  
18 described in clause (i) and received within the 30-day pe-  
19 riod. The Secretary may affirm, modify, or rescind the  
20 emergency determination in accordance with the com-  
21 ments.

22 “(III) The emergency determination shall be in  
23 effect—

24 “(aa) for the 30-day period; or

1           “(bb) if the Secretary affirms or modifies the  
2           determination, until the Secretary rescinds the de-  
3           termination.

4           “(2)(A) The food initially denied entry under para-  
5           graph (1) may be imported into the United States if the  
6           Secretary finds that—

7           “(i) the written determination made under  
8           paragraph (1) no longer justifies the denial of entry  
9           of the food; or

10          “(ii) evidence of remedial action submitted from  
11          the producer, manufacturer, transporter, specific  
12          growing area, or country for which the Secretary  
13          made the written determination under paragraph (1)  
14          addresses the determination.

15          “(B)(i) The Secretary shall take action on evidence  
16          submitted under subparagraph (A)(ii) within 90 days after  
17          the date of the submission of the evidence.

18          “(ii) The Secretary’s action may include—

19               “(I) lifting the denial of entry of the food; or

20               “(II) continuing to deny entry of the food while  
21               requesting additional information or specific reme-  
22               dial action from the producer, manufacturer, trans-  
23               porter, specific growing area, or country.

24          “(iii) If the Secretary does not take action on evi-  
25          dence submitted under subparagraph (A)(ii) within 90

1 days after the date of submission, effective on the 91st  
 2 day after the date of submission, the food initially denied  
 3 entry under paragraph (1) may be imported into the  
 4 United States.

5 “(3) The Secretary shall by regulation establish cri-  
 6 teria and procedures for the system described in para-  
 7 graph (1). The Secretary may by regulation modify those  
 8 criteria and procedures, as the Secretary determines ap-  
 9 propriate.”.

10 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

11 (1) Section 351(h) of the Public Health Service  
 12 Act (42 U.S.C. 262(h)) is amended by striking “sec-  
 13 tion 801(e)(1) of the Federal Food, Drug, and Cos-  
 14 metic Act (21 U.S.C. 381(e))” and inserting “sec-  
 15 tion 801(f)(1) of the Federal Food, Drug, and Cos-  
 16 metic Act (21 U.S.C. 381(f)(1))”.

17 (2) Section 301 of the Federal Food, Drug, and  
 18 Cosmetic Act (21 U.S.C. 331) is amended—

19 (A) in paragraph (t), by striking “section  
 20 801(d)(1)” and inserting “section 801(e)(1)”;  
 21 and

22 (B) in paragraph (w)—

23 (i) by striking “sections 801(d)(3)(A)  
 24 and 801(d)(3)(B)” and inserting “sub-

1 paragraphs (A) and (B) of section  
2 801(e)(3)”;

3 (ii) except as provided in clause (i), by  
4 striking “section 801(d)(3)” each place it  
5 appears and inserting “section 801(e)(3)”;  
6 and

7 (iii) by striking “section 801(e)” and  
8 inserting “section 801(f)”.

9 (3) Section 303(b)(1)(A) of the Federal Food,  
10 Drug, and Cosmetic Act (21 U.S.C. 333(b)(1)(A)) is  
11 amended by striking “section 801(d)(1)” and insert-  
12 ing “section 801(e)(1)”.

13 (4) Section 304(d)(1) of the Federal Food,  
14 Drug, and Cosmetic Act (21 U.S.C. 334(d)(1)) is  
15 amended—

16 (A) by striking “section 801(e)(1)” and in-  
17 serting “section 801(f)(1)”; and

18 (B) except as provided in subparagraph  
19 (A), by striking “section 801(e)” each place it  
20 appears and inserting “section 801(f)”.

21 (5) Section 801 of the Federal Food, Drug, and  
22 Cosmetic Act (21 U.S.C. 381) is amended—

23 (A) in subsection (a), in the third sentence,  
24 by striking “subsection (b) of this section” and  
25 inserting “subsection (b) or subsection

(d)(2)(A) (in the case of a food described in that subsection)”;

(B) in paragraph (3)(A) of subsection (f), as redesignated in subsection (a), by striking “section 801(e) or 802” and inserting “subsection (f), section 802,”; and

(C) in paragraph (1) of subsection (h), as redesignated in subsection (a), by striking “subsection (e)” and inserting “subsection (f)”.

