

108TH CONGRESS  
2D SESSION

# H. R. 4665

To protect America's food supply and facilitate lawful importation of safe and unadulterated food products.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 23, 2004

Mr. CONYERS (for himself and Ms. HARRIS) introduced the following bill;  
which was referred to the Committee on Energy and Commerce

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## A BILL

To protect America's food supply and facilitate lawful importation of safe and unadulterated food products.

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; FINDINGS.**

4       (a) SHORT TITLE.—This Act may be cited as the  
5       “Importation of Safe Food Act of 2004”.

6       (b) FINDINGS.—The Congress finds as follows:

7               (1) The Public Health Security and Bioter-  
8       rorism Preparedness and Response Act of 2002  
9       (Public Law 107–188) provided the Secretary of  
10       Health and Human Services with the authority and

1 mandate to protect United States borders against  
2 threats posed by the potential of unsafe food articles  
3 entering America's food supply.

4 (2) Many legitimate importers of unadulterated  
5 and safe food articles posing no risk to the health  
6 or safety of animals or humans will be unable to  
7 comply with the regulations enacted or proposed to  
8 be fully enforced by the Secretary as a result of cer-  
9 tain of the requirements placed upon the Secretary  
10 as set forth in such Act.

11 (3) It is incumbent upon the Congress to fully  
12 enable the Secretary to protect Americans from all  
13 threats posed or that may potentially be posed by  
14 food articles entering ports of entry into the United  
15 States.

16 (4) It is equally incumbent upon the Congress  
17 to ensure that the protections enacted by the Sec-  
18 retary do not unduly and unnecessarily hinder legiti-  
19 mate commercial activity that poses no such threat  
20 to the health or safety of American consumers or po-  
21 tential consumers.

22 **SEC. 2. REGISTRATION OF FOOD FACILITIES.**

23 (a) IN GENERAL.—Section 415(a) of the Federal  
24 Food, Drug, and Cosmetic Act (21 U.S.C. 350d(a)), as

1 added by section 305(a) of Public Law 107–188, is  
2 amended—

3 (1) in paragraph (1), by inserting “or for ex-  
4 port from the United States” after “consumption in  
5 the United States”; and

6 (2) in paragraph (4), by adding at the end the  
7 following: “Nothing in this paragraph may be con-  
8 strued as preventing the Secretary from verifying  
9 compliance with this section.”.

10 (b) IMPORTATION; FAILURE TO REGISTER.—Section  
11 801(l) of the Federal Food, Drug, and Cosmetic Act (21  
12 U.S.C. 381(l)), as added by section 305(c) of Public Law  
13 107–188, is amended by striking “(l)(1) If” and all that  
14 follows through “has not” in the first sentence and insert-  
15 ing the following: “(l) If an article of food is being im-  
16 ported or offered for import into the United States, and  
17 the Secretary is unable to verify that the article is from  
18 a foreign facility for which a registration has”.

19 **SEC. 3. PRIOR NOTICE OF IMPORTED FOOD SHIPMENTS.**

20 Section 801(m) of the Federal Food, Drug, and Cos-  
21 metic Act (21 U.S.C. 381(m)), as added by section 307(a)  
22 of Public Law 107–188, is amended—

23 (1) in paragraph (1), in the first sentence—

24 (A) by striking “identity of each of the fol-  
25 lowing:” and inserting “identity of each of the

1 following by whatever means available to the  
2 importer:”; and

3 (B) by inserting “the name and address  
4 of” before “the manufacturer and shipper”; and  
5 (2) in paragraph (3), by adding at the end the  
6 following subparagraph:

7 “(C) This subsection may not be construed  
8 as authorizing the Secretary, without additional  
9 reason or cause, to deny importation of any  
10 food article solely on the basis of an incomplete  
11 or otherwise inaccurate notice under paragraph  
12 (1), provided such notice contains verifiable in-  
13 formation for the Secretary to determine wheth-  
14 er there is any credible evidence or information  
15 indicating that such article presents a threat of  
16 serious adverse health consequences or death to  
17 humans or animals.”.

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