

so-small steps for a few people here in Congress and in America. We have one giant leap for mankind to come. But we have got a great start, and this is going to help Americans, both their environment, their security and their economy, and that is three bold steps.

Thanks for your participation, Mr. KLEIN.

#### THE GROWING AND DISTURBING TREND OF FOOD AND CONSUMER PRODUCT SAFETY RECALLS

THE SPEAKER pro tempore (Mr. ALTMIRE). Under the Speaker's announced policy of January 18, 2007, the gentleman from Texas (Mr. BURGESS) is recognized for 60 minutes.

Mr. BURGESS. Mr. Speaker, I wanted to come to the floor tonight and discuss a growing problem that we seem to be seeing, a disturbing trend in food and consumer product safety recalls.

Mr. Speaker, the danger is very real. It has been widely documented, discussed in the media, in committee hearings, and around the water cooler at work. We have just come through a summer of recall after recall after recall after recall.

What is the upshot of this, Mr. Speaker? The upshot is that parents are afraid. Parents are afraid that their children are playing with lead-tainted toys. Parents are afraid that magnets in toys or charms may cause internal damage if a child accidentally swallows them. Families are afraid that the food they feed their pets may actually have little bits of plastic in it and poison their beloved pet. People are afraid that their toothpaste may contain antifreeze and poison them. People are afraid that the fish they serve to their families may have dangerous levels of antibiotics contained within them.

Mr. Speaker, I could go on and on about specific concerns, but generally people are afraid. They are afraid about the source of these products and dangers, and rightfully so.

Mr. Speaker, people are afraid about defective products being imported into our country, and it seems like almost all of those imports come from a single source, a single country, the People's Republic of China.

Consumers' health and well-being are being endangered on two fronts; in the food we eat and the goods we use. I want to use some time tonight to talk about both fronts and what we in Congress are doing, what we have done, and what we should be doing to protect American families from harmful products.

Let's first consider the issue of consumer product safety recalls. It seems like the Nation has also turned its attention to this issue. Every time you turn on the TV, every time you open up a newspaper, you learn about yet another consumer product safety recall. While people are concerned generally about the issue of recalls, many people, many people, myself included, are concerned with the source of the recall.

Again, Mr. Speaker, I stress, it appears that the majority of recalled products originate in and from the People's Republic of China.

Now, I have signed up for e-mail notification for recalled products through the United States Consumer Product Safety Commission, and I seem to get almost daily e-mails announcing the latest recalls. And, yes, most of the recalled products were manufactured in China.

As a parent, as a physician, one recall that was announced last month was extremely disturbing. I am referring to the infamous recall that literally had a child's product, the Spin Master Aqua Dots, laced with the chemicals that are contained in the drug Rohypnol, the infamous date rape drug.

Mr. Speaker, it is an innocent enough looking product, an innocent enough looking toy, a little bit interesting. I bet if my daughters were still little, they would have loved this. However, while it may look innocent, this product is actually a wolf in sheep's clothing.

In the recall notification, and I encourage everyone to sign up for the recall notification at CPSC.Gov, the Consumer Product Safety Commission listed the injuries that these beads caused, these beads that were available just a few weeks ago on the shelf of any store that any of us could go to in our communities back home.

"The Consumer Product Safety Commission has received two reports over the last several days of children swallowing Aqua Dots. A 20-month-old child swallowed several dozen beads. He became dizzy and vomited several times before slipping into a comatose state for a period of time."

Well, that is a pretty serious situation. A 20-months-old child? It doesn't say how long the comatose state lasted, but I submit to you any length of time that a 20-month-old child spends in a comatose state is alarming, frightening, disturbing and upsetting to the parents. And to think it was caused by a toy that they bought to amuse their child, well, it is almost unthinkable, unthinkable as a parent, that that could happen.

A second child also ingested some dots, vomited and slipped into a comatose state and was hospitalized for 5 days.

Mr. Speaker, according to a report on ABC News, quoting here, "Scientists say a chemical coating on the beads, when ingested, metabolizes into the so-called date rape drug gamma hydroxy butyrate. When eaten, the compound, made from common and easily available ingredients, can induce unconsciousness, seizures, drowsiness, coma and death."

While it is not yet clear how the chemical wound up in the child's product, it is clear, it is very clear, where this product was manufactured. It was manufactured in the People's Republic of China.

Now, Mr. Speaker, we are here working away trying to finish up our business, because Christmas is right around the corner, and with the Christmas season upon us, I cannot help but think there has to be a huge market in this country for something that not only doesn't say "made in the People's Republic of China," but says "made in America," "made in America" on the toy, on the goods that we buy. Wouldn't that be something?

I encourage retailers to stock as many "made in America" products as they can. Since the majority of products that are being recalled this year were made in China, this year, this year my family and I have made the personal decision to try not to buy anything with the "made in China" label. Given all of the circumstances, it seems like the right thing to do for my family. And I am certain that other American families have come to a very similar conclusion. You can't turn on the television at night without hearing Lou Dobbs talk about this, and I bet his family is one of those families as well.

Mr. Speaker, let's look at just a few of the products that have been recalled, shall we? The concern about these imported products is real and it has been substantiated with real data. The United States Consumer Product Safety Commission, which is tasked with the job of trying to safeguard our society from unreasonable risk of injury and death associated with consumer products, informed me in that in fiscal year 2007 there were a record-breaking 472 consumer product safety recalls. Of the 472 recalls, more than 60 percent, over half, were manufactured in the People's Republic of China.

