107TH CONGRESS
1ST SESSION

S. 1634

To amend the Federal Food, Drug, and Cosmetic Act to improve the safety of perishable products whose import is regulated by the Commissioner of Food and Drugs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 5, 2001

Ms. COLLINS introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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A BILL

To amend the Federal Food, Drug, and Cosmetic Act to improve the safety of perishable products whose import is regulated by the Commissioner of Food and Drugs, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Imported Perishable Product Safety Improvement Act''.

TITLE I—IMPROVEMENTS TO THE SAFETY SYSTEM FOR IMPORTED PERISHABLE PRODUCTS

SEC. 101. AUTHORITY TO PROTECT THE PUBLIC HEALTH FROM CONTAMINATED IMPORTED PERISHABLE PRODUCTS.

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

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

(2) by inserting after subsection (c) the following:

''(d)(1)(A) The Secretary shall establish a system, for use by the Secretary of the Treasury, to deny the entry of any perishable product offered for import into the United States if the Secretary of Health and Human Services makes and publishes—

''(i) a written determination that the perishable product—

''(I) has been associated with repeated and separate outbreaks of disease borne in a perishable product or has been repeatedly determined

by the Secretary to be adulterated within the meaning of section 402;

''(II) presents a reasonable probability of causing serious adverse health consequences or death; and

''(III) is likely, without systemic intervention or changes, to cause disease or be adulterated again; or

''(ii) an emergency written determination that the perishable product has been strongly associated with a single outbreak of disease borne in a perishable product that has caused serious adverse health consequences or death.

''(B)(i) The Secretary shall make a determination described in subparagraph (A) with respect to—

''(I) a perishable product from a specific producer, manufacturer, or transporter; or

''(II) a perishable product from a specific growing area or country;

that meets the criteria described in subparagraph (A).

''(ii) Only the perishable product from the specific producer, manufacturer, transporter, growing area, or country for which the Secretary makes the determination shall be subject to denial of entry under this subsection.

''(C) The denial of entry of any perishable product under this paragraph shall be done in a manner consistent with bilateral, regional, and multilateral trade agreements and the rights and obligations of the United States under the agreements.

''(D)(i) Before making any written determination under subparagraph (A)(i), the Secretary shall consider written comments, on a proposed determination, made by any party affected by the proposed determination and any remedial actions taken to address the findings made in the proposed determination. In making the written determination, the Secretary may modify or rescind the proposed determination in accordance with such comments.

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

''(II) Within 30 days after the issuance of the emergency determination, the Secretary shall consider written comments on the determination that are made by a party described in clause (i) and received within the 30-day period. The Secretary may affirm, modify, or rescind the emergency determination in accordance with the comments.

''(III) The emergency determination shall be in effect—

''(aa) for the 30-day period; or

''(bb) if the Secretary affirms or modifies the determination, until the Secretary rescinds the determination.

''(2)(A) The perishable product initially denied entry under paragraph (1) may be imported into the United States if the Secretary finds that—

''(i) the written determination made under paragraph (1) no longer justifies the denial of entry of the perishable product; or

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

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

''(ii) The Secretary's action may include—

''(I) lifting the denial of entry of the perishable product; or

''(II) continuing to deny entry of the perishable product while requesting additional information or

specific remedial action from the producer, manufacturer, transporter, specific growing area, or country.

''(iii) If the Secretary does not take action on evidence submitted under subparagraph (A)(ii) within 90 days after the date of submission, effective on the 91st day after the date of submission, the perishable product initially denied entry under paragraph (1) may be imported into the United States.

''(3) The Secretary shall by regulation establish criteria and procedures for the system described in paragraph (1). The Secretary may by regulation modify those criteria and procedures, as the Secretary determines appropriate.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 351(h) of the Public Health Service Act (42 U.S.C. 262(h)) is amended by striking ''section 801(e)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(e))'' and inserting ''section 801(f)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(f)(1))''.

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

(A) in paragraph (t), by striking ''section 801(d)(1)'' and inserting ''section 801(e)(1)''; and

(B) in paragraph (w)—

(i) by striking ''sections 801(d)(3)(A) and 801(d)(3)(B)'' and inserting ''subparagraphs (A) and (B) of section 801(e)(3)'';

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

(iii) by striking ''section 801(e)'' and inserting ''section 801(f)''.

(3) Section 303(b)(1)(A) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333(b)(1)(A)) is amended by striking ''section 801(d)(1)'' and inserting ''section 801(e)(1)''.

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

(A) by striking ''section 801(e)(1)'' and inserting ''section 801(f)(1)''; and

(B) except as provided in subparagraph (A), by striking ''section 801(e)'' each place it appears and inserting ''section 801(f)''.