(6) Section 802 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 382) is amended—

(A) in subsection (a)(2)(C), by striking “section 801(e)(2)” and inserting “section 801(f)(2)”;

(B) in subsection (f)(3), by striking “section 801(e)(1)” and inserting “section 801(f)(1)”;

(C) in subsection (i), by striking “section 801(e)(1)” and inserting “section 801(f)(1)”.

**SEC. 102. PROHIBITION AGAINST THE DISTRIBUTION OF CERTAIN FOOD.**

(a) ADULTERATED FOODS.—Section 402 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342) is amended by adding at the end the following:

“(h)(1) If—



1           “(A) it is a food being imported or offered for  
2       import into the United States;

3           “(B) the food has been designated by the Sec-  
4       retary for sampling, examination, or review for the  
5       purpose of determining whether the food is in com-  
6       pliance with this Act;

7           “(C) the Secretary requires, under section  
8       801(a)(2)(B), that the food not be distributed until  
9       the Secretary authorizes the distribution of the food;  
10      and

11          “(D) the food is distributed before the Sec-  
12      retary authorizes the distribution.

13          “(2) In this paragraph, the term ‘distributed’, used  
14      with respect to food, means—

15          “(A) moved for the purpose of selling the food,  
16      offering the food for sale, or delivering the food for  
17      the purpose of selling the food or offering the food  
18      for sale; or

19          “(B) delivered contrary to any bond require-  
20      ment.”.

21          (b) PROHIBITION.—Section 801(a) of the Federal  
22      Food, Drug, and Cosmetic Act (21 U.S.C. 381(a)) is  
23      amended—

1 (1) in the third sentence, by redesignating para-  
 2 graphs (1) through (3) as subparagraphs (A)  
 3 through (C), respectively;

4 (2) by striking “(a) The” and inserting “(a)(1)  
 5 The”;

6 (3) in the last sentence, by striking “Clause  
 7 (2)” and inserting “Subparagraph (B)”;

8 (4) by moving the fourth sentence to the end;

9 (5) in the sentence so moved, by striking “The  
 10 Secretary” and inserting the following:

11 “(2)(A) The Secretary”; and

12 (6) by adding at the end the following:

13 “(B) The Secretary of Health and Human Services  
 14 may require that a food being imported or offered for im-  
 15 port into the United States not be distributed until the  
 16 Secretary authorizes distribution of the food.”.

17 **SEC. 103. REQUIREMENT OF SECURE STORAGE OF CERTAIN**  
 18 **IMPORTED FOOD.**

19 (a) ADULTERATED FOODS.—Section 402 of the Fed-  
 20 eral Food, Drug, and Cosmetic Act, as amended in section  
 21 102(a), is further amended by adding at the end the fol-  
 22 lowing:

23 “(i) If—

24 “(1) it is a food being imported or offered for  
 25 import into the United States;

1           “(2) the Secretary requires, under section  
2       801(a)(2)(C), that the food be held in a secure stor-  
3       age facility until the Secretary authorizes distribu-  
4       tion of the food; and

5           “(3) the food is not held in a secure storage fa-  
6       cility as described in section 801(a)(2)(C) until the  
7       Secretary authorizes the distribution.”.

8       (b) REQUIREMENT.—Section 801(a)(2) of the Fed-  
9       eral Food, Drug, and Cosmetic Act, as amended in section  
10      102(b), is further amended by adding at the end the fol-  
11      lowing:

12       “(C)(i) The Secretary of Health and Human Services  
13      may require that a food that is being imported or offered  
14      for import into the United States be held, at the expense  
15      of the owner or consignee of the food, in a secure storage  
16      facility until the Secretary authorizes distribution of the  
17      food, if the Secretary makes the determination that the  
18      food is—

19           “(I) being imported or offered for import into  
20      the United States by a person described in clause  
21      (ii); or

22           “(II) owned by or consigned to a person de-  
23      scribed in clause (ii).

24       “(ii) An importer, owner, or consignee referred to in  
25      subclause (I) or (II) of clause (i) is a person against whom

1 the Secretary of the Treasury has assessed liquidated  
 2 damages not less than twice under subsection (b) for fail-  
 3 ure to redeliver, at the request of the Secretary of the  
 4 Treasury, food subject to a bond under subsection (b).”.