Mr. Speaker, more than 60 percent of all recalled products this past year were made in China.

Furthermore, of the 472 total consumer product recalls, 61 of those recalls affected our most innocent and vulnerable members of society, our children. Sixty-one consumer product recalls were toys. And how many of those products were manufactured in the People's Republic of China, you might ask? Well, Mr. Speaker, I am glad you did. That figure is even more staggering. In the United States, the Consumer Product Safety Commission estimated that over 90 percent of the toy recalls originated in the country of China. It is clearly now becoming a common business practice for Chinese toys.

So here is the question: Does the label "made in China" translate into "this product may be hazardous to your health or to your child's health?" Here they are, just a few of the products. This poster was actually made a little bit earlier, it was close to Halloween and you see some Halloween type motifs here, but products that any child would delight in owning. But these are products that have been found to be unsafe and recalls have been issued by the Consumer Product Safety Commission.

Well, let's look at a little bit more recent picture. How about today? Is that recent enough? December 11, 2007. From today's Wall Street Journal, "China stands for quality" was the title of the piece, and it had this cute little teddy bear cartoon associated with the article.

In the article, China's Vice Premier says some interesting things, and I would like to share some of those interesting things with you tonight, Mr. Speaker, and perhaps I will even offer an opinion or two about those claims.

First she says, "The Chinese government takes product quality and food safety seriously." I say prove it.

She also states, quoting again, "China has come a long way in strengthening product quality and food safety control supervision." I would tell you, I would submit that that country has not gone nearly far enough in this regard.

Here is the kicker, Mr. Speaker. She ends the piece by saying, and I am going to paraphrase here for brevity, China will live up to its responsibilities, but we would appreciate understanding, support and help from our trade partners. That is the end of the paraphrase.

Well, Mr. Speaker, with all due respect, with all due respect, we are past the point of understanding. Mr. Speaker, there are lives on the line. These are the lives of our friends, our neighbors, our children, our neighbors' children. It is time, it is time, Mr. Speaker, that we act, that we act in this Congress.

Mr. Speaker, I previously was a physician in my former life before coming to Congress 5 years ago, just a simple country doctor. But you have got to keep asking yourself over and over again, what can we do to protect ourselves and our families? For the safety of our families, we have to get to the bottom of what is the cause behind all of these recalls.

Mr. Speaker, I am a member of the House Energy and Commerce Committee. I sit on four subcommittees that have conducted intense investigations on the issues of food and product safety matters. One subcommittee on which I serve, the Commerce, Trade, and Consumer Protection Subcommittee, which has jurisdiction over consumer product safety issues, has systematically investigated this issue this past fall.

We passed individual bills recently that have dealt with specific issues of consumer product safety concerns, including a bill that I amended in order to increase the safety of ornamental pools in our parks and public spaces in our cities.

The House Energy and Commerce Committee will be marking up bipartisan legislation later this week that will strengthen the consumer product safety system in this country. Mr. Speaker, the bill is H.R. 4040, for those keeping score at home, the Consumer Product Safety Modernization Act, and

almost 80 other Members of this body have cosponsored the legislation, and I am an original cosponsor of the legislation as well.

It is an important piece of legislation, and it has, as promised, promised by our chairman of the subcommittee, it has come through the regular process. All Members have a chance to comment and, if they wish, to submit amendments, to try to make amendments to try to perfect this important bill. This, quite honestly, is the way we should formulate legislation. Not just in the Committee on Energy and Commerce, but in the whole House as well. I want to thank the leadership of the House Energy and Commerce Committee for being committed to the legislative process, because I think it has worked and served to make this a better bill as it has come through the process.

The version in the House is truly a bipartisan effort. I commend the chairman of the full committee, Chairman DINGELL, and Ranking Member BARTON, for their participation and leadership in getting the process to this point.

I would also like to commend the United States Consumer Product Safety Commission Acting Commissioner Chairwoman Nancy Nord for her honest assistance in trying to get a good bill through the committee. We asked for technical assistance and we asked for constructive criticism, and it was provided to us.

Mr. Speaker, in H.R. 4040, the Consumer Product Safety Modernization Act, the House was able to craft a comprehensive, commonsense bill that boosts the funding for the Consumer Product Safety Commission. It boasts their personnel. It bans lead in children's products. It requires third party testing. It increases the penalties for those that break the law.

H.R. 4040, again which has almost 80 bipartisan cosponsors, also has the support from consumer groups, industry, and in fact from the Consumer Product Safety Commission. The full committee, the Committee on Energy and Commerce, has realized finally that in order to protect our children, we have to work together.

□ 2300

We were able to put politics aside and do it in a very pragmatic, cooperative way. The House, the Consumer Product Safety Commission, the consumer groups, and the industry all worked together to get this done. A lot has been reported about a bill in the Senate, but in reality it is because our House committee worked in such a cooperative manner with all of the stakeholders that we are now just perched on the very threshold, literally the eve, of passing H.R. 4040 through our committee. The Senate hasn't been able to do this, so the legislation may languish a bit longer, but I hope they take the lead from this inspired and bipartisan piece of legislation.