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

(A) in subsection (a), in the third sentence, by striking ''subsection (b) of this section'' and inserting ''subsection (b) or subsection (d)(2)(A) (in the case of a perishable product 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)''; and

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

SEC. 102. PROHIBITION AGAINST THE DISTRIBUTION OF CERTAIN PERISHABLE PRODUCTS.

(a) ADULTERATED PERISHABLE PRODUCTS.—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—

''(A) it is a perishable product being imported or offered for import into the United States;

''(B) the perishable product has been designated by the Secretary for sampling, examination, or review for the purpose of determining whether the perishable product is in compliance with this Act;

''(C) the Secretary requires, under section 801(a)(2)(B), that the perishable product not be distributed until the Secretary authorizes the distribution of the perishable product; and

''(D) the perishable product is distributed before the Secretary authorizes the distribution.

''(2) In this paragraph, the term 'distributed', used with respect to a perishable product, means—

''(A) moved for the purpose of selling the perishable product, offering the product for sale, or delivering the product for the purpose of selling the product or offering the product for sale; or

''(B) delivered contrary to any bond requirement.''.

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

(1) in the third sentence, by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively;

(2) by striking ''(a) The'' and inserting ''(a)(1) The'';

(3) in the last sentence, by striking ''Clause (2)'' and inserting ''Subparagraph (B)'';

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

(5) in the sentence so moved, by striking ''The Secretary'' and inserting the following:

''(2)(A) The Secretary''; and

(6) by adding at the end the following:

''(B) The Secretary of Health and Human Services may require that a perishable product being imported or offered for import into the United States not be distributed until the Secretary authorizes distribution of the perishable product.''.

SEC. 103. REQUIREMENT OF SECURE STORAGE OF CERTAIN IMPORTED PERISHABLE PRODUCTS.

(a) ADULTERATED PERISHABLE PRODUCTS.—Section 402 of the Federal Food, Drug, and Cosmetic Act, as amended in section 102(a), is further amended by adding at the end the following:

''(i) If—

''(1) it is a perishable product being imported or offered for import into the United States;

''(2) the Secretary requires, under section 801(a)(2)(C), that the perishable product be held in a secure storage facility until the Secretary authorizes distribution of the perishable product; and

''(3) the perishable product is not held in a secure storage facility as described in section 801(a)(2)(C) until the Secretary authorizes the distribution.''.

(b) REQUIREMENT.—Section 801(a)(2) of the Federal Food, Drug, and Cosmetic Act, as amended in section 102(b), is further amended by adding at the end the following:

''(C)(i) The Secretary of Health and Human Services may require that a perishable product that is being imported or offered for import into the United States be held, at the expense of the owner or consignee of the perishable product, in a secure storage facility until the Sec-

retary authorizes distribution of the perishable product, if the Secretary makes the determination that the perishable product is—

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

''(II) owned by or consigned to a person described in clause (ii).

''(ii) An importer, owner, or consignee referred to in subclause (I) or (II) of clause (i) is a person against whom the Secretary of the Treasury has assessed liquidated damages not less than twice under subsection (b) for failure to redeliver, at the request of the Secretary of the Treasury, a perishable product subject to a bond under subsection (b).''.

SEC. 104. REQUIREMENT OF ADMINISTRATIVE DESTRUCTION OF CERTAIN PERISHABLE PRODUCTS.

(a) ADULTERATED PERISHABLE PRODUCTS.—Section 402 of the Federal Food, Drug, and Cosmetic Act, as amended in section 103(a), is further amended by adding at the end the following:

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

''(1) it is a perishable product being imported or offered for import into the United States;

''(2) the perishable product poses a strong likelihood of causing serious adverse health consequences or death;

''(3) the Secretary, after the perishable product has been refused admission under section 801(a), requires under section 801(a)(2)(D) that the perishable product be destroyed; and

''(4) the owner or consignee of the perishable product fails to comply with that destruction requirement.''.

(b) REQUIREMENT.—Section 801(a)(2) of the Federal Food, Drug, and Cosmetic Act, as amended in section 103(b), is further amended by adding at the end the following:

''(D) The Secretary of Health and Human Services may require destruction, at the expense of the owner or consignee, of a perishable product imported or offered for import into the United States that poses a strong likelihood of causing serious adverse health consequences or death.''.

SEC. 105. PROHIBITION AGAINST PORT SHOPPING.

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

''(k) If it is an article that is a perishable product being imported or offered for import into the United States, and the article previously has been refused admission under section 801(a), unless the person reoffering the article affirmatively establishes, at the expense of the owner or consignee of the article, that the article complies with the applicable requirements of this Act, as determined by the Secretary.''.

SEC. 106. PROHIBITION OF IMPORTS BY DEBARRED PERSONS.

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

''(l) If it is a perishable product being imported or offered for import into the United States by a person debarred under section 306(b)(4).''.

SEC. 107. AUTHORITY TO MARK REFUSED ARTICLES.

(a) MISBRANDED PERISHABLE PRODUCTS.—Section 403 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343) is amended by adding at the end the following:

''(t) If—

''(1) it has been refused admission under section 801(a);

''(2) the perishable product has not been required to be destroyed under subparagraph (A) or (B) of section 801(a)(2); and

''(3) the packaging of the perishable product does not bear a label or labeling described in section 801(a)(2)(E).''.

(b) REQUIREMENT.—Section 801(a)(2) of the Federal Food, Drug, and Cosmetic Act, as amended in section 104(b), is further amended by adding at the end the following:

''(E) The Secretary of Health and Human Services may require the owner or consignee of a perishable product that has been refused admission under paragraph (1), and has not been required to be destroyed under subparagraph (A) or (B), to affix to the packaging of the perishable product a label or labeling that—

''(i) clearly and conspicuously bears the following statement: 'United States: Refused Entry.';

''(ii) is affixed to the packaging until the perishable product is brought into compliance with this Act; and

''(iii) has been provided at the expense of the owner or consignee of the perishable product.''.

SEC. 108. EXPORT OF REFUSED ARTICLES.

Paragraph (2)(A) of section 801(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(a)), as designated in section 102(b), is amended by striking ''ninety days'' and inserting ''30 days''.

SEC. 109. COLLECTION AND ANALYSIS OF SAMPLES OF CERTAIN IMPORTS.

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

''(h) The Secretary may issue regulations or guidance as necessary to govern the collection and analysis by entities other than the Food and Drug Administration of samples of perishable products imported or offered for import into the United States to ensure the integrity of the samples collected and the validity of the analytical results.''.

SEC. 110. DEFINITION.

Section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321) is amended by adding at the end the following:

''(kk) The term 'perishable product' means an article that is described in subparagraph (1), (2), or (3) of paragraph (f) and that is not a dietary supplement. The term shall not include an article to the extent that the Secretary of Agriculture exercises inspection authority over the article at the time of import into the United States.''.

TITLE II—ENFORCEMENT AND PENALTIES FOR IMPORTING CONTAMINATED PERISHABLE PRODUCTS

SEC. 201. ENHANCED BONDING REQUIREMENTS FOR PRIOR INVOLVEMENT IN IMPORTING ADULTERATED OR MISBRANDED PERISHABLE PRODUCTS.

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

(1) by inserting ''(1)'' after ''(b)''; and

(2) by adding at the end the following:

''(2)(A) The Secretary of the Treasury, acting through the Commissioner of Customs, shall issue regulations that establish a rate for a bond required to be executed under paragraph (1) for an article that is a perishable product if an owner, consignee, or importer of the article has committed a covered violation.

''(B) The regulations shall require the owner or consignee to execute such a bond—

''(i) at twice the usual rate; or

''(ii) if the owner, consignee, or importer has committed more than 1 covered violation, at a rate that increases with the number of covered violations committed, as determined in accordance with a sliding scale established in the regulations.

''(C) In this paragraph:

''(i) The term 'committed' means been convicted of, or found liable for, a violation by an appropriate court or administrative officer.

''(ii) The term 'covered violation' means a violation relating to—

''(I) importing or offering for import into the United States—

''(aa) an article that is a perishable product during a period of debarment under section 306(b)(4);

''(bb) an article that is a perishable product and that is adulterated within the meaning of paragraph (h), (i), (j), (k), or (l) of section 402; or

''(cc) an article that is a perishable product and that is misbranded within the meaning of section 403(t); or

''(II) making a false or misleading statement in conduct relating to the import or offering for import of a perishable product into the United States.

''(iii) The term 'usual rate', used with respect to a bond, means the rate that would be required

under paragraph (1) for the bond by a person who has not committed a covered violation.''.

SEC. 202. DEBARMENT OF REPEAT OFFENDERS AND SERIOUS OFFENDERS.

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

(1) in paragraph (1), in the paragraph heading, by striking ''IN GENERAL.—'' and inserting ''DEBARMENT FOR VIOLATIONS RELATING TO DRUGS.—'';

(2) in paragraph (2), in the paragraph heading, by striking ''PERSONS SUBJECT TO PERMISSIVE DEBARMENT.—'' and inserting ''PERSONS SUBJECT TO PERMISSIVE DEBARMENT FOR VIOLATIONS RELATING TO DRUGS.—'';

(3) in paragraph (3), in the paragraph heading, by striking ''STAY OF CERTAIN ORDERS.—'' and inserting ''STAY OF CERTAIN ORDERS RELATING TO DEBARMENT FOR VIOLATIONS RELATING TO DRUGS.—''; and

(4) by adding at the end the following:

''(4) DEBARMENT FOR VIOLATIONS RELATING TO IMPORTS OF PERISHABLE PRODUCTS.—

''(A) IN GENERAL.—The Secretary may debar a person from importing a perishable

product or offering a perishable product for import into the United States, if—

''(i) the Secretary finds that the person has been convicted for conduct that is a felony under Federal law and relates to the importation or offering for importation of any perishable product into the United States; or

''(ii) the Secretary makes a written determination that the person has repeatedly or deliberately imported or offered for import into the United States a perishable product adulterated within the meaning of paragraph (h), (i), (j), or (k) of section 402, or misbranded within the meaning of section 403(t).

''(B) IMPACT.—On debarring a person under subparagraph (A), the Secretary shall provide notice of the debarment to the Secretary of the Treasury, who shall deny entry of a perishable product offered for import by the person.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

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

(A) in subsection (c)—

(i) in paragraph (1)—

(I) in subparagraph (B), by striking ‘‘, and’’ at the end and inserting a comma;

(II) by redesignating subparagraph (C) as subparagraph (D); and

(III) by inserting after subparagraph (B) the following:

‘‘(C) shall, during the period of a debarment under subsection (b)(4), prohibit the debarred person from importing a perishable product or offering a perishable product for import into the United States, and’’;

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

‘‘(iv) The period of debarment of any person under subsection (b)(4) shall be not less than 1 year.’’; and

(iii) in paragraph (3)—

(I) in subparagraph (C)—

(aa) by striking ''suspect drugs'' and inserting ''suspect drugs or perishable products''; and

(bb) by striking ''fraudulently obtained'' and inserting ''fraudulently obtained or on a perishable product wrongfully imported into the United States''; and

(II) in subparagraph (E), by inserting ''in the case of a debarment relating to a drug,'' after ''(E)'';

(B) in subsection (d)—

(i) in paragraph (3)—

(I) in subparagraph (A)—

(aa) in clause (i), by striking ''or (b)(2)(A)'' and inserting ''or paragraph (2)(A) or (4) of subsection (b)''; and

(bb) in clause (ii)(II), by inserting ''in the case of a debarment relating to a drug,'' after ''(II)''; and

(II) in subparagraph (B)—

(aa) in clause (i), by striking ''or clause (i), (ii), (iii) or (iv) of subsection (b)(2)(B)'' and inserting '', clause (i), (ii), (iii), or (iv) of subsection (b)(2)(B), or subsection (b)(4)''; and

(bb) in clause (ii), by striking ''subsection (b)(2)(B)'' and inserting ''paragraph (2)(B) or (4) of subsection (b)''; and

(ii) in paragraph (4)—

(I) in subparagraph (A), by striking ''(a)(2)'' and inserting ''(a)(2) or (b)(4)'';

(II) in subparagraph (B)—

(aa) in clause (ii), by striking ''involving the development or approval of any drug subject to section 505'' and inserting ''involving, as appropriate, the development or approval of any drug subject to section 505 or the importation of any perishable product''; and

(bb) in clause (iv), by striking ''drug'' each place it appears and inserting ''drug or perishable product''; and

(III) in subparagraph (D), in the matter following clause (ii), by inserting '', in the case of a debarment relating to a drug,'' before ''protects''; and

(C) in subsection (l)(2), in the second sentence, by striking ''(b)(2)(B)'' and inserting ''(b)(2)(B), subsection (b)(4),''.

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

SEC. 203. INCREASED ENFORCEMENT TO IMPROVE THE SAFETY OF IMPORTED PERISHABLE PRODUCTS.

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

''SEC. 712. POSITIONS TO IMPROVE THE SAFETY OF IMPORTED PERISHABLE PRODUCTS.

''There is authorized to be appropriated such sums as may be necessary for each of fiscal years 2000 through 2002 to enable the Commissioner, in carrying out chapters IV and VIII, to decrease the health risks associated with imported perishable products through the creation of additional employment positions for laboratory, inspection, and compliance personnel.''.

TITLE III—IMPROVEMENTS TO PUBLIC HEALTH INFRASTRUCTURE AND AWARENESS

SEC. 301. IMPROVEMENTS.

Title II of the Public Health Service Act (42 U.S.C. 202 et seq.) is amended by adding at the end the following:

''PART C—PUBLIC HEALTH INFRASTRUCTURE AND AWARENESS

''SEC. 251. DEFINITIONS.

''In this part:

''(1) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

''(2) PERISHABLE PRODUCT.—The term 'perishable product' has the meaning given the term in

section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

''(3) SECRETARY.—The term 'Secretary' means the Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention.

"SEC. 252. PUBLIC HEALTH SURVEILLANCE ENHANCEMENT.

''(a) IN GENERAL.—The Secretary may—

''(1) make grants to, enter into cooperative agreements with, and provide technical assistance to eligible agencies to enable the agencies to enhance their capacity to carry out activities relating to surveillance and prevention of pathogen-related disease borne in a perishable product, particularly pathogen-related disease associated with imported perishable products, as described in subsection (b)(1); and

''(2) carry out the activities described in subsection (b)(2).

''(b) USE OF ASSISTANCE.—

''(1) AGENCIES.—An eligible agency that receives assistance under subsection (a) shall use the assistance to enhance the capacity of the agency—

''(A) to identify, investigate, and contain threats of pathogen-related disease borne in a

perishable product, particularly pathogen-related disease associated with imported perishable products; and

''(B) to conduct additional surveillance and studies to address prevention and control of the disease.

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

''(A) to assist an agency described in paragraph (1) in enhancing the capacity described in paragraph (1) by providing standards, technologies, information, materials, and other resources; and

''(B) to enhance national surveillance systems, including the ability of domestic and international agencies and entities to respond to safety issues associated with imported perishable products that are identified through such systems.

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

''(d) APPLICATION.—To be eligible to receive assistance under subsection (a)(1), an agency shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

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

''SEC. 253. PATHOGEN DETECTION RESEARCH AND DEVELOPMENT.

''(a) IN GENERAL.—The Secretary shall award grants to universities, nonprofit corporations, and industrial partners to develop new or improved methods for detecting and subtyping emerging pathogens (borne in perishable products) in human specimens, perishable products, and relevant environmental samples and to encourage the rapid development of food safety monitoring sensors capable of detecting biological and chemical contaminants.

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

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

''(1) $50,000,000 for fiscal year 2002; and

''(2) such sums as are necessary for each subsequent fiscal year.

''SEC. 254. TRAINING, EDUCATION, AND PUBLIC INFORMATION.

''(a) IN GENERAL.—The Secretary may—

''(1) make grants and enter into contracts with eligible entities, to support training activities and other collaborative activities with the entities to inform health professionals about disease borne in perishable products, including strengthening training networks serving State, local, and private entities; and

''(2) increase and improve the activities carried out by the Centers for Disease Control and Prevention to provide information to the public on disease borne in perishable products.

''(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant or enter into a contract under subsection (a), an entity shall be a medical school, a nursing school, an entity carrying out clinical laboratory training programs, a school of public health, another institution of higher edu-

cation, a professional organization, or an international organization.

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

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

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

''SEC. 255. INTERNATIONAL PUBLIC HEALTH TRAINING AND TECHNICAL ASSISTANCE.

''(a) IN GENERAL.—The Secretary shall, directly or by agreement, provide training and technical assistance to agencies and entities in foreign countries, to strengthen the surveillance and investigation capacities of the agencies and entities relating to disease borne in perishable products, including establishing or expanding activities or programs such as the Field Epidemiology and Training

Program of the Centers for Disease Control and Prevention.

''(b) APPLICATION.—To be eligible to enter into an agreement under subsection (a), an entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

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

''SEC. 256. SUPPLIES AND SERVICES IN LIEU OF GRANT FUNDS.

''(a) IN GENERAL.—On the request of a recipient of assistance under section 252, 253, 254, or 255, the Secretary may, subject to subsection (b), provide supplies, equipment, and services for the purpose of aiding the recipient in carrying out the section involved and, for such purpose, may detail to the grant recipient any officer or employee of the Department of Health and Human Services. Such detail shall be without interruption or loss of civil service status or privilege.

''(b) CORRESPONDING REDUCTION IN PAYMENTS.—With respect to a request described in subsection (a), the Secretary shall reduce the amount of payments under the

section involved by an amount equal to the cost of detailing the officer or employee and the fair market value of the supplies, equipment, or services provided by the Secretary. The Secretary shall, for the payment of expenses incurred in complying with such a request, expend the amounts withheld.''.

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