5 **SEC. 104. REQUIREMENT OF ADMINISTRATIVE DESTRUC-**  
 6 **TION OF CERTAIN IMPORTED FOOD.**

7 (a) ADULTERATED FOODS.—Section 402 of the Fed-  
 8 eral Food, Drug, and Cosmetic Act, as amended in section  
 9 103(a), is further amended by adding at the end the fol-  
 10 lowing:

11 “(j) Notwithstanding subsections (a)(2)(A) and (b) of  
 12 section 801, if—

13 “(1) it is a food being imported or offered for  
 14 import into the United States;

15 “(2) the food poses a strong likelihood of caus-  
 16 ing serious adverse health consequences or death;

17 “(3) the Secretary, after the food has been re-  
 18 fused admission under section 801(a), requires  
 19 under section 801(a)(2)(D) that the food be de-  
 20 stroyed; and

21 “(4) the owner or consignee of the food fails to  
 22 comply with that destruction requirement.”.

23 (b) REQUIREMENT.—Section 801(a)(2) of the Fed-  
 24 eral Food, Drug, and Cosmetic Act, as amended in section

1 103(b), is further amended by adding at the end the fol-  
2 lowing:

3 “(D) The Secretary of Health and Human Services  
4 may require destruction, at the expense of the owner or  
5 consignee, of food imported or offered for import into the  
6 United States that poses a strong likelihood of causing  
7 serious adverse health consequences or death.”.

8 **SEC. 105. PROHIBITION AGAINST PORT SHOPPING.**

9 Section 402 of the Federal Food, Drug, and Cosmetic  
10 Act, as amended in section 104(a), is further amended by  
11 adding at the end the following:

12 “(k) If it is an article of food being imported or of-  
13 fered for import into the United States, and the article  
14 of food previously has been refused admission under sec-  
15 tion 801(a), unless the person reoffering the article affirm-  
16 atively establishes, at the expense of the owner or con-  
17 signee of the article, that the article complies with the ap-  
18 plicable requirements of this Act, as determined by the  
19 Secretary.”.

20 **SEC. 106. PROHIBITION OF IMPORTS BY DEBARRED PER-**  
21 **SONS.**

22 Section 402 of the Federal Food, Drug, and Cosmetic  
23 Act, as amended in section 105, is further amended by  
24 adding at the end the following:

1 “(l) If it is a food being imported or offered for im-  
 2 port into the United States by a person debarred under  
 3 section 306(b)(4).”.

4 **SEC. 107. AUTHORITY TO MARK REFUSED ARTICLES.**

5 (a) MISBRANDED FOODS.—Section 403 of the Fed-  
 6 eral Food, Drug, and Cosmetic Act (21 U.S.C. 343) is  
 7 amended by adding at the end the following:

8 “(t) If—

9 “(1) it has been refused admission under sec-  
 10 tion 801(a);

11 “(2) the food has not been required to be de-  
 12 stroyed under subparagraph (A) or (B) of section  
 13 801(a)(2); and

14 “(3) the packaging of the food does not bear a  
 15 label or labeling described in section 801(a)(2)(E).”.

16 (b) REQUIREMENT.—Section 801(a)(2) of the Fed-  
 17 eral Food, Drug, and Cosmetic Act, as amended in section  
 18 104(b), is further amended by adding at the end the fol-  
 19 lowing:

20 “(E) The Secretary of Health and Human Services  
 21 may require the owner or consignee of food that has been  
 22 refused admission under paragraph (1), and has not been  
 23 required to be destroyed under subparagraph (A) or (B),  
 24 to affix to the packaging of the food a label or labeling  
 25 that—

1           “(i) clearly and conspicuously bears the fol-  
2           lowing statement: ‘United States: Refused Entry.’;

3           “(ii) is affixed to the packaging until the food  
4           is brought into compliance with this Act; and

5           “(iii) has been provided at the expense of the  
6           owner or consignee of the food.”.

7   **SEC. 108. EXPORT OF REFUSED ARTICLES.**

8           Paragraph (2)(A) of section 801(a) of the Federal  
9   Food, Drug, and Cosmetic Act (21 U.S.C. 381(a)), as des-  
10   ignated in section 102(b), is amended by striking “ninety  
11   days” and inserting “30 days”.

12   **SEC. 109. COLLECTION AND ANALYSIS OF SAMPLES OF**  
13           **FOOD IMPORTS.**

14           Section 801 of the Federal Food, Drug, and Cosmetic  
15   Act (21 U.S.C. 381), as amended in section 101(a), is fur-  
16   ther amended by adding at the end the following:

17           “(h) The Secretary may issue regulations or guidance  
18   as necessary to govern the collection and analysis by enti-  
19   ties other than the Food and Drug Administration of sam-  
20   ples of food imported or offered for import into the United  
21   States to ensure the integrity of the samples collected and  
22   the validity of the analytical results.”.