Now, both sides of the aisle, both sides of the dais in the committee had to compromise on several things, but I don't believe we ever compromised the safety of our children. I am an original cosponsor of the bill; I don't think it is a perfect bill. I have proposed amendments in the subcommittee process, and I am going to propose amendments when we mark the bill up later this week. For instance, I firmly believe that we have to improve the United States Consumer Product Safety Commission's ability to notify consumers and retailers about dangerous products more quickly and in a much broader scope.

During a hearing earlier this year with the chief executive officer of a large toy company in this country, I started wondering about some of the nonprofits in my district, people that do good work. They collect items for resale; they sell a large amount of resale items and collect money for other good works that they do. But I wondered, how do they find out about recalls? If the product is recalled, do they know it? Will they be able to remove it from their shelves so it doesn't then pass into the hands of some other unsuspecting consumer or child? And if they don't know about them, what can we do? What can we do in the United States Congress to make sure that they are indeed aware?

Well, after discussing this issue, I must tell you, I have got an outstanding nonprofit corporation in my district back in Denton County, back in north Texas, Christian Community Action. After talking about it with them, I became very concerned that there may be a large group of people and associations that are not receiving the information about product recalls in a timely manner. As we all know, products are recalled because they have been found to have some element of danger to the consumer, and they need to be immediately discarded or handled in some other way.

Nonprofits like the Salvation Army, Goodwill, and my own community Christian Community Action, and even smaller nonprofits that serve an even more specialized segment of the community, they provide many valuable resources. Often, these nonprofits run second-hand retail shops to additionally help some of the neediest members of society, certainly members of society that you really don't want a recalled product ending up in their hands. However, as I said before, I have been informed by some of the nonprofits in my district that, through no fault of their own, they are unaware of the recalls. And, therefore, the fear is that they may inadvertently sell a recalled product to a family or to an individual or to a child.

This gap had to be closed, and I was able to offer an amendment that subsequently was accepted and the amendment will help us close the gap. This happened in the subcommittee markup on the Commerce, Trade, and Consumer Protection Subcommittee. That

amendment makes it unequivocally clear that the United States Consumer Product Safety Commission must reach out and educate second-hand retailers, like Christian Community Action back home in my district, and must provide additional educational materials about the recalls. This new provision will help make our second-hand retail shops safer, and that makes our communities safer. It makes our children safer.

Now, I am pleased that the amendment was accepted, and I have also been working on other ideas. I want to talk about them just a little bit more in a moment. But I have also introduced legislation dealing with food imports, which basically will give the Food and Drug Administration a big red button to push to be able to stop a dangerous food or drug from entering the country. We see the little teddy bear coming down a conveyor belt there. Well, if we know that the teddy bear has got rohypnol in his running shoes or polonium in his paws or formaldehyde in his fur, we want to be able to stop this product from coming into the country. And this is something that I have become very concerned about.

I want to give similar authority to the Food and Drug Administration to give them a big red button to push to stop dangerous foods from entering the country. At a hearing that we had at the beginning of November, I asked Chairwoman Nord if she had the authority, that same authority for the Consumer Safety Commission that I was trying to give to the FDA, and she said no.

Therefore, over the past several weeks I have been working on trying to incorporate these same ideas into H.R. 4040, which, again, deals with consumer product safety. So this Thursday, when we do our markup in full committee on H.R. 4040, I will be offering two additional amendments at the full committee markup.

Right now, the current law lists five ways that an imported product can be refused admission into the United States. Now, I was somewhat chagrined to learn that the list did not include products that had been recalled. That seems just common sense. Do we ever need that stop button. We need to stop dangerous products from other countries from entering into our shores and certainly from entering into our stream of commerce. It seems to be common sense that products that have been found to be dangerous should be stopped at the border and denied entrance into this country; but, unfortunately, that is not always the case.

And think about that for a minute, Mr. Speaker. You have got a product that has been recalled because it has lead in some part of the product, but we don't stop it from coming into this country. What happens to all that stuff? It accumulates in a warehouse somewhere, presumably. Presumably it is not diverted into the stream of com-

merce at some point along the line. But even just aggregating a lead contaminated product in a warehouse somewhere means at some point someone has got to do something with it. They can't just keep paying rent on a warehouse for a product that is not moving and not going anywhere and not making them any money. This product is going to have to be destroyed.

Well, you can't bury it in a landfill because then you contaminate the groundwater. You can't burn it because then it goes in the air; we all breathe it. We know that is not a good thing for a lead-contaminated product. We need to stop that stuff from even coming into our country.

So I will be offering an amendment that would immediately add recalled products to the list of reasons as to why a product should be refused admission. I know it sounds simplistic and that is something that should already be done, but apparently that is not the case.

Unfortunately, while the leadership of the committee agrees that the stop button approach has much merit, to avoid possible violations of trade laws, and for the life of me I don't know why we would be concerned about that; it seems like someone is violating the trade laws on the other end. But the committee thinks, in order to avoid violations of trade laws, that we need to hold an additional hearing on this very subject on this idea before enactment.

I am going to offer the amendment when we mark up the bill on Thursday. Because of this concern, it likely will not be accepted. And I would like to get the understanding from the committee that we have got to go forward with this idea and enact legislation that will give the Federal Government a true measure, a true way to stop dangerous products from other countries, from coming into our country and hurting our families and our children.

Now, while this amendment may not be successful this run, I have been able to gather support from the committee on another and equally important amendment. As I mentioned before, right now, current law in the United States of America, there are five ways that a product can be refused admission into the United States. As I began my study of this section of the law, my first question was: If the Federal Government already has a law in place to stop harmful imported products from entering the United States of America, then why, why, why are we seeing recall after recall after recall, a record-breaking number of recalled products being manufactured and imported into this country?

The second question was: What types of inefficiencies are there in the laws that need to be remedied?

Well, after looking at a list of the five ways we could refuse admission of an imported product, two of the five ways immediately caught my atten-

tion. The law reads that a product can be refused admission if the product "is or has been determined to be an imminently hazardous consumer product in a proceeding."

Now, what does that mean? Well, the law defines an imminently hazardous consumer product as a consumer product which presents imminent and unreasonable risk of death, serious illness, or severe personal injury.

I think it fits the bill. So the Federal Government already has a way to stop products from entering into America if they pose a risk of death, serious illness, or serious injury.

When I originally learned of this, I thought that this section of the law could and should keep Americans safe. But when I asked the United States Consumer Product Safety Commission how many times the law had actually been used, the answer was five times. Five times. Mr. Speaker, do you want to hazard a guess when the last time this law was used? Let me give you a hint: Ronald Reagan was President of the United States. The year 1998 was the last time the law was used.

Realizing that this section posed an incredibly high bar in order for it to be used, especially since a proceeding had to be held prior to enforcement, I turned to the next way that a product could be denied admission. The law also reads that "a product can be refused admission," and again quoting here, "if it has a product defect which constitutes a substantial product hazard."

Again, what do they mean by that? The law defines a substantial product hazard as a product defect which, because of the pattern of the defect, the number of defective products distributed in commerce, and the severity of the risk or otherwise creates a substantial risk of injury to the public.

It seems to be a little bit lower bar, to me, so I thought surely, surely this section could be used to keep Americans safe. Well, I was wrong again. The United States Consumer Product Safety Commission did not have the exact number of times that this section had been used to deny admission of imported products, but the information I got back was that it was "rarely used." Rarely used. Rarely used. Rarely used to protect Americans from dangerous products.

Well, Mr. Speaker, as a Member of Congress, if we see inefficiencies in the law, we have a duty to make changes, to make changes in the law to make it work, make it more efficient.

I don't pretend to have all of the answers to make this law more perfect, but I know that we must do something to increase the effectiveness of these provisions. Americans are relying on us. Americans are relying on their Members of Congress, on the United States Congress to do just that. Therefore, I will be offering an amendment to our bill when we mark it up on Thursday to H.R. 4040 that will require the United States Consumer Product

Safety Commission to study the effectiveness of these five ways to refuse admission of an imported product, especially the first two ways that I just went over: the Commission must report back to Congress on a specific strategy, including any new legislation needed to implement such a plan which will be used to increase the effectiveness of their ability to stop unsafe products from entering into the United States.

I have been informed that I have the support of the leadership of the committee on a bipartisan basis to allow this, what I consider a very vital amendment, very basic but vital amendment to go forward. We desperately need a way to stop defective products at our borders. The American public should know that these products will not come into this country. I want the American people to know that I for one am not going to stop working on this until we have the problem solved.

Let's move on from our friend the teddy bear. And just as a matter of public service, while we continue to work on legislation regarding consumer product safety, Mr. Speaker, I realize that I can't speak directly to people who might be watching on C-SPAN, whether they be Members of Congress or just ordinary Americans; but if I could speak to them in their living rooms, what I would want to say is I would encourage them to sign up for product recall alerts. It is easy, it is free, and it can save a life. If you have access, again, Mr. Speaker, if I were able to speak directly to people watching this on C-SPAN or Members watching in their office, I would say that if you have access to the Internet or if you have access to e-mail, all you need to do to receive these alerts is go to the Consumer Product Safety Commission's home page, which is [www.cpsc.gov](http://www.cpsc.gov), and sign up for free recall and safety news. Again, the Web address, [www.cpsc.gov](http://www.cpsc.gov), and you can sign up for the product alerts. I have done that. You get about an alert a day. It is a little disconcerting at first, but it is important information. And the Consumer Product Safety Commission also has a neighborhood safety network which is for organizations, for civic-minded individuals to help disseminate information about recalls, provide posters to members of society who may not be aware that the recall has happened and that the recall may affect products that they have in their home.

Mr. Speaker, we all know education can save lives. Unfortunately, though, certain groups of Americans, some of them elderly, some of them living in urban settings, some living in very rural settings, and I have got both in my district, some low-income families, minority groups, often don't hear about the safety messages from the government, and so we need additional ways of outreach.

□ 2315

Please, I would ask, Mr. Speaker, we ask our fellow Members of Congress to

help make communities safer by getting the word out about product recalls.

I am a member of the Neighborhood Safety Network and we disseminate information about recalls via my Web site, [www.house.gov/burgess](http://www.house.gov/burgess).

Mr. Speaker, we have talked a lot about consumer product safety recalls. Let's talk about food safety. You think it is the same thing, but it is an entirely different process. We have had so much discussion about this that I feel people probably are asking is Congress doing anything, has Congress paid any attention to the safety of the food we eat?