1 **TITLE II—ENFORCEMENT AND**  
 2 **PENALTIES FOR IMPORTING**  
 3 **CONTAMINATED FOOD**

4 **SEC. 201. ENHANCED BONDING REQUIREMENTS FOR PRIOR**  
 5 **INVOLVEMENT IN IMPORTING ADULTERATED**  
 6 **OR MISBRANDED FOOD.**

7 Section 801(b) of the Federal Food, Drug, and Cos-  
 8 metic Act (21 U.S.C. 381(b)) is amended—

9 (1) by inserting “(1)” after “(b)”; and

10 (2) by adding at the end the following:

11 “(2)(A) The Secretary of the Treasury, acting  
 12 through the Commissioner of Customs, shall issue regula-  
 13 tions that establish a rate for a bond required to be exe-  
 14 cuted under paragraph (1) for an article of food if an  
 15 owner, consignee, or importer of the food has committed  
 16 a covered violation.

17 “(B) The regulations shall require the owner or con-  
 18 signee to execute such a bond—

19 “(i) at twice the usual rate; or

20 “(ii) if the owner, consignee, or importer has  
 21 committed more than 1 covered violation, at a rate  
 22 that increases with the number of covered violations  
 23 committed, as determined in accordance with a slid-  
 24 ing scale established in the regulations.

25 “(C) In this paragraph:



1           “(i) The term ‘committed’ means been con-  
 2       victed of, or found liable for, a violation by an ap-  
 3       propriate court or administrative officer.

4           “(ii) The term ‘covered violation’ means a viola-  
 5       tion relating to—

6           “(I) importing or offering for import into  
 7       the United States—

8           “(aa) an article of food during a pe-  
 9       riod of debarment under section 306(b)(4);

10          “(bb) an article of food that is adul-  
 11       terated within the meaning of paragraph  
 12       (h), (i), (j), (k), or (l) of section 402; or

13          “(cc) an article of food that is mis-  
 14       branded within the meaning of section  
 15       403(t); or

16          “(II) making a false or misleading state-  
 17       ment in conduct relating to the import or offer-  
 18       ing for import of a food into the United States.

19          “(iii) The term ‘usual rate’, used with respect  
 20       to a bond, means the rate that would be required  
 21       under paragraph (1) for the bond by a person who  
 22       has not committed a covered violation.”.

1 **SEC. 202. DEBARMENT OF REPEAT OFFENDERS AND SERI-**  
 2 **OUS OFFENDERS.**

3 (a) IN GENERAL.—Section 306(b) of the Federal  
 4 Food, Drug, and Cosmetic Act (21 U.S.C. 335a(b)) is  
 5 amended—

6 (1) in paragraph (1), in the paragraph heading,  
 7 by striking “IN GENERAL.—” and inserting “DE-  
 8 BARMENT FOR VIOLATIONS RELATING TO DRUGS.—”;

9 (2) in paragraph (2), in the paragraph heading,  
 10 by striking “PERSONS SUBJECT TO PERMISSIVE DE-  
 11 BARMENT.—” and inserting “PERSONS SUBJECT TO  
 12 PERMISSIVE DEBARMENT FOR VIOLATIONS RELAT-  
 13 ING TO DRUGS.—”;

14 (3) in paragraph (3), in the paragraph heading,  
 15 by striking “STAY OF CERTAIN ORDERS.—” and in-  
 16 serting “STAY OF CERTAIN ORDERS RELATING TO  
 17 DEBARMENT FOR VIOLATIONS RELATING TO  
 18 DRUGS.—”; and

19 (4) by adding at the end the following:

20 “(4) DEBARMENT FOR VIOLATIONS RELATING  
 21 TO FOOD IMPORTS.—

22 “(A) IN GENERAL.—The Secretary may  
 23 debar a person from importing a food or offer-  
 24 ing a food for import into the United States,  
 25 if—

1 “(i) the Secretary finds that the per-  
 2 son has been convicted for conduct that is  
 3 a felony under Federal law and relates to  
 4 the importation or offering for importation  
 5 of any food into the United States; or

6 “(ii) the Secretary makes a written  
 7 determination that the person has repeat-  
 8 edly or deliberately imported or offered for  
 9 import into the United States a food adul-  
 10 terated within the meaning of paragraph  
 11 (h), (i), (j), or (k) of section 402, or mis-  
 12 branded within the meaning of section  
 13 403(t).