The answer is, yes, we have paid a lot of attention. We haven't got a lot of press about it, but I am again a member of the Energy and Commerce Committee, and we are pursuing an active investigation and then subsequent legislation to confront the problem. As a member of the Oversight Investigation Subcommittee, we have taken an active role in investigating the safety of our Nation's food supply.

In August, our subcommittee sent a bipartisan group of investigators to China to see firsthand some of the causes of the problem. In the committee's staff report, the investigators came to the following conclusion from their trip and investigation thus far. Quoting directly from the staff report:

Number one, it would appear that the Chinese food safety supply chain does not meet international safety standards. It is, in fact, responsible for very serious domestic Chinese food poisoning outbreaks. It is happening in their own backyard.

Number two, findings of the bipartisan field investigators, the Chinese government appears to be determined to avoid embarrassing food safety outbreaks in export markets due to the damaging and potentially lasting effect this would have upon their "Made in China" branding.

Well, that is pretty powerful. In fact, Mr. Speaker, if I can digress for a moment, you almost wish if American importers and manufacturers had that same concern about what damage they may do to their individual brands by continuing to import, albeit inexpensive products, but products that aren't safe.

Americans want to feel safe. If it cost an extra \$1 for a Barbie doll, I bet they are willing to fork that out.

Finding number three, the lack of meaningful regulation of farming and food processing in China and the advanced development of the document counterfeiting industry and the willingness of some entrepreneurs in both China and the United States to smuggle foodstuffs that do not meet quality standards necessitates a much more vigorous program of inspection and laboratory testing in China and the United States ports of entry than the Food and Drug Administration has been willing or able to provide to date.

Mr. Speaker, these are important conclusions and we simply cannot sit

by and watch the problem worsen. We have to transform the Food and Drug Administration into an agency that can fully cope with the importation problems of the 21st century.

The Energy and Commerce Committee is doing our part. In addition to the staff trip to China, we have had five hearings to discuss the topic "Can the Food and Drug Administration Commission Assure the Safety of the Nation's Food Supply?"

What have we learned so far? At a hearing on July 17, 2007, on this very topic, former FDA Associate Commissioner William Hubbard testified that in 1999 the FDA drafted a legislative proposal which would have given the Food and Drug Administration authority to require foreign countries to take more responsibility for the foods that they send to the United States. The agency's proposal would have allowed the Food and Drug Administration to embargo a given food from a given country if there were repeated instances of that food being found contaminated when it arrived in the United States.

Countries that send safe food would have no reason to be concerned because they would be unaffected. But countries that demonstrated a pattern of disregard of United States safety standards would have to increase their oversight of food exported from their country. They would have to do it. Unfortunately, Congress did not accept this recommendation in 1999, and the situation with imported foods has gone from bad to worse to truly awful.

Now, Congress had a chance to examine the problem and consider recommendations on how to solve the problem, and that was back in 1999. The world was a different place, and it was perhaps difficult to anticipate the acceleration of foreign products that are coming into our country that occurred over the last decade or decade and a few years more.

Was the safety of food products from foreign countries not a priority for Congress back in 1999? And the answer to that question is not as much as it should have been. Why we have allowed this problem to persist when they know how much harm these unsafe products have potential to cause, I can't answer. We may never know the answer to that question. But as I stand here tonight, I will absolutely, absolutely assure you this is a priority of mine and I intend to do something about it.

Now, October 11 of this year, the Energy and Commerce Subcommittee on Oversight and Investigations had the third of a five-part series of hearings on the Food and Drug Administration's ability to ensure the safety and security of our Nation's food supply. According to testimony given by Mr. David Nelson, the senior investigator for the Energy and Commerce Committee, currently the Food and Drug Administration does not go over and see if the food products that are produced in China are done under the

same standards as here in the United States of America. These are the products that are produced in China and sent over here for our consumption. These are the products that Americans will be consuming, and they are not being produced under American standards.

When we had that hearing, Ranking Member WHITFIELD on the subcommittee asked Mr. NELSON if you were speaking to a group and a member of the audience asked how safe it is to consume products produced in China, he answered, You would be taking your chances on any imported food.

Mr. Speaker, that is a chance we simply can't afford to take. America has to have the authority to prohibit these foods from coming into our country if they are not safe. We have to have the ability to determine if they are produced according to our standards. We have to be able to stop foods that we would, according to Mr. NELSON, be taking our chances on.

Now, Chairman DINGELL asked Mr. NELSON whether or not the Food and Drug Administration can protect the United States' citizens from unsafe imports with the resources the Food and Drug Administration currently has. Mr. NELSON's answer was, That would be an emphatic no. Just not just no, but an emphatic, underlined, bolded no.

When I got a chance to ask a question, I asked Mr. NELSON what did they do about food to eat while in China. He sort of laughed and sort of didn't laugh and said, Well, we ate what everyone else ate. And I asked how he was feeling, and he said, Just fine. But actually, some of the members of our committee staff did become ill when they were traveling in China.

Now, I was very interested in the protocol that they follow in China after discovering a contaminated supply of food, and the hearing we were having that day really concentrated on poultry and poultry products.

During my questioning of Mr. James Rice, the vice president and country manager of Tyson Foods in China, I asked what I thought was a fairly simple question. I said, When you find a problem, do you communicate that to, say, the United States authorities so they can be on the lookout for similar products in other facilities?

This was a little bit disturbing, Mr. Speaker. He said, No, we don't.

He explained to me, because Tyson was using local Chinese suppliers and the products are mostly for the Chinese market, they didn't feel that was necessary. So, in essence, there is no dialogue whatsoever. Mr. Rice told me if persistent problems from one supplier were identified, no one would alert others as to the presence of this problematic supplier. There is no system in place, no early warning system, no system of surveillance, not even any honor among thieves, it appears, to let people know about a bad supplier in their midst.

Mr. Speaker, that is a serious, serious problem. And it is so important, so

important that I introduced legislation that relates to this 1999 proposal, H.R. 3967, the so-called Imported Food Safety Improvement Act of 2007, because I firmly believe the Food and Drug Administration needs the ability and the explicit authority to immediately stop dangerous foods and products from coming into this country.

And it is a pretty simple concept. Goods are coming into this country. If goods are coming into this country on a long conveyor belt and you find a bad apple on the belt, the Food and Drug Administration needs to be able to push a big red button that says "stop" and immediately stop that contaminated product from continuing on downstream into our stream of commerce.

My legislation would give the Food and Drug Administration that big red button to push. The idea is simple. If enacted, the Food and Drug Administration would have the authority to embargo a specific food from a specific country if there were repeated instances that that type of food or product had been contaminated. It seems so simple. We have got to be able to stop countries from sending harmful food products into the United States.

My bill, H.R. 3967, will allow us to finally take control of the food being sent to America. And this is important as well, Mr. Speaker. It sends a strong message to countries that in the past have played fast and loose with our regulations, that in the past have not seen a problem with continuing to send contaminated products into our country.

Well, we are going to tell them it is a new day and it is a different set of rules. You solve the problem on your end or we will end the problem over here. After summer of recall upon recall upon recall, it is time to take matters into our own hands, and I will no longer tolerate hearing a different news story every day of the week about a new and dangerous product coming into the United States of America from the People's Republic of China. China is sending these products to America and then they are being recalled. We can do a little better than that.

The Health Subcommittee of Energy and Commerce, of which I am also a member, had a legislative hearing on September 26 regarding Chairman DINGELL's bill, H.R. 3610, the Food and Drug Import Safety Act of 2007. Having reviewed this legislation, I think the chairman's intentions are good, and obviously I look forward to working with the chairman on this issue. I cannot support every single provision in the bill, but I do support the spirit of the proposed law.

I believe we need to look toward how other Federal agencies have dealt with this issue and whether it would be appropriate to give the Food and Drug Administration similar authority or authorities.

According to the Government Accountability Office, 15 Federal agencies

collectively administer 30 laws related to food safety. Do you think we are suffering a little bit from too much division of labor?

The Food and Drug Administration, which is part of the United States Department of Health and Human Services, and the Food Safety and Inspection Service, which is part of the United States Department of Agriculture, together comprise the majority of both the total funding and the total staffing for the government's food, safety and regulatory system.

However, food safety laws and regulations vary greatly from one agency to the other and not all foods are treated equally. For instance, the United States Department of Agriculture has jurisdiction over meat, poultry and eggs, and has established equivalency determination standards for those specified foods.

On October 11 at the third Oversight and Investigation hearing on the FDA's ability to assure the safety and security of our Nation's food supply, the Under Secretary for Food Safety at the United States Department of Agriculture, Dr. Richard Raymond, gave the following testimony and provided a definition for equivalency: "Equivalency is the foundation of our system of imports. It recognizes that an exporting country can provide an appropriate level of food safety even if those measures are different from those applied here at home.

□ 2330

"The Food Safety and Inspection Service has always required an assessment of foreign inspection systems before those nations can export into the United States of America. This prior review was mandated by our laws, which originally required that a foreign system be equal to our system before that foreign product can be admitted."

He further went on to state: "An exporting country has the burden of proving that its system is equivalent to our own if that country wishes to export to the United States."

Well, Mr. Speaker, I understand in applying a system of equivalency to the Food and Drug Administration, which, in fairness, has an 80 percent jurisdiction over all food imported, as compared to 20 percent for the United States Department of Agriculture, I recognize that that system of equivalency for the Food and Drug Administration is going to be difficult. It's going to be onerous. Currently, only 33 countries are eligible to ship meat or poultry into the United States because of those very high standards established by that equivalency protocol. If the exact standard that the United States Department of Agriculture employs was used by the Food and Drug Administration, it would drastically change. Some people would even say it would cripple the food import system if there were not enough resources to support it.

Again, remember, the United States Department of Agriculture which has a system of equivalency, oversees 20 percent of the imports. The Food and Drug Administration, which does not have a system in place for inspecting sites in other countries, has jurisdiction over 80 percent of the food imports. You can begin to see some of the discrepancy there and the magnitude of the problem that faces us.

Mr. Speaker, the former Speaker of our House, Speaker Newt Gingrich, is famous for quoting in his second principle of transformation: "Real change requires real change." This is just such a situation. This system needs to be drastically changed.