14 “(B) IMPACT.—On debarring a person  
 15 under subparagraph (A), the Secretary shall  
 16 provide notice of the debarment to the Sec-  
 17 retary of the Treasury, who shall deny entry of  
 18 food offered for import by the person.”.

19 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

20 (1) IN GENERAL.—Section 306 of the Federal  
 21 Food, Drug, and Cosmetic Act (21 U.S.C. 335a) is  
 22 amended—

23 (A) in subsection (c)—

24 (i) in paragraph (1)—

1 (I) in subparagraph (B), by  
 2 striking “, and” at the end and in-  
 3 serting a comma;

4 (II) by redesignating subpara-  
 5 graph (C) as subparagraph (D); and

6 (III) by inserting after subpara-  
 7 graph (B) the following:

8 “(C) shall, during the period of a debar-  
 9 ment under subsection (b)(4), prohibit the  
 10 debarred person from importing a food or offer-  
 11 ing a food for import into the United States,  
 12 and”;

13 (ii) in paragraph (2)(A), by inserting  
 14 after clause (iii) the following:

15 “(iv) The period of debarment of any  
 16 person under subsection (b)(4) shall be not  
 17 less than 1 year.”; and

18 (iii) in paragraph (3)—

19 (I) in subparagraph (C)—

20 (aa) by striking “suspect  
 21 drugs” and inserting “suspect  
 22 drugs or food”; and

23 (bb) by striking “fraudu-  
 24 lently obtained” and inserting  
 25 “fraudulently obtained or on food

1                   wrongfully imported into the  
2                   United States”; and

3                   (II) in subparagraph (E), by in-  
4                   serting “in the case of a debarment  
5                   relating to a drug,” after “(E)”;

6                   (B) in subsection (d)—

7                   (i) in paragraph (3)—

8                   (I) in subparagraph (A)—

9                   (aa) in clause (i), by striking  
10                  “or (b)(2)(A)” and inserting “or  
11                  paragraph (2)(A) or (4) of sub-  
12                  section (b)”;

13                  (bb) in clause (ii)(II), by in-  
14                  serting “in the case of a debar-  
15                  ment relating to a drug,” after  
16                  “(II)”;

17                  (II) in subparagraph (B)—

18                  (aa) in clause (i), by striking  
19                  “or clause (i), (ii), (iii) or (iv) of  
20                  subsection (b)(2)(B)” and insert-  
21                  ing “, clause (i), (ii), (iii), or (iv)  
22                  of subsection (b)(2)(B), or sub-  
23                  section (b)(4)”;

24                  (bb) in clause (ii), by strik-  
25                  ing “subsection (b)(2)(B)” and

1 inserting “paragraph (2)(B) or  
2 (4) of subsection (b)”;

3 (ii) in paragraph (4)—

4 (I) in subparagraph (A), by strik-  
5 ing “(a)(2)” and inserting “(a)(2) or  
6 (b)(4)”;

7 (II) in subparagraph (B)—

8 (aa) in clause (ii), by strik-  
9 ing “involving the development or  
10 approval of any drug subject to  
11 section 505” and inserting “in-  
12 volving, as appropriate, the devel-  
13 opment or approval of any drug  
14 subject to section 505 or the im-  
15 portation of any food”; and

16 (bb) in clause (iv), by strik-  
17 ing “drug” each place it appears  
18 and inserting “drug or food”;

19 and

20 (III) in subparagraph (D), in the  
21 matter following clause (ii), by insert-  
22 ing “, in the case of a debarment re-  
23 lating to a drug,” before “protects”;

24 and

1 (C) in subsection (l)(2), in the second sen-  
 2 tence, by striking “(b)(2)(B)” and inserting  
 3 “(b)(2)(B), subsection (b)(4),”.

4 (2) CIVIL PENALTIES.—Paragraphs (6) and (7)  
 5 of section 307(a) of the Federal Food, Drug, and  
 6 Cosmetic Act (21 U.S.C. 335b(a)) are amended by  
 7 striking “306” and inserting “306 (except section  
 8 306(b)(4))”.

9 **SEC. 203. INCREASED ENFORCEMENT TO IMPROVE THE**  
 10 **SAFETY OF IMPORTED FOOD.**

11 Subchapter A of chapter VII of the Federal Food,  
 12 Drug, and Cosmetic Act (21 U.S.C. 371 et seq.) is amend-  
 13 ed by adding at the end the following:

14 **“SEC. 712. POSITIONS TO IMPROVE THE SAFETY OF IM-**  
 15 **PORTED FOOD.**

16 “There is authorized to be appropriated such sums  
 17 as may be necessary for each of fiscal years 2000 through  
 18 2002 to enable the Commissioner, in carrying out chapters  
 19 IV and VIII, to decrease the health risks associated with  
 20 imported food through the creation of additional employ-  
 21 ment positions for laboratory, inspection, and compliance  
 22 personnel.”.

1 **TITLE III—IMPROVEMENTS TO**  
 2 **PUBLIC HEALTH INFRA-**  
 3 **STRUCTURE AND AWARENESS**

4 **SEC. 301. IMPROVEMENTS.**

5 Title II of the Public Health Service Act (42 U.S.C.  
 6 202 et seq.) is amended by adding at the end the fol-  
 7 lowing:

8 **“PART C—PUBLIC HEALTH INFRASTRUCTURE**  
 9 **AND AWARENESS**

10 **“SEC. 251. DEFINITIONS.**

11 “In this part:

12 “(1) INSTITUTION OF HIGHER EDUCATION.—

13 The term ‘institution of higher education’ has the  
 14 meaning given the term in section 101(a) of the  
 15 Higher Education Act of 1965 (20 U.S.C. 1001(a)).

16 “(2) SECRETARY.—The term ‘Secretary’ means  
 17 the Secretary of Health and Human Services, acting  
 18 through the Director of the Centers for Disease  
 19 Control and Prevention.

20 **“SEC. 252. PUBLIC HEALTH SURVEILLANCE ENHANCE-**  
 21 **MENT.**

22 “(a) IN GENERAL.—The Secretary may—

23 “(1) make grants to, enter into cooperative  
 24 agreements with, and provide technical assistance to  
 25 eligible agencies to enable the agencies to enhance



1       their capacity to carry out activities relating to sur-  
2       veillance and prevention of foodborne pathogen-re-  
3       lated disease, particularly pathogen-related disease  
4       associated with imported food, as described in sub-  
5       section (b)(1); and

6               “(2) carry out the activities described in sub-  
7       section (b)(2).

8       “(b) USE OF ASSISTANCE.—

9               “(1) AGENCIES.—An eligible agency that re-  
10      ceives assistance under subsection (a) shall use the  
11      assistance to enhance the capacity of the agency—

12               “(A) to identify, investigate, and contain  
13      threats of foodborne pathogen-related disease,  
14      particularly pathogen-related disease associated  
15      with imported food; and

16               “(B) to conduct additional surveillance and  
17      studies to address prevention and control of the  
18      disease.

19               “(2) CENTERS FOR DISEASE CONTROL AND  
20      PREVENTION.—The Secretary may use not more  
21      than 30 percent of the funds appropriated to carry  
22      out this section—

23               “(A) to assist an agency described in para-  
24      graph (1) in enhancing the capacity described  
25      in paragraph (1) by providing standards, tech-

1 nologies, information, materials, and other re-  
 2 sources; and

3 “(B) to enhance national surveillance sys-  
 4 tems, including the ability of domestic and  
 5 international agencies and entities to respond to  
 6 food safety issues associated with imported food  
 7 that are identified through such systems.

8 “(c) ELIGIBLE AGENCIES.—To be eligible to receive  
 9 assistance under subsection (a)(1), an agency shall be a  
 10 State or local health department.

11 “(d) APPLICATION.—To be eligible to receive assist-  
 12 ance under subsection (a)(1), an agency shall submit an  
 13 application to the Secretary at such time, in such manner,  
 14 and containing such information as the Secretary may re-  
 15 quire.

16 “(e) AUTHORIZATION OF APPROPRIATIONS.—There  
 17 are authorized to be appropriated to carry out this section  
 18 such sums as may be necessary for fiscal years 2000  
 19 through 2002.

20 **“SEC. 253. PATHOGEN DETECTION RESEARCH AND DEVEL-**  
 21 **OPMENT.**

22 “(a) IN GENERAL.—The Secretary may conduct ap-  
 23 plied research, directly or by grant or contract, to develop  
 24 new or improved methods for detecting and subtyping  
 25 emerging foodborne pathogens in human specimens, food,

1 and relevant environmental samples. The Secretary may  
 2 use funds appropriated to carry out this section to support  
 3 applied research by State health departments or institu-  
 4 tions of higher education.

5 “(b) APPLICATION.—To be eligible to receive a grant  
 6 or enter into a contract under subsection (a), an entity  
 7 shall submit an application to the Secretary at such time,  
 8 in such manner, and containing such information as the  
 9 Secretary may require.

10 “(c) AUTHORIZATION OF APPROPRIATIONS.—There  
 11 are authorized to be appropriated to carry out this section  
 12 such sums as may be necessary for fiscal years 2000  
 13 through 2002.

14 **“SEC. 254. TRAINING, EDUCATION, AND PUBLIC INFORMA-**  
 15 **TION.**

16 “(a) IN GENERAL.—The Secretary may—

17 “(1) make grants and enter into contracts with  
 18 eligible entities, to support training activities and  
 19 other collaborative activities with the entities to in-  
 20 form health professionals about foodborne disease,  
 21 including strengthening training networks serving  
 22 State, local, and private entities; and

23 “(2) increase and improve the activities carried  
 24 out by the Centers for Disease Control and Preven-

1       tion to provide information to the public on  
2       foodborne disease.

3       “(b) ELIGIBLE ENTITIES.—To be eligible to receive  
4 a grant or enter into a contract under subsection (a), an  
5 entity shall be a medical school, a nursing school, an entity  
6 carrying out clinical laboratory training programs, a  
7 school of public health, another institution of higher edu-  
8 cation, a professional organization, or an international or-  
9 ganization.

10       “(c) APPLICATION.—To be eligible to receive a grant  
11 or enter into a contract under subsection (a), an entity  
12 shall submit an application to the Secretary at such time,  
13 in such manner, and containing such information as the  
14 Secretary may require.

15       “(d) CONSULTATION.—In carrying out this section,  
16 the Secretary shall consult with Federal, State, and local  
17 agencies, international organizations, and other interested  
18 parties.

19       “(e) AUTHORIZATION OF APPROPRIATIONS.—There  
20 are authorized to be appropriated to carry out this section  
21 such sums as may be necessary for fiscal years 2000  
22 through 2002.

1   **“SEC. 255. INTERNATIONAL PUBLIC HEALTH TRAINING AND**  
2                           **TECHNICAL ASSISTANCE.**

3           “(a) IN GENERAL.—The Secretary shall, directly or  
4 by agreement, provide training and technical assistance to  
5 agencies and entities in foreign countries, to strengthen  
6 the foodborne disease surveillance and investigation capac-  
7 ities of the agencies and entities, including establishing or  
8 expanding activities or programs such as the Field Epide-  
9 miology and Training Program of the Centers for Disease  
10 Control and Prevention.

11          “(b) APPLICATION.—To be eligible to enter into an  
12 agreement under subsection (a), an entity shall submit an  
13 application to the Secretary at such time, in such manner,  
14 and containing such information as the Secretary may re-  
15 quire.

16          “(c) AUTHORIZATION OF APPROPRIATIONS.—There  
17 are authorized to be appropriated to carry out this section  
18 such sums as may be necessary for fiscal years 2000  
19 through 2002.

20   **“SEC. 256. SUPPLIES AND SERVICES IN LIEU OF GRANT**  
21                           **FUNDS.**

22          “(a) IN GENERAL.—On the request of a recipient of  
23 assistance under section 252, 253, 254, or 255, the Sec-  
24 retary may, subject to subsection (b), provide supplies,  
25 equipment, and services for the purpose of aiding the re-  
26 cipient in carrying out the section involved and, for such

1 purpose, may detail to the grant recipient any officer or  
2 employee of the Department of Health and Human Serv-  
3 ices. Such detail shall be without interruption or loss of  
4 civil service status or privilege.

5 “(b) CORRESPONDING REDUCTION IN PAYMENTS.—  
6 With respect to a request described in subsection (a), the  
7 Secretary shall reduce the amount of payments under the  
8 section involved by an amount equal to the cost of detail-  
9 ing the officer or employee and the fair market value of  
10 the supplies, equipment, or services provided by the Sec-  
11 retary. The Secretary shall, for the payment of expenses  
12 incurred in complying with such a request, expend the  
13 amounts withheld.”.

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