Consider this, Mr. Speaker: in 2005, nearly 15 percent of the overall United States food consumption was imported. Between 1996 and 2006, the amount of United States imports of agriculture and sea food products from all countries increased 42 percent. Furthermore, in the last decade the volume of Food and Drug Administration-regulated imports has tripled.

Chinese imports to the United States of America have increased more rapidly than the global average. And between the years 1996 to 2006, the volume of imports of Chinese agriculture and sea food products increased by 346 percent. China is now the third largest exporter of agricultural and sea food products to the United States of America, only surpassed by our neighbors to the north and south.

So perhaps our food import safety system should change. It needs to change drastically. The Food and Drug Administration was created at a time where we were still domestically growing and producing the majority of our own foods. And we've got some real issues here at home to deal with regarding our food regulatory system. But at least we have a regulatory system with which to deal with the problem. This is not the case for all countries from which we receive food.

It seems that it would be common sense that we would only import food from a country if they can prove that their system is just as good as ours. And yet only the United States Department of Agriculture can require this, which, once again, controls only 20 percent of the imported food. The Food and Drug Administration, which cannot control that issue of equivalency, is responsible for 80 percent of the food imports. It seems to be very arbitrary that the system that the United States Department of Agriculture can employ is so much tougher than the system employed by the Food and Drug Administration. Yet, at the end of the day, where does all that food end up? It's on your table, and it looks the same whether it's regulated by the United States Department of Agriculture or regulated by the Food and Drug Administration. Americans don't discriminate from which agency had the regulatory control over the food that was imported from other coun-

tries. And it's kind of curious that in Congress we make that distinction. Congress is responsible for these dual standards and Congress must have a candid discussion on whether or not we need to make these systems more comparable, if we need to establish the same system of safety for the Food and Drug Administration that we already have in place for the United States Department of Agriculture.

It is my goal to encourage this frank discussion at the committee level and here on the floor of the House, Members on both sides of the aisle. And we've both got to continue to have input on this important issue. As we all know, the system works best and we have the most effective legislative product if bills are allowed to go through the regular process. And I implore leadership to allow this important piece of legislation to go through that regular legislative process.

We've seen two instances this year on our Committee on Energy and Commerce with H.R. 4040, the bill that we're going to mark up on Thursday, being the second one. The first was when we reauthorized the prescription drug user fee and the medical device user fee for the Food and Drug Administration. That bill came through regular process. And I didn't like everything in the bill at the end of the process, but you know what? It was a good bill. And it passed the House and it passed the Senate and the President signed it into law at the end of September.

And for the first time we've got a robust, data-gathering capability within the Food and Drug Administration which the country has needed and has lacked for 40 years. We did this. This Congress did this, accomplished this by working together in a bipartisan fashion through regular order. We've got the same opportunity here on the Consumer Products Safety bill that's before the full committee on Thursday.

And the other side of the equation is, look what we've done with reauthorizing the State Children's Health Insurance Plan. Here's a bill that every one of us, when we stood in this Congress and we raised our right hand and we swore the oath and were sworn into Congress, every single one of us, man and woman, knew that the State Children's Health Insurance Program had an expiration date of September 30 of 2007. And what did we do? We languished; we didn't have hearings. We didn't have a markup in subcommittee. We crammed some great big obnoxious bill through the full committee, came to the House floor without even being discharged by our committee. The bill was so bad that the Senate wouldn't even touch it. Now that's a bad bill.

And then we got this process from the Senate; and instead of taking the Senate bill back to our committee and working on it and trying to improve it, we treated it as if it was a conference report, but everyone in Congress knew it wasn't a conference report. But it

was brought to the floor like a conference report so you couldn't amend it, you couldn't change it, you couldn't try to make it better and it was rammed down our throats; and it was passed and the President vetoed it; and we sustained the veto, and then we're going to go through the same gyrations again here this week.

And that's not necessary. We have a way of doing things right. We have a way of producing for the American people, if we'll just do it and put the politics aside for a little while.

Well, let's not allow the issue of protecting our families from harmful and dangerous goods coming from other countries also become the debate of Republican versus Democrat. That is something that I am certain holds residence in the minds of all of us working together to find the most efficient and the most effective method of solving this crisis now, making it a priority for everyone and getting the problem solved now and then moving on to other things.

Now, I would be remiss if I didn't also mention that last month the President's working group on import safety presented their proposal to both the President and to Congress. While I wish that the working group had been able to present their proposal somewhat earlier than they did, I do believe that they have presented many sound policies and that we should incorporate this while formulating our legislation. I, myself, am still reviewing the group's findings.

It is pretty voluminous, but I was pleased to read that they would also like to see a legislative proposal that would give the Food and Drug Administration additional authority for preventive controls for high-risk foods. If you'd like to read their proposal, it is available on the Internet at [www.importsafety.gov](http://www.importsafety.gov). Import safety is all one word, all lower case.

Now, I know many people watching this are asking themselves, you know, is there a down side to all of this that we should consider. The answer is, yes. We've always got to be cautious about jumping over the line and encroaching the, increasing the ever expanding grasp of the Federal Government.

There's no doubt that the Federal Government has an important duty to the safety and welfare of all Americans, but the last thing you want is for the Federal Government to control absolutely every aspect of every little item that you buy.

There is a balancing test and I, for one, am going to continue to be cognizant of that fact. But there is also a very clear and present public safety danger that has to be dealt with. We must be vigilant in our plight in restoring safety and trust back to the foods we eat and the products that we use. I believe that H.R. 3967, the Food Import Safety Improvement Act, will further this goal, as will amendments that I'm going to make in H.R. 4040 later this week.



Compromising the safety of foods that we put on our tables is not an option. Compromising the consumer products that we buy for our families is not an option. Compromising the security of Americans will not be an option. Compromising cannot be an option that we turn to because we lack the power. H.R. 3967 and my amendments to H.R. 4040 will restore some of that power to Americans.

Mr. Speaker, again I started off this talk with the notion that when people are out shopping this Christmas season and they pick up something and they look at the underside of it and it says "made in China," maybe that translates into "use at your own risk." I do encourage consumers to beware, be aware of where the products are made, be careful about the products that you bring into your home.

Mr. Speaker, we can no longer sit back and allow these harmful products to reach our homes. All Americans, myself included, have a choice to take a stance individually and to not buy products if we don't think they're safe. And if you see "made in China," remember, that's a warning label. But we can go a little further than that. Stricter rules are necessary. Funding, increased funding, increased personnel are necessary. And now it's up to Congress. It's up to Congress to create and enact those rules.

Mr. Speaker, you've been very indulgent, and I'm going to yield back the balance of my time.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ALTMIRE). Members are reminded to address their remarks to the Chair.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MATHESON (at the request of Mr. HOYER) for today and December 12 on account of attending a family funeral service.

Mr. LUCAS (at the request of Mr. BOEHNER) for today on account of inclement weather.

Mr. GARY G. MILLER of California (at the request of Mr. BOEHNER) for today on account of personal reasons due to family matters.

Mr. RYAN of Wisconsin (at the request of Mr. BOEHNER) for today on account of travel delays.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.  
Mr. DEFAZIO, for 5 minutes, today.  
Ms. SUTTON, for 5 minutes, today.  
Mr. LARSON of Connecticut, for 5 minutes, today.

Ms. PELOSI, for 5 minutes, today.  
Mr. DINGELL, for 5 minutes, today.

(The following Members (at the request of Mr. JONES of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, December 17 and 18.

Mr. BURTON of Indiana, for 5 minutes, today and December 12, 13, 14, 17, and 18.

Mr. JONES of North Carolina, for 5 minutes, December 17 and 18.

Mr. HASTINGS of Washington, for 5 minutes, December 12.

Mr. FRANKS of Arizona, for 5 minutes, today.

Ms. FOXX, for 5 minutes, today.

#### ENROLLED BILLS SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 710. An act to amend the National Organ Transplant Act to provide that criminal penalties do not apply to human organ paired donation, and for other purposes.

H.R. 3315. An act to provide that the great hall of the Capitol Visitor Center shall be known as Emancipation Hall.

H.R. 3688. An act to implement the United States-Peru Trade Promotion Agreement.

H.R. 4118. An act to exclude from gross income payments from the Hokie Spirit Memorial Fund to the victims of the tragic event at the Virginia Polytechnic Institute & State University.

#### ADJOURNMENT

Mr. BURGESS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 42 minutes p.m.), the House adjourned until tomorrow, Wednesday, December 12, 2007, at 10 a.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4414. A letter from the Acting Director, Program Development and Regulatory Analysis Rural Development Utilities Programs, Department of Agriculture, transmitting the Department's final rule — Servicing of Water Programs Loans and Grants (RIN: 0572-AB59) received October 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4415. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Dried Prunes Produced in California: Increased Assessment Rate [Docket No. AMS-FV-07-0103; FV07-993-1 FR] received November 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4416. A letter from the Chairman and CEO, Farm Credit Administration, Farm Credit

Administration, transmitting the Administration's final rule — Disclosure to Shareholders; Annual Report to Shareholders (RIN: 3052-AC37) received December 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4417. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting the Selected Acquisition Reports (SARs) for the quarter ending September 30, 2007, pursuant to 10 U.S.C. 2432; to the Committee on Armed Services.

4418. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting the Department's report on the cost effectiveness of the Defense Commissary Agency and specified nonappropriated fund instrumentalities purchasing commercial insurance, as directed by Section 663 of the John Warner National Defense Authorization Act for Fiscal Year 2007; to the Committee on Armed Services.

4419. A letter from the Secretary, Department of Energy, transmitting a report concerning plutonium storage at the Savannah River Site, located near Aiken, South Carolina, pursuant to Public Law 107-314, section 3183; to the Committee on Armed Services.

4420. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-7997] received November 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4421. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received October 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4422. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-B-7738] received October 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4423. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-B-7745] received November 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4424. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Federal Credit Union Bylaws — received November 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4425. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — REVISIONS TO RULES 144 AND 145 [Release No. 33-8869; File No. S7-11-07] (RIN: 3235-AH13) received December 7, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4426. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — EXEMPTION OF COMPENSATORY EMPLOYEE STOCK OPTIONS FROM REGISTRATION UNDER SECTION 12(g) OF THE SECURITIES EXCHANGE ACT OF 1934 [Release No. 34-56887; International Series Release No. 1305; File No. S7-14-07] (RIN: 3235-AJ91) received December 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4427. A letter from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy,