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Q&A for Presidential Initiative to Improve the Safety of Imported Fruits and Vegetables
October 2, 1997

Q: What is the President proposing?

A: The President is proposing legislative and executive actions that will further improve the safety of fresh fruits and vegetables, especially those imported into the U.S. The legislation will require the FDA to halt imports of fruits, vegetables, or other food from any foreign country whose food safety systems and standards are not on par with those of the U.S. The President will back up this legislation by providing the necessary funds in his FY99 budget to enable FDA to expand dramatically its international food inspection force so that it can make good use of this new authority.

In addition, the President has asked the Secretaries of Health and Human Services and Agriculture to take additional steps to improve the safety of both imported and domestic fruits and vegetables. Specifically, he has asked the Secretaries to issue within one year guidance on good agricultural practices and good manufacturing practices for fruits and vegetables. By providing the first-ever specific safety standards for fruits and vegetables, the guidance will improve the agricultural and manufacturing practices of all those, foreign and domestic, seeking to sell produce in the U.S. market.

Finally, the President has asked for a plan on how to improve the monitoring of agricultural and manufacturing practices abroad, to assist foreign countries to improve those practices where necessary, and to prevent the importation of unsafe produce, including by detecting unsafe food at the dock or border.

These efforts all build on the Clinton Administration's long-term commitment to strengthening our food safety system. With the help of the Vice-President's National Performance Review, we have fundamentally improved the way we ensure the safety of meat, poultry, and seafood. We have also put in place important new protections against the risks of pesticides in our food, especially for our children. And we are hopeful Congress will provide the \$43 million the President requested in his FY98 budget to improve food safety.

Q: Why is the President proposing these actions?

A: There have been dramatic changes in the produce department of the grocery store. Thirty years ago, most produce sections only had around a dozen items year round, increasing to as many as 50 in the summer. Today, no matter where you live in the United States, the chances are that there are 400 or more items in the produce section and they are there all year round. Last year, 38 percent of the fruit and 12 percent of the vegetables Americans ate were imported.

We have changed as well. Americans are eating more fresh fruits and vegetables than ever before, and our nation's health experts tell us we will live longer, better quality lives as a result. Our environment is also changing. We are finding "new" exotic bugs such as cyclospora and *E. coli* O157:H7 on our food that once were not there.

We must ensure that these changes do not increase the risk to American consumers of foodborne illnesses. Although raw produce -- including that imported from foreign countries -- is now safe, experts have suggested ways to make further improvements, and the President's actions today accord with their recommendations.

Q: But aren't these actions just a response to the negative news articles of recent days that have pointed out the shortcomings in the inspection of imported produce?

A: No. We couldn't possibly have developed these initiatives following the publication of those articles. The Department of Health and Human Services have been laying the groundwork for this initiative for over a year. We knew that some reporters were making inquiries about this issue, and those inquiries may have accelerated the final part of the policy development process. But that process has been underway for some time, and this same initiative would have been announced with or without those articles.

Q: Why has the Administration waited until now to take these steps? [An article published today reveals that today's actions were suggested by Commissioner Kessler years ago, but that no action was taken. Why has it taken so long to act?]

A: No one can tackle everything at once, and the President's food safety initiatives have addressed priority items in the way best calculated to ensure their achievement. One of the first challenges the President faced after taking office was an outbreak of *E. Coli* in hamburger in the northwest. The President responded by putting in place a new system to ensure the safety of meat, poultry, and seafood products. With this process now underway, the FDA in 1995 began to investigate the problem of pathogens in fresh produce and develop proposed approaches for preventing foodborne illnesses from these food products.

Q: Are these actions meant to provide political cover with respect to the food safety issue because it has become a part of the Fast Track trade debate?

A: No. Again, the policy development process that led to this initiative began in 1995. This is a part of the President's food safety agenda -- his longstanding commitment to ensuring that Americans' food supply is the safest in the world. It does not relate to Fast Track.

Q: What makes you think this new legislation can be effective? Do you seriously think you are going to be able to put FDA inspectors in every country abroad?

A: Our proposed legislation would give the FDA the same kind of responsibility that the USDA already has for meat and poultry. The USDA system has worked very well to ensure that countries with inferior safety standards can't import their meat and poultry. We see no reason why the FDA can't run a similarly effective system that inspects food safety system and standards abroad and prevents imports from countries that do not provide the protections that the U.S. does.

Of course, making good use of this authority will take additional resources, so that FDA can dramatically expand its international food inspection force. Although the President will not announce a specific dollar figure until publication of his FY 99 budget, he has committed to investing the resources to ensure that FDA can make good use of this new authority.

Q: Doesn't this legislation impose trade barriers to food imports at a time when you are saying you want to lower them? Wouldn't we object if another country tried to keep out our food products on this basis?

A: This legislation is completely consistent with free trade principles and all our treaty obligations. We have no obligation to open our borders to imports that pose a greater risk than domestic products to American consumers. As long as we are not imposing any greater requirements on foreign countries -- as long as we are only holding them to our standards -- we are acting consistently with our trade policy.

There aren't many countries in the world with higher safety standards than the U.S., so not many countries would be in a position to halt our imports on this basis. If we did, we would not and could not object.

Q: Are you saying that imported produce is unsafe?

A: There is no data indicating that imported fruits and vegetables are more unsafe than domestic products. But some recent outbreaks of foodborne illness have been traced back to imports and it is important that foreign fruits and vegetables be held to the same safety standards as American products. The steps we are taking today are adding additional layers of protection. We are making sure that there are no gaps in our food safety system -- that high safety standards apply to imported as well as domestic food, and to fruits and vegetables as well as to meat, poultry, and seafood.

Q: Since HACCP has been successful for meat, poultry, and seafood, why don't you require HACCP for fresh fruits and vegetables? Why are you only doing good agricultural and manufacturing practices?

A: HACCP is a science-based approach for identifying and controlling hazards in food

production. We need better scientific data before we can develop HACCP for fresh fruits and vegetables. The Administration's plan is to develop and issue guidance that will help companies interpret existing safety requirements for fruits and vegetables, and that will lead to the science needed for HACCP. The agency is contemplating guidance on basic, common-sense sanitation and employee practices in the form of Good Agricultural Practices (GAPs) for farms and Good Manufacturing Practices (GMPs) applicable for those who sort, wash, and otherwise handle fresh fruits and vegetables.

Q: Aren't these guidelines only voluntary? If so, what effect will they have?

A: The Good Agricultural and Manufacturing Practices will be what is called "interpretive guidance." It will help companies interpret and follow existing, very broadly written safety requirements for fruits and vegetables by spelling out specific practices involving such matters as sanitation, worker health, and water quality. The guidance does not itself have legal force. But it tells growers, processors, and others what the FDA looks to when it enforces existing safety standards. There is no doubt that such guidance -- especially when it is developed, as it will be, in concert with the agricultural community -- will improve safety standards.

Q: Will foreign countries have to comply with Good Agricultural and Manufacturing Practices if they want to export fruits and vegetables to the U.S.?

A: We expect that exporting countries will develop similar practices that address potential food safety problems in their countries for one simple reason: they want to be able to sell food in our market, and they want that food to be safe.

We cannot yet know whether a country that does not comply with the guidance will be able to import fruits and vegetables into the United States. The answer to this question depends on the exact content of the guidance, as well as an intricate legal determinations regarding equivalency between different countries' food safety systems. What is clear is that the FDA will have to cut off imports from countries that do not comply with existing legal standards. And at the very least, the FDA will target countries that do not comply with the Good Agricultural and Manufacturing Practices for increased inspection and testing.

PRESIDENT CLINTON ANNOUNCES INITIATIVE TO ENSURE THE SAFETY OF IMPORTED AND DOMESTIC FRUITS AND VEGETABLES

October 2, 1997

Today President Clinton will announce an initiative to upgrade domestic food safety standards and to ensure that fruits and vegetables coming from overseas are as safe as those produced in the United States. The President will ask Congress to enact legislation that will require the Food and Drug Administration (FDA) to halt imports of fruits, vegetables and other food products produced in countries that do not meet U.S. food safety requirements. The President will direct the Department of Health and Human Services (HHS) and the Department of Agriculture (USDA) to work cooperatively with the agricultural community to develop guidance on good agricultural and manufacturing practices for fruits and vegetables.

Enhanced FDA Oversight for Imported Foods. The President will send legislation to Congress that will require the FDA to halt imports of fruits, vegetables and other food products from any foreign country with food safety systems and standards that are not on par with those of the United States. The legislation also will require the FDA to halt imports from countries or facilities that do not allow FDA inspections to occur. This legislation -- comparable to existing law that requires the USDA to halt the importation of meat and poultry from such countries -- will enable the FDA to prevent the importation of potentially unsafe foreign produce. The President will also commit to providing the necessary funds in his Fiscal Year 1999 budget to enable the FDA to dramatically expand its international food inspection force. With this greatly increased ability to inspect food safety conditions abroad and at points of entry, the FDA will be able to make effective use of its new authority.

Development of Guidance on Good Agricultural and Manufacturing Practices. The President will direct the Secretary of Health and Human Services, in partnership with the Secretary of Agriculture and in cooperation with the agricultural community, to develop guidance on good agricultural and manufacturing practices within one year. This guidance will take into account differences in both crops and regions and will address potential food safety problems throughout the food production and distribution system such as sanitation, worker health, and water quality. The guidance -- the first-ever specific safety standards for fruits and vegetables -- will improve the agricultural and manufacturing practices of all those seeking to sell produce in the U.S. market. To ensure that this guidance has the widest possible effect, the President will also direct the FDA and USDA to develop coordinated outreach and educational activities.

Improvement of Monitoring and Inspection Activities Abroad. In addition to committing substantial resources to expand the FDA's international food inspection force, the President will direct the Secretaries of Health and Human Services and Agriculture to report within 90 days on how to improve the monitoring of agricultural and manufacturing practices abroad, to assist foreign countries to improve these practices where necessary, and to prevent the importation of unsafe produce. The President will urge consideration of ways to target inspection and testing toward those areas where problems are most likely to occur.

Clinton Administration Accomplishments In Improving Food Safety

The President's announcement builds on a strong record of food safety initiatives, ensuring that Americans eat the safest possible food. The Administration has put into place improved safety standards for meat, poultry and seafood products, and has begun the process of developing enhanced standards for fruit and vegetable juices. The Administration also has expanded research, education and surveillance activities throughout the food safety system.

- * October, 1997. President announces new initiative to enhance FDA oversight over imported foods and develop guidance on good agricultural and manufacturing practices for fruits and vegetables.
- * May, 1997. Administration announces comprehensive new initiative to improve the safety of nation's food supply -- "Food Safety from Farm to Table" -- detailing a \$43 million food safety program, including measures to improve surveillance, outbreak response, education, and research.
- * January, 1997. President announces new Early-Warning System to gather critical scientific data to help stop food borne disease outbreaks quickly and to improve prevention systems further.
- * August, 1996. President signs Safe Drinking Water Act of 1996. The law requires drinking water systems to protect against dangerous contaminants like cryptosporidium, and gives people the right to know about contaminants in their tap water.
- * August, 1996. President signs Food Quality Protection Act of 1996, which streamlines regulation of pesticides by FDA and EPA and puts important new public-health protections in place, especially for children.
- * July, 1996. President Clinton announces new regulations that modernize the nation's meat and poultry inspection system for the first time in 90 years. New standards help prevent E.coli bacteria contamination in meat.
- * December, 1995. Administration issues new rules to ensure seafood safety. Utilizes HACCP regulatory programs to require food industries to design and implement preventive measures and increase the industries' responsibility for and control of their safety assurance actions.
- * 1994. CDC embarks on strategic program to detect, prevent, and control emerging infectious disease threats, some of which are food borne, making significant progress toward this goal each successive year.
- * 1993. Vice-President's National Performance Review issues report recommending gov and industry move toward a system of preventive controls.

Q&A for Presidential Initiative to Improve the Safety of Imported Fruits and Vegetables

Q: What did the Administration propose with regard to food safety?

A: I proposed legislative and executive actions that will further improve the safety of fresh fruits and vegetables, especially those imported into the U.S. The legislation will require the FDA to halt imports of fruits, vegetables, or other food from any foreign country whose food safety systems and standards are not on par with those of the U.S. I will back up this legislation by providing the necessary funds in my FY99 budget to enable FDA to expand dramatically its international food inspection force so that it can make good use of this new authority.

In addition, I directed the Secretaries of Health and Human Services and Agriculture to take additional steps to improve the safety of both imported and domestic fruits and vegetables. Specifically, I asked the Secretaries to issue within one year guidance on good agricultural practices and good manufacturing practices for fruits and vegetables. By providing the first-ever specific safety standards for fruits and vegetables, the guidance will improve the agricultural and manufacturing practices of all those, foreign and domestic, seeking to sell produce in the U.S. market.

Finally, I directed the Secretaries of Health and Human Services and Agriculture to report back on how to improve the monitoring of agricultural and manufacturing practices abroad, to assist foreign countries to improve those practices where necessary, and to prevent the importation of unsafe produce, including by detecting unsafe food at the dock or border.

These efforts all build on my Administration's long-term commitment to strengthening our food safety system. With the help of the Vice-President's National Performance Review, we have fundamentally improved the way we ensure the safety of meat, poultry, and seafood. We have also put in place important new protections against the risks of pesticides in our food, especially for our children. And we are hopeful Congress will provide the \$43 million that I requested in my FY98 budget to improve food safety.

Q: Why is your Administration proposing these actions?

A: There have been dramatic changes in the produce department of the grocery store. Thirty years ago, most produce sections only had around a dozen items year round, increasing to as many as 50 in the summer. Today, the chances are that there are 400 or more items in the produce section and they are there all year round. Last year, 38 percent of the fruit and 12 percent of the vegetables Americans ate were imported.

We have changed as well. Americans are eating more fresh fruits and vegetables than ever before, and our nation's health experts tell us we will live longer, better quality lives as a result. Our environment is also changing. We are finding "new" exotic bugs such as cyclospora and *E. coli* O157:H7 on our food that once were not there.

We must ensure that these changes do not increase the risk to American consumers of foodborne illnesses. Although raw produce -- including that imported from foreign countries -- is now safe, experts have suggested ways to make further improvements, and my actions are in accord with their recommendations.

Q: Are you saying that imported produce is unsafe?

A: There is no data indicating that imported fruits and vegetables are more unsafe than domestic products. But some recent outbreaks of foodborne illness have been traced back to imports and it is important that foreign fruits and vegetables be held to the same safety standards as American products. The steps we are taking today are adding additional layers of protection. I am making sure that there are no gaps in our food safety system -- that high safety standards apply to imported as well as domestic food, and to fruits and vegetables as well as to meat, poultry, and seafood.

Q: Will foreign countries have to comply with Good Agricultural and Manufacturing Practices if they want to export fruits and vegetables to the U.S.?

A: We expect that exporting countries will develop similar practices that address potential food safety problems in their countries for one simple reason: they want to be able to sell food in our market, and they want that food to be safe.

We do not know whether a country that does not comply with the guidance will be able to import fruits and vegetables into the United States. The answer to this question depends on the exact content of the guidance, as well as an intricate legal determinations regarding equivalency between different countries' food safety systems. What is clear is that the FDA will have to cut off imports from countries that do not comply with existing legal standards.

Q: Doesn't this legislation impose trade barriers to food imports at a time when you are saying you want to lower them? Is this legislation consistent with free trade?

A: This legislation is completely consistent with free trade principles and all our treaty obligations. We have no obligation to open our borders to imports that pose a greater risk than domestic products to American consumers. As long as we are not imposing any greater requirements on foreign countries -- as long as we are only holding them to our standards -- we are acting consistently with our trade policy.

Q: Are these actions meant to provide political cover with respect to the food safety issue because it has become a part of the Fast Track trade debate?

A: No. Again, the policy development process that led to this initiative began in 1995. This is a part of my food safety agenda -- my longstanding commitment to ensuring that Americans' food supply is the safest in the world. It does not relate to Fast Track.

Q: What makes you think this new legislation can be effective? Do you seriously think you are going to be able to put FDA inspectors in every country abroad?

A: My proposed legislation would give the FDA the same kind of responsibility that the USDA already has for meat and poultry. The USDA system has worked very well to ensure that countries with inferior safety standards can't import their meat and poultry. I see no reason why the FDA can't run a similarly effective system that inspects food safety systems and standards abroad and prevents imports from countries that do not provide the protections that the U.S. does.

Of course, making good use of this authority will take additional resources, so that FDA can dramatically expand its international food inspection force. Although I will not announce a specific dollar figure until publication of my FY 99 budget, I have committed to investing the resources to ensure that FDA can make good use of this new authority.

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

October 2, 1997

REMARKS BY THE PRESIDENT
ON FOOD SAFETY REGULATIONS

The Rose Garden

10:59 A.M. EDT

THE PRESIDENT: Thank you, Mr. Vice President, Secretary Shalala, Deputy Secretary Rominger, Cathie Woteki, Dr. Friedman, all the representatives of the groups that have helped us come to this day.

Our government made a fundamental promise to the American people of a bountiful and safe food supply way back at the beginning of this century. It is a promise that we have had to renew our commitment to periodically over the years, and a promise that needed a lot of work when I became President. From the day I took office, I worked very hard to honor that commitment, to make our food supply -- the world's safest -- even safer.

In 1993, the Vice President's national performance review recommended an overhaul of our food safety procedures so that we could use the best scientific technology available in inspection methods, to make sure that we had put in the best preventive controls to keep our food supply the world's safest.

Since then, we have taken major steps. We first put in place rigorous new safety standards for seafood, meat and poultry products, throwing out archaic and ineffective methods of inspection that had not been updated for nearly a century. We've required slaughterhouses to test for deadly E. Coli and salmonella bacteria. We've begun developing new safety standards for fruit and vegetable juices. We've strengthened our system of guaranteeing that our drinking water will remain safe, and improved public health protections for pesticide uses on food. And we brought a host of federal agencies together to boost food safety research, education and surveillance efforts around our nation. In so doing, we're using the world's best science to help prevent food contamination tragedies before they happen, to make sure our supply of food is as safe as it can be.

Today, our food supply remains the world's safest, but we can't rest on those accomplishments. We have to do more. At the time when Americans are eating more and more food from around the globe, we must spare no effort to ensure the safety of our food supply from whatever source.

Today, I want to tell you the new steps we're taking to ensure that our fruits and vegetables, including those imported from other countries, meet the highest health and safety standards. First, I'm asking Congress to give the Food and Drug Administration the power and the obligation to ban the importation of fruits, vegetables and other foods from countries whose safety precautions do not meet American standards. This new law would be similar to a law that already requires the United States Department of Agriculture to keep meat and poultry from countries with inferior food safety systems out of our stores.

In my next budget, I will provide enough funds to ensure that the FDA can fully implement this new legislation by dramatically expanding its international food inspection force. With these

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efforts, we can make sure that no fruits and vegetables cross our borders, enter our ports, or reach our dinner tables without meeting the same strict standards as those grown here in America. Our food safety system is the strongest in the world, and that's how it's going to stay.

I'm also directing the Secretary of Health and Human Services and the Secretary of Agriculture to work together in close cooperation with the agricultural community to develop the first-ever specific safety standards for the growing, processing, shipping and selling of fruits and vegetables. These standards will address potential food safety problems throughout the production and distribution system, and they'll improve the sanitation and safety practices of all those seeking to sell produce in the United States market.

I'm asking Secretary Shalala and Glickman to report back to me within 90 days with a complete schedule for developing these standards within a year. I'll also ask them to submit a comprehensive plan to improve the monitoring of food safety programs abroad, to help foreign countries upgrade their safety precautions and toughen food inspections at the border.

Being a parent is perhaps the toughest job in the world. Our parents deserve the peace of mind that comes from knowing the food they set before their children is safe. With today's new actions, we can help make their jobs much easier.

And, again, let me thank all of those who were involved in this effort as I sign this order. Thank you very much.

(The order is signed.)

THE PRESIDENT: Thanks. (Applause.)

Q Mr. President, will you be using the line item veto

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THE PRESIDENT: Excuse me?

Q Will you be using the line item veto on any of the appropriations bills that you've just passed -- that you've just signed?

THE PRESIDENT: Well, let me say, I have received only -- I've received one memorandum for my staff on one bill. And that came in late last night, so I haven't read it. But I will consider it -- as the bills come in, I will ask for a review of the potential uses by specific bill and make judgments as we go along. I have nothing to report at this time, because I have received only one memorandum and I haven't read it.

Q What about the census, sir? Do you have any concerns concerning the Commerce bill and the particular ways that the money will be used for the census?

THE PRESIDENT: Well, my feeling is that we ought to do the census as well as we can. I don't think this is a complicated issue. The National Science Foundation has recommended this statistical sampling method. The man who did President Bush's census says that it's the only way to get the most accurate count. I just want to do whatever the Census Bureau believes, the full-time professionals, believe is the most accurate thing to do.

I think that's a heavy constitutional responsibility we have, to conduct a census that is as accurate as possible based on what the professionals say. This ought to be a professional, not a political judgment. And that's the position I will take throughout.

MORE

Q Mr. President, did the Democratic Party send money to the states because of federal election law restrictions?

Q Mr. President, there are fresh fruit and vegetables producers that are saying --

THE PRESIDENT: Well, wait a minute. I'll take both of them. Go ahead first.

Q There are fresh fruit and vegetable producers that are saying that you're acting with this action as the world food police and that your actions here today are unwarranted and that's going to complicate the trade environment.

THE PRESIDENT: Well, I hope it doesn't complicate the trade environment. But, you know, it seems to me that we have no higher responsibility than to protect the health and safety of our citizens, and everyone who has been following all of your reporting over the last four or five years knows that we have had continuing challenges in food safety. We have millions of people who get sick every year. And we're not trying to unfairly target foreign producers of food into our market; we don't ask them to meet any standards we don't meet. And indeed, if you look at the actions of this administration over the last four years, when we started, I think you can make a compelling case that we started working on things that were problems coming out of the American market first. So I just don't think that's right.

I don't want it to complicate the trade environment, but I'm not interested in trade in things that will make the American people sick.

Q Mr. President, did the Democratic National Committee send money to the states in order to get around the federal spending limits that went along with accepting federal money for the national campaign, sir?

THE PRESIDENT: It's my understanding that everything the Democratic National Committee did had the prior approval of the lawyers. If they cleared it all in advance, then it was perfectly legal. And when this issue was raised about a year ago, the exact issue, I believe that that was clarified at that time. I'm sure that they had legal advice that they followed, and I believe the Republicans said that they did some of the same things and also had prior legal clearance.

Q Mr. Clinton, do you think that Mrs. Reno -- she's been advised to go forward with the 90-day investigation into the fundraising calls of the Vice President -- and perhaps Mr. Gore would like to comment, too --

THE PRESIDENT: I think that --

Q -- do you feel that the 90-day investigation would be helpful?

THE PRESIDENT: Well, if you read the statute, she can consider certain things in the 90-day period that are not permitted in the 30-day period. But I think this is a legal question and it should be done based on an independent legal review with no pressure from the outside, from me or from anyone else. And that's the way I intend to keep it, at least on my part.

Thank you.

END

11:09 A.M. EDT

PRESIDENT CLINTON ANNOUNCES INITIATIVE TO ENSURE THE SAFETY OF IMPORTED AND DOMESTIC FRUITS AND VEGETABLES

October 2, 1997

Today President Clinton will announce an initiative to upgrade domestic food safety standards and to ensure that fruits and vegetables coming from overseas are as safe as those produced in the United States. The President will ask Congress to enact legislation that will require the Food and Drug Administration (FDA) to halt imports of fruits, vegetables and other food products produced in countries that do not meet U.S. food safety requirements. The President will direct the Department of Health and Human Services (HHS) and the Department of Agriculture (USDA) to work cooperatively with the agricultural community to develop guidance on good agricultural and manufacturing practices for fruits and vegetables.

Enhanced FDA Oversight for Imported Foods. The President will send legislation to Congress that will require the FDA to halt imports of fruits, vegetables, and other food products from any foreign country with food safety systems and standards that are not on par with those of the United States. The legislation also will require the FDA to halt imports from countries or facilities that do not allow FDA inspections to occur. This legislation -- comparable to existing law that requires the USDA to halt the importation of meat and poultry from such countries -- will enable the FDA to prevent the importation of potentially unsafe foreign produce. The President will also commit to providing the necessary funds in his Fiscal Year 1999 budget to enable the FDA to dramatically expand its international food inspection force. With this greatly increased ability to inspect food safety conditions abroad and at points of entry, the FDA will be able to make effective use of its new authority.

Development of Guidance on Good Agricultural and Manufacturing Practices. The President will direct the Secretary of Health and Human Services, in partnership with the Secretary of Agriculture and in cooperation with the agricultural community, to develop guidance on good agricultural and manufacturing practices within one year. This guidance will take into account differences in both crops and regions and will address potential food safety problems throughout the food production and distribution system such as sanitation, worker health, and water quality. The guidance -- the first-ever specific safety standards for fruits and vegetables -- will improve the agricultural and manufacturing practices of all those seeking to sell produce in the U.S. market. To ensure that this guidance has the widest possible effect, the President will also direct the FDA and USDA to develop coordinated outreach and educational activities.

Improvement of Monitoring and Inspection Activities Abroad. In addition to committing substantial resources to expand the FDA's international food inspection force, the President will direct the Secretaries of Health and Human Services and Agriculture to report within 90 days on how to improve the monitoring of agricultural and manufacturing practices abroad, to assist foreign countries to improve these practices where necessary, and to prevent the importation of unsafe produce. The President will urge consideration of ways to target inspection and testing toward those areas where problems are most likely to occur.

THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release

October 2, 1997

October 2, 1997

MEMORANDUM FOR THE SECRETARY OF HEALTH AND HUMAN SERVICES
THE SECRETARY OF AGRICULTURE

SUBJECT: Initiative to Ensure the Safety of Imported
and Domestic Fruits and Vegetables

American consumers today enjoy the safest food supply in the world, and I am proud of my Administration's record in this area. We have taken significant steps to ensure that we maintain the safest food possible. We have put in place improved safety standards for meat, poultry, and seafood products, and we have begun the process of developing enhanced safety standards for fruit and vegetable juices. We have also expanded research, education, and surveillance activities through coordinated efforts of all agencies involved in food safety issues. Together, these measures will greatly improve the safety of the Nation's food supply.

We need to build on these efforts, and today I ask you to do so by focusing on the safety of fruits and vegetables. Although the produce Americans eat is very safe, we can and must do even better, especially at a time when Americans are eating more fruits and vegetables from all over the world. Last year, 38 percent of the fruit and 12 percent of the vegetables consumed by Americans came from overseas. We must ensure that fruits and vegetables coming from abroad are as safe as those produced in the United States, especially as we upgrade our own domestic standards.

To help accomplish this task, I plan to send to the Congress proposed legislation that will require the Food and Drug Administration (FDA) to halt imports of fruits, vegetables, or other food from any foreign country whose food safety systems and standards are not on par with those of the United States. This legislation, which will be similar to existing law requiring the USDA to halt the importation of meat and poultry from such countries, will enable the FDA to prevent the importation of potentially unsafe foreign produce. My Fiscal Year 1999 budget will provide the necessary funds to enable the FDA to expand dramatically its international food inspection force. With this greatly increased ability to inspect food safety conditions abroad and at points of entry, the FDA will be able to determine when to halt the importation of fruits and vegetables from foreign countries.

Today, I hereby direct two administrative actions that will better ensure the safety of fruits and vegetables coming from abroad, while continuing to improve the safety of domestic produce.

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First, I direct the Secretary of Health and Human Services, in partnership with the Secretary of Agriculture and in close cooperation with the agricultural community, to issue within 1 year from the date of this memorandum, guidance on good agricultural practices and good manufacturing practices for fruits and vegetables. This guidance should address ways to prevent potential sources of contamination, should take into account differences in both crops and regions, and should address food safety issues throughout the food production and distribution system. By providing the first-ever specific safety standards for fruits and vegetables, the guidance will improve the agricultural and manufacturing practices of all those seeking to sell produce in the U.S. market. To ensure that this guidance has the widest possible effect, I also direct the development of coordinated outreach and educational activities.

Second, I direct the Secretary of Health and Human Services and the Secretary of Agriculture, to report back to me within 90 days from the date of this memorandum with a status report and complete schedule for the good agricultural and manufacturing practices, and a plan on how to improve the monitoring of agricultural and manufacturing practices abroad, to assist foreign countries to improve those practices where necessary, and to prevent the importation of unsafe produce, including by detecting unsafe food at the dock or border. I especially urge you to consider the best ways to target inspection and testing toward those areas where problems are most likely to occur.

In addition to taking these actions, you should accelerate whatever food safety research is necessary to support them. You should also call upon the Environmental Protection Agency, the Department of Labor, and other agencies as necessary to provide you with assistance in achieving this goal. These steps, taken together and in coordination with the proposed legislation I will send to the Congress, will improve the safety of fruits and vegetables for all Americans.

WILLIAM J. CLINTON

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THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

October 2, 1997

REMARKS BY THE PRESIDENT
ON FOOD SAFETY REGULATIONS

The Rose Garden

10:59 A.M. EDT

THE PRESIDENT: Thank you, Mr. Vice President, Secretary Shalala, Deputy Secretary Rominger, Cathie Woteki, Dr. Friedman, all the representatives of the groups that have helped us come to this day.

Our government made a fundamental promise to the American people of a bountiful and safe food supply way back at the beginning of this century. It is a promise that we have had to renew our commitment to periodically over the years, and a promise that needed a lot of work when I became President. From the day I took office, I worked very hard to honor that commitment, to make our food supply -- the world's safest -- even safer.

In 1993, the Vice President's national performance review recommended an overhaul of our food safety procedures so that we could use the best scientific technology available in inspection methods, to make sure that we had put in the best preventive controls to keep our food supply the world's safest.

Since then, we have taken major steps. We first put in place rigorous new safety standards for seafood, meat and poultry products, throwing out archaic and ineffective methods of inspection that had not been updated for nearly a century. We've required slaughterhouses to test for deadly E. Coli and salmonella bacteria. We've begun developing new safety standards for fruit and vegetable juices. We've strengthened our system of guaranteeing that our drinking water will remain safe, and improved public health protections for pesticide uses on food. And we brought a host of federal agencies together to boost food safety research, education and surveillance efforts around our nation. In so doing, we're using the world's best science to help prevent food contamination tragedies before they happen, to make sure our supply of food is as safe as it can be.

Today, our food supply remains the world's safest, but we can't rest on those accomplishments. We have to do more. At the time when Americans are eating more and more food from around the globe, we must spare no effort to ensure the safety of our food supply from whatever source.

Today, I want to tell you the new steps we're taking to ensure that our fruits and vegetables, including those imported from other countries, meet the highest health and safety standards. First, I'm asking Congress to give the Food and Drug Administration the power and the obligation to ban the importation of fruits, vegetables and other foods from countries whose safety precautions do not meet American standards. This new law would be similar to a law that already requires the United States Department of Agriculture to keep meat and poultry from countries with inferior food safety systems out of our stores.

In my next budget, I will provide enough funds to ensure that the FDA can fully implement this new legislation by dramatically expanding its international food inspection force. With these

MORE

efforts, we can make sure that no fruits and vegetables cross our borders, enter our ports, or reach our dinner tables without meeting the same strict standards as those grown here in America. Our food safety system is the strongest in the world, and that's how it's going to stay.

I'm also directing the Secretary of Health and Human Services and the Secretary of Agriculture to work together in close cooperation with the agricultural community to develop the first-ever specific safety standards for the growing, processing, shipping and selling of fruits and vegetables. These standards will address potential food safety problems throughout the production and distribution system, and they'll improve the sanitation and safety practices of all those seeking to sell produce in the United States market.

I'm asking Secretary Shalala and Glickman to report back to me within 90 days with a complete schedule for developing these standards within a year. I'll also ask them to submit a comprehensive plan to improve the monitoring of food safety programs abroad, to help foreign countries upgrade their safety precautions and toughen food inspections at the border.

Being a parent is perhaps the toughest job in the world. Our parents deserve the peace of mind that comes from knowing the food they set before their children is safe. With today's new actions, we can help make their jobs much easier.

And, again, let me thank all of those who were involved in this effort as I sign this order. Thank you very much.

(The order is signed.)

THE PRESIDENT: Thanks. (Applause.)

Q Mr. President, will you be using the line item veto

--

THE PRESIDENT: Excuse me?

Q Will you be using the line item veto on any of the appropriations bills that you've just passed -- that you've just signed?

THE PRESIDENT: Well, let me say, I have received only -- I've received one memorandum for my staff on one bill. And that came in late last night, so I haven't read it. But I will consider it -- as the bills come in, I will ask for a review of the potential uses by specific bill and make judgments as we go along. I have nothing to report at this time, because I have received only one memorandum and I haven't read it.

Q What about the census, sir? Do you have any concerns concerning the Commerce bill and the particular ways that the money will be used for the census?

THE PRESIDENT: Well, my feeling is that we ought to do the census as well as we can. I don't think this is a complicated issue. The National Science Foundation has recommended this statistical sampling method. The man who did President Bush's census says that it's the only way to get the most accurate count. I just want to do whatever the Census Bureau believes, the full-time professionals, believe is the most accurate thing to do.

I think that's a heavy constitutional responsibility we have, to conduct a census that is as accurate as possible based on what the professionals say. This ought to be a professional, not a political judgment. And that's the position I will take throughout.

MORE

Q Mr. President, did the Democratic Party send money to the states because of federal election law restrictions?

Q Mr. President, there are fresh fruit and vegetables producers that are saying --

THE PRESIDENT: Well, wait a minute. I'll take both of them. Go ahead first.

Q There are fresh fruit and vegetable producers that are saying that you're acting with this action as the world food police and that your actions here today are unwarranted and that's going to complicate the trade environment.

THE PRESIDENT: Well, I hope it doesn't complicate the trade environment. But, you know, it seems to me that we have no higher responsibility than to protect the health and safety of our citizens, and everyone who has been following all of your reporting over the last four or five years knows that we have had continuing challenges in food safety. We have millions of people who get sick every year. And we're not trying to unfairly target foreign producers of food into our market; we don't ask them to meet any standards we don't meet. And indeed, if you look at the actions of this administration over the last four years, when we started, I think you can make a compelling case that we started working on things that were problems coming out of the American market first. So I just don't think that's right.

I don't want it to complicate the trade environment, but I'm not interested in trade in things that will make the American people sick.

Q Mr. President, did the Democratic National Committee send money to the states in order to get around the federal spending limits that went along with accepting federal money for the national campaign, sir?

THE PRESIDENT: It's my understanding that everything the Democratic National Committee did had the prior approval of the lawyers. If they cleared it all in advance, then it was perfectly legal. And when this issue was raised about a year ago, the exact issue, I believe that that was clarified at that time. I'm sure that they had legal advice that they followed, and I believe the Republicans said that they did some of the same things and also had prior legal clearance.

Q Mr. Clinton, do you think that Mrs. Reno -- she's been advised to go forward with the 90-day investigation into the fundraising calls of the Vice President -- and perhaps Mr. Gore would like to comment, too --

THE PRESIDENT: I think that --

Q -- do you feel that the 90-day investigation would be helpful?

THE PRESIDENT: Well, if you read the statute, she can consider certain things in the 90-day period that are not permitted in the 30-day period. But I think this is a legal question and it should be done based on an independent legal review with no pressure from the outside, from me or from anyone else. And that's the way I intend to keep it, at least on my part.

Thank you.

END

11:09 A.M. EDT

THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release

October 2, 1997

October 2, 1997

MEMORANDUM FOR THE SECRETARY OF HEALTH AND HUMAN SERVICES
THE SECRETARY OF AGRICULTURE

SUBJECT: Initiative to Ensure the Safety of Imported
and Domestic Fruits and Vegetables

American consumers today enjoy the safest food supply in the world, and I am proud of my Administration's record in this area. We have taken significant steps to ensure that we maintain the safest food possible. We have put in place improved safety standards for meat, poultry, and seafood products, and we have begun the process of developing enhanced safety standards for fruit and vegetable juices. We have also expanded research, education, and surveillance activities through coordinated efforts of all agencies involved in food safety issues. Together, these measures will greatly improve the safety of the Nation's food supply.

We need to build on these efforts, and today I ask you to do so by focusing on the safety of fruits and vegetables. Although the produce Americans eat is very safe, we can and must do even better, especially at a time when Americans are eating more fruits and vegetables from all over the world. Last year, 38 percent of the fruit and 12 percent of the vegetables consumed by Americans came from overseas. We must ensure that fruits and vegetables coming from abroad are as safe as those produced in the United States, especially as we upgrade our own domestic standards.

To help accomplish this task, I plan to send to the Congress proposed legislation that will require the Food and Drug Administration (FDA) to halt imports of fruits, vegetables, or other food from any foreign country whose food safety systems and standards are not on par with those of the United States. This legislation, which will be similar to existing law requiring the USDA to halt the importation of meat and poultry from such countries, will enable the FDA to prevent the importation of potentially unsafe foreign produce. My Fiscal Year 1999 budget will provide the necessary funds to enable the FDA to expand dramatically its international food inspection force. With this greatly increased ability to inspect food safety conditions abroad and at points of entry, the FDA will be able to determine when to halt the importation of fruits and vegetables from foreign countries.

Today, I hereby direct two administrative actions that will better ensure the safety of fruits and vegetables coming from abroad, while continuing to improve the safety of domestic produce.

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(OVER)

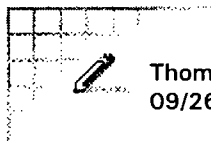
First, I direct the Secretary of Health and Human Services, in partnership with the Secretary of Agriculture and in close cooperation with the agricultural community, to issue within 1 year from the date of this memorandum, guidance on good agricultural practices and good manufacturing practices for fruits and vegetables. This guidance should address ways to prevent potential sources of contamination, should take into account differences in both crops and regions, and should address food safety issues throughout the food production and distribution system. By providing the first-ever specific safety standards for fruits and vegetables, the guidance will improve the agricultural and manufacturing practices of all those seeking to sell produce in the U.S. market. To ensure that this guidance has the widest possible effect, I also direct the development of coordinated outreach and educational activities.

Second, I direct the Secretary of Health and Human Services and the Secretary of Agriculture, to report back to me within 90 days from the date of this memorandum with a status report and complete schedule for the good agricultural and manufacturing practices, and a plan on how to improve the monitoring of agricultural and manufacturing practices abroad, to assist foreign countries to improve those practices where necessary, and to prevent the importation of unsafe produce, including by detecting unsafe food at the dock or border. I especially urge you to consider the best ways to target inspection and testing toward those areas where problems are most likely to occur.

In addition to taking these actions, you should accelerate whatever food safety research is necessary to support them. You should also call upon the Environmental Protection Agency, the Department of Labor, and other agencies as necessary to provide you with assistance in achieving this goal. These steps, taken together and in coordination with the proposed legislation I will send to the Congress, will improve the safety of fruits and vegetables for all Americans.

WILLIAM J. CLINTON

#



Thomas L. Freedman
09/26/97 05:50:08 PM

Record Type: Record

To: Elena Kagan/OPD/EOP

cc:

Subject: food safety

Have you heard the critique that guidance can't be enforced against foreign countries because it is too amorphous? The science question is if voluntary guidance represents a standard of protection that you could require foreign countries to meet?

Tom -

I believe this was my critique, expressed numerous times in our second meeting. (Weren't you listening??) There is an answer - actually a fairly decent one. But who is taking this line?

Elena

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

October 2, 1997

October 2, 1997

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THE SECRETARY OF AGRICULTURE

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and Domestic Fruits and Vegetables

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We need to build on these efforts, and today I ask you to do so by focusing on the safety of fruits and vegetables. Although the produce Americans eat is very safe, we can and must do even better, especially at a time when Americans are eating more fruits and vegetables from all over the world. Last year, 38 percent of the fruit and 12 percent of the vegetables consumed by Americans came from overseas. We must ensure that fruits and vegetables coming from abroad are as safe as those produced in the United States, especially as we upgrade our own domestic standards.

To help accomplish this task, I plan to send to the Congress proposed legislation that will require the Food and Drug Administration (FDA) to halt imports of fruits, vegetables, or other food from any foreign country whose food safety systems and standards are not on par with those of the United States. This legislation, which will be similar to existing law requiring the USDA to halt the importation of meat and poultry from such countries, will enable the FDA to prevent the importation of potentially unsafe foreign produce. My Fiscal Year 1999 budget will provide the necessary funds to enable the FDA to expand dramatically its international food inspection force. With this greatly increased ability to inspect food safety conditions abroad and at points of entry, the FDA will be able to determine when to halt the importation of fruits and vegetables from foreign countries.

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more

(OVER)

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Second, I direct the Secretary of Health and Human Services and the Secretary of Agriculture, to report back to me within 90 days from the date of this memorandum with a status report and complete schedule for the good agricultural and manufacturing practices, and a plan on how to improve the monitoring of agricultural and manufacturing practices abroad, to assist foreign countries to improve those practices where necessary, and to prevent the importation of unsafe produce, including by detecting unsafe food at the dock or border. I especially urge you to consider the best ways to target inspection and testing toward those areas where problems are most likely to occur.

In addition to taking these actions, you should accelerate whatever food safety research is necessary to support them. You should also call upon the Environmental Protection Agency, the Department of Labor, and other agencies as necessary to provide you with assistance in achieving this goal. These steps, taken together and in coordination with the proposed legislation I will send to the Congress, will improve the safety of fruits and vegetables for all Americans.

WILLIAM J. CLINTON

#

Dear Representative Stupak:

Thank you for your letter dated September 24, 1997, expressing concern about the effects of increased trade on food safety. I share your concern about the safety of food for all Americans, and I will not permit any trade policy to impair the health and safety of the American people.

I have committed this Administration to ensuring that the food that Americans eat is the safest in the world. We have put in place improved safety standards for meat, poultry, and seafood products, and have begun the process of developing enhanced safety standards for fruit and vegetable juices. Together, we have enacted legislation in this area, including the Safe Drinking Water Act of 1996 and the Food Quality Protection Act of 1996.

This month, I announced an initiative to upgrade domestic food safety standards and to ensure that fruits and vegetables coming from overseas are as safe as those produced in the United States. I asked Congress to enact legislation that will require the Food and Drug Administration to halt imports of fruits, vegetables, and other food products from any foreign country with food safety systems and standards that are not on par with those of the United States. I also directed the Department of Health and Human Services and the Department of Agriculture to work cooperatively with the agricultural community to develop guidance on agricultural and manufacturing practices for fruits and vegetables within one year. Finally, I committed to providing the necessary funds in my Fiscal Year 1999 budget to enable the FDA to dramatically expand its international food inspection force so that it can make effective use of this new legislative authority. I am attaching a fact sheet on my new proposal, as well as the directive I sent to Secretaries Glickman and Shalala.

This new initiative will help guarantee the safety of food in the United States. It provides the improved inspection capacity we need and increased regulatory power to combat imports that could be contaminated. I am committed to continuing to improve the safety of food that Americans eat, and I look forward to working with you on this vital project. Thank you again for your letter.

Sincerely,

THE WHITE HOUSE

WASHINGTON

PRESIDENT CLINTON ANNOUNCES INITIATIVE TO ENSURE THE SAFETY OF IMPORTED AND DOMESTIC FRUITS AND VEGETABLES

October 2, 1997

Today President Clinton will announce an initiative to upgrade domestic food safety standards and to ensure that fruits and vegetables coming from overseas are as safe as those produced in the United States. The President will ask Congress to enact legislation that will require the Food and Drug Administration (FDA) to halt imports of fruits, vegetables and other food products produced in countries that do not meet U.S. food safety requirements. The President will direct the Department of Health and Human Services (HHS) and the Department of Agriculture (USDA) to work cooperatively with the agricultural community to develop guidance on good agricultural and manufacturing practices for fruits and vegetables.

Enhanced FDA Oversight for Imported Foods. The President will send legislation to Congress that will require the FDA to halt imports of fruits, vegetables, and other food products from any foreign country with food safety systems and standards that are not on par with those of the United States. The legislation also will require the FDA to halt imports from countries or facilities that do not allow FDA inspections to occur. This legislation -- comparable to existing law that requires the USDA to halt the importation of meat and poultry from such countries -- will enable the FDA to prevent the importation of potentially unsafe foreign produce. The President will also commit to providing the necessary funds in his Fiscal Year 1999 budget to enable the FDA to dramatically expand its international food inspection force. With this greatly increased ability to inspect food safety conditions abroad and at points of entry, the FDA will be able to make effective use of its new authority.

Development of Guidance on Good Agricultural and Manufacturing Practices. The President will direct the Secretary of Health and Human Services, in partnership with the Secretary of Agriculture and in cooperation with the agricultural community, to develop guidance on good agricultural and manufacturing practices within one year. This guidance will take into account differences in both crops and regions and will address potential food safety problems throughout the food production and distribution system such as sanitation, worker health, and water quality. The guidance -- the first-ever specific safety standards for fruits and vegetables -- will improve the agricultural and manufacturing practices of all those seeking to sell produce in the U.S. market. To ensure that this guidance has the widest possible effect, the President will also direct the FDA and USDA to develop coordinated outreach and educational activities.

Improvement of Monitoring and Inspection Activities Abroad. In addition to committing substantial resources to expand the FDA's international food inspection force, the President will direct the Secretaries of Health and Human Services and Agriculture to report within 90 days on how to improve the monitoring of agricultural and manufacturing practices abroad, to assist foreign countries to improve these practices where necessary, and to prevent the importation of unsafe produce. The President will urge consideration of ways to target inspection and testing toward those areas where problems are most likely to occur.

THE WHITE HOUSE
WASHINGTON

~~J. Edgar~~

156-6221

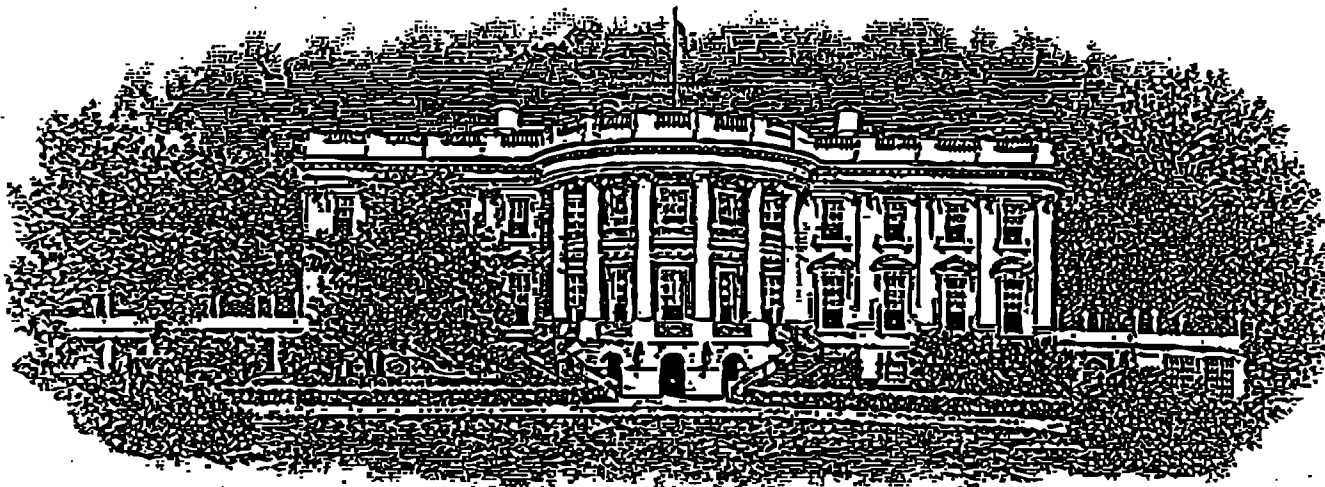
Chris
Walker

*** TX REPORT ***

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SUBADDRESS
CONNECTION ID
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The White House

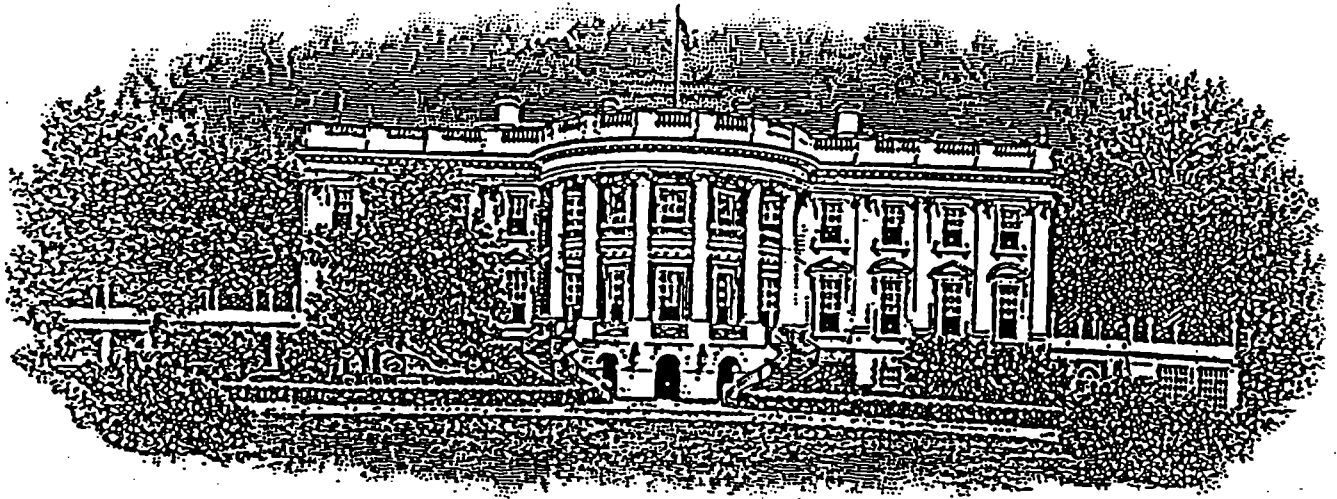


DOMESTIC POLICY

FACSIMILE TRANSMISSION COVER SHEET

TO: Chris Walker
FAX NUMBER: 456-6221
TELEPHONE NUMBER: _____
FROM: Tom Freedman
TELEPHONE NUMBER: _____
PAGES (INCLUDING COVER): 10
COMMENTS: _____

The White House



DOMESTIC POLICY

FACSIMILE TRANSMISSION COVER SHEET

TO: Chris Walker

FAX NUMBER: 456-6221

TELEPHONE NUMBER: _____

FROM: Tom Friedman

TELEPHONE NUMBER: _____

PAGES (INCLUDING COVER): 10

COMMENTS: _____

Congress of the United States

Washington, DC 20515

September 24, 1997

The Honorable William Jefferson Clinton
1600 Pennsylvania Ave., N.W.
Washington, DC 20500

Dear Mr. President:

We urge you to give serious consideration to remedying the inadequate food safety provisions in the North American Free Trade Agreement (NAFTA). Because of your commitment to ensuring the safety of our nation's food supply, we expect that you will not agree to fast track authority that does not contain adequate food safety protections. Current fast track proposals do not address these concerns. SEP 25 PM 5:35

In an effort to increase trade with Mexico, NAFTA limited border inspections of food and allowed Mexican trucks to enter the U.S. with limited inspection.

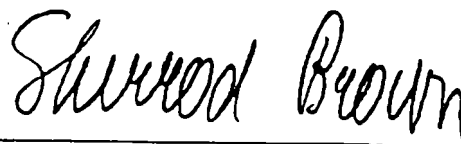
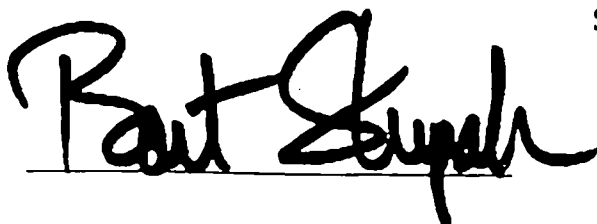
These lax inspection practices contributed to a sharp increase in food imports from Mexico: imports of Mexican fruit have increased 45%, and vegetable imports have risen 31%. More than 70% of these imports are carried into the U.S. on trucks. The General Accounting Office (GAO) recently found that 99% of Mexican trucks enter the U.S. without any inspection.

These provisions in NAFTA have resulted in imports of fruits and vegetables contaminated with diseases and unhealthy pesticides. We were alarmed earlier this year when 179 Michigan school children contracted hepatitis after eating tainted Mexican strawberries. In order to prevent similar incidents in the future, we urge you to take the following action:

- Renegotiate the provisions in NAFTA that relate to border inspections and food safety, and ensure that any fast track authority include strong food safety protections.
- Increase the funding for border inspections or, alternatively, limit the increasing rate of food imports to ensure the safety of our food supply.
- Begin an aggressive program to label all food stuffs -- including fresh and frozen fruits, vegetables and meats -- with their country of origin.

We look forward to working with you on these vital public health issues.

Sincerely,



~~no (17-04)~~
Loel Blagovesh

Patty T. Munk

Shirley Weyler

Paul K. Kanyinski

John Sedace

Maureen Hinkley

Bob W. J. J. J.

J. L. J. J.

Mike Dyer

Burt Ascregg

Paul Dyer

John Dyer

William J. Coyne

Bob Boudin

John Dyer

Errol Haller

Steve J. J. J.

Lou Evans

Guy J. Costello

Peter Lipinski

Ted Strickland

Robert L. Lunn

Frank Palmer, Jr.

Eric McKinn

Bobby Z. Clark

Robert W. Bellman

Dale E. Gilder

Mark Evans

George E. Brown, Jr.

Martin O. Salas

Eliot L. Engle

Al Johnson

Marjorie Waters

Lisa V. Gutierrez

Wayne Dinsley

Tom Allen

William L. Watt

Julius Carson

John W. Oliver

Adam Smith

Jim McLaure

Sonny Davis

Robert F. Kennedy

Mark Foley

John F. Trump

Henry R. Lither

Vic Fazio

Ellen C. Feltner

Gary Miller

James L. Chester

John Longenecker

Matthew L. Martiney

Elizabeth Duse

Pat Lerner

Ron Kunt

Jameson as cana

Q. Q. Q. Q.

Marcy Kaptur

Paul E. Brown

Law H. M. King

Bruce E. Vento

Pete A. Fazio

William D. Delshut

Paul E. King

Lynn S. Lewis

Paul L. Smith

Jim Davis

Debbie L. Lerner

Pete Starb

Dennis K. Kieinich

Henry A. Wexman

Sam Jeph

Jack Metcalf

Neil Abernethy

Ed Hume

Carolyn McCarty

Marty Mel

David V. Gherney

Jim Barcia

John A. Colman

Sam W. Johnson

Danny L. Davis

Tom Lantis

Ron Kind

Tom

Congress of the United States
House of Representatives
Washington, DC 20515

September 23, 1997

SEP 25 PM5:36

The Honorable Bill Clinton
The White House
Washington, D.C. 20500

Dear Mr. President:

We, the members of the Florida congressional delegation, are writing to express our problem in supporting the renewal of fast track authority.

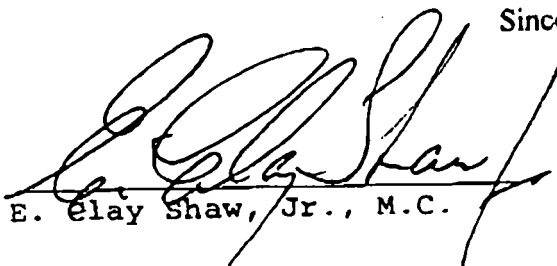
While we support free trade, we are hesitant to support fast track legislation in light of the fact that existing agreements regarding Florida fresh fruit and vegetable commodities have not been fully enforced. For example, in the recent past, tomatoes from Mexico were dumped in this country below cost in elevated surging quantities. And because current safeguards were not effective, Florida's tomato industry was severely damaged.

Furthermore, it is our understanding that not one Florida orange has been exported to Mexico since the passage of NAFTA. This situation demonstrates the inherent unfairness against Florida produce by the Mexican government.

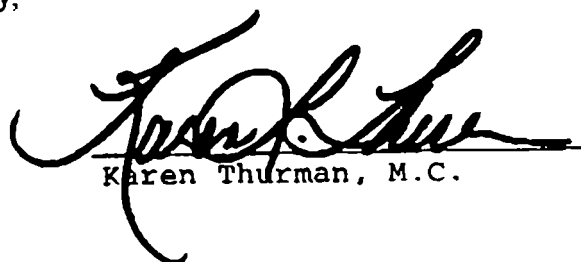
We understand that expanding free trade is crucial to continue growing America's economy. However, we are reluctant to support renewing fast track authority for agreements with other nations when promises made in the past to fairly treat Florida produce have gone largely unfulfilled. Therefore, we believe the existing foreign trade inequities concerning Florida agriculture should be addressed and resolved before fast track authority is renewed.

Thank you for your consideration of our views.

Sincerely,

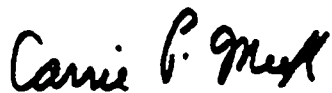


E. Elay Shaw, Jr., M.C.



Karen Thurman, M.C.

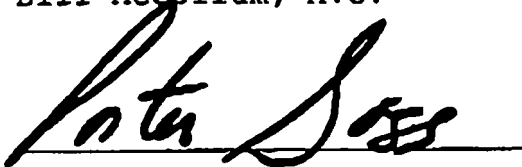
The Honorable Bill Clinton -- Page 2



Carrie Meek, M.C.



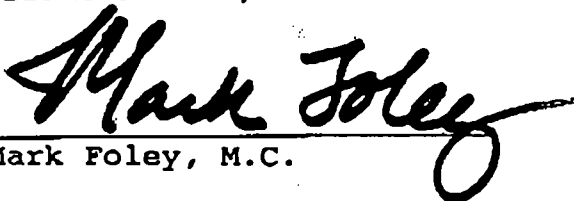
Bill McCollum, M.C.



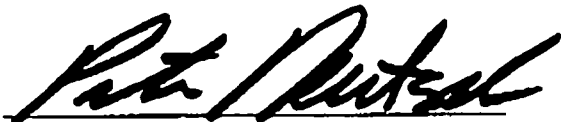
Porter Goss, M.C.



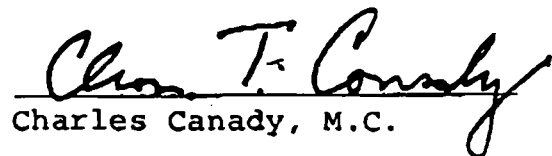
Tillie Fowler, M.C.



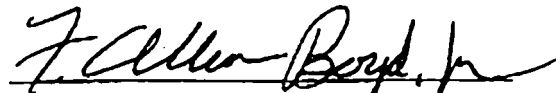
Mark Foley, M.C.



Peter Deutsch, M.C.



Charles Canady, M.C.



F. Allen Boyd, Jr., M.C.



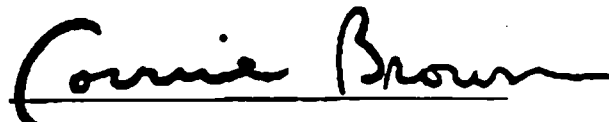
C.W. "Bill" Young, M.C.



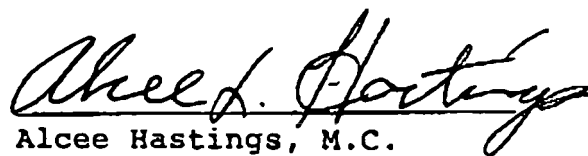
Michael Bilirakis, M.C.



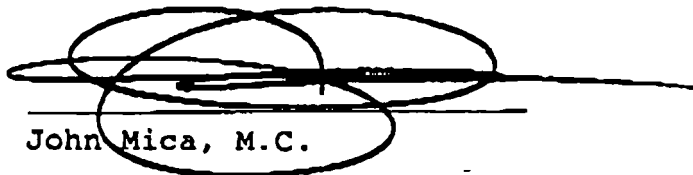
Ileana Ros-Lehtinen, M.C.



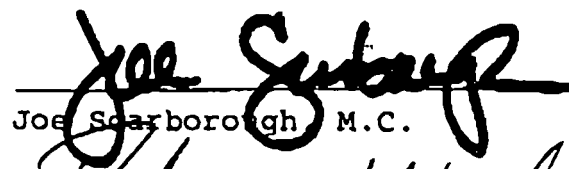
Corrine Brown, M.C.



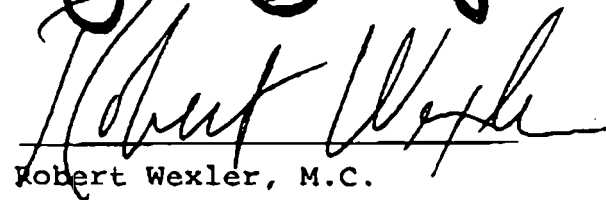
Alcee Hastings, M.C.



John Mica, M.C.



Joe Scarborough, M.C.



Robert Wexler, M.C.



David Weldon, M.C.

Clinton Administration Accomplishments In Improving Food Safety

The President's announcement builds on a strong record of food safety initiatives, ensuring that Americans eat the safest possible food. The Administration has put into place improved safety standards for meat, poultry and seafood products, and has begun the process of developing enhanced standards for fruit and vegetable juices. The Administration also has expanded research, education and surveillance activities throughout the food safety system.

- * October, 1997. President announces new initiative to enhance FDA oversight over imported foods and develop guidance on good agricultural and manufacturing practices for fruits and vegetables.
- * May, 1997. Administration announces comprehensive new initiative to improve the safety of nation's food supply -- "Food Safety from Farm to Table" -- detailing a \$43 million food safety program, including measures to improve surveillance, outbreak response, education, and research.
- * January, 1997. President announces new Early-Warning System to gather critical scientific data to help stop food borne disease outbreaks quickly and to improve prevention systems further.
- * August, 1996. President signs Safe Drinking Water Act of 1996. The law requires drinking water systems to protect against dangerous contaminants like cryptosporidium, and gives people the right to know about contaminants in their tap water.
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- * July, 1996. President Clinton announces new regulations that modernize the nation's meat and poultry inspection system for the first time in 90 years. New standards help prevent E.coli bacteria contamination in meat.
- * December, 1995. Administration issues new rules to ensure seafood safety. Utilizes HACCP regulatory programs to require food industries to design and implement preventive measures and increase the industries' responsibility for and control of their safety assurance actions.
- * 1994. CDC embarks on strategic program to detect, prevent, and control emerging infectious disease threats, some of which are food borne, making significant progress toward this goal each successive year.
- * 1993. Vice-President's National Performance Review issues report recommending gov and industry move toward a system of preventive controls.

PRESIDENT CLINTON ANNOUNCES INITIATIVE TO ENSURE THE SAFETY OF IMPORTED AND DOMESTIC FRUITS AND VEGETABLES

October 2, 1997

Today President Clinton will announce an initiative to upgrade domestic food safety standards and to ensure that fruits and vegetables coming from overseas are as safe as those produced in the United States. The President will ask Congress to enact legislation that will require the Food and Drug Administration (FDA) to halt imports of fruits, vegetables and other food products produced in countries that do not meet U.S. food safety requirements. The President will direct the Department of Health and Human Services (HHS) and the Department of Agriculture (USDA) to work cooperatively with the agricultural community to develop guidance on good agricultural and manufacturing practices for fruits and vegetables.

Enhanced FDA Oversight for Imported Foods. The President will send legislation to Congress that will require the FDA to halt imports of fruits, vegetables and other food products from any foreign country with food safety systems and standards that are not on par with those of the United States. The legislation also will require the FDA to halt imports from countries or facilities that do not allow FDA inspections to occur. This legislation -- comparable to existing law that requires the USDA to halt the importation of meat and poultry from such countries -- will enable the FDA to prevent the importation of potentially unsafe foreign produce. The President will also commit to providing the necessary funds in his Fiscal Year 1999 budget to enable the FDA to dramatically expand its international food inspection force. With this greatly increased ability to inspect food safety conditions abroad and at points of entry, the FDA will be able to make effective use of its new authority.

Development of Guidance on Good Agricultural and Manufacturing Practices. The President will direct the Secretary of Health and Human Services, in partnership with the Secretary of Agriculture and in cooperation with the agricultural community, to develop guidance on good agricultural and manufacturing practices within one year. This guidance will take into account differences in both crops and regions and will address potential food safety problems throughout the food production and distribution system such as sanitation, worker health, and water quality. The guidance -- the first-ever specific safety standards for fruits and vegetables -- will improve the agricultural and manufacturing practices of all those seeking to sell produce in the U.S. market. To ensure that this guidance has the widest possible effect, the President will also direct the FDA and USDA to develop coordinated outreach and educational activities.

Improvement of Monitoring and Inspection Activities Abroad. In addition to committing substantial resources to expand the FDA's international food inspection force, the President will direct the Secretaries of Health and Human Services and Agriculture to report within 90 days on how to improve the monitoring of agricultural and manufacturing practices abroad, to assist foreign countries to improve these practices where necessary, and to prevent the importation of unsafe produce. The President will urge consideration of ways to target inspection and testing toward those areas where problems are most likely to occur.

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Office of the Press Secretary

For Immediate Release

October 2, 1997

October 2, 1997

MEMORANDUM FOR THE SECRETARY OF HEALTH AND HUMAN SERVICES
THE SECRETARY OF AGRICULTURESUBJECT: Initiative to Ensure the Safety of Imported
and Domestic Fruits and Vegetables

American consumers today enjoy the safest food supply in the world, and I am proud of my Administration's record in this area. We have taken significant steps to ensure that we maintain the safest food possible. We have put in place improved safety standards for meat, poultry, and seafood products, and we have begun the process of developing enhanced safety standards for fruit and vegetable juices. We have also expanded research, education, and surveillance activities through coordinated efforts of all agencies involved in food safety issues. Together, these measures will greatly improve the safety of the Nation's food supply.

We need to build on these efforts, and today I ask you to do so by focusing on the safety of fruits and vegetables. Although the produce Americans eat is very safe, we can and must do even better, especially at a time when Americans are eating more fruits and vegetables from all over the world. Last year, 38 percent of the fruit and 12 percent of the vegetables consumed by Americans came from overseas. We must ensure that fruits and vegetables coming from abroad are as safe as those produced in the United States, especially as we upgrade our own domestic standards.

To help accomplish this task, I plan to send to the Congress proposed legislation that will require the Food and Drug Administration (FDA) to halt imports of fruits, vegetables, or other food from any foreign country whose food safety systems and standards are not on par with those of the United States. This legislation, which will be similar to existing law requiring the USDA to halt the importation of meat and poultry from such countries, will enable the FDA to prevent the importation of potentially unsafe foreign produce. My Fiscal Year 1999 budget will provide the necessary funds to enable the FDA to expand dramatically its international food inspection force. With this greatly increased ability to inspect food safety conditions abroad and at points of entry, the FDA will be able to determine when to halt the importation of fruits and vegetables from foreign countries.

Today, I hereby direct two administrative actions that will better ensure the safety of fruits and vegetables coming from abroad, while continuing to improve the safety of domestic produce.

more

First, I direct the Secretary of Health and Human Services, in partnership with the Secretary of Agriculture and in close cooperation with the agricultural community, to issue within 1 year from the date of this memorandum, guidance on good agricultural practices and good manufacturing practices for fruits and vegetables. This guidance should address ways to prevent potential sources of contamination, should take into account differences in both crops and regions, and should address food safety issues throughout the food production and distribution system. By providing the first-ever specific safety standards for fruits and vegetables, the guidance will improve the agricultural and manufacturing practices of all those seeking to sell produce in the U.S. market. To ensure that this guidance has the widest possible effect, I also direct the development of coordinated outreach and educational activities.

Second, I direct the Secretary of Health and Human Services and the Secretary of Agriculture, to report back to me within 90 days from the date of this memorandum with a status report and complete schedule for the good agricultural and manufacturing practices, and a plan on how to improve the monitoring of agricultural and manufacturing practices abroad, to assist foreign countries to improve those practices where necessary, and to prevent the importation of unsafe produce, including by detecting unsafe food at the dock or border. I especially urge you to consider the best ways to target inspection and testing toward those areas where problems are most likely to occur.

In addition to taking these actions, you should accelerate whatever food safety research is necessary to support them. You should also call upon the Environmental Protection Agency, the Department of Labor, and other agencies as necessary to provide you with assistance in achieving this goal. These steps, taken together and in coordination with the proposed legislation I will send to the Congress, will improve the safety of fruits and vegetables for all Americans.

WILLIAM J. CLINTON

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PRESIDENT WANTS F.D.A. TO REGULATE FOREIGN PRODUCE

ILLNESSES LEAD TO ACTION

Fruit and Vegetables Could Be Banned if Farming Methods Did Not Meet Standard

By JAMES BENNET

WASHINGTON, Oct. 2 — Acting after several outbreaks of disease linked to the burgeoning global trade in produce, President Clinton announced today that he would ask Congress to require Federal regulators to ban imports of fruit and vegetables from countries that did not meet expanded American food safety standards.

The move, urged by regulators since shortly after Mr. Clinton first took office and welcomed today by industry and consumer groups, would empower the Food and Drug Administration to insure the safety of foreign fruit and vegetables in much the same way that other Federal regulators check meat and poultry from overseas.

Mr. Clinton said he would ask for more money from Congress next year for the F.D.A. to hire investigators to inspect not just produce but also foreign farming methods and government safety systems. In a change that might irk some United States trading partners, countries that blocked the new inspections would be forbidden to sell fruit and vegetables in the United States, the Administration said.

"At the time when Americans are eating more and more food from around the globe, we must spare no effort to insure the safety of our food supply from whatever source," Mr. Clinton said at a Rose Garden ceremony to announce his proposals today. "Our food safety system is the strongest in the world, and that's how it's going to stay."

Imports of produce have increased sharply in recent years, to 38 percent of the fruit consumed by Americans and 12 percent of the vegetables. With those imports, however, have come recent outbreaks of diseases brought across borders by Guatemalan raspberries, Mexican cantaloupes and Thai coconut milk, causing public alarm that might make Congress sympathetic to Mr. Clinton's proposals. But American trading partners may eventually choose to protest any ban on their products to the World Trade Organization,

Continued From Page A1

much as the United States on Wednesday said it would file a complaint with that organization protesting Japan's stringent test for pesticides on American nectarines, cherries and other fruit. The United States sells twice as much food abroad as it imports.

Donna E. Shalala, the Secretary of Health and Human Services, said that Mr. Clinton would ask for \$24 million annually to support the Food and Drug Administration's new international inspections. Another official said that if Congress acted on Mr. Clinton's proposal, the F.D.A. would phase in its system for such inspections over the next several years.

Today, Mr. Clinton also directed Dr. Shalala and Agriculture Secretary Dan Glickman to develop new voluntary standards within a year for growing, processing, shipping and selling fruit and vegetables. The President said he also expected a

Proposing the same scrutiny of foreign fruit and vegetables as of meat.

report from them within 90 days on how to improve the monitoring of fruit and vegetables grown abroad.

Though they backed the President's proposal, consumer and industry groups said they were anxious about the details in the legislation, which the Administration plans to offer next year.

"What the President proposed today addresses many of the gaps," said Caroline Smith DeWaal, director of food safety for the Center for Science in the Public Interest. But, she added, "I would like to have mandatory standards rather than voluntary guidelines" for food manufacturers and handlers. For their part, White House aides predicted that meeting the voluntary guidelines would become an eye-catching industry selling point.

A senior White House official, who spoke on the condition of anonymity, said it was hard to predict whether the President's initiative could raise produce prices. But producers or sellers may have to pass on the costs of any modifications to consumers, he said.

The main initiative announced today, requiring the F.D.A. to bar foods imported from countries with substandard safety systems, was recommended more than four years ago by David A. Kessler, then the Commissioner of Food and Drugs. Dr. Kessler warned then that the nation's food-safety laws, essentially unchanged since 1938, were in "urgent need" of an overhaul.

Contaminated food, he noted, kills an estimated 9,000 Americans a year and sickens millions, perhaps tens of millions. It still does. The food-safety system was marked by "enormous inefficiencies," he warned. It still is, according to a Federal report published in May.

The White House has already moved to institute one of Dr. Kessler's central proposals, a scientific system for controlling the risk of disease borne by seafood, meat and

poultry. But no such system yet exists for fruit and vegetables, domestic or imported.

The White House said today that Mr. Clinton has been adopting Dr. Kessler's proposals piecemeal, addressing the most urgent needs first. Michael D. McCurry, the White House press secretary, said that Mr. Clinton was prompted to tighten monitoring of fruit and vegetables partly by several outbreaks of illness and reporting on the potential hazards by news organizations, including The New York Times.

Mr. Clinton's move on food safety comes as he is seeking enhanced authority from Congress to negotiate trade deals. His opponents have charged that the new rules, under which trade deals once negotiated would have to be voted on quickly and without amendment by Congress, would lower barriers to food-borne diseases.

Some opponents of granting the President such fast-track authority hailed Mr. Clinton's announcement today. "I'm glad the fast-track debate has energized the President to do this," said Representative Sherrod Brown, Democrat of Ohio. Mr. Brown and 85 other members recently sent President Clinton a letter linking food safety and trade pacts.

The White House said Mr. Clinton did not connect food safety to promoting his trade goals. The senior Administration official said that he expected some members of Congress to use the initiative as political cover for voting to give the President greater trade authority.

Senator Richard Lugar, the Indiana Republican who heads the Agriculture Committee, will hold hearings on the initiative next week.

The Administration consulted with some foreign governments before today's announcement, one Administration official said, but still expected criticism from abroad. "There will be some negative reaction in some places, but it won't be the end of the world," he said.

Some foreign representatives here worried that Mr. Clinton's proposals might be used to create trade barriers. The safety of imported food is "a serious issue coming very fast toward all of us in this new global world," said Ambassador John Biehl of Chile. He called the President's initiative "a good thing as long as it is equal for everyone" and not "used as an artificial barrier to free trade."

Administration officials repeatedly said today that there was no evidence that imported fruit and vegetables were less safe than American ones. But there is little data about the relative safety of domestic versus imported food, according to the Centers for Disease Control and Prevention, in Atlanta. One percent or fewer of the actual number of food-borne illnesses are reported, analyzed, identified and successfully traced.

While the Department of Agriculture monitors meat and poultry, produced here or abroad, the F.D.A. is charged with safeguarding all other food, including fruit, vegetables, grains and seafood. But, unlike the Agriculture Department, the F.D.A. can now send its investigators abroad only if they are invited, and agency inspections of the imports have dropped to less than half what they were five years ago. If Congress approves the President's proposal, the F.D.A. is expected to hire 100 more investigators, who will examine foreign farming methods and food safety systems.

The New York Times

FRIDAY, OCTOBER 3, 1997

Continued on Page A13

By Lorraine Woellert
THE WASHINGTON TIMES

President Clinton yesterday asked Congress for the authority to ban imported food that doesn't meet U.S. safety standards, an action immediately criticized as a way to boost public relations rather than dramatically affect public policy.

"Our food-safety system is the strongest in the world, and that's how it's going to stay," Mr. Clinton said yesterday in a formal Rose Garden ceremony.

In principle, the hastily drafted proposal won't necessarily make the nation's food supply safer. The Food and Drug Administration and other federal agencies already have the authority to stop tainted food at the border and inspect overseas farms and manufacturing plants under global trade rules.

"This proposal is designed to try to deflect criticism from imported food-safety problems in an effort to pass [the] fast-track [bill]," said Lori Wal-

lach, director of Public Citizen's Global Trade Watch, a consumer group that last week issued a study critical of the nation's food-safety efforts.

The so-called fast-track bill would give the president freedom to make trade agreements that Congress could not amend. The measure has alarmed some lawmakers, who fear in part that lower trade barriers could allow tainted foreign food to slip into the United States.

Trade rules under the North American Free Trade Agreement and the World Trade Organization already have led the FDA to draw up guidelines for ensuring that foreign food producers meet standards "equivalent" to those in the United States. However, trade critics question whether "equivalent" standards will be enough to protect the nation's food supply.

"This is a battle over fast track, it's not a question of food-safety authority or legislation," said Rod Leonard, ex-

see FOODS, page B12

FOODS

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ecutive director of the Community Nutrition Institute.

Food manufacturers yesterday expressed concern that the Clinton plan, though still vague, could lead to more regulation and complicate existing trade agreements. About 20 percent of the fruit and vegetables Americans eat annually is imported.

"The whole question is, is this new authority needed? That has yet to be determined," said Brian Sansoni, spokesman for the Grocery Manufacturers of America. "We are concerned about the timing of this to a certain extent. This issue should not be mixed up with fast-track trading authority."

Mr. Clinton said his proposal should not complicate the trade environment.

"We're not trying to unfairly target foreign producers of food into our market," he said.

Mr. Clinton said he would boost next year's FDA budget for foreign-food inspections by about \$24 million from the current level of \$43 million.

He also ordered the secretaries of health and human services and agriculture to draw up voluntary guidelines on growing, processing, shipping and selling produce.

FDA officials said the Clinton plan will give them more authority to guarantee food safety at the source, not at the border.

"Currently, the inspection of produce from foreign countries is done only when those materials reach the United States," said Richard Rominger, deputy secretary of agriculture.

"By looking more carefully at the land-management practices, the farming practices, the fertilization, the water supplies at each of these areas, it's possible to look at the public-health issues in a particular country and then to realize how best one can minimize the risks and maximize the benefits."

Demand for electronic aircraft spurs econo

By Dave Skidmore
ASSOCIATED PRESS

Surging demand for electronic components and aircraft boosted manufacturing while unemployment-benefit applications remained low, the government said yesterday in reports depicting a strong but not overheated economy.

"The reason everything is so wonderful is we're not in a boom. We've got solid moderate growth that therefore can be sustained," said economist David Orr of First Union Corp. in Charlotte, N.C.

Orders to U.S. factories jumped 1.3 percent in August to a seasonally adjusted \$335.4 billion, the Commerce Department said. It was the third consecutive increase but overstated manufacturing's momentum.

The strength was almost entirely concentrated in two categories. Orders for electronic components such as semiconductors and circuit boards soared 76.9 percent, the largest increase since February 1990.

Aircraft orders jumped 30.8 percent, spurred by retooling at U.S. airlines and demand from foreign carriers.

Without those two gains, orders overall would have been down 1.7 percent.

Moreover, a report Wednesday from the National Association of Purchasing Management showed manufacturing momentum slowed in September.

New applications for unemployment benefits inched up by 1,000 last week to 308,000, the Labor Department said. It was the first increase in a month but left claims at a level reflecting continued demand for workers.

A four-week moving average of claims, which analysts track because it smoothes weekly fluctuations, fell by 4,250 to 308,750, the lowest since mid-August.

"It's certainly at a level that fits with the idea that labor markets are extremely tight," said economist Dan Laufenberg of American Express Financial Advisers in Minneapolis. "There's all kinds of help-wanted signs everywhere

and special programs workers, such as finders fees and bonuses."

Meanwhile, same-store retail spending in September rose just 0.4 percent over the same period a year ago, reported TeleCheck Services Inc. The Houston-based company compared the dollar volume of checks written at more than 27,000 locations.

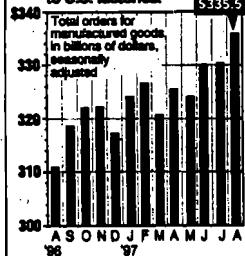
William Ford, TeleCheck's senior economic adviser, suggested the increase was so small because Princess Diana's death and funeral kept many potential shoppers home watching television.

The mix of data left Wall Street unruffled. The Dow Jones average of industrial stocks rose 12.03 points to close at 8,027.53. Bond prices increased slightly, sending the yield on the 30-year Treasury bond to 6.30 percent from 6.32 percent the day before.

Markets were cheered this week by the Federal Reserve's decision to hold short-term interest rates steady. However, minutes released yesterday of the Fed's previous interest-rate meeting on Aug. 19 showed many policy-makers were worried that strong demand for labor would accelerate wage increases, forcing companies to raise prices more quickly than before.

RAMPING UP

A surge in demand for electronic components in August produced the third straight gain in orders to U.S. factories.



Source: Commerce Department

The Washington Times

The Washington Times

FRIDAY, OCTOBER 3, 1997

Produce industry questions motive behind food plan

By Daniela Deane
and Anita Manning
USA TODAY

The president's latest food safety proposal follows a series of outbreaks of food poisoning traced to contaminated berries, lettuce, sprouts and other fruits and vegetables, many of them imported.

Among recent outbreaks:

► About 1,400 Americans became ill this year and last after ingesting cyclospora, a parasite that causes diarrhea and other symptoms, including weight loss and fatigue that can last for weeks.

Most cases were linked to raspberries imported from Guatemala, but this year, outbreaks were also traced to basil and lettuce. Scientists believe the basil and lettuce were imported but have not yet determined their country of origin.

► In March, an outbreak of hepatitis A linked to frozen strawberries from Mexico affected 230 people in Michigan, including 179 school children. Hepatitis A infection causes fever, jaundice, nausea and appetite loss for several weeks.

► Alfalfa sprouts grown from seeds contaminated with E. coli, a dangerous bacterium that can cause severe diarrhea and hemorrhagic colitis, made more than 100 people sick (60 in Michigan and 48 in Virginia). The source of the sprouts hasn't been traced.

Industry officials insist these incidents are isolated and do not represent a widespread food safety problem. They argue that with Americans eating a half billion servings of fruits and vegetables every day, outbreaks such as these are minuscule when compared with the vast amount of fresh produce consumed in this country. Americans are increasingly seeking healthier diets, with lots of fruits and vegetables, prompting retailers to troll world markets in an effort to stock a year-round supply of fresh produce.

"We reject 100% that we have a food safety problem," says John Aguirre of the United Fresh Fruit and Vegetable Association. He called the measures "unwarranted."

President Clinton asked Congress Thursday to pass legislation allowing the Food and Drug Administration

(FDA) to ban imports of fruits and vegetables that do not meet U.S. food safety standards. He also sought to boost the FDA's budget for foreign food inspections.

Critics charge that the food plan is an effort by the president to bolster support to grant him "fast-track" trade authority.

That enables him to negotiate trade agreements that Congress would have to approve or reject but could not amend. Opponents say that legislation, currently pending in Congress, could open the door to more tainted food from overseas.

"We are concerned about fast-track legislation getting linked to food safety," says Brian Sansoni of the Grocery Manufacturers of America. "We hope the motivation behind this isn't to appease opponents of fast-track legislation."

But the FDA, which has been pushing for the changes since 1993, says it hasn't kept pace with Americans' food supply. "The whole infrastructure of food safety needs to be strengthened," Associate Commissioner William Hubbard says.

Foreign food imports have doubled to 2.2 million shipments a year since 1992, while FDA border inspections were cut in half. Only 2% of imported foods are checked for contamination at entry docks.

If Congress approves the legislation, the FDA will have the same authority to halt imported produce that the U.S. Department of Agriculture has over imported meat and poultry.

But industry officials worry what effect the proposal would have on trade and trading partners.

"We do not want to see anything that would increase trade barriers, or unnecessarily increase tensions between trading partners," Sansoni says.

"Clearly, being the world food police complicates the trade environment we operate in," Aguirre says.

They also argue that since a recent report found that 40% of cancers were avoidable with a proper diet, which includes plenty of fresh fruit and vegetables, the consumption of fresh produce should be strongly encouraged, rather than discouraged, among Americans.

► Food crackdown urged, 1A

Young and the ruthless' never materialized

change his eating habits." Jack Levin, Fox's colleague at Northeastern, acknowledged the improvement but warned that two years' worth of statistics is not enough to celebrate a complete reversal. "It took us 20 to 30 years to get into this mess," he said. "It's going to take at least a decade to get out of it."

Levin says the criminologists who served as doomsayers actually deserve credit for raising the issue. "What is responsible for this good news is fear," Levin said. "We're so scared of our kids, we're watching them."

► Arrest rate falls, 1A

to be found in the new FBI statistics. "I think that the efforts that various cities and towns are making are paying off," Fox said. "From Boston to Anaheim, citizens are investing in their communities."

Among the most effective are community mentoring programs and federal grants cities are using to put more police on the streets. "What we should take from this decline is a feeling of hope but not overconfidence," Fox said. "Our problems are hardly over," he said. "If a crash diet goes off his diet, he gains weight. He has to permanently

Washington — Three years ago, with the country still reeling from a plague of violent crime, leading criminologists predicted that something much worse was looming. They talked of an approaching wave of youth crime, driven by a surge in teen population expected to jump nearly 44% by the year 2010. So far, the ominous predictions about a group Northeastern University professor James Fox dubbed the "young and the ruthless" have been wrong. The teenage population is

Youth violent crime declines			
Violent crime arrest rate for juveniles 10-17 years old:			
Year	Rate per 100,000	Change	
1987	811.9	-1.9%	
1988	327.4	5.2%	
1989	382.6	16.6%	
1990	428.9	12.1%	
1991	461.6	7.6%	
1992	482.8	4.6%	
1993	505.1	4.6%	
1994	527.4	4.4%	
1995	511.9	-2.9%	
1996	464.7	-9.2%	

Source: Justice Department

Clinton Calls For Changes On Produce

Plan Aims to Boost Safety for Imports

By Peter Baker
Washington Post Staff Writer

In response to public skittishness over food safety, President Clinton yesterday proposed a new program of standards and inspections aimed at blocking contaminated fruits and vegetables grown overseas from reaching the United States.

During a Rose Garden ceremony, Clinton detailed his plans to ask Congress to authorize the Food and Drug Administration to halt imports of produce from foreign countries that have lower safety requirements or do not permit FDA inspections. The administration also will develop new guidelines and monitoring procedures, he said.

"With these efforts, we can make sure that no fruits and vegetables cross our borders, enter our ports or reach our dinner tables without meeting the same strict standards as those grown here in America," the president said. "Our food safety system is the strongest in the world, and that's how it's going to stay."

The plan, the broad outlines of which were released last week, was fashioned to reassure consumers worried by recent outbreaks of food-borne illnesses that fruits and vegetables will be examined as closely as meat and poultry. The FDA recommended more scrutiny of produce in 1993, but the administration did not act until recent widely publicized incidents raised political pressure.

Even as it was being unveiled, though, the proposal immediately became entangled in the politics of Clinton's "fast-track" free trade proposal. On one side, critics charged that the food initiative was a ploy to allay congressional fears that lower trade barriers would make it easier for tainted food from other countries to get into the United States. On the other, industry officials warned the plan could hurt domestic growers if foreign governments retaliate by adopting their own stricter standards against American products.

"This whole plan of his is pure



President Clinton discusses food safety outside White House, flanked by Vice President Gore, left; food representatives Tom Stenzel, Manley Molpus, Carol Foreman and Caroline Dewaal; and HHS Secretary Donna Shalala.

cosmetics to get fast track passed," Rep. Sherrod Brown (D-Ohio) said by telephone from the Mexican border, where he was studying the impact of the North American Free Trade Agreement (NAFTA). "I don't think anybody in Congress is going to change their vote because of this rather inadequate food safety proposal of the president's."

The Clinton legislation would give the FDA the same kind of power over produce imports that the Agriculture Department already has over meat and poultry, officials said. While fruits and vegetables are not the main source of food illnesses, there is some evidence that their involvement is growing. Vegetables now are involved in about 15 percent of E. coli 0157:H7 outbreaks in the United States, three times as much as several years ago.

The administration plans to ask for \$24 million for more international inspectors to travel abroad to examine produce suppliers. Clinton asked aides to report back in 90 days with plans to toughen border inspections and aid foreign countries and in a year with specific safety standards for growing, processing, shipping and selling produce.

About 38 percent of the fruit and 12 percent of the vegetables consumed by Americans last year came from foreign growers, according to the administration. Officials said they were not responding to any great threat from overseas produce. "We don't see a huge problem out

there," Deputy Agriculture Secretary Richard E. Rominger said.

However, some food industry officials said they fear a backlash from foreign governments because of the Clinton plan.

"I've seen countries do a lot of things to protect their markets, and it wouldn't surprise me at all to see other countries use this to protect their markets if our government isn't careful how they structure this program," said Chris Schlect, president of the Northwest Horticultural Council, which represents growers of apples, pears and cherries in the Pacific Northwest.

But Ralph Nader's Public Citizen group sharply dissected Clinton's plan, calling it weak in some elements and counterproductive in others.

Lori Wallach, director of the group's trade section, said the FDA already has the power to seize contaminated fruit and vegetables at the border. Moreover, she said, Clinton's proposal would apply a looser standard than current law—requiring that foreign safety standards be equivalent rather than equal to U.S. rules.

The most beneficial aspect of the plan, she said, is the provision allowing the FDA to block produce imports if its inspectors are barred from another nation.

"It's a crass political move," she said. "It's about fast track, not food safety."

Staff writer Paul Blustein contributed to this report.

The Washington Post

FRIDAY, OCTOBER 3, 1997

Too Soon to Sell Reactors to China

Of all the nuclear powers, China has been the most reckless in exporting technology and materials that other countries can use to develop their own bombs. In the 1990's, Iran, Iraq, India and Pakistan have received Chinese help in evading international restrictions on nuclear trade. Iran and Pakistan still receive Chinese assistance. Despite recent promises to exercise restraint, China remains the only nuclear-weapons state selling material and technology to countries that close some of their nuclear installations to international inspectors.

That should be reason enough to maintain restrictions on exporting civilian nuclear reactor technology to China. Yet there is strong support within the Administration for lifting those controls in time for the visit of Jiang Zemin, China's President, to Washington this month. President Clinton should resist the pleas of diplomats eager to improve relations with Beijing and of exporters like Westinghouse, General Electric and ABB looking to tap the \$2 billion Chinese nuclear market. He should keep current restrictions in place until China shows responsibility on its own nuclear exports.

Getting China to change its policies is hard. But Washington now has a lever for seeking tighter export restraints. China is planning to expand its nuclear power program and very much wants to gain access to American civilian nuclear technology, the world's best. That leverage can be deftly used by promising an early lifting of the American export restrictions once tighter Chinese controls are established and verifiably in place.

American companies may not sell reactors to China until the President informs Congress that Beijing is neither directly nor indirectly helping non-nuclear countries develop nuclear weapons. For the last 12 years, no American President has felt able to give such assurances.

The Administration has been pressing China to observe stricter export safeguards since last year's discovery that a Chinese military corporation was selling ring magnets, a bomb-making tool, to Pakistan. Beijing appears to have stopped shipping nuclear materials and technologies to installations that bar international inspectors. But that is not enough, since recipient countries can simply divert such nuclear contraband to unmonitored installations. The solution is for China to refuse to sell to countries that bar inspectors from any facility. China must also establish better controls over the export activities of its military-run corporations.

Those two steps would solve the Pakistan problem, but not the Iranian one. Iran keeps all its known facilities open to inspectors, but the Central Intelligence Agency reports it is secretly developing nuclear weapons anyway. China is also aiding Iranian efforts to make chemical weapons and medium-range missiles. American diplomats are trying to firm up Chinese promises to halt this dangerous assistance to Iran. But there will be no way of knowing whether these pledges are reliable in time for the coming summit meeting. In an area this dangerous to international security, promises are not enough.

Safety Standards for Imported Food

Global trade allows Americans to satisfy their appetites for strawberries in spring, apples in mid-summer and asparagus in autumn. Last year 38 percent of fruits and 12 percent of vegetables consumed here came from foreign fields. But getting fresh produce year round also means that consumers are exposed to foreign food production systems that may not be well regulated. Although the vast majority of the 30 billion tons of food imported annually is wholesome, recent incidents of illness caused by tainted Guatemalan raspberries and E. coli-contaminated domestic meat and fruit juices have made food safety a public concern.

Yet even as food imports have doubled since the 1980's, Federal health inspections of imports have been cut in half. Since the Food and Drug Administration samples less than 1 percent of food imports at the docks, tainted food can easily reach consumers undetected.

In a sensible effort to tighten food safeguards, President Clinton asked Congress yesterday to give the F.D.A. power to halt imports of fruits, vegetables and other food products from countries that do

not maintain food safety standards equivalent to those in the United States. That would give the agency the same authority that the Department of Agriculture has long exercised over imports of meat and poultry. Monitoring the agricultural and food handling practices in exporting nations will be far more effective than random checks at the border. The Administration will seek \$24 million in 1999 to send F.D.A. inspectors abroad.

The President is also asking government agencies and representatives of the agricultural sector to draft standards of good agricultural practices, such as keeping latrines away from vegetable fields and screening food workers for hepatitis, to guide both domestic and foreign growers.

Foreign producers are already denouncing the plan as an unfair trade barrier. But there is no reason to believe that asparagus growers in Mexico will be asked to live by higher standards than growers in Washington State. In the long run, Federal efforts to bolster consumer confidence in the wholesomeness of imported food will help the American appetite for foreign produce grow.

The New York Times

FRIDAY, OCTOBER 3, 1997 |

Congress of the United States

Washington, DC 20515

September 24, 1997

The Honorable William Jefferson Clinton
1600 Pennsylvania Ave., N.W.
Washington, DC 20500

Dear Mr. President:

We urge you to give serious consideration to remedying the inadequate food safety provisions in the North American Free Trade Agreement (NAFTA). Because of your commitment to ensuring the safety of our nation's food supply, we expect that you will not agree to fast track authority that does not contain adequate food safety protections. Current fast track proposals do not address these concerns.

In an effort to increase trade with Mexico, NAFTA limited border inspections of food and allowed Mexican trucks to enter the U.S. with limited inspection.

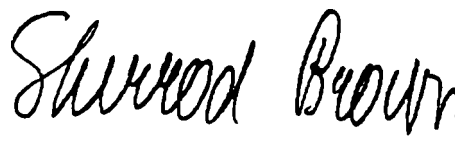
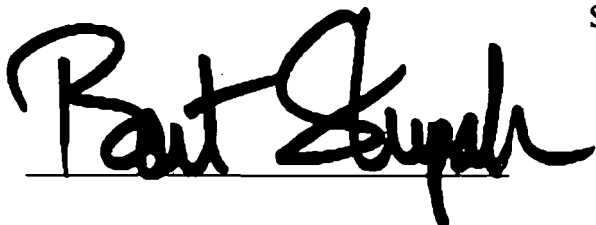
These lax inspection practices contributed to a sharp increase in food imports from Mexico: imports of Mexican fruit have increased 45%, and vegetable imports have risen 31%. More than 70% of these imports are carried into the U.S. on trucks. The General Accounting Office (GAO) recently found that 99% of Mexican trucks enter the U.S. without any inspection.

These provisions in NAFTA have resulted in imports of fruits and vegetables contaminated with diseases and unhealthy pesticides. We were alarmed earlier this year when 179 Michigan school children contracted hepatitis after eating tainted Mexican strawberries. In order to prevent similar incidents in the future, we urge you to take the following action:

- Renegotiate the provisions in NAFTA that relate to border inspections and food safety, and ensure that any fast track authority include strong food safety protections.
- Increase the funding for border inspections or, alternatively, limit the increasing rate of food imports to ensure the safety of our food supply.
- Begin an aggressive program to label all food stuffs -- including fresh and frozen fruits, vegetables and meats -- with their country of origin.

We look forward to working with you on these vital public health issues.

Sincerely,



*Chris Walker
legis effort
Turn -
could you please
draft a response to
this? Emphasize
our initiative, of course
Thanks.
Elec*

~~no (17-04)~~

Loel Blagojevich

Pat T. Munk

Blert Weyler

Paul Khayrati

John Sedace

Maureen Lundy

Bob W. Zeng

J. L. Fubini

Mike Dege

Brett Ascarelli

Paul D. V. J.

R. B. Smith

William J. Coyne

Bob Boudin

John

Errol Haller

Steve Stuman

Lou Evans

Guy J. Costello

Dillon G. Spink

Ted Strickland

Robert L. Lunn

Frank Pallone, Jr.

Eric McKinn

Bobby Z. Nash

Robert H. Bellman

Cole E. Gildner

Marcus Evans

George E. Brown, Jr.

Martin O. Pabo

Eliot L. Enger

St. John

Mapine Waters

Lisa V. Gutierrez

W. A. Dineen

Tom Allen

Jules Carson

Adam Smith

Sonny Davis

Mark Foley

Henry R. Zito

Ellen C. Johnson

James L. Chester

Matthew L. Martiney

William L. Watt

John W. Oliver

Jim McSweeney

Robert F. Kennedy

John F. Tring

Vin Fazio

Gary Miller

John Longley

Elizabeth Duse

Pat Lerner

Ron Kunt

James Mas cara

Q. Q. Q. Q.

Marcy Kaptur

Paul E. Brown

Law H. M. King

Bruce E. Vento

Pete A. Fazio

William D. Delahunt

Paul E. Lerner

Lynn S. Lewis

Paul Lerner

Jim Davis

John Lerner

Pete Starb

Dennis Kieinich

Henry A. Wexler

Sam Jeph

Jack Metcalf

Neil Abernethy

Ed Kennedy

Carolyn M. Canty

Marty Mah

Ann V. Gohoney

Jim Barcia

Tom A. Colman

Sam W. Johnson

Danny L. Davis

Tom Lantos

Ron Kind

Tom

Congress of the United States
House of Representatives
Washington, DC 20515

September 23, 1997

SEP 25 PM5:36

The Honorable Bill Clinton
The White House
Washington, D.C. 20500

Dear Mr. President:

We, the members of the Florida congressional delegation, are writing to express our problem in supporting the renewal of fast track authority.

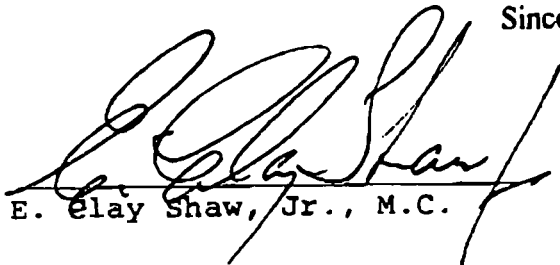
While we support free trade, we are hesitant to support fast track legislation in light of the fact that existing agreements regarding Florida fresh fruit and vegetable commodities have not been fully enforced. For example, in the recent past, tomatoes from Mexico were dumped in this country below cost in elevated surging quantities. And because current safeguards were not effective, Florida's tomato industry was severely damaged.

Furthermore, it is our understanding that not one Florida orange has been exported to Mexico since the passage of NAFTA. This situation demonstrates the inherent unfairness against Florida produce by the Mexican government.

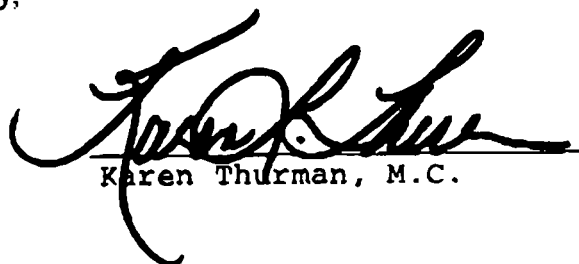
We understand that expanding free trade is crucial to continue growing America's economy. However, we are reluctant to support renewing fast track authority for agreements with other nations when promises made in the past to fairly treat Florida produce have gone largely unfulfilled. Therefore, we believe the existing foreign trade inequities concerning Florida agriculture should be addressed and resolved before fast track authority is renewed.

Thank you for your consideration of our views.

Sincerely,



E. Elay Shaw, Jr., M.C.



Karen Thurman, M.C.

The Honorable Bill Clinton -- Page 2

Carrie P. Meek

Carrie Meek, M.C.

Bill McCollum

Bill McCollum, M.C.

Porter Goss

Porter Goss, M.C.

Tillie K. Fowler

Tillie Fowler, M.C.

Mark Foley

Mark Foley, M.C.

Peter Deutsch

Peter Deutsch, M.C.

Charles T. Canady

Charles Canady, M.C.

F. Allen Boyd, Jr.

F. Allen Boyd, Jr., M.C.

C.W. "Bill" Young

C.W. "Bill" Young, M.C.

Mike Bilirakis

Michael Bilirakis, M.C.

Ileana Ros-Lehtinen

Ileana Ros-Lehtinen, M.C.

Corrine Brown

Corrine Brown, M.C.

Alcee Hastings

Alcee Hastings, M.C.

John Mica

John Mica, M.C.

Joe Scarborough

Joe Scarborough, M.C.

Robert Wexler

Robert Wexler, M.C.

David Weldon

David Weldon, M.C.

*Final event
materials*

October 1, 1997

FOOD SAFETY EVENT

DATE: October 2, 1997
LOCATION: Oval Office
BRIEFING TIME: 10:30 am - 11:00 am
EVENT TIME: 11:10 am - 11:30 am
FROM: Bruce Reed

I. PURPOSE

To launch an initiative to improve the safety of fruits and vegetables, especially those imported from foreign countries.

II. BACKGROUND

To demonstrate your commitment to food safety, you will be announcing a new food safety initiative, which was leaked to several papers last week. Your announcement of the initiative follows charges by some in Congress that Fast Track will endanger food safety by increasing imports of food products. It also follows publication of a recent article in the New York Times suggesting that the FDA is currently unable to ensure the safety of imported fruits and vegetables.

Your new initiative includes the following elements:

New Legislation to Enhance FDA Oversight for Imported Foods. To ensure that imported fruits and vegetables are as safe as those produced in the United States, you will be proposing legislation that requires the FDA to halt imports of fruits, vegetables, and other food products produced in countries that do not meet U.S. food safety standards. Existing law requires the USDA to halt imports of meat and poultry from such countries, but the FDA currently has neither the responsibility nor the authority to do so. Last year, 38 percent of the fruit and 12 percent of the vegetables consumed by Americans came from overseas.

To enable the FDA to make effective use of this proposed authority, you also will commit to providing the necessary funds in your FY 1999 budget to enable the FDA to expand dramatically its international food inspection force.

Executive Memorandum. You will sign an Executive Memorandum that directs the FDA and the USDA to work cooperatively to issue guidance within one year for good agricultural and manufacturing practices for fruits and vegetables. To ensure that this first-ever safety guidance has the greatest effect, the FDA and USDA will develop outreach and educational activities.

In addition, you will direct the Secretaries of HHS and USDA to report back to you within 90 days with a plan on how to improve the monitoring of agricultural and manufacturing practices abroad, to assist foreign countries to improve these practices when necessary, and to prevent the importation of unsafe produce, including detecting unsafe food at the dock and border.

This initiative builds on your prior actions on food safety -- including a new early warning system to detect outbreaks of food borne illness as quickly as possible and enhanced safety standards for meat, poultry, and seafood products.

III. PARTICIPANTS

- The Vice President
- Secretary Shalala
- FDA Administrator Friedman
- Richard Rominger, USDA Deputy Secretary of USDA
- Cathie Woteki, USDA Under Secretary for Food Safety
- Carol Tucker Foreman, President, Safe Food Coalition
- Caroline Smith Dewaal, Center for Science in the Public Interest
- Nancy Donley, Safe Tables Our Priority
- Tom Stenzel, President, United Fresh Fruit and Vegetables Association
- C. Manley Molpus, President, Grocery Manufacturers Association
- Anita Brown, Trade Consultant, Western Growers Association

*producer
industry
products*

IV. PRESS PLAN

Pool Press.

V. SEQUENCE OF EVENTS

- The Vice President will make welcoming remarks and introduce you.
- You will make remarks at the podium and then sign the Executive Memorandum at your desk. You will then have the option of taking questions from the pool.

VI. REMARKS

Remarks provided by June Shih in Speechwriting.

Clinton Administration Accomplishments In Improving Food Safety

- * October, 1997. President announces new initiative to enhance FDA oversight over imported foods, orders development of good agricultural and good manufacturing practices guidance, expands federal resources for testing and inspection of fruits and vegetables, and directs improvements in the use of resources for food safety.
- * May, 1997. Administration releases "Food Safety from Farm to Table: A National Food-Safety Initiative" to further encourage use of science-based preventive principles throughout food industry. Details \$43 million Food Safety Initiative for FY98 budget.
- * January, 1997. President announces Early-Warning System to gather critical scientific data to help stop food borne disease outbreaks quickly and to further improve prevention systems.
- * August, 1996. President signs Safe Drinking Water Act of 1996. The law requires drinking water systems to protect against dangerous contaminants like cryptosporidium, and gives people the right to know about contaminants in their tap water.
- * August, 1996. Food Quality Protection Act of 1996, streamlines regulation of pesticides by FDA and EPA and puts important new public-health protections in place, especially for children.
- * July, 1996. President Clinton announces new regulations that modernize the nation's meat and poultry inspection system for the first time in 90 years. New standards help prevent E.coli bacteria contamination in meat.
- * December, 1995. Administration issues new rules to ensure seafood safety. Utilizes HACCP regulatory programs to require food industries to design and implement preventive measures and increase the industries' responsibility for and control of their safety assurance actions.
- * 1994. CDC embarks on strategic program to detect, prevent, and control emerging infectious disease threats, some of which are food borne, and has made significant progress toward this goal in each successive year.
- * 1993. Vice-President's National Performance Review issues report recommending government and industry move toward a system of preventive controls.

The experts on our history on food safety are:

At FDA

Bill Hubbard -- 301-827-3360

Karen Hulebak -- 301-827-0586

At USDA

Eric Olsen -- 720-3808

At WH

Mary Smith can track down information-- 456-5571

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At WH

Mary Smith can track down information-- 456-5571

PRESIDENT WILLIAM J. CLINTON
REMARKS ON FOOD SAFETY REGULATIONS
OVAL OFFICE
OCTOBER 2, 1997

At the beginning of this century, our government made a fundamental promise to our people: We committed ourselves to making sure that the world's most bountiful food supply would always be the world's safest. And from the day I took office five years ago, I have worked very hard not only to honor this promise and but to make our food supply even safer.

We have put in place new rigorous safety standards for meat, poultry, and seafood products, throwing out archaic and ineffective inspection methods that had been left untouched for nearly a century. We have begun requiring slaughterhouses to test for deadly E. Coli and salmonella bacteria before shipping their products to our stores. We have begun developing new safety standards for fruit and vegetable juices. We have brought a host of federal agencies together to boost food safety research, education, and food contamination surveillance efforts across the country. And in doing so, we are using the world's best science to prevent contamination tragedies before they happen, to make sure that our food supply is the safest it can be.

Today, our food supply remains the world's safest. But we know we cannot rest on our accomplishments. We must do more. We must make sure that increased trade never diminishes the safety of our food. Today, I want to tell you the new steps we are taking to ensure that our fruits and vegetables -- including those imported from other countries -- meet the highest health and safety standards.

First, I am asking Congress to give our Food and Drug Administration the power to ban the importation of fruits, vegetables and other foods from countries whose food safety precautions do not meet American standards. This new law would be very similar to the USDA's current policy of keeping meats and poultry from countries with unacceptable food safety systems out of our stores. Also, in my next budget, I will provide extra funding to strengthen the FDA's international food inspection force.

With these efforts, we can make sure that no fruits and vegetables cross our borders, enter our ports or reach our dinner tables without meeting the same, strict safety standards as those grown in America. Our food safety system is the strongest in the world. And that's how it's going to stay.

I am also directing the Secretary of Health and Human Services, the Department of Agriculture to work together, in close cooperation with the agricultural community to develop rigorous safety standards for growing, processing, shipping and selling fruits and vegetables. The standards should address such as aspects as sanitation, worker health, water use, problems in the distribution and marketing system, regional and crop variations.

I am asking Secretaries Shalala and Glickman to report back to me within 90 days with a

complete schedule for developing these standards within a year, as well as a comprehensive plan to improve the monitoring of food safety systems abroad, help foreign countries upgrade their safety precautions, and toughen food inspections at the border.

Being a parents is perhaps the toughest job in the world. Our parents deserve the peace of mind that comes from knowing that the food they set before their children will nourish and strengthen their bodies, not make them sick. With today's new actions, we will help make their jobs that much easier.



Thomas L. Freedman
10/01/97 11:33:42 AM

Record Type: Record

To: Christa Robinson/OPD/EOP
cc: Mary L. Smith/OPD/EOP
Subject: Food Safety Event

Here's where I think we are for an event tomorrow, what am I forgetting?

1. Tangibles.

Have: We have directive, one-pager, q and a's.

Need: We need to get press up to speed for a release.

Need: Event memo and background brief, talking points

2. Event

Who could be there:

Shalala

Glickman

Friedman

Satcher

USTR

Families that have been effected

Grower who will cooperate w/program

private groups (CSPI)

3. Logistics

Where: Oval?

When: ?

Final

Initiative to Ensure the Safety of Imported and Domestic Fruits and Vegetables

Today President Clinton announced an initiative to ensure that fruits and vegetables coming from overseas are as safe as those produced in the United States, as well as to upgrade our own domestic standards. The President stated that he will ask Congress to enact legislation that will require the Food and Drug Administration (FDA) to halt imports of fruits, vegetables, and other food products produced in countries that do not meet U.S. food safety requirements. The President also directed the Department of Health and Human Services (HHS) and the Department of Agriculture (USDA) to work cooperatively with the agricultural community to develop guidance on good agricultural and manufacturing practices for fruits and vegetables.

Enhanced FDA Oversight for Imported Foods. The President announced that he will send legislation to Congress that will require the FDA to halt imports of fruits, vegetables, and other food products from any foreign country with food safety systems and standards that are not on par with those of the United States. The legislation also will require the FDA to halt imports from countries or facilities that do not allow FDA inspections to occur. This legislation -- comparable to existing law that requires the USDA to halt the importation of meat and poultry from such countries -- will enable the FDA to prevent the importation of potentially unsafe foreign produce. The President also committed to providing the necessary funds in his Fiscal Year 1999 budget to enable the FDA to expand dramatically its international food inspection force. With this greatly increased ability to inspect food safety conditions abroad and at points of entry, the FDA will be able to make effective use of its new authority.

Development of Guidance on Good Agricultural and Manufacturing Practices. The President directed the Secretary of Health and Human Services, in partnership with the Secretary of Agriculture and close cooperation with the agricultural community, to develop guidance on good agricultural practices and good manufacturing practices within one year. This guidance will take into account differences in both crops and regions and will address potential food safety problems throughout the food production and distribution system such as sanitation, worker health, and water quality. The guidance -- the first-ever specific safety standards for fruits and vegetables -- will improve the agricultural and manufacturing practices of all those seeking to sell produce in the U.S. market. To ensure that this guidance has the widest possible effect, the President also directed the FDA and USDA to develop coordinated outreach and educational activities.

Improvement of Monitoring and Inspection Activities Abroad. In addition to committing to substantial additional resources to expand the FDA's international food inspection force, the President directed the Secretaries of Health and Human Services and Agriculture to report within 90 days with a plan on how to improve the monitoring of agricultural and manufacturing practices abroad, to assist foreign countries to improve these practices where necessary, and to prevent the importation of unsafe produce, including by detecting unsafe food at the dock and border. The President urged consideration of ways to target inspection and testing toward those areas where problems are most likely to occur.

A Record of Improving Food Safety. The President's announcement builds on a strong record of food safety initiatives ensuring that Americans eat the safest food possible. The Administration has put into place improved safety standards for meat, poultry, and seafood products, and has begun the process of developing enhanced safety standards for fruit and vegetable juices. The Administration also has expanded research, education, and surveillance activities throughout the food safety system.

Q&A for Presidential Initiative to Improve the Safety of Imported Fruits and Vegetables
October 2, 1997

Q: What is the President proposing?

A: The President is proposing legislative and executive actions that will further improve the safety of fresh fruits and vegetables, especially those imported into the U.S. The legislation will require the FDA to halt imports of fruits, vegetables, or other food from any foreign country whose food safety systems and standards are not on par with those of the U.S. The President will back up this legislation by providing the necessary funds in his FY99 budget to enable FDA to expand dramatically its international food inspection force so that it can make good use of this new authority.

In addition, the President has asked the Secretaries of Health and Human Services and Agriculture to take additional steps to improve the safety of both imported and domestic fruits and vegetables. Specifically, he has asked the Secretaries to issue within one year guidance on good agricultural practices and good manufacturing practices for fruits and vegetables. By providing the first-ever specific safety standards for fruits and vegetables, the guidance will improve the agricultural and manufacturing practices of all those, foreign and domestic, seeking to sell produce in the U.S. market.

Finally, the President has asked for a plan on how to improve the monitoring of agricultural and manufacturing practices abroad, to assist foreign countries to improve those practices where necessary, and to prevent the importation of unsafe produce, including by detecting unsafe food at the dock or border.

These efforts all build on the Clinton Administration's long-term commitment to strengthening our food safety system. With the help of the Vice-President's National Performance Review, we have fundamentally improved the way we ensure the safety of meat, poultry, and seafood. We have also put in place important new protections against the risks of pesticides in our food, especially for our children. And we are hopeful Congress will provide the \$43 million the President requested in his FY98 budget to improve food safety.

Q: Why is the President proposing these actions?

A: There have been dramatic changes in the produce department of the grocery store. Thirty years ago, most produce sections only had around a dozen items year round, increasing to as many as 50 in the summer. Today, no matter where you live in the United States, the chances are that there are 400 or more items in the produce section and they are there all year round. Last year, 38 percent of the fruit and 12 percent of the vegetables Americans ate were imported.

We have changed as well. Americans are eating more fresh fruits and vegetables than ever before, and our nation's health experts tell us we will live longer, better quality lives as a result. Our environment is also changing. We are finding "new" exotic bugs such as cyclospora and *E. coli* O157:H7 on our food that once were not there.

We must ensure that these changes do not increase the risk to American consumers of foodborne illnesses. Although raw produce -- including that imported from foreign countries -- is now safe, experts have suggested ways to make further improvements, and the President's actions today accord with their recommendations.

Q: But aren't these actions just a response to the negative news articles of recent days that have pointed out the shortcomings in the inspection of imported produce?

A: No. We couldn't possibly have developed these initiatives following the publication of those articles. The Department of Health and Human Services have been laying the groundwork for this initiative for over a year. We knew that some reporters were making inquiries about this issue, and those inquiries may have accelerated the final part of the policy development process. But that process has been underway for some time, and this same initiative would have been announced with or without those articles.

Q: Why has the Administration waited until now to take these steps? [An article published today reveals that today's actions were suggested by Commissioner Kessler years ago, but that no action was taken. Why has it taken so long to act?]

A: No one can tackle everything at once, and the President's food safety initiatives have addressed priority items in the way best calculated to ensure their achievement. One of the first challenges the President faced after taking office was an outbreak of *E. Coli* in hamburger in the northwest. The President responded by putting in place a new system to ensure the safety of meat, poultry, and seafood products. With this process now underway, the FDA in 1995 began to investigate the problem of pathogens in fresh produce and develop proposed approaches for preventing foodborne illnesses from these food products.

Q: Are these actions meant to provide political cover with respect to the food safety issue because it has become a part of the Fast Track trade debate?

A: No. Again, the policy development process that led to this initiative began in 1995. This is a part of the President's food safety agenda -- his longstanding commitment to ensuring that Americans' food supply is the safest in the world. It does not relate to Fast Track.

Q: What makes you think this new legislation can be effective? Do you seriously think you are going to be able to put FDA inspectors in every country abroad?

- A: Our proposed legislation would give the FDA the same kind of responsibility that the USDA already has for meat and poultry. The USDA system has worked very well to ensure that countries with inferior safety standards can't import their meat and poultry. We see no reason why the FDA can't run a similarly effective system that inspects food safety system and standards abroad and prevents imports from countries that do not provide the protections that the U.S. does.

Of course, making good use of this authority will take additional resources, so that FDA can dramatically expand its international food inspection force. Although the President will not announce a specific dollar figure until publication of his FY 99 budget, he has committed to investing the resources to ensure that FDA can make good use of this new authority.

- Q: Doesn't this legislation impose trade barriers to food imports at a time when you are saying you want to lower them? Wouldn't we object if another country tried to keep out our food products on this basis?

- A: This legislation is completely consistent with free trade principles and all our treaty obligations. We have no obligation to open our borders to imports that pose a greater risk than domestic products to American consumers. As long as we are not imposing any greater requirements on foreign countries -- as long as we are only holding them to our standards -- we are acting consistently with our trade policy.

There aren't many countries in the world with higher safety standards than the U.S., so not many countries would be in a position to halt our imports on this basis. If we did, we would not and could not object.

- Q: Are you saying that imported produce is unsafe?

- A: There is no data indicating that imported fruits and vegetables are more unsafe than domestic products. But some recent outbreaks of foodborne illness have been traced back to imports and it is important that foreign fruits and vegetables be held to the same safety standards as American products. The steps we are taking today are adding additional layers of protection. We are making sure that there are no gaps in our food safety system -- that high safety standards apply to imported as well as domestic food, and to fruits and vegetables as well as to meat, poultry, and seafood.

- Q: Since HACCP has been successful for meat, poultry, and seafood, why don't you require HACCP for fresh fruits and vegetables? Why are you only doing good agricultural and manufacturing practices?

- A: HACCP is a science-based approach for identifying and controlling hazards in food

production. We need better scientific data before we can develop HACCP for fresh fruits and vegetables. The Administration's plan is to develop and issue guidance that will help companies interpret existing safety requirements for fruits and vegetables, and that will lead to the science needed for HACCP. The agency is contemplating guidance on basic, common-sense sanitation and employee practices in the form of Good Agricultural Practices (GAPs) for farms and Good Manufacturing Practices (GMPs) applicable for those who sort, wash, and otherwise handle fresh fruits and vegetables.

Q: Aren't these guidelines only voluntary? If so, what effect will they have?

A: The Good Agricultural and Manufacturing Practices will be what is called "interpretive guidance." It will help companies interpret and follow existing, very broadly written safety requirements for fruits and vegetables by spelling out specific practices involving such matters as sanitation, worker health, and water quality. The guidance does not itself have legal force. But it tells growers, processors, and others what the FDA looks to when it enforces existing safety standards. There is no doubt that such guidance -- especially when it is developed, as it will be, in concert with the agricultural community -- will improve safety standards.

Q: Will foreign countries have to comply with Good Agricultural and Manufacturing Practices if they want to export fruits and vegetables to the U.S.?

A: We expect that exporting countries will develop similar practices that address potential food safety problems in their countries for one simple reason: they want to be able to sell food in our market, and they want that food to be safe.

We cannot yet know whether a country that does not comply with the guidance will be able to import fruits and vegetables into the United States. The answer to this question depends on the exact content of the guidance, as well as an intricate legal determinations regarding equivalency between different countries' food safety systems. What is clear is that the FDA will have to cut off imports from countries that do not comply with existing legal standards. And at the very least, the FDA will target countries that do not comply with the Good Agricultural and Manufacturing Practices for increased inspection and testing.

MEMORANDUM FOR THE SECRETARY OF HEALTH AND HUMAN SERVICES
SECRETARY OF AGRICULTURE

SUBJECT: Initiative to Ensure the Safety of Imported and Domestic Fruits and Vegetables

As you know, American consumers today enjoy the safest food supply in the world, and I am proud of the Administration's record in this area. During my Administration, we have taken significant steps to ensure that we maintain the safest food possible. We have put in place improved safety standards for meat, poultry, and seafood products, and we have begun the process of developing enhanced safety standards for fruit and vegetable juices. We have also expanded research, education, and surveillance activities through coordinated efforts of all agencies involved in food safety issues. Together, these measures will greatly improve the safety of the nation's food supply.

We need to build on these efforts, and today I ask you to do so by focusing on the safety of fruits and vegetables. Although the produce Americans eat is very safe, we can and must do even better, particularly with respect to produce imported from foreign countries. Last year, 38 percent of the fruit and 12 percent of the vegetables consumed by Americans came from overseas. We must ensure that fruits and vegetables coming from abroad are as safe as those produced in the United States, especially as we upgrade our own domestic standards.

To help accomplish this task, I plan to ask Congress to enact legislation that will require the Food and Drug Administration (FDA) to halt imports of fruits, vegetables, or other food from any foreign country whose food safety systems and standards are not on par with those of the United States. This legislation, which will be similar to existing law requiring the USDA to halt the importation of meat and poultry from such countries, will enable the FDA to prevent the importation of potentially unsafe foreign produce. In addition, I will provide the necessary funds in my Fiscal Year 1999 budget to enable the FDA to expand dramatically its international food inspection force. With this greatly increased ability to inspect food safety conditions abroad and at points of entry, the FDA will be able to determine when to halt the importation of fruits and vegetables from foreign countries.

I also hereby direct two administrative actions that will better ensure the safety of fruits and vegetables coming from abroad, while continuing to improve the safety of domestic produce.

First, I direct the Secretary of Health and Human Services, in partnership with the Secretary of Agriculture and in close cooperation with the agricultural community, to issue within one year guidance on good agricultural practices and good manufacturing practices for fruits and vegetables. This guidance should address such matters as sanitation, worker health, and water use, should take into account differences in both crops and regions, and should address potential food safety problems throughout the food distribution and marketing system. By providing the first-ever specific safety standards for fruits and vegetables, the guidance will improve the agricultural and manufacturing practices of all those seeking to sell produce in the

U.S. market. To ensure that this guidance has the widest possible effect, I also direct the development of coordinated outreach and educational activities.

Second, I direct the Secretary of Health and Human Services and the Secretary of Agriculture, to report back to me within 90 days with a status report and complete schedule for the good agricultural and manufacturing practices, and a plan on how to improve the monitoring of agricultural and manufacturing practices abroad, to assist foreign countries to improve those practices where necessary, and to prevent the importation of unsafe produce, including by detecting unsafe food at the dock or border. I especially urge you to consider the best ways to target inspection and testing toward those areas where problems are most likely to occur.

In addition to taking these actions, you should accelerate whatever food safety research is necessary to support them. These steps, taken together and in coordination with the legislation I will send to Congress, will improve the safety of fruits and vegetables for all Americans. I also will direct the Administrator of the Environmental Protection Agency and the Secretary of Labor and other necessary agencies to provide you with assistance in achieving this goal.

Food and Drug Administration (FDA)

The President stated that he will ask Congress to enact legislation that will require the Food and Drug Administration to halt imports of fruits, vegetables, and other food products produced in countries that do not meet U.S. food safety requirements.

Initiative to Improve Safety of Both Domestic and Imported Fruits and Vegetables

Today President Clinton announced an initiative to ensure that fruits and vegetables, including those imported from foreign countries. This initiative builds on the President's prior actions on food safety—including a new early warning system to detect outbreaks of foodborne illness as quickly as possible; and enhanced safety standards for meat, poultry, and seafood products, ensuring that overseas are as safe as those produced in the United States, as well as to upgrade our own domestic standards.

Recognizing the need to ensure that imported fruits and vegetables are as safe as those produced in the United States, the President today proposed legislation that would authorize the FDA to halt imports of fruits, vegetables, and other food products produced in countries that do not meet U.S. food safety standards. Last year, 38 percent of the fruit and 12 percent of the vegetables consumed by Americans came from overseas. The President also directed the Food and Drug Administration (FDA) and the U.S. Department of Agriculture (USDA) to work cooperatively to improve the safety of fruits and vegetables by developing guidelines for producers and industry to follow. This initiative has four parts: agricultural and manufacturing practices for fruits and vegetables.

with the agricultural community will be

Enhanced FDA Oversight for Imported Foods. The President proposed legislation that will authorize the FDA to halt imports of fruits, vegetables, and other food products from any foreign country with food safety systems and standards that are not on par with those of the United States, or when a foreign facility has refused to allow an FDA inspection. This authority, which is similar to authority the USDA currently has to halt the importation of meat and poultry, will enable the FDA to prevent the importation of potentially unsafe food products. In coordination with international agencies and organizations, the FDA, USDA, and the CDC will develop information to help target import inspection and testing resources. The Administration also supports efforts on the part of the FDA and USDA to encourage exporting countries to develop their own good practices to address potential food safety issues in those countries. The FDA and USDA will engage in technical assistance, training, and cooperative research efforts with exporting countries to improve the safety of imported fruits and vegetables.

existing law governing at requires

Development of Good Agricultural and Good Manufacturing Practices Guidance. The President directed the FDA and USDA will work cooperatively with the fruit and vegetable industry and others to develop good agricultural and good manufacturing practices guidance within one year. This guidance will take into account differences in both crops and regions and will address potential food safety problems throughout the food production and distribution system such as sanitation and water quality. The guidance will improve the agricultural and manufacturing practices of all those seeking to sell produce in the U.S. market, both foreign and domestic. To ensure that this guidance has the widest possible effect, the FDA and USDA will develop a series of coordinated outreach and educational activities.

the first-ever specific safety standards for fruits and vegetables.

Expanded Federal Resources for Testing and Inspecting Fruits and Vegetables. The President called for an increase in FDA funding in FY 99 to allow the FDA to expand dramatically its international inspection force. These funds will allow the hiring of new FDA inspectors to inspect food controls in the exported country and to inspect food imported into this country in partnership with the Secretary of Agriculture and close cooperation with the agricultural community.

The legislation also will require the FDA to halt imports from countries or facilities that do not allow FDA inspections to occur.

where necessary

country and will support research to improve our knowledge of disease-causing pathogens in food, including, but not limited to, developing methods to detect and prevent contamination.

Monitoring and Inspection Activities Abroad.

Improve the use of existing and projected resources for food safety. The President directed the Secretary of Health and Human Services and the Secretary of Agriculture to report within 90 days with a plan to improve the use of existing and projected resources to monitor agricultural and manufacturing practices abroad, assist foreign countries to improve these practices, and to prevent the importation of unsafe produce, including detecting unsafe food at the dock and border. The President urged consideration of ways to target inspection and testing resources toward those areas where problems are most likely to occur.

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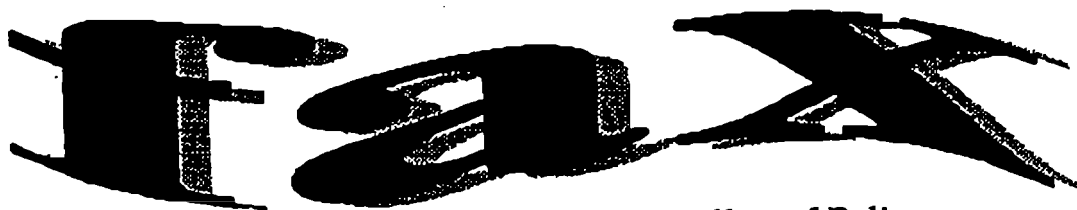
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In addition to committing to substantial additional resources to expand the FDA's international food inspection force, the

[A record of improving food safety.]

The President's announcement builds on a strong record of food safety initiatives to ensure that Americans eat the safest food possible. The Administration has put into place improved safety standards for meat, poultry, and seafood products, and has begun the process of developing enhanced safety standards for fruit and vegetable juices. The Administration also has expanded research, education, and surveillance activities throughout the food safety system.



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Tom Friedman @ 202 456 7431

From: Karen Hulebak, Sc.D.

Date:

10-1

Number of pages including cover:

2

Remarks:

Bill Hubbard asked that I send you a succinct summary of past Admin. food-safety accomplishments. This text is taken from FOOD SAFETY May 1997 report. Please call if this doesn't fit the bill or you need something more.

This document is intended for the use of the party whom it is addressed and may contain information that is privileged, confidential, and protected from disclosure under applicable law. If you are not the addressee, or the person authorized to deliver the document to the addressee, you are hereby notified that any review, disclosure, dissemination, copying, or other action based on the content of this communication is not authorized. If you have received this document in error, please notify us by telephone at (301) 827-3380, and return it to the above address by mail. Thank you.

Clinton Administration Accomplishments toward Improving Food Safety

- The actions in this produce initiative build on previous Administration steps to modernize our food-safety programs and respond to emerging challenges. As part of the Vice President's National Performance Review (NPR), the agencies have encouraged the widespread adoption of preventive controls. *when*

Specifically, the NPR report urged implementation of Hazard Analysis and Critical Control Point (HACCP) systems to ensure food manufacturers identify points where contamination is likely to occur and implement process controls to prevent it.

Industry has the primary responsibility for the safety of the food it produces and distributes; the government's principle role is to verify that industry is carrying out its responsibility, and to initiate appropriate regulatory action if necessary.

- *Dec*
The Administration has put in place science-based HACCP regulatory programs for seafood, meat, and poultry.

first
In late 1995, the Administration issued new rules to ensure seafood safety.

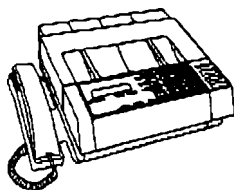
In July 1996, President Clinton announced new regulations to modernize the nation's meat and poultry inspection system.

- The Early-Warning System the President announced in January 1997 will gather critical scientific data to further improve these prevention systems.
- Additional actions outlined in the report, "Food Safety from Farm to Table: A National Food-Safety Initiative," released by the Administration in May 1997, further encourage the use of science-based preventive principles throughout the food industry.

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FAX TRANSMITTAL SHEET



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TO: Mary SmithDATE: 9/30/97FAX: 456 - 7028FROM: Janice Oliver# OF PAGES: 11
(including cover sheet)RE: Q+A's

ACTION TO BE TAKEN

☒ URGENT [] AS REQUESTED

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**ASSURANCE OF MICROBIAL FOOD SAFETY
FOR
FRUITS AND VEGETABLES**

QUESTIONS & ANSWERS

1. Why is there a concern about the safety of fruits and vegetables?

Foodborne diseases, including outbreaks, are under-recognized and under-reported, making it difficult to generalize from the available databases and assess overall trends. Efforts are underway to improve the recognition and investigation of disease outbreaks related to food. However, the Center for Disease Control and Prevention's (CDC) system of surveillance for foodborne disease outbreaks shows that there has been a noticeable increase in reported foodborne disease outbreaks associated with fresh produce.

2. Why does there appear to be an increase in the number of foodborne illness outbreaks attributed to fruits and vegetables?

There are a number of possible explanations for why there maybe an increase in the number of reported foodborne diseases associated with fresh produce including (1) an increase in the consumption of fresh produce which increases the number of exposed persons, (2) increased use of salad bars and more meals eaten outside the home which increases the risk of food handling errors, (3) increased consumer preference for 'natural' and 'organically' grown produce which increases the potential for the use of improperly treated manure, (4) increases in global trade which increases the potential exposure of consumers to produce handled under insanitary conditions that may occur in some countries, and (5) increased numbers of consumers at high risk for foodborne disease (e.g., the elderly, persons with compromised immune systems, and persons suffering from chronic diseases).

3. What is the cause of this apparent increase?

The investigation of fresh produce-associated outbreaks is very difficult because contamination generally occurs sporadically and at low levels. In addition, there is a high turnover of product (that is, fresh fruits and vegetables are sold and consumed within a matter of days) and the produce-originate from many sources, both domestic and foreign. In majority of the investigations, the cause of reported illnesses is not positively identified. There is no evidence that pathogens naturally occur on fresh produce; rather health officials suspect they are inadvertently added by humans during harvesting, handling, distribution, or preparation. Foodborne diseases associated with fresh produce often involve produce that

has undergone some type of processing step, including chopping, cutting or squeezing, during which pathogens can be introduced into the food. Holding these types of produce items at improper temperatures may permit pathogens to survive and grow.

4. Why has FDA chosen this time to initiate a food safety program for fruits and vegetables?

In 1993 this Administration announced its strong commitment to enhancing food safety in the U.S. Important strides have been made by both FDA and USDA with the adoption of new regulations applying Hazard Analysis and Critical Control Point (HACCP) food safety controls to seafood, meat and poultry. In 1997 the President announced a new Food Safety Initiative that will take additional steps and provide additional money to support of an aggressive food safety policy. In August, 1997 FDA announced an initiative to address safety concerns in the fresh fruit and vegetable juice industry. This action regarding fresh fruits and vegetables is a further step in a chain of initiatives to implement this Administration's food safety policies and to improve consumer confidence in the safety of the nation's food supply.

5. What additional actions will USDA take to build upon this Presidential Directive?

Today's directive builds on previous actions the Administration has taken to increase the safety of the nation's food supply. In addition, USDA will continue to focus on a farm-to-table strategy to assess the risks of food contamination and to aid in the prevention of foodborne outbreaks for both domestically-produced and imported products.

Additional actions will build on the progress made in the 1998 Administration initiative. For example, our FY99 budget will continue our commitment to further expand the FoodNet sentinel site program, expand our educational and outreach efforts to improve awareness of food safety at the farm, retail or restaurant level, and enhance research and risk assessment.

6. How will FDA implement this new initiative to reduce the incidence of foodborne disease associated with fruits and vegetables?

This initiative is a two-pronged approach. Industry and public health officials agree that good agricultural practices (GAP's), product and process specific Good Manufacturing Practices (GMP's) and Hazard Analysis and Critical Control Point (HACCP) systems offer the best strategy to improve safety. The FDA will first work with industry to develop basic guidance on how to minimize microbial food safety risks for fruits and vegetables. Following this, the agency will coordinate and work with industry to develop science based, product specific GAP's and GMP's.

7. What will USDA's role be in developing and supporting the new FDA guidelines (Good Manufacturing Practices and Good Agricultural Practice) for fresh fruit and vegetables?

USDA will work in partnership with FDA and the agricultural community in developing the guidelines. USDA has a wide range of scientific and agricultural expertise in agencies like the natural resource conservation service, the agricultural research service, and the extension service that will help to make the guidance as effective as possible.

In addition

1. USDA and FDA will accelerate the research outline in the FY98 President's Food Safety Initiative, to develop new technologies to more rapidly identify and eliminate or reduce levels of pathogens.
2. USDA and FDA will develop and deliver research-based educational programs to food producers, processors, handlers, and consumers and assist in providing guidance and procedures to reduce or eliminate contaminants.
3. USDA, FDA, and CDC will develop new assessment procedures for imported foods and provide technical assistance to existing countries where necessary to improve the safety of their products.

8. What is the industry's role in addressing this problem?

The fruit and vegetables industry has already developed voluntary safety guidelines for various types of products and segments of the industry. They have provided growers and processors with information and materials on foodborne outbreaks and needed sanitation practices to control contamination. This information will greatly assist the industry in developing and implementing their enhanced sanitation guidelines. These actions show that industry is committed to taking immediate positive steps to enhance the safety of their products.

9. How will new GAP's/GMP's help solve the problem?

GAP's/GMP's are a scientific approach to a fresh fruit and vegetable safety program. Good Agriculture Practices involve the control of water, manure application, worker/field/facility sanitation, and transportation and handling. Good Manufacturing Practices include the control of water, processing sanitation/quality, employee hygiene, equipment sanitation, and control of storage and distribution temperatures.

10. Why is further research needed?

Health officials and industry agree that we need additional knowledge and tools to improve food safety. Studies are needed to (1) help identify possible sources of contamination along the chain including harvest, transportation, processing, and at retail; (2) develop more rapid tests to detect and identify pathogens on fruits and vegetables; and (3) develop improved prevention technologies that can be used to eliminate or reduce levels of pathogens on fruits and vegetables.

11. What role will education play under this new food safety directive?

Food safety programs only work if people handling products along the harvest, transport, process and retail chain understand the hazards that can make the product unsafe, and understand the controls that are needed. USDA and FDA will develop and implement grassroots outreach and education programs that take into account the difference in crops and regional operations, types of processing, and retailing practices. In addition, consumers will be provided with information to better understand safe food handling and preparation practices in the home.

12. What will USDA's role be in outreach and education for farmers?

USDA's network of agencies and programs that operate on a grassroots level, provides an effective, efficient and farmer-friendly interface for the development, delivery, and ultimate evaluation of appropriate agricultural practices for specific commodities on a regional or localized basis. Appropriate USDA-supported agencies with extensive farmer outreach capabilities include, but are not limited to, Cooperative Extension, the network of Agricultural Service Centers, county and regional Farm Agency offices and local conservation districts. FDA and USDA will take advantage of this network of agencies and programs in implementing their outreach and education programs.

13. Is there a concern about imported fruits and vegetables?

There are no data to indicate that there is more of a problem with imported fruits and vegetables compared to domestic products. However, some outbreaks have been traced back to imports, and health officials want to improve the safety of imported fruits and vegetables, as well as domestic products. It should be noted, however, that the sources of contamination of the fruits and vegetables involved in the foodborne outbreaks have not been determined in most instances; i.e., it is not known where in the food distribution chain from farm to table that the contamination took place. Developing and implementing GAP's, and product and process specific GMP's will enhance the safety of both domestic and imported products.

14. How could USDA assist in monitoring and testing domestic and imported fruit?

USDA could expand the scope of its nationwide, statistically valid pesticide residue monitoring program for domestic and imported fresh fruits and vegetables, the Pesticide Data Program (PDP), to develop a scientifically-sound microbiological surveillance program for foodborne pathogens and spoilage microflora on domestic and imported produce. (NOTE: This requires new funding and has not been approved.) These data would provide very useful baseline information.

15. How does FDA presently inspect produce from other countries?

Currently, there is no statutory provision that requires exporters to permit FDA to conduct on-site inspections of fruits and vegetables. Instead, all foods imported into the U.S. are subject to FDA inspection at the port of entry. Current FDA resources permit the review of approximately 30% of importation documents and the physical examination of approximately 3% of the products.

16. Does FDA have the authority to prevent the entry of foods that are contaminated?

FDA has authority to refuse the importation of foods that appear to be adulterated. However, FDA does not have the resources to examine every entry of food. With new legislation, FDA could declare foods from a country to be adulterated if that country's food system does not provide the same level of protection that is provided for domestic products. USDA already has comparable authority for meat and poultry products.

17. How will FDA assess the ability of foreign countries to provide the same level of public health protection as is provided in the U.S., and what criteria will be used to make the assessment?

New regulatory authority and an enhanced budget will allow FDA to develop an international inspection force to visit foreign countries and assess the conditions under which produce is grown, processed, and shipped. Based upon this information, products from some countries may be denied entry. FDA will encourage the adoption of appropriate GAP's and GMP's abroad and will work with USDA to provide technical assistance and training.

18. What effect will this new strategy have on FDA's ability to assure the safety of imported produce?

This initiative will allow FDA to assess the food production, transportation and handling practices in place in importing countries. This information will enable FDA to better identify

the risks associated with different countries; to develop guidance that reduces those risks; to more efficiently target inspection forces; and to prevent unsafe food from entering this country.

19. **Will this new strategy prevent producers in a foreign country that have a good safety record from being allowed to import?**

No. FDA's Seafood HACCP regulation has provisions which allow individual producers and processors to provide information directly or through competent third parties that they are meeting FDA safety requirements. These regulations will provide a model for any future actions.

20. **How will USDA monitor potential food safety problems in exporting countries? (Assessing agricultural production, transportation, and processing practices in these countries)**

USDA will work with FDA, CDC, and the exporting countries to develop profiles countries and evaluate the food production, transportation, and handling practices profiles will provide information that will target our inspection and testing resources that food being shipped to the United States is safe.

21. **How will USDA assist exporting countries?**

USDA will encourage the adoption of good practices abroad through technical assistance, training, and cooperative research efforts.

22. **You've told us on numerous occasions that the United States food supply is the safest in the world. Has something happened that changed that assertion?**

No. The United States food supply is still as safe as any in the world, but as the Administration's food safety initiative has emphasized, there is need to strengthen the current system and to add resources. New foodborne pathogens, new food products, changing technologies, and increasing antimicrobial resistance among foodborne pathogens present new challenges to the nation's food safety program.

23. **Even though this legislative proposal amends the Food, Drug, and Cosmetic Act, doesn't the Senate Agriculture Committee have an interest because of the international trade aspects.**

Congressional procedures will determine the bill's committee assignment. Government witnesses from FDA and other agencies can, in any case, brief staff and members of the Senate and House Agriculture committees and, if desired, can present testimony and other information at hearings.

24. **What is the level of equivalence that the proposal envisions? Country? Each plant? Farm?**

In general, "equivalence" is judged at the country level (for description of exceptions see question 23).

FDA has recently issued a draft guideline for evaluating equivalence of foreign food safety measures, which FDA will publish as a final guideline this Fall. The term "equivalent" has a specific meaning under the World Trade Organization Agreement on the Application of Sanitary and Phytosanitary Measures. The exporting country carries the burden of providing the evidence to demonstrate equivalence. The importing country, in this case the U.S., determines whether the exporting country's measure(s) is equivalent in meeting the United States' appropriate level of protection.

25. **What is the possibility of other countries using a similar type requirement on U.S. products, i.e., as a barrier to trade to U.S. products?**

Importing countries have always required that their food safety requirements be met. We believe that most trading partners will not be as concerned about the U.S. establishing the authority to restrict trade based on lack of equivalence as they will about how we intend to apply this authority.

26. **How will this initiative change how we handle pesticide residues on imports?**

This initiative will not change how we handle these situations. Pesticide residues on imported produce must meet the same strict standards as for domestic produce.

27. **How will FDA pay for the overseas inspections?**

The current thinking is that FDA will pay for overseas inspections through additional appropriated funding in the FY99 budget and future appropriations that include an increase

in Full-Time Equivalents (FTEs). We would not rule out alternatives, provided they are consistent with the World Trade Organization agreements. The Administration is proposing to increase FDA resources through additional appropriations for additional food safety activities, including overseas inspections.

28. Will you require HACCP for fresh fruits and vegetables?

No, not at this time. Better scientific data are needed before we can develop HACCP for fresh fruits and vegetables. FDA's plan is to issue guidance documents that help interpret existing requirements, and the agency consider later whether regulations are needed. The agency is contemplating guidance on basic, common-sense sanitation and employee practices in the form of Good Agricultural Practices (GAPs) for farms and Good Manufacturing Practices (GMPs) applicable for those who sort, wash, and otherwise handle fresh fruits and vegetables.

29. How will a U.S.-owned farm in a third-world country be treated under the equivalence system?

Fruits and vegetables grown on a foreign-based U.S.-owned farm are imports under the FD&C Act. Thus, such foods would not be handled any differently by U.S. regulatory agencies than products of other farms in that country. It is possible that only a limited number of firms may be designated as equivalent, and the U.S.-owned farm, if it meets the safety criteria, could be on the list of companies allowed to export to the U.S.

30. Wouldn't country of origin labeling be just as effective in protecting people?

No. Country of origin labeling is not an effective food safety control measure. Imports are not all unsafe, any more than all domestic products are safe, so the consumer cannot infer safety or lack of safety from product origin. People may have other policy reasons for wanting country of origin labeling, but it is no substitute for the new initiatives being presented.

31. Has FDA ever taken action against a farmer? Do you have authority to take action against a farmer?

FDA has authority under the FD&C Act to take actions "against farmers" at present but these actions are very infrequent. For example, intentional use of a banned animal drug such as DES might result in an enforcement action. Ordinarily, when FDA deals with a food safety problem that is found to originate on a farm, the agency's focus is on identifying the source of the problem and removing unsafe food from commerce.

32. **How can all this be consistent with the WTO? It sounds like we are applying Good Agricultural Practices as a guidance document domestically and as a requirement for imports?**

We are applying our requirements and our guidance equitably. In each case, the FD&C Act applies general requirements that forbid food adulteration, and in some instances--such as our GMPs for food processors--we have regulations that elaborate on the statutory requirements. Guidance documents further elaborate on how to avoid food adulteration. They will help both domestic and foreign growers and processors to meet legal requirements.

33. **Why do you need a bill? Doesn't FDA have this authority now? What about the Public Health Service Act and its authority over quarantine for communicable disease?**

We want the strongest approach to the food safety concerns that have been raised, and specific legislative authority is a stronger and potentially faster and more certain response.

The President's proposed legislation will strengthen FDA's existing authorities under the Federal Food, Drug, and Cosmetic Act. Although FDA might be able to craft a regulation that moves in this direction, our strong preference is for a bill to give FDA statutory authority that resembles the USDA meat and poultry laws' provisions. Legislation is a much stronger response by the Administration and the Congress to the food safety concerns that have been raised.

34. **How does the U.S. government now work with foreign countries to improve the safety and quality of foods exported to the U.S.?**

FDA, USDA, and EPA work directly with many foreign countries to enhance the food production system and regulatory oversight infrastructure of these countries to better ensure that exports meet U.S. standards. The U.S. provides technical assistance to help correct deficiencies in Production practices or foreign monitoring and enforcement programs. In addition, the U.S. serves in leadership positions in international food safety standard-setting organizations.

35. **Does FDA have sufficient authority to enter into bilateral agreements concerning food imports with foreign countries?**

Yes, FDA does have authority to enter into such agreements.

36. Can FDA make such agreements binding?

In some cases these agreements are binding, and in other cases, they are not binding.

37. How will the Administration ensure effective coordination among federal agencies involved with foreign food importation?

In most cases, FDA works directly with foreign counterparts and clears its agreements with the State Department. FDA, USDA, and EPA have various mechanisms for coordinating their positions regarding international food safety issues (e.g., the Codex Alimentarius, an international standard-setting organization for food).

38. How do you resolve the tension between food safety and food trade?

The major international trade agreements have not changed the requirement that imported foods comply with the same food safety standards as domestically produced food.

39. What assurance can you offer that food imports under a "fast track" system would be no more likely to present health risks than domestically produced food?

Fast track authority does not affect food safety standards. These standards would remain the same for imported foods and for domestic foods.

9/30/97 2:20 PM



U.S. DEPARTMENT OF AGRICULTURE

OFFICE OF THE SECRETARY

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- ☐ DAN GLICKMAN, SECRETARY
 - ☐ JOHN GIBSON, SPECIAL ASSISTANT
 - ☐ GREG FRAZIER, CHIEF OF STAFF
 - ☐ KOFI DEGRAFT-JOHNSON, EXECUTIVE ASSISTANT
 - ☐ REBA PITTMAN EVANS, DEPUTY CHIEF OF STAFF, INTERNAL AFFAIRS
 - ☐ PATRICK STEEL, DEPUTY CHIEF OF STAFF, EXTERNAL AFFAIRS
 - ☐ PAUL DRAZEK, SPECIAL ASSISTANT FOR POLICY
 - ☐ ANNE KENNEDY, SPECIAL ASSISTANT FOR POLICY
 - ☒ ERIC OLSEN, SPECIAL ASSISTANT FOR POLICY
 - ☐ JANET POTTS, COUNSEL TO THE SECRETARY

MESSAGE: _____

Handwritten message in black ink: "Also sending to Tom & Mary".

(204)

(B) US plans new controls on fruit, vegetable imports, aide says
 By Richard Cowan, Bridge News
 Knight-Ridder/Tribune Business News

Washington--Sep 29--The Clinton administration is likely to soon unveil proposals for new federal controls on imported fruits and vegetables, the White House said today. The move would be in response to rising food safety concerns with imported foods and well-publicized outbreaks of illnesses linked to foreign-grown fruits and vegetables. no lab

"Later this week we'll have some things to say" about new regulations on imported fruits and vegetables, as well as the handling of domestic products, White House Press Secretary Michael McCurry said today.

Fruit and vegetable imports have been on the rise in recent years, as have illnesses associated with eating imported strawberries, basil and other produce. End

Bridge News, Tel: (202) 383-6173

Send comments to Internet address: news@bridge.com

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Elena—

This clip raises the national treatment issue we have discussed. It ~~implies~~ ^{states} that we are going to impose regulations on imports. To do that, we must also impose regulations on domestic products, which we are not doing. It leaves us open to

criticisms that we are inflating what the initiative is US & US imports, and suspicion domestically

that we really do intend to impose regulations.

We need to be careful. Plus, we don't have data that says imports are worse than domestic product.

Eric

which we heard on the 11/11

White House to Propose Broader Food Safety Powers

Bill Would Allow FDA to Block Imported Produce

By John Schwartz and John Harris
Washington Post Staff Writers

The Clinton administration will seek new powers that would allow federal inspectors to block imports of fresh fruits and vegetables that don't meet U.S. food safety standards, officials said yesterday.

The proposal, to be announced next week, is one element of a four-part administration program aimed at improving the safety of both foreign and domestic produce.

"This is just another step in an ongoing commitment by the administration to improve food safety," a senior administration official said. "It's part of continuing to keep our eye on the ball."

Food safety has been a high-profile concern for the administration since a 1993 outbreak in the western states of the bacteria *E. coli* O157:H7 in fast-food hamburgers caused three deaths and 500 cases of illness.

Although most consumers associate disease outbreaks with improperly cooked hamburger, chicken and eggs, the amount of illness linked to produce is on the rise, officials say. The pathogen *cyclospora* on Guatemalan raspberries has caused disease outbreaks for the last two summers, and *E. coli* in unpasteurized apple juice caused some 66 cases of illness and one death last year. Another *E. coli* outbreak last year in Japan that was linked to bad radishes sickened more than 5,500 schoolchildren and teachers in the town of Sakai.

The new proposal would involve passing two pieces of legislation and issuing two executive orders. One bill would give the Food and Drug Administration the same kind of authority over produce imports that the Department of Agriculture has over meat and poultry: the ability to refuse shipments of fruit and vegetables at dockside if the shipping country or producer can't prove that it meets U.S. sanitation and production standards. The second bill would provide \$20 million to \$25 million for that effort, along with a new corps of inspectors who would work abroad.

The first of the two executive orders will call for a 90-day study of ways to improve the ways food safety is encouraged and monitored abroad. The second would call for a set of food safety guidelines for domestic fruit and vegetables. This second initiative would stop short of calling for enforceable rules, however, which surely would meet stiff opposition from industry. Instead, the new standards would set up voluntary guidelines. In case of outbreaks, proof that a company had followed those guidelines could provide some legal protection.

Those guidelines would include many seemingly simple concepts, such as not placing latrines near irrigation systems as well as procedures monitoring worker health for handling

produce during transportation, administration officials said.

Figures gathered by the Centers for Disease Control and Prevention show that the percentage of *E. coli* O157:H7 outbreaks in vegetables in the United States climbed from 5 percent of such reports a few years ago to about 15 percent today.

"We're seeing a change," said David Acheson, a food safety expert at Tufts University. "It's not entirely a meat industry problem."

In addition, the growing amount of international produce in supermarkets has raised

*Last year 38 percent of
fruit and 12 percent of
vegetables that
Americans consumed
came from other
countries.*

fears that pathogens might be slipping through the food safety net. According to administration figures, last year 38 percent of fruit and 12 percent of vegetables that Americans consumed came from other countries. As Americans increasingly seek healthier diets with plenty of fresh fruits and vegetables, consumption has increased and stores have looked to world markets to ensure a year-round supply and culinary diversity that would have seemed impossible a generation ago.

The administration hopes that the new initiative will help allay fears that the increasingly free trade will give a free ride to food-borne pathogens from imported from countries with lower standards of food safety.

The U.S. food supply is widely considered the safest in the world, but millions are sickened and some 9,000 people still die each year from food-related illness. Reports of outbreaks are on the rise, but it is unclear how much of that can be attributed to better detection by government labs. "One of the reasons we're finding more is that we're looking harder than we ever had before," an administration official said. Today, high-tech investigative techniques can prove links between victims in different cities that in the past might have been written up as isolated cases.

A food safety advocate who had not seen the final proposal applauded the administration's efforts yesterday. "It is clearly time for the administration to move food safety back to the farm," said Caroline Smith DeWaal, director of food safety for the Center for Science in the Public Interest.

The Washington Post

FRIDAY, SEPTEMBER 26, 1997

Gore's Staff Routinely Discarded Call Sheets

Justice Dept. Probe May Be Extended if Record of Fund-Raising From White House Is Incomplete

By Bob Woodward
Washington Post Staff Writer

The executive assistant to Vice President Gore has testified that she or her assistants routinely discarded Gore's copy of the call sheets prepared for his telephone solicitations of potential campaign contributors after Gore talked to the potential donors.

Government officials said there was no suggestion the call sheets were disposed of improperly or discarded to conceal information from Justice Department investigators now reviewing Gore's telephone solicitations. But any missing documents could be important if the investigators determine they cannot establish the full extent of Gore's fund-raising calls at the end of a 30-day review ordered by Attorney General Janet Reno.

Reno opened the review earlier this month to determine whether she should seek the appointment of an independent counsel to investigate Gore's White House calls. Under the terms of the Independent Counsel Act, Reno could be required at the end of the 30 days to order a 90-day preliminary investigation of the Gore calls if investigators conclude that critical information is missing or might be obtained through further inquiry.

The 30-day review period expires Oct. 3, at which point Reno must close it down or order a formal preliminary investigation. Such an investigation would be the next step in the legal process Reno must follow before deciding whether to recom-

mend appointment of an independent counsel.

Gore's attorneys had hoped that the Justice Department task force investigating the phone calls would concentrate on legal questions of whether a law barring fund-raising solicitations on federal property applies to the vice president or to calls made to people not on federal property. But one Gore associate said yesterday that the absence of orderly record-keeping in Gore's office would likely cause Reno to extend the 30-day review to a preliminary inquiry.

Gore's office was able to come up with copies of call sheets in 46 cases because Peter Knight, Gore's chief fund-raiser, kept copies and was present at most but not all of the nearly dozen sessions when Gore phoned for contributions to the Democratic National Committee. In a number of cases, a source said, Gore's attorneys had to rely on "Peter's memory" to determine whether Gore had solicited contributions from a particular person.

Officials said they could not be certain they have copies of all the call sheets or records of all calls made because there was no master list. The absence of such a list could complicate the effort of Justice Department and congressional investigators who are trying to assemble all the information on Gore's phone calls.

In all, some 125 individual call sheets were prepared for Gore by the Democratic National Committee. Each call sheet contained the name of the potential donor, professional

position, history of previous giving to the DNC and other personal background. Some call sheets carried notes handwritten by Gore.

Heather Marabeti, Gore's executive assistant, said in a Sept. 3 deposition to the Senate committee investigating campaign finance irregularities that "calls that were completed, those sheets, we discarded." Asked if Gore himself kept a copy of the sheets, Marabeti said, "He did not. . . . He would give them back to Peter [Knight] or put them in his Out box, and we would discard them."

Maggie Hickey, a counsel with the majority staff, asked Marabeti, "Did you keep any type of record of the phone calls that were placed?"

"No," Marabeti replied.

Ginny Terzano, Gore's press secretary, said yesterday that the record-keeping was the responsibility of the DNC. "We relied on the DNC, and copies of completed call sheets were returned to the DNC, generally through Peter Knight."

Earlier this year, a former senior DNC official involved in Gore's fund-raising calls listed five people, mostly wealthy businessmen, he believes Gore solicited who are not among the 46 individuals Gore's office identified in August.

The records released by the White House and Gore's office also add to the confusion. For example, a Feb. 6, 1996, call sheet prepared for President Clinton requested that he call Alice L. Walton, president of Llama Co. in Arkansas. "Ask her to contribute \$100,000 to the DNC Media Fund," a notation on the call

sheet said. "She wants to be certain that her contribution goes directly to support your campaign efforts."

In a recent interview, Walton said Clinton never called her to ask for a campaign contribution in any form. But she said Gore called her before the 1994 elections and asked for a contribution to help pay for the Democratic effort in the midterm elections. Based on the call, she said, she gave \$50,000 in November 1994.

Gore's office has not released information about his 1994 phone solicitations. Gore made the 1994 calls from the DNC, not from his White House office, officials have said.

One of the 46 people that Gore's office said he called is Sanford R. Robertson, chairman of Robertson Stephens & Co. of San Francisco. Telephone records show a seven-minute call from Gore's office to Robertson's on April 26, 1996, but Robertson issued a statement saying he never received such a call.

Federal and congressional investigators are trying to determine who Gore called. "It's the first step, establishing the size of the universe and who is in it," said one investigator who has had trouble coming up with a definitive list of individuals called by Gore.

Researcher Jeff Glasser contributed to this report.

FOR MORE INFORMATION

For background on campaign finance issues and allegations, click on the above symbol on the front page of The Post's Web site at www.washingtonpost.com

The Washington Post
FRIDAY, SEPTEMBER 26, 1997

9-30-97 Mary - Please don't 002
10:30 AM on this as the current
draft. It includes changes
that I ~~don't~~ have not
yet will not
agree to.
Ene

MEMORANDUM FOR THE SECRETARY OF HEALTH AND HUMAN SERVICES
SECRETARY OF AGRICULTURE

SUBJECT: INITIATIVE TO IMPROVE THE SAFETY OF IMPORTED FRUITS
AND VEGETABLES

During my Administration, we have taken significant steps to strengthen our entire food safety system, including expanded research, education, and surveillance activities. We also have put into place enhanced safety standards relating particularly to meat, poultry, and seafood products. These measures will greatly improve the safety of the nation's food supply.

We need to build on these efforts, and today I ask you to do so by focusing on the safety of fruits and vegetables. Although the produce Americans eat is very safe, we can and must do even better, particularly with respect to produce imported from foreign countries. Last year, 38 percent of the fruit and 12 percent of the vegetables consumed by Americans came from overseas. We must ensure that these fruits and vegetables are as safe as those produced in the United States, especially as we upgrade our own domestic standards.

I will introduce legislation that will help accomplish this task. This legislation will authorize the Food and Drug Administration (FDA) to halt imports of fruits, vegetables, and other food from any foreign country whose food safety systems and standards are not on par with those of the United States. This authority, which is equivalent to authority the USDA currently has to halt the importation of meat and poultry, will enable the FDA to prevent the importation of potentially unsafe foreign food products. In addition, I will provide the necessary funds in my Fiscal Year 1999 budget to enable the FDA to expand dramatically its international inspection force. With this greatly increased ability to inspect food safety conditions abroad and at our ports of entry, the FDA will be able to determine when to halt the importation of fruits and vegetables from foreign countries.

At the same time, I direct you to take administrative actions that will better ensure the safety of fruits and vegetables coming from abroad, while continuing to improve the safety of domestic produce. You should accelerate any food safety research that is necessary to support these actions.

First, I direct the Secretary of Health and Human Services and the Secretary of Agriculture to report within 90 days with a plan on improving the use of existing and projected resources to monitor agricultural and manufacturing practices abroad, assist foreign countries to improve those practices, and prevent the importation of unsafe produce, including the detection of unsafe food at the dock or border. I urge you to consider ways to target inspection and testing resources toward those new areas where problems are most likely to occur.

Second, I direct the Secretary of Health and Human Services, in partnership with the Secretary of Agriculture and in close cooperation with the agricultural community, to issue within

one year guidance on good agricultural practices and good manufacturing practices for fruits and vegetables. This guidance should take into account differences in both crops and regions and should address potential food safety problems throughout the food distribution and marketing system. By providing the first-ever specific safety standards for fruits and vegetables, the guidance will improve the agricultural and manufacturing practices for all those seeking to sell produce in the U.S. market. To ensure that this guidance has the widest possible effect, I also direct the development of coordinated outreach and educational activities.

These steps, taken together and in coordination with the legislation I will send to Congress, will improve the safety of fruits and vegetables for all Americans. I will also direct the Administrator of the Environmental Protection Agency and the Secretary of Labor to provide you with assistance in achieving this goal.

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FULL TEXT OF BILLS

105TH CONGRESS: 1ST SESSION
IN THE HOUSE OF REPRESENTATIVES
AS INTRODUCED IN THE HOUSE

H. R. 1232

1997 H.R. 1232; 105 H.R. 1232

<=1> Retrieve Bill Tracking Report

SYNOPSIS:

A BILL To require country of origin labeling of perishable agricultural commodities imported into the United States and to establish penalties for violations of such labeling requirements.

DATE OF INTRODUCTION: APRIL 8, 1997

DATE OF VERSION: APRIL 10, 1997 -- VERSION: 1

SPONSOR(S):

Mr. BONO (for himself, Mr. TRAFICANT, Mrs. THURMAN, Mr. CALVERT, Mr. WELDON of Florida, Mr. NEY, Mr. RIGGS, Mr. MICA, Mr. STEARNS, Mr. HUNTER, Mrs. MEEK of Florida, Mr. WATTS of Oklahoma, Mr. WEXLER, Mr. KING, Mr. HASTINGS of Florida, Mr. DIAZ-BALART, Mr. GOSS, Mr. CONDIT, Mr. MILLER of Florida, Mr. BARR of Georgia, Mr. BISHOP, and Ms. KAPTUR) introduced the following bill; which was referred to the Committee on Agriculture

TEXT:

* 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 Produce Labeling Act of 1997".

SEC. 2. INDICATION OF COUNTRY OF ORIGIN OF IMPORTED PERISHABLE AGRICULTURAL COMMODITIES.

(a) DEFINITIONS.-FOR PURPOSES OF THIS SECTION, THE TERMS "PERISHABLE AGRICULTURAL COMMODITY" AND "RETAILER" HAVE THE MEANINGS GIVEN SUCH TERMS IN SECTION 1(B) OF THE PERISHABLE AGRICULTURAL COMMODITIES ACT, 1930 (7 U.S.C. 499A(B)).

(B) NOTICE OF COUNTRY OF ORIGIN REQUIRED.-A RETAILER OF A PERISHABLE AGRICULTURAL COMMODITY IMPORTED INTO THE UNITED STATES SHALL INFORM CONSUMERS, AT THE FINAL POINT OF SALE TO CONSUMERS, OF THE COUNTRY OF ORIGIN OF THE PERISHABLE AGRICULTURAL COMMODITY.

(C) METHOD OF NOTIFICATION.-THE INFORMATION REQUIRED BY SUBSECTION (B) MAY BE PROVIDED TO CONSUMERS BY MEANS OF A LABEL, STAMP, MARK, PLACARD, OR OTHER CLEAR AND VISIBLE SIGN ON THE IMPORTED PERISHABLE AGRICULTURAL COMMODITY ITSELF OR ON THE PACKAGE, DISPLAY, HOLDING UNIT, OR BIN CONTAINING THE COMMODITY AT THE FINAL POINT OF SALE TO CONSUMERS. IF THE IMPORTED PERISHABLE AGRICULTURAL COMMODITY IS ALREADY INDIVIDUALLY LABELED REGARDING COUNTRY OF ORIGIN BY THE PACKER, IMPORTER, OR ANOTHER PERSON, THE RETAILER SHALL NOT BE REQUIRED TO PROVIDE ANY ADDITIONAL INFORMATION IN ORDER TO COMPLY WITH THIS SECTION.

(D) VIOLATIONS.-IF A RETAILER FAILS TO INDICATE THE COUNTRY OF ORIGIN

H. R. 1232 APRIL 10, 1997 -- VERSION: 1

OF AN IMPORTED PERISHABLE AGRICULTURAL COMMODITY AS REQUIRED BY
SUBSECTION (B), THE SECRETARY OF AGRICULTURE MAY IMPOSE A MONETARY
PENALTY ON THE RETAILER IN AN AMOUNT NOT TO EXCEED-

- (1) \$1,000 FOR THE FIRST DAY ON WHICH THE VIOLATION OCCURS; AND
- (2) \$250 FOR EACH DAY ON WHICH THE SAME VIOLATION CONTINUES.

(E) DEPOSIT OF FUNDS.-AMOUNTS COLLECTED UNDER SUBSECTION (D) SHALL BE
DEPOSITED IN THE TREASURY OF THE UNITED STATES AS MISCELLANEOUS RECEIPTS.

(F) APPLICATION OF SECTION.-THIS SECTION SHALL APPLY WITH RESPECT TO
PERISHABLE AGRICULTURAL COMMODITIES IMPORTED INTO THE UNITED STATES AFTER
THE END OF THE SIX-MONTH PERIOD BEGINNING ON THE DATE OF THE ENACTMENT OF
THIS SECTION.

LOAD-DATE: April 15, 1997

18TH DOCUMENT of Level 1 printed in FULL format.

FULL TEXT OF BILLS

105TH CONGRESS; 1ST SESSION
IN THE HOUSE OF REPRESENTATIVES
AS INTRODUCED IN THE HOUSE

H. R. 1371

1997 H.R. 1371; 105 H.R. 1371

<=1> Retrieve Bill Tracking Report

SYNOPSIS:

A BILL To amend the Federal Meat Inspection Act to require that imported meat, and meat food products containing imported meat, bear a label identifying the country of origin.

DATE OF INTRODUCTION: APRIL 17, 1997

DATE OF VERSION: APRIL 21, 1997 -- VERSION: 1

SPONSOR(S):

Mrs. CHENOWETH (for herself and Mr. POMEROY) introduced the following bill; which was referred to the Committee on Agriculture

TEXT:

* 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 Meat Labeling Act of 1997".

SEC. 2 COUNTRY OF ORIGIN LABELING OF IMPORTED MEAT AND MEAT FOOD PRODUCTS.

(a) LABELING REQUIRED.-Section 1(n) of the Federal Meat Inspection Act (21 U.S.C. 601(n)) is amended by adding at the end the following:

"(13)(A) If it is imported into the United States unless is bears or is accompanied by labeling that identifies the country of origin of the animal that is the source of the imported carcass, part thereof, or meat or is part of the contents of the imported meat food product.

"(B) If it is a meat food product prepared in the United States using any carcass, part thereof, or meat imported into the United States unless the meat food product bears or is accompanied by labeling that identifies the country origin of the animal that is the source of the imported carcass, part thereof, or meat.

"(C) In this paragraph, the term 'country of origin' means the country or countries in which an animal is raised before slaughter."

(b) CONFORMING AMENDMENTS.-Section 1(n) of the Federal Meat Inspection Act is amended-

(1) by striking "if" at the beginning of each of paragraphs (1) through (12) and inserting "If";

(2) by striking the semicolon at the end of each of paragraphs (1) through (10) and inserting a period; and

(3) in paragraph (11), by striking "; or" at the end and inserting a period.

(c) EFFECTIVE DATE.-The amendments made by this section shall take effect 1 year after the date of enactment of this Act.

LOAD-DATE: April 22, 1997

55TH DOCUMENT of Level 1 printed in FULL format.

FULL TEXT OF BILLS

105TH CONGRESS; 1ST SESSION
IN THE HOUSE OF REPRESENTATIVES
AS INTRODUCED IN THE HOUSE

H. R. 2332

1997 H.R. 2332; 105 H.R. 2332

<=1> Retrieve Bill Tracking Report

SYNOPSIS:

A BILL To amend section 304 of the Tariff Act of 1930 to require the marking of frozen produce with the country of origin on the front panel of the package for retail sale.

DATE OF INTRODUCTION: JULY 31, 1997

DATE OF VERSION: AUGUST 5, 1997 -- VERSION: 1

SPONSOR(S):

Mr. EVERETT (for himself, Mr. ADERHOLT, Mr. BARCIA, Mr. BOEHNER, Mr. BONO, Mr. BOYD, Mr. CALLAHAN, Mr. CAMPBELL, Mr. CRAMER, Mr. DEAL of Georgia, Ms. DEGETTE, Mr. DELLUMS, Mr. DUNCAN, Mr. FARR of California, Mr. FILNER, Mr. FOLEY, Mr. HINCHEY, Mr. HUNTER, Ms. KAPTUR, Mr. KUCINICH, Mr. MCHUGH, Mr. MCNULTY, Mrs. MEEK of Florida, Mr. MILLER of California, Mr. NEY, Mr. POSHARD, Mr. RILEY, Ms. RIVERS, Mr. ROHRBACHER, Mr. SOUDER, Mr. SPRATT, Mr. STUMP, Mr. TANNER, and Mrs. THURMAN) introduced the following bill; which was referred to the Committee on Ways and Means

TEXT:

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

SECTION 1. MARKING OF FROZEN PRODUCE.

(a) IN GENERAL.-SECTION 304 OF THE TARIFF ACT OF 1930 (19 U.S.C. 1304)
IS AMENDED-

(1) BY REDESIGNATING SUBSECTIONS (H) THROUGH (K) AS SUBSECTIONS (I)
THROUGH (L), RESPECTIVELY; AND

(2) BY INSERTING AFTER SUBSECTION (G) THE FOLLOWING NEW SUBSECTION:

"(H) FROZEN PRODUCE.-

"(1) MARKING OF FROZEN PRODUCE.-UNLESS OTHERWISE EXCEPTED UNDER
PARAGRAPH (3) OF SUBSECTION (A), FROZEN PRODUCE SHALL BE MARKED, ON
THE FRONT PANEL OF ITS PACKAGE FOR RETAIL SALE, WITH THE COUNTRY OF
ORIGIN OF THE PRODUCE IN PERMANENT, INDELIBLE, AND CLEARLY LEGIBLE
PRINT OR TYPE.

"(2) DEFINITIONS.-AS USED IN THIS SUBSECTION:

"(A) FROZEN PRODUCE.-THE TERM 'FROZEN PRODUCE' MEANS-

"(I) FROZEN VEGETABLES OR MIXTURES OF FROZEN VEGETABLES
PROVIDED FOR IN CHAPTER 7 OF THE HARMONIZED TARIFF SCHEDULE
OF THE UNITED STATES; AND

"(II) FROZEN FRUITS OR MIXTURES OF FROZEN FRUITS PROVIDED
FOR IN CHAPTER 8 OF SUCH SCHEDULE.

"(B) FRONT PANEL.-THE 'FRONT PANEL' OF A PACKAGE IS THAT PART

H. R. 2332 AUGUST 5, 1997 -- VERSION: 1

OF THE PACKAGE THAT IS MOST LIKELY TO BE DISPLAYED, PRESENTED, SHOWN, OR EXAMINED BY THE ULTIMATE PURCHASER UNDER CUSTOMARY CONDITIONS OF DISPLAY FOR RETAIL SALE."

(B) CONFORMING AMENDMENT.-SECTION 304(J) OF SUCH ACT, AS REDESIGNATED BY SUBSECTION (A)(1), IS AMENDED BY STRIKING "SUBSECTION (H)" AND INSERTING "SUBSECTION (I)".

SEC. 2. EFFECTIVE DATE.

The amendments made by section 1 apply to goods entered, or withdrawn from warehouse for consumption, after the end of the 18-month period beginning on the date of the enactment of this Act.

LOAD-DATE: August 6, 1997

64TH DOCUMENT of Level 1 printed in FULL format.

FULL TEXT OF BILLS

105TH CONGRESS; 1ST SESSION
IN THE SENATE OF THE UNITED STATES
AS INTRODUCED IN THE SENATE

S. 16

1997 S. 16; 105 S. 16

<=1> Retrieve Bill Tracking Report

SYNOPSIS:

A BILL To ensure the continued viability of livestock producers and the livestock industry in the United States, to assure foreign countries do not deny market access to United States meat and meat products, and for other purposes.

DATE OF INTRODUCTION: JANUARY 21, 1997

DATE OF VERSION: JANUARY 24, 1997 -- VERSION: 1

SPONSOR(S):

Mr. DASCHLE (for himself, Mr. HARKIN, Mr. JOHNSON, Mr. DORGAN, Mr. CONRAD, Mr. KERREY, Mr. BAUCUS, Mr. BINGAMAN, Mr. KOHL, Mr. FEINGOLD, Mr. LEAHY, and Mr. WELLSTONE) introduced the following bill; which was referred to the Committee on Agriculture, Nutrition, and Forestry

TEXT:

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.-THIS ACT MAY BE CITED AS THE "CATTLE INDUSTRY IMPROVEMENT ACT OF 1997".

(B) TABLE OF CONTENTS.-THE TABLE OF CONTENTS OF THIS ACT IS AS FOLLOWS:

Sec. 1. Short title; table of contents.

TITLE I-CATTLE INDUSTRY IMPROVEMENT

Sec. 101. Prohibition on noncompetitive practices.

Sec. 102. Domestic Market Reporting.

Sec. 103. Import reporting.

Sec. 104. Protection of livestock producers against retaliation by packers.

Sec. 105. Review of Federal agriculture credit policies.

Sec. 106. Streamlining and consolidating the United States food inspection system.

Sec. 107. Labeling system for meat and meat food products produced in the United States.

Sec. 108. Sense of Senate on interstate shipment of State-inspected meat, poultry, and eggs.

Sec. 109. Exchange of cattle production data with Canada.

TITLE II-MARKET ACCESS FOR UNITED STATES MEAT PRODUCTS

Sec. 201. Short title.

Subtitle A-Identification of Countries

Sec. 211. Findings; purposes.

Sec. 212. Identification of countries that deny market access.

S. 16 JANUARY 24, 1997 -- VERSION: 1

Sec. 213. Investigations.
 Sec. 214. Authorized actions by United States Trade Representative.
 Subtitle B-Review of Third Country Meat Directive
 Sec. 221. Findings.
 Sec. 223. Definitions.
 Sec. 224. Requirement for determination by United States Trade Representative.
 Sec. 225. Request for dispute settlement.
 Sec. 226. Review of certain meat facilities.

TITLE I-CATTLE INDUSTRY IMPROVEMENT

SEC. 101. PROHIBITION ON NONCOMPETITIVE PRACTICES.

Section 202 of the Packers and Stockyards Act, 1921 (7 U.S.C. 192), is amended-

(1) in subsection (g), by striking the period at the end and inserting "; or"; and

(2) by adding at the end the following:

"(h) Engage in any practice or device that the Secretary by regulation, after consultation with producers of cattle, lamb, and hogs, and other persons in the cattle, lamb, and hog industries, determines is a detrimental noncompetitive practice or device relating to the price or a term of sale for the procurement of livestock or the sale of meat or other byproduct of slaughter.".

SEC. 102. DOMESTIC MARKET REPORTING.

(a) PERSONS IN SLAUGHTER BUSINESS.-SECTION 203(G) OF THE AGRICULTURAL MARKETING ACT OF 1946 (7 U.S.C. 1622(G)) IS AMENDED-

(1) BY STRIKING "(G) TO" AND INSERTING THE FOLLOWING:

"(G) COLLECTION AND DISSEMINATION OF MARKETING INFORMATION.-

"(1) IN GENERAL.-TO"; AND

(2) BY ADDING AT THE END THE FOLLOWING:

"(2) DOMESTIC MARKET REPORTING.-

"(A) MANDATORY REPORTING.-EACH PERSON ENGAGED IN THE BUSINESS OF SLAUGHTERING A QUANTITY OF LIVESTOCK DETERMINED BY THE SECRETARY SHALL REPORT TO THE SECRETARY IN SUCH MANNER AS THE SECRETARY SHALL REQUIRE, AS SOON AS PRACTICABLE BUT NOT LATER THAN 24 HOURS AFTER A TRANSACTION TAKES PLACE, SUCH INFORMATION RELATING TO PRICES AND THE TERMS OF SALE FOR THE PROCUREMENT OF LIVESTOCK AND THE SALE OF MEAT FOOD PRODUCTS AND LIVESTOCK PRODUCTS AS THE SECRETARY DETERMINES IS NECESSARY TO CARRY OUT THIS SUBSECTION.

"(B) NONCOMPLIANCE.-WHOEVER KNOWINGLY FAILS OR REFUSES TO PROVIDE TO THE SECRETARY INFORMATION REQUIRED TO BE REPORTED BY SUBPARAGRAPH (A) SHALL BE FINED UNDER TITLE 18, UNITED STATES CODE, OR IMPRISONED FOR NOT MORE THAN 5 YEARS, OR BOTH.

"(C) VOLUNTARY REPORTING.-THE SECRETARY SHALL ENCOURAGE VOLUNTARY REPORTING BY ANY PERSON ENGAGED IN THE BUSINESS OF SLAUGHTERING LIVESTOCK WHO IS NOT SUBJECT TO SUBPARAGRAPH (A).

"(D) AVAILABILITY OF INFORMATION.-THE SECRETARY SHALL MAKE INFORMATION RECEIVED UNDER THIS SUBSECTION AVAILABLE TO THE PUBLIC ONLY IN THE AGGREGATE AND SHALL ENSURE THE CONFIDENTIALITY OF PERSONS PROVIDING THE INFORMATION.

"(E) TERMINATION OF AUTHORITY.-THE AUTHORITY PROVIDED BY THIS PARAGRAPH SHALL TERMINATE ON THE DATE THAT IS 1 YEAR AFTER THE DATE OF ENACTMENT OF THIS PARAGRAPH, EXCEPT THAT THE SECRETARY MAY EXTEND THE AUTHORITY BEYOND THAT

date if the Secretary determines the extension is necessary or

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appropriate."

(b) ELIMINATION OF OUTMODED REPORTS.-THE SECRETARY OF AGRICULTURE, AFTER CONSULTATION WITH PRODUCERS AND OTHER AFFECTED PARTIES, SHALL PERIODICALLY-

(1) ELIMINATE OBSOLETE REPORTS; AND

(2) STREAMLINE THE COLLECTION AND REPORTING OF DATA RELATED TO LIVESTOCK AND MEAT AND LIVESTOCK PRODUCTS, USING MODERN DATA COMMUNICATIONS TECHNOLOGY, TO PROVIDE INFORMATION TO THE PUBLIC ON AS CLOSE TO A REAL-TIME BASIS AS PRACTICABLE.

(c) DEFINITION OF "CAPTIVE SUPPLY".-FOR THE PURPOSE OF REGULATIONS ISSUED BY THE SECRETARY OF AGRICULTURE RELATING TO REPORTING UNDER THE AGRICULTURAL MARKETING ACT OF 1946 (7 U.S.C. 1621 ET SEQ.) AND THE PACKERS AND STOCKYARDS ACT, 1921 (7 U.S.C. 181 ET SEQ.), THE TERM "CAPTIVE SUPPLY" MEANS LIVESTOCK OBLIGATED TO A PACKER IN ANY FORM OF TRANSACTION IN WHICH MORE THAN 7 DAYS ELAPSE FROM THE DATE OF OBLIGATION TO THE DATE OF DELIVERY OF THE LIVESTOCK.

SEC. 103. IMPORT REPORTING.

(a) IN GENERAL.-THE SECRETARY OF AGRICULTURE AND THE SECRETARY OF COMMERCE SHALL, USING MODERN DATA COMMUNICATIONS TECHNOLOGY TO PROVIDE THE INFORMATION TO THE PUBLIC ON AS CLOSE TO A REAL-TIME BASIS AS PRACTICABLE, JOINTLY MAKE AVAILABLE TO THE PUBLIC AGGREGATE PRICE AND QUANTITY INFORMATION ON IMPORTED MEAT FOOD PRODUCTS, LIVESTOCK PRODUCTS, AND LIVESTOCK (AS THE TERMS ARE DEFINED IN SECTION 2 OF THE PACKERS AND STOCKYARDS ACT, 1921 (7 U.S.C. 182)).

(B) FIRST REPORT.-THE SECRETARIES SHALL RELEASE TO THE PUBLIC THE FIRST REPORT UNDER SUBSECTION (A) NOT LATER THAN 60 DAYS AFTER THE DATE OF ENACTMENT OF THIS ACT.

SEC. 104. PROTECTION OF LIVESTOCK PRODUCERS AGAINST RETALIATION BY PACKERS..

(a) RETALIATION PROHIBITED.-SECTION 202(B) OF THE PACKERS AND STOCKYARDS ACT, 1921 (7 U.S.C. 192(B)), IS AMENDED-

(1) BY STRIKING "OR SUBJECT" AND INSERTING "SUBJECT"; AND

(2) BY INSERTING BEFORE THE SEMICOLON AT THE END THE FOLLOWING: ", OR RETALIATE AGAINST ANY LIVESTOCK PRODUCER ON ACCOUNT OF ANY STATEMENT MADE BY THE PRODUCER (WHETHER MADE TO THE SECRETARY OR A LAW ENFORCEMENT AGENCY OR IN A PUBLIC FORUM) REGARDING AN ACTION OF ANY PACKER".

(B) SPECIAL REQUIREMENTS REGARDING ALLEGATIONS OF RETALIATION.-SECTION 203 OF THE PACKERS AND STOCKYARDS ACT, 1921 (7 U.S.C. 193), IS AMENDED BY ADDING AT THE END THE FOLLOWING:

"(E) SPECIAL PROCEDURES REGARDING ALLEGATIONS OF RETALIATION.-

"(1) CONSIDERATION BY SPECIAL PANEL.-THE PRESIDENT SHALL APPOINT A SPECIAL PANEL CONSISTING OF 3 MEMBERS TO RECEIVE AND INITIALLY CONSIDER A COMPLAINT SUBMITTED BY ANY PERSON THAT ALLEGES PROHIBITED PACKER RETALIATION UNDER SECTION 202(B) DIRECTED AGAINST A LIVESTOCK PRODUCER.

"(2) COMPLAINT; HEARING.-IF THE PANEL HAS REASON TO BELIEVE FROM THE COMPLAINT OR RESULTING INVESTIGATION THAT A PACKER HAS VIOLATED OR IS VIOLATING THE RETALIATION PROHIBITION UNDER SECTION 202(B), THE PANEL SHALL NOTIFY THE SECRETARY WHO SHALL CAUSE A COMPLAINT TO BE ISSUED AGAINST THE PACKER, AND A HEARING CONDUCTED, UNDER SUBSECTION (A).

"(3) EVIDENTIARY STANDARD.-IN THE CASE OF A COMPLAINT REGARDING RETALIATION PROHIBITED UNDER SECTION 202(B), THE SECRETARY SHALL FIND THAT THE PACKER INVOLVED HAS VIOLATED OR IS VIOLATING SECTION 202(B)

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IF THE FINDING IS SUPPORTED BY A PREPONDERANCE OF THE EVIDENCE."

(C) DAMAGES FOR PRODUCERS SUFFERING RETALIATION.-SECTION 203 OF THE PACKERS AND STOCKYARDS ACT, 1921 (7 U.S.C. 193) (AS AMENDED BY SUBSECTION (B)), IS AMENDED BY ADDING AT THE END THE FOLLOWING:

"(f) DAMAGES FOR PRODUCERS SUFFERING RETALIATION.-

"(1) IN GENERAL.-IF A PACKER VIOLATES THE RETALIATION PROHIBITION UNDER SECTION 202(B), THE PACKER SHALL BE LIABLE TO THE LIVESTOCK PRODUCER INJURED BY THE RETALIATION FOR NOT MORE THAN 3 TIMES THE AMOUNT OF DAMAGES SUSTAINED AS A RESULT OF THE VIOLATION.

"(2) ENFORCEMENT.-THE LIABILITY MAY BE ENFORCED EITHER BY COMPLAINT TO THE SECRETARY, AS PROVIDED IN SUBSECTION (E), OR BY SUIT IN ANY COURT OF COMPETENT JURISDICTION.

"(3) OTHER REMEDIES.-THIS SUBSECTION SHALL NOT ABRIDGE OR ALTER A REMEDY EXISTING AT COMMON LAW OR BY STATUTE. THE REMEDY PROVIDED BY THIS SUBSECTION SHALL BE IN ADDITION TO ANY OTHER REMEDY."

SEC. 105. REVIEW OF FEDERAL AGRICULTURE CREDIT POLICIES.

The Secretary of Agriculture, in consultation with the Secretary of the Treasury, the Chairman of the Board of Governors of the Federal Reserve System, and the Chairman of the Board of the Farm Credit Administration, shall establish an interagency working group to study-

(1) the extent to which Federal lending practices and policies have contributed, or are contributing, to market concentration in the livestock and dairy sectors of the national economy; and

(2) whether Federal policies regarding the financial system of the United States adequately take account of the weather and price volatility risks inherent in livestock and dairy enterprises.

SEC. 106. STREAMLINING AND CONSOLIDATING THE UNITED STATES FOOD INSPECTION SYSTEM.

(a) PREPARATION.-IN CONSULTATION WITH THE SECRETARY OF AGRICULTURE, THE SECRETARY OF HEALTH AND HUMAN SERVICES, AND ALL OTHER INTERESTED PARTIES, THE PRESIDENT SHALL PREPARE A PLAN TO CONSOLIDATE THE UNITED STATES FOOD INSPECTION SYSTEM THAT ENSURES THE BEST USE OF AVAILABLE RESOURCES TO IMPROVE THE CONSISTENCY, COORDINATION, AND EFFECTIVENESS OF THE UNITED STATES FOOD INSPECTION SYSTEM, TAKING INTO ACCOUNT FOOD SAFETY RISKS.

(B) SUBMISSION.-NOT LATER THAN 1 YEAR AFTER THE DATE OF ENACTMENT OF THIS ACT, THE PRESIDENT SHALL SUBMIT TO CONGRESS THE PLAN PREPARED UNDER SUBSECTION (A).

SEC. 107. LABELING SYSTEM FOR MEAT AND MEAT FOOD PRODUCTS PRODUCED IN THE UNITED STATES.

(a) LABELING.-SECTION 7 OF THE FEDERAL MEAT INSPECTION ACT (21 U.S.C. 607) IS AMENDED BY ADDING AT THE END THE FOLLOWING:

"(G) LABELING OF MEAT OF UNITED STATES ORIGIN.-

"(1) IN GENERAL.-THE SECRETARY SHALL DEVELOP A SYSTEM FOR THE LABELING OF CARCASSES, PARTS OF CARCASSES, AND MEAT PRODUCED IN THE UNITED STATES FROM LIVESTOCK RAISED IN THE UNITED STATES, AND MEAT FOOD PRODUCTS PRODUCED IN THE UNITED STATES FROM THE CARCASSES, PARTS OF CARCASSES, AND MEAT, TO INDICATE THE UNITED STATES ORIGIN OF THE CARCASSES, PARTS OF CARCASSES, MEAT, AND MEAT FOOD PRODUCTS.

"(2) ASSISTANCE.-THE SECRETARY SHALL PROVIDE TECHNICAL AND FINANCIAL ASSISTANCE TO ESTABLISHMENTS SUBJECT TO INSPECTION UNDER THIS TITLE TO IMPLEMENT THE LABELING SYSTEM.

"(3) AUTHORIZATION OF APPROPRIATIONS.-THERE ARE AUTHORIZED TO BE APPROPRIATED SUCH SUMS AS ARE NECESSARY TO CARRY OUT THIS SUBSECTION."

SEC. 108. SENSE OF SENATE ON INTERSTATE SHIPMENT OF STATE-INSPECTED MEAT,

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POULTRY, AND EGGS.

It is the sense of the Senate that-

(1) not later than 90 days after the date of enactment of this Act, the Secretary of Agriculture should convene a public meeting of State inspection officials and all other interested parties to determine whether the interstate shipment of State-inspected meat, poultry, and egg products should be permitted; and

(2) the meeting should be structured to ensure that all parties are given an opportunity to present their views on the subject described in paragraph (1).

SEC. 109. EXCHANGE OF CATTLE PRODUCTION DATA WITH CANADA.

The Secretary of Agriculture shall seek immediate consultation with the Minister of Agriculture of Canada to provide for a regular monthly exchange of cattle production data, including cattle on feed, cattle slaughtered, and cattle and beef shipped to the United States.

TITLE II-MARKET ACCESS FOR UNITED STATES MEAT PRODUCTS

SEC. 201. SHORT TITLE.

This title may be cited as the "Meat Products Market Access Act of 1997".

Subtitle A-Identification of Countries

SEC. 211. FINDINGS; PURPOSES.

(a) FINDINGS.-CONGRESS MAKES THE FOLLOWING FINDINGS:

(1) The export of meat and meat products is of vital importance to the economy of the United States.

(2) In 1995, agriculture was the largest positive contributor to the United States merchandise trade balance with a trade surplus of \$25,800,000,000.

(3) The growth of exports of United States meat and meat products should continue to be an important factor in improving the United States merchandise trade balance.

(4) Increasing exports of meat and meat products will increase farm income in the United States, thereby protecting family farms and contributing to the economic well-being of rural communities in the United States.

(5) Although the United States efficiently produces high-quality meat and meat products, United States producers cannot realize their full export potential because many foreign countries deny fair and equitable market access to United States agricultural products.

(6) The Foreign Agricultural Service estimates that United States agricultural exports are reduced by \$4,700,000,000 annually due to unjustifiable imposition of sanitary and phytosanitary measures that deny or limit market access to United States products.

(7) The denial of fair and equitable market access for United States meat and meat products impedes the ability of United States farmers to export their products, thereby harming the economic interests of the United States.

(b) PURPOSES.-THE PURPOSES OF THIS SUBTITLE ARE-

(1) TO REDUCE OR ELIMINATE FOREIGN UNFAIR TRADE PRACTICES AND TO REMOVE CONSTRAINTS ON FAIR AND OPEN TRADE IN MEAT AND MEAT PRODUCTS;

(2) TO ENSURE FAIR AND EQUITABLE MARKET ACCESS FOR EXPORTS OF UNITED STATES MEAT AND MEAT PRODUCTS; AND

(3) TO PROMOTE FREE AND FAIR TRADE IN MEAT AND MEAT PRODUCTS.

SEC. 212. IDENTIFICATION OF COUNTRIES THAT DENY MARKET ACCESS.

(a) IDENTIFICATION REQUIRED.-CHAPTER 8 OF TITLE I OF THE TRADE ACT OF 1974 IS AMENDED BY ADDING AT THE END THE FOLLOWING:

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"SEC. 183. IDENTIFICATION OF COUNTRIES THAT DENY MARKET ACCESS FOR MEAT AND MEAT PRODUCTS.

"(a) IN GENERAL.-NOT LATER THAN THE DATE THAT IS 30 DAYS AFTER THE DATE ON WHICH THE ANNUAL REPORT IS REQUIRED TO BE SUBMITTED TO CONGRESSIONAL COMMITTEES UNDER SECTION 181(B), THE UNITED STATES TRADE REPRESENTATIVE (HEREAFTER IN THIS SECTION REFERRED TO AS THE 'TRADE REPRESENTATIVE') SHALL IDENTIFY-

"(1) THOSE FOREIGN COUNTRIES THAT-

"(A) DENY FAIR AND EQUITABLE MARKET ACCESS TO UNITED STATES MEAT AND MEAT PRODUCTS, OR

"(B) APPLY STANDARDS FOR THE IMPORTATION OF MEAT AND MEAT PRODUCTS FROM THE UNITED STATES THAT ARE NOT RELATED TO PUBLIC HEALTH CONCERNS OR CANNOT BE SUBSTANTIATED BY RELIABLE ANALYTICAL METHODS; AND

"(2) THOSE FOREIGN COUNTRIES IDENTIFIED UNDER PARAGRAPH (1) THAT ARE DETERMINED BY THE TRADE REPRESENTATIVE TO BE PRIORITY FOREIGN COUNTRIES.

"(B) SPECIAL RULES FOR IDENTIFICATIONS.-

"(1) CRITERIA.-IN IDENTIFYING PRIORITY FOREIGN COUNTRIES UNDER SUBSECTION (A)(2), THE TRADE REPRESENTATIVE SHALL ONLY IDENTIFY THOSE FOREIGN COUNTRIES-

"(A) that engage in or have the most onerous or egregious acts, policies, or practices that deny fair and equitable market access to United States meat and meat products,

"(B) whose acts, policies, or practices described in subparagraph (A) have the greatest adverse impact (actual or potential) on the relevant United States products, and

"(C) that are not-

"(i) entering into good faith negotiations, or

"(ii) making significant progress in bilateral or

multilateral negotiations,

to provide fair and equitable market access to United States meat and meat products.

"(2) CONSULTATION AND CONSIDERATION REQUIREMENTS.-IN IDENTIFYING PRIORITY FOREIGN COUNTRIES UNDER SUBSECTION (A)(2), THE TRADE REPRESENTATIVE SHALL-

"(A) CONSULT WITH THE SECRETARY OF AGRICULTURE AND OTHER APPROPRIATE OFFICERS OF THE FEDERAL GOVERNMENT, AND

"(B) TAKE INTO ACCOUNT INFORMATION FROM SUCH SOURCES AS MAY BE AVAILABLE TO THE TRADE REPRESENTATIVE AND SUCH INFORMATION AS MAY BE SUBMITTED TO THE TRADE REPRESENTATIVE BY INTERESTED PERSONS, INCLUDING INFORMATION CONTAINED IN REPORTS SUBMITTED UNDER SECTION 181(B) AND PETITIONS SUBMITTED UNDER SECTION 302.

"(3) FACTUAL BASIS REQUIREMENT.-THE TRADE REPRESENTATIVE MAY IDENTIFY A FOREIGN COUNTRY UNDER SUBSECTION (A)(1) ONLY IF THE TRADE REPRESENTATIVE FINDS THAT THERE IS A FACTUAL BASIS FOR THE DENIAL OF FAIR AND EQUITABLE MARKET ACCESS AS A RESULT OF THE VIOLATION OF INTERNATIONAL LAW OR AGREEMENT, OR THE EXISTENCE OF BARRIERS, REFERRED TO IN SUBSECTION (D)(3).

"(4) CONSIDERATION OF HISTORICAL FACTORS.-IN IDENTIFYING FOREIGN COUNTRIES UNDER PARAGRAPHS (1) AND (2) OF SUBSECTION (A), THE TRADE REPRESENTATIVE SHALL TAKE INTO ACCOUNT-

"(A) THE HISTORY OF MEAT AND MEAT PRODUCTS TRADE RELATIONS WITH THE FOREIGN COUNTRY, INCLUDING ANY PREVIOUS IDENTIFICATION UNDER SUBSECTION (A)(2), AND

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"(B) THE HISTORY OF EFFORTS OF THE UNITED STATES, AND THE RESPONSE OF THE FOREIGN COUNTRY, TO ACHIEVE FAIR AND EQUITABLE MARKET ACCESS FOR UNITED STATES MEAT AND MEAT PRODUCTS.

"(C) REVOCATIONS AND ADDITIONAL IDENTIFICATIONS.-

"(1) AUTHORITY TO ACT AT ANY TIME.-IF INFORMATION AVAILABLE TO THE TRADE REPRESENTATIVE INDICATES THAT SUCH ACTION IS APPROPRIATE, THE TRADE REPRESENTATIVE MAY AT ANY TIME-

"(A) REVOKE THE IDENTIFICATION OF ANY FOREIGN COUNTRY AS A PRIORITY FOREIGN COUNTRY UNDER THIS SECTION, OR

"(B) IDENTIFY ANY FOREIGN COUNTRY AS A PRIORITY FOREIGN COUNTRY UNDER THIS SECTION.

"(2) REVOCATION REPORTS.-THE TRADE REPRESENTATIVE SHALL INCLUDE IN THE SEMIANNUAL REPORT SUBMITTED TO THE CONGRESS UNDER SECTION 309(3) A DETAILED EXPLANATION OF THE REASONS FOR THE REVOCATION UNDER PARAGRAPH (1) OF THE IDENTIFICATION OF ANY FOREIGN COUNTRY AS A PRIORITY FOREIGN COUNTRY UNDER THIS SECTION.

"(D) FAIR AND EQUITABLE MARKET ACCESS.-FOR PURPOSES OF THIS SECTION, A FOREIGN COUNTRY DENIES FAIR AND EQUITABLE MARKET ACCESS IF THE FOREIGN COUNTRY EFFECTIVELY DENIES ACCESS TO A MARKET FOR A PRODUCT THROUGH THE USE OF LAWS, PROCEDURES, PRACTICES, OR REGULATIONS WHICH-

"(1) violate provisions of international law or international agreements to which both the United States and the foreign country are parties, or

"(2) constitute discriminatory nontariff trade barriers.

"(e) PUBLICATION.-THE TRADE REPRESENTATIVE SHALL PUBLISH IN THE FEDERAL REGISTER A LIST OF FOREIGN COUNTRIES IDENTIFIED UNDER SUBSECTION (A) AND SHALL MAKE SUCH REVISIONS TO THE LIST AS MAY BE REQUIRED BY REASON OF THE ACTION UNDER SUBSECTION (C).

"(F) ANNUAL REPORT.-THE TRADE REPRESENTATIVE SHALL, NOT LATER THAN THE DATE BY WHICH COUNTRIES ARE IDENTIFIED UNDER SUBSECTION (A), TRANSMIT TO THE COMMITTEE ON WAYS AND MEANS AND THE COMMITTEE ON AGRICULTURE OF THE HOUSE OF REPRESENTATIVES AND THE COMMITTEE ON FINANCE AND THE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY OF THE SENATE, A REPORT ON THE ACTIONS TAKEN UNDER THIS SECTION DURING THE 12 MONTHS PRECEDING SUCH REPORT, AND THE REASONS FOR SUCH ACTIONS, INCLUDING A DESCRIPTION OF PROGRESS MADE IN ACHIEVING FAIR AND EQUITABLE MARKET ACCESS FOR UNITED STATES MEAT AND MEAT PRODUCTS."

(B) CLERICAL AMENDMENT.-THE TABLE OF CONTENTS FOR THE TRADE ACT OF 1974 IS AMENDED BY INSERTING AFTER THE ITEM RELATING TO SECTION 182 THE FOLLOWING:

"Sec. 183. Identification of countries that deny market access for meat and meat products."

SEC. 213. INVESTIGATIONS.

(a) INVESTIGATION REQUIRED.-SUBPARAGRAPH (A) OF SECTION 302(B)(2) OF THE TRADE ACT OF 1974 (19 U.S.C. 2412(B)(2)) IS AMENDED BY INSERTING "OR 183(A)(2)" AFTER "SECTION 182(A)(2)" IN THE MATTER PRECEDING CLAUSE (I).

(B) CONFORMING AMENDMENT.-SUBPARAGRAPH (D) OF SECTION 302(B)(2) OF SUCH ACT IS AMENDED BY INSERTING "CONCERNING INTELLECTUAL PROPERTY RIGHTS THAT IS" AFTER "ANY INVESTIGATION".

SEC. 214. AUTHORIZED ACTIONS BY UNITED STATES TRADE REPRESENTATIVE.

Section 301(c)(1) of the Trade Act of 1974 (19 U.S.C. 2411(c)(1)) is amended-

(1) by striking "or" at the end of subparagraph (C);

(2) by striking the period at the end of subparagraph (D)(iii)(II) and inserting "; or"; and

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(3) by adding at the end the following:

"(E) with respect to an investigation of a country identified under section 183(a)(1), to request that the Secretary of Agriculture (who, upon receipt of such a request, shall) direct the Food Safety and Inspection Service of the Department of Agriculture to review certifications for the facilities of such country that export meat and other agricultural products to the United States.".

Subtitle B-Review of Third Country Meat Directive

SEC. 221. FINDINGS.

Congress makes the following findings:

(1) The European Union's Third Country Meat Directive has been used to decertify more than 400 United States facilities exporting beef and pork products to the European Union even though United States health inspection procedures are equivalent to those provided for in the Third Country Meat Directive.

(2) An effect of the decertifications is to prohibit the importation of United States beef and pork products into the European Union.

(3) As a result of the decertifications, the highly competitive United States pork industry loses as much as \$60,000,000 each year from trade with European Union countries.

(4) In July 1987 and November 1990, at the request of affected United States industries, the United States initiated investigations under section 301 of the Trade Act of 1974 into the European Union's administration of the Third Country Meat

Directive and sought resolution of the meat and pork trade problems through the dispute settlement process established under the General Agreement on Tariffs and Trade.

(5) The United States Trade Representative preliminarily concluded on October 10, 1992, that the European Union's administration of the Third Country Meat Directive created a burden on and restricted United States commerce.

(6) Bilateral talks, initiated as a result of that finding, resulted in an Exchange of Letters in which the United States and the European Union concluded that the meat inspection systems of the United States and the European Union provided "equivalent safeguards against public health risks" and agreed to take steps to resolve remaining differences regarding meat inspection.

(7) Even though the United States terminated the section 301 investigation as a result of the Exchange of Letters, the United States determined that the practices under investigation would have been actionable if an acceptable agreement had not been reached.

(8) United States meat and pork producers have displayed consistent interest in exporting products to the European Union and have undertaken substantial investment to take the steps specified by the Exchange of Letters.

(9) The European Union has failed to acknowledge changes in plant safety and inspection procedures undertaken in the United States specifically at the European Union's request and has not fulfilled its obligation to inspect and relist United States producers who have taken the steps specified by the Exchange of Letters.

(10) The actions of the European Union in conducting United States plant inspections places the European Union in violation of commitments made in the Exchange of Letters.

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(11) The European Union, in addition to being a party to the Exchange of Letters, is a signatory to GATT 1994 and to the Agreement on the Application of Sanitary and Phytosanitary Measures, which requires that meat and pork inspection procedures under Department of Agriculture regulations be treated as equivalent to inspection procedures required by the European Union under the Third Country Meat Directive.

(12) Whenever a foreign country is not satisfactorily implementing an international trade measure or agreement, the United States Trade Representative is required under section 306(b)(1) of the Trade Act of 1974 (19 U.S.C. 2416(b)(1)) to determine the actions to be taken under section 301(a) of such Act.

SEC. 223. DEFINITIONS.

For purposes of this subtitle:

(1) EXCHANGE OF LETTERS.-THE TERM "EXCHANGE OF LETTERS" MEANS THE EXCHANGE OF LETTERS CONCERNING THE APPLICATION OF THE COMMUNITY THIRD COUNTRY DIRECTIVE, SIGNED IN MAY 1991 AND NOVEMBER 1992, WHICH CONSTITUTE THE AGREEMENT BETWEEN THE UNITED STATES AND THE EUROPEAN ECONOMIC COMMUNITY REGARDING THE THIRD COUNTRY MEAT DIRECTIVE.

(2) GATT 1994.-THE TERM "GATT 1994" MEANS THE GENERAL AGREEMENT ON TARIFFS AND TRADE ANNEXED TO THE WTO AGREEMENT.

(3) THIRD COUNTRY MEAT DIRECTIVE; COMMUNITY THIRD COUNTRY DIRECTIVE.-THE TERMS "THIRD COUNTRY MEAT DIRECTIVE" AND "COMMUNITY THIRD COUNTRY DIRECTIVE" MEAN THE EUROPEAN UNION'S COUNCIL DIRECTIVE 72/462/EEC RELATING TO INSPECTION AND CERTIFICATION OF SLAUGHTER AND PROCESSING PLANTS THAT EXPORT MEAT AND PORK PRODUCTS TO THE EUROPEAN UNION.

(4) WTO AGREEMENT.-THE TERM "WTO AGREEMENT" MEANS THE AGREEMENT ESTABLISHING THE WORLD TRADE ORGANIZATION ENTERED INTO ON APRIL 15, 1994.

SEC. 224. REQUIREMENT FOR DETERMINATION BY UNITED STATES TRADE REPRESENTATIVE.

Not later than 30 days after the date of enactment of this Act, the United States Trade Representative shall determine, for purposes of section 306(b)(1) of the Trade Act of 1974, whether the European Union has failed to implement satisfactorily its obligations under the Exchange of Letters, the Agreement on the Application of Sanitary and Phytosanitary Measures, or any other Agreement.

SEC. 225. REQUEST FOR DISPUTE SETTLEMENT.

If the United States Trade Representative determines under section 224 that the European Union has failed to implement satisfactorily its obligations under the Exchange of Letters, the Agreement on the Application of Sanitary and Phytosanitary Measures, or any other agreement, the United States Trade Representative shall promptly request proceedings on the matter under the formal dispute settlement procedures applicable to the agreement.

SEC. 226. REVIEW OF CERTAIN MEAT FACILITIES.

(a) REVIEW BY FOOD SAFETY AND INSPECTION SERVICE.-IF THE UNITED STATES TRADE REPRESENTATIVE DETERMINES PURSUANT TO SECTION 224 THAT THE EUROPEAN UNION HAS FAILED TO IMPLEMENT SATISFACTORILY ITS OBLIGATIONS UNDER THE EXCHANGE OF LETTERS, THE AGREEMENT ON THE APPLICATION OF SANITARY AND PHYTOSANITARY MEASURES, OR ANY OTHER AGREEMENT, THE UNITED STATES TRADE REPRESENTATIVE SHALL REQUEST THE SECRETARY OF AGRICULTURE (WHO, UPON RECEIPT OF THE REQUEST, SHALL) DIRECT THE FOOD SAFETY AND INSPECTION SERVICE OF THE DEPARTMENT OF AGRICULTURE TO REVIEW CERTIFICATIONS FOR

EUROPEAN UNION FACILITIES THAT IMPORT MEAT AND OTHER AGRICULTURAL PRODUCTS INTO THE UNITED STATES.

(B) RELATIONSHIP TO USTR AUTHORITY.-THE REVIEW AUTHORIZED UNDER SUBSECTION (A) IS IN ADDITION TO THE AUTHORITY OF THE UNITED STATES TRADE REPRESENTATIVE TO TAKE ACTIONS DESCRIBED IN SECTION 301(C)(1) OF THE TRADE ACT OF 1974 (19 U.S.C. 2411(C)(1)).

LOAD-DATE: January 28, 1997

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FULL TEXT OF BILLS

105TH CONGRESS; 1ST SESSION
IN THE SENATE OF THE UNITED STATES
AS INTRODUCED IN THE SENATE

S. 83

1997 S. 83; 105 S. 83

<=1> Retrieve Bill Tracking Report

SYNOPSIS:

A BILL To consolidate and revise the authority of the Secretary of Agriculture relating to plant protection and quarantine, and for other purposes.

DATE OF INTRODUCTION: JANUARY 21, 1997

DATE OF VERSION: JANUARY 28, 1997 -- VERSION: 1

SPONSOR(S):

Mr. AKAKA introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

TEXT:

* 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 "Plant Protection Act".

SEC. 2. FINDINGS.

Congress finds that-

(1) the detection, control, eradication, suppression, prevention, and retardation of the spread of plant pests and noxious weeds is necessary for the protection of the agriculture, environment, and economy of the United States;

(2) biological control-

(A) is often a desirable, low-risk means of ridding crops and other plants of plant pests and noxious weeds; and

(B) should be facilitated by the Secretary of Agriculture, Federal agencies, and States, whenever feasible;

(3) markets could be severely impacted by the introduction or spread of pests or noxious weeds into or within the United States;

(4) the unregulated movement of plant pests, noxious weeds, plants, biological control organisms, plant products, and articles capable of harboring plant pests or noxious weeds would present an unacceptable risk of introducing or spreading plant pests or noxious weeds;

(5) the existence on any premises in the United States of a plant pest or noxious weed new to or not known to be widely prevalent in or distributed within and throughout the United States could threaten crops, other plants, plant products, and the natural resources and environment of the United States and burden interstate commerce or foreign commerce; and

(6) all plant pests, noxious weeds, plants, plant products, or articles capable of harboring plant pests or noxious weeds regulated

under this Act are in or affect interstate commerce or foreign commerce.

SEC. 3. DEFINITIONS.

In this Act:

(1) ARTICLE.-THE TERM "ARTICLE" MEANS ANY MATERIAL OR TANGIBLE OBJECT THAT COULD HARBOR A PEST, DISEASE, OR NOXIOUS WEED.

(2) BIOLOGICAL CONTROL ORGANISM.-THE TERM "BIOLOGICAL CONTROL ORGANISM" MEANS A BIOLOGICAL ENTITY, AS DEFINED BY THE SECRETARY, THAT SUPPRESSES OR DECREASES THE POPULATION OF ANOTHER BIOLOGICAL ENTITY.

(3) ENTER.-THE TERM "ENTER" MEANS TO MOVE INTO THE COMMERCE OF THE UNITED STATES.

(4) ENTRY.-THE TERM "ENTRY" MEANS THE ACT OF MOVEMENT INTO THE COMMERCE OF THE UNITED STATES.

(5) EXPORT.-THE TERM "EXPORT" MEANS TO MOVE FROM THE UNITED STATES TO ANY PLACE OUTSIDE THE UNITED STATES.

(6) EXPORTATION.-THE TERM "EXPORTATION" MEANS THE ACT OF MOVEMENT FROM THE UNITED STATES TO ANY PLACE OUTSIDE THE UNITED STATES.

(7) IMPORT.-THE TERM "IMPORT" MEANS TO MOVE INTO THE TERRITORIAL LIMITS OF THE UNITED STATES.

(8) IMPORTATION.-THE TERM "IMPORTATION" MEANS THE ACT OF MOVEMENT INTO THE TERRITORIAL LIMITS OF THE UNITED STATES.

(9) INDIGENOUS.-THE TERM "INDIGENOUS" MEANS A PLANT SPECIES FOUND NATURALLY AS PART OF A NATURAL HABITAT IN A GEOGRAPHIC AREA IN THE UNITED STATES.

(10) INTERSTATE.-THE TERM "INTERSTATE" MEANS FROM 1 STATE INTO OR THROUGH ANY OTHER STATE, OR WITHIN THE DISTRICT OF COLUMBIA, GUAM, THE VIRGIN ISLANDS OF THE UNITED STATES, OR ANY OTHER TERRITORY OR POSSESSION OF THE UNITED STATES.

(11) INTERSTATE COMMERCE.-THE TERM "INTERSTATE COMMERCE" MEANS TRADE, TRAFFIC, MOVEMENT, OR OTHER COMMERCE-

(A) BETWEEN A PLACE IN A STATE AND A POINT IN ANOTHER STATE;

(B) BETWEEN POINTS WITHIN THE SAME STATE BUT THROUGH ANY PLACE OUTSIDE THE STATE; OR

(C) within the District of Columbia, Guam, the Virgin Islands of the United States, or any other territory or possession of the United States.

(12) MEANS OF CONVEYANCE.-THE TERM "MEANS OF CONVEYANCE" MEANS ANY PERSONAL PROPERTY OR MEANS USED FOR OR INTENDED FOR USE FOR THE MOVEMENT OF ANY OTHER PERSONAL PROPERTY.

(13) MOVE.-THE TERM "MOVE" MEANS TO-

(A) CARRY, ENTER, IMPORT, MAIL, SHIP, OR TRANSPORT;

(B) AID, ABET, CAUSE, OR INDUCE THE CARRYING, ENTERING, IMPORTING, MAILING, SHIPPING, OR TRANSPORTING;

(C) OFFER TO CARRY, ENTER, IMPORT, MAIL, SHIP, OR TRANSPORT;

(D) RECEIVE TO CARRY, ENTER, IMPORT, MAIL, SHIP, OR TRANSPORT;

OR

(E) ALLOW ANY OF THE ACTIVITIES REFERRED TO THIS PARAGRAPH.

(14) NOXIOUS WEED.-THE TERM "NOXIOUS WEED" MEANS A PLANT, SEED, REPRODUCTIVE PART, OR PROPAGATIVE PART OF A PLANT THAT-

(A) CAN DIRECTLY OR INDIRECTLY INJURE OR CAUSE DAMAGE TO A CROP, OTHER USEFUL PLANT, PLANT PRODUCT, LIVESTOCK, POULTRY, OR OTHER INTEREST OF AGRICULTURE (INCLUDING IRRIGATION), NAVIGATION,

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PUBLIC HEALTH, OR NATURAL RESOURCES OR ENVIRONMENT OF THE UNITED STATES; AND

(B) BELONGS TO A SPECIES THAT IS NOT INDIGENOUS TO THE GEOGRAPHIC AREA OR ECOSYSTEM IN WHICH IT IS CAUSING INJURY OR DAMAGE.

(15) PERMIT.-THE TERM "PERMIT" MEANS A WRITTEN OR ORAL AUTHORIZATION (INCLUDING ELECTRONIC AUTHORIZATION) BY THE SECRETARY TO MOVE A PLANT, PLANT PRODUCT, BIOLOGICAL CONTROL ORGANISM, PLANT PEST, NOXIOUS WEED, OR ARTICLE UNDER CONDITIONS PRESCRIBED BY THE SECRETARY.

(16) PERSON.-THE TERM "PERSON" MEANS AN INDIVIDUAL, PARTNERSHIP, CORPORATION, ASSOCIATION, JOINT VENTURE, OR OTHER LEGAL ENTITY.

(17) PLANT.-THE TERM "PLANT" MEANS A PLANT OR PLANT PART FOR OR CAPABLE OF PROPAGATION, INCLUDING A TREE, SHRUB, VINE, BULB, ROOT, POLLEN, SEED, TISSUE CULTURE, PLANTLET CULTURE, CUTTING, GRAFT, SCION, AND BUD.

(18) PLANT PEST.-THE TERM "PLANT PEST" MEANS-

(A) A LIVING STAGE OF A PROTOZOAN, ANIMAL, BACTERIA, FUNGUS, VIRUS, VIROID, INFECTION AGENT, OR PARASITIC PLANT THAT CAN DIRECTLY OR INDIRECTLY INJURE OR CAUSE DAMAGE TO, OR CAUSE DISEASE IN, A PLANT OR PLANT PRODUCT; OR

(B) AN ARTICLE THAT IS SIMILAR TO OR ALLIED WITH AN ARTICLE REFERRED TO IN SUBPARAGRAPH (A).

(19) PLANT PRODUCT.-THE TERM "PLANT PRODUCT" MEANS A FLOWER, FRUIT, VEGETABLE, ROOT, BULB, SEED, OR OTHER PLANT PART THAT IS NOT CONSIDERED A PLANT OR A MANUFACTURED OR PROCESSED PLANT OR PLANT PART.

(20) SECRETARY.-THE TERM "SECRETARY" MEANS THE SECRETARY OF AGRICULTURE.

(21) STATE.-THE TERM "STATE" MEANS EACH OF THE SEVERAL STATES OF THE UNITED STATES, THE DISTRICT OF COLUMBIA, THE COMMONWEALTH OF PUERTO RICO, THE VIRGIN ISLANDS, GUAM, AMERICAN SAMOA, THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS, AND ANY OTHER TERRITORY OR POSSESSION OF THE UNITED STATES.

(22) UNITED STATES.-THE TERM "UNITED STATES", WHEN USED IN A GEOGRAPHICAL SENSE, MEANS ALL OF THE STATES.

SEC. 4. RESTRICTIONS ON MOVEMENT OF PLANTS, PLANT PRODUCTS, BIOLOGICAL CONTROL ORGANISMS, PLANT PESTS, NOXIOUS WEEDS, ARTICLES, AND MEANS OF CONVEYANCE.

(a) IN GENERAL.-THE SECRETARY MAY PROHIBIT OR RESTRICT THE IMPORTATION, ENTRY, EXPORTATION, OR MOVEMENT IN INTERSTATE COMMERCE OF A PLANT, PLANT PRODUCT, BIOLOGICAL CONTROL ORGANISM, PLANT PEST, NOXIOUS WEED, ARTICLE, OR MEANS OF CONVEYANCE IF THE SECRETARY DETERMINES THAT THE PROHIBITION OR RESTRICTION IS NECESSARY TO PREVENT THE INTRODUCTION INTO THE UNITED STATES OR THE INTERSTATE DISSEMINATION OF A PLANT PEST OR NOXIOUS WEED.

(B) MAIL.-

(1) IN GENERAL.-NO PERSON SHALL CONVEY IN THE MAIL, OR DELIVER FROM A POST OFFICE OR BY A MAIL CARRIER, A LETTER OR PACKAGE CONTAINING A PLANT PEST, BIOLOGICAL CONTROL ORGANISM, OR NOXIOUS WEED UNLESS IT IS MAILED IN ACCORDANCE WITH SUCH REGULATIONS AS THE SECRETARY MAY ISSUE TO PREVENT THE INTRODUCTION INTO THE UNITED STATES, OR INTERSTATE DISSEMINATION, OF PLANT PESTS OR NOXIOUS WEEDS.

(2) POSTAL EMPLOYEES.-THIS SUBSECTION SHALL NOT APPLY TO AN EMPLOYEE OF THE UNITED STATES IN THE PERFORMANCE OF THE DUTIES OF THE EMPLOYEE IN HANDLING THE MAIL.

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(3) POSTAL LAWS AND REGULATIONS.-NOTHING IN THIS SUBSECTION AUTHORIZES A PERSON TO OPEN A MAILED LETTER OR OTHER MAILED SEALED MATTER EXCEPT IN ACCORDANCE WITH THE POSTAL LAWS AND REGULATIONS.

(C) STATE RESTRICTIONS ON NOXIOUS WEEDS.-NO PERSON SHALL MOVE INTO A STATE, OR SELL OR OFFER FOR SALE IN THE STATE, A PLANT SPECIES THE SALE OF WHICH IS PROHIBITED BY THE STATE BECAUSE THE PLANT SPECIES IS DESIGNATED AS A NOXIOUS WEED OR HAS A SIMILAR DESIGNATION.

(D) ADMINISTRATION.-THE SECRETARY MAY ISSUE REGULATIONS TO CARRY OUT THIS SECTION, INCLUDING REGULATIONS REQUIRING THAT A PLANT, PLANT PRODUCT, BIOLOGICAL CONTROL ORGANISM, PLANT PEST, NOXIOUS WEED, ARTICLE, OR MEANS OF CONVEYANCE IMPORTED, ENTERED, TO BE EXPORTED, OR MOVED IN INTERSTATE COMMERCE-

(1) BE ACCOMPANIED BY A PERMIT ISSUED BY THE SECRETARY PRIOR TO THE IMPORTATION, ENTRY, EXPORTATION, OR MOVEMENT IN INTERSTATE COMMERCE;

(2) BE ACCOMPANIED BY A CERTIFICATE OF INSPECTION ISSUED IN A MANNER AND FORM REQUIRED BY THE SECRETARY OR BY AN APPROPRIATE OFFICIAL OF THE COUNTRY OR STATE FROM WHICH THE PLANT, PLANT PRODUCT, BIOLOGICAL CONTROL ORGANISM, PLANT PEST, NOXIOUS WEED, ARTICLE, OR MEANS OF CONVEYANCE IS TO BE MOVED;

(3) BE SUBJECT TO REMEDIAL MEASURES THE SECRETARY DETERMINES TO BE NECESSARY TO PREVENT THE SPREAD OF PLANT PESTS; AND

(4) IN THE CASE OF A PLANT OR BIOLOGICAL CONTROL ORGANISM, BE GROWN OR HANDLED UNDER POST-ENTRY QUARANTINE CONDITIONS BY OR UNDER THE SUPERVISION OF THE SECRETARY FOR THE PURPOSE OF DETERMINING WHETHER THE PLANT OR BIOLOGICAL CONTROL ORGANISM MAY BE INFESTED WITH A PLANT PEST OR NOXIOUS WEED, OR MAY BE A PLANT PEST OR NOXIOUS WEED.

(E) LIST OF RESTRICTED NOXIOUS WEEDS.-

(1) PUBLICATION.-THE SECRETARY MAY PUBLISH, BY REGULATION, A LIST OF NOXIOUS WEEDS THAT ARE PROHIBITED OR RESTRICTED FROM ENTERING THE UNITED STATES OR THAT ARE SUBJECT TO RESTRICTIONS ON INTERSTATE MOVEMENT WITHIN THE UNITED STATES.

(2) PETITIONS TO ADD OR REMOVE PLANT SPECIES.-

(A) IN GENERAL.-A PERSON MAY PETITION THE SECRETARY TO ADD OR REMOVE A PLANT SPECIES FROM THE LIST REQUIRED UNDER PARAGRAPH

(1).

(B) ACTION ON PETITION.-THE SECRETARY SHALL-

(i) act on a petition not later than 1 year after receipt of the petition by the Secretary; and

(ii) notify the petitioner of the final action the Secretary takes on the petition.

(C) BASIS FOR DETERMINATION.-THE SECRETARY'S DETERMINATION ON THE PETITION SHALL BE BASED ON SOUND SCIENCE, AVAILABLE DATA AND TECHNOLOGY, AND INFORMATION RECEIVED FROM PUBLIC COMMENT.

(D) INCLUSION ON LIST.-TO INCLUDE A PLANT SPECIES ON THE LIST, THE SECRETARY MUST DETERMINE THAT-

(I) THE PLANT SPECIES IS NONINDIGENOUS TO THE GEOGRAPHIC REGION OR ECOSYSTEM IN WHICH THE SPECIES IS SPREADING AND CAUSING INJURY; AND

(II) THE DISSEMINATION OF THE PLANT IN THE UNITED STATES MAY REASONABLY BE EXPECTED TO INTERFERE WITH NATURAL RESOURCES, AGRICULTURE, FORESTRY, OR A NATIVE ECOSYSTEM OF A GEOGRAPHIC REGION, OR MANAGEMENT OF AN ECOSYSTEM, OR CAUSE INJURY TO THE PUBLIC HEALTH.

(F) CONFORMING AMENDMENTS.-

(1) Section 102 of the Act of September 21, 1944 (58 Stat. 735, chapter 412; 7 U.S.C. 147a) is amended by striking "(a)" in subsection (a) and all that follows through "(2)" in subsection (f)(2).

(2) The matter under the heading "ENFORCEMENT OF THE PLANT-QUARANTINE ACT:" under the heading "MISCELLANEOUS" of the Act of March 4, 1915 (commonly known as the "Terminal Inspection Act") (38 Stat. 1113, chapter 144; 7 U.S.C. 166) is amended-

(A) in the second paragraph-

(i) by striking "plants and plant products" each place it appears and inserting "plants, plant products, animals, and other organisms";

(ii) by striking "plants or plant products" each place it appears and inserting "plants, plant products, animals, or other organisms";

(iii) by striking "plant-quarantine law or plant-quarantine regulation" each place it appears and inserting "plant-quarantine or other law or plant-quarantine regulation";

(iv) in the second sentence-

(I) by striking "Upon his approval of said list, in whole or in part, the Secretary of Agriculture" and inserting "On the receipt of the list by the Secretary of Agriculture, the Secretary"; and

(II) by striking "said approved lists" and inserting "the lists";

(v) by inserting after the second sentence the following:
"On the request of a representative of a State, a Federal agency shall act on behalf of the State to obtain a warrant to inspect mail to carry out this paragraph."; and

(vi) in the last sentence, by striking "be forward" and inserting "be forwarded"; and

(B) in the third paragraph, by striking "plant or plant product" and inserting "plant, plant product, animal, or other organism".

SEC. 5. NOTIFICATION OF ARRIVAL AND INSPECTION BEFORE MOVEMENT OF PLANTS, PLANT PRODUCTS, BIOLOGICAL CONTROL ORGANISMS, PLANT PESTS, NOXIOUS WEEDS, ARTICLES, AND MEANS OF CONVEYANCE.

(a) NOTIFICATION AND HOLDING BY SECRETARY OF THE TREASURY.-

(1) IN GENERAL.-EXCEPT AS PROVIDED IN PARAGRAPH (2), THE SECRETARY OF THE TREASURY SHALL-

(A) PROMPTLY NOTIFY THE SECRETARY OF THE ARRIVAL OF A PLANT, PLANT PRODUCT, BIOLOGICAL CONTROL ORGANISM, PLANT PEST, NOXIOUS WEED, ARTICLE, OR MEANS OF CONVEYANCE AT A PORT OF ENTRY; AND

(B) HOLD THE PLANT, PLANT PRODUCT, BIOLOGICAL CONTROL ORGANISM, PLANT PEST, NOXIOUS WEED, ARTICLE, OR MEANS OF CONVEYANCE UNTIL INSPECTED AND AUTHORIZED FOR ENTRY INTO OR TRANSIT MOVEMENT THROUGH THE UNITED STATES, OR OTHERWISE RELEASED BY THE SECRETARY.

(2) APPLICATION.-PARAGRAPH (1) SHALL NOT APPLY TO A PLANT, PLANT PRODUCT, BIOLOGICAL CONTROL ORGANISM, PLANT PEST, NOXIOUS WEED, ARTICLE, OR MEANS OF CONVEYANCE THAT IS IMPORTED FROM A COUNTRY OR

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requirement;

(E) a progeny of a plant, plant product, biological control organism, plant pest, or noxious weed that is moving into or through the United States or interstate, or has moved into the United States or interstate, in violation of this Act; or

(F) a plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance that is infested with a plant pest or noxious weed that the Secretary has reason to believe was moved into the United States or in interstate commerce.

(2) ORDERING TREATMENT OR DISPOSAL BY THE OWNER.-EXCEPT AS PROVIDED IN SUBSECTION (C), THE SECRETARY MAY ORDER THE OWNER OF A PLANT, PLANT PRODUCT, BIOLOGICAL CONTROL ORGANISM, PLANT PEST, NOXIOUS WEED, ARTICLE, OR MEANS OF CONVEYANCE SUBJECT TO DISPOSAL UNDER PARAGRAPH (1), OR THE OWNER'S AGENT, TO TREAT, APPLY OTHER REMEDIAL MEASURES TO, DESTROY, OR OTHERWISE DISPOSE OF THE PLANT, PLANT PRODUCT, BIOLOGICAL CONTROL ORGANISM, PLANT PEST, NOXIOUS WEED, ARTICLE, OR MEANS OF CONVEYANCE, WITHOUT COST TO THE FEDERAL GOVERNMENT AND IN A MANNER THE SECRETARY CONSIDERS APPROPRIATE.

(3) CLASSIFICATION SYSTEM FOR NOXIOUS WEEDS.-

(A) IN GENERAL.-TO FACILITATE CONTROL OF NOXIOUS WEEDS, THE SECRETARY SHALL DEVELOP A CLASSIFICATION SYSTEM TO DESCRIBE THE STATUS AND ACTION LEVELS FOR NOXIOUS WEEDS.

(B) CATEGORIES.-THE CLASSIFICATION SYSTEM SHALL DIFFERENTIATE BETWEEN-

(I) NOXIOUS WEEDS THAT ARE NOT KNOWN TO BE INTRODUCED INTO THE UNITED STATES;

(II) NOXIOUS WEEDS THAT ARE NOT KNOWN TO BE WIDELY DISSEMINATED WITHIN THE UNITED STATES;

(III) NOXIOUS WEEDS THAT ARE WIDELY DISTRIBUTED WITHIN THE UNITED STATES; AND

(IV) NOXIOUS WEEDS THAT ARE NOT INDIGENOUS, INCLUDING NATIVE PLANT SPECIES THAT ARE INVASIVE IN LIMITED GEOGRAPHIC AREAS WITHIN THE UNITED STATES.

(C) OTHER CATEGORIES.-IN ADDITION TO THE CATEGORIES REQUIRED UNDER SUBPARAGRAPH (B), THE SECRETARY MAY ESTABLISH OTHER CATEGORIES OF NOXIOUS WEEDS FOR THE SYSTEM.

(D) VARYING LEVELS OF REGULATION AND CONTROL.-THE SECRETARY SHALL DEVELOP VARYING LEVELS OF REGULATION AND CONTROL APPROPRIATE TO EACH OF THE CATEGORIES OF THE SYSTEM.

(E) APPLICATION OF REGULATIONS.-THE REGULATIONS ISSUED TO CARRY OUT THIS PARAGRAPH SHALL APPLY, AS THE SECRETARY CONSIDERS APPROPRIATE, TO-

(i) exclude a noxious weed;

(ii) prevent further dissemination of a noxious weed through movement or commerce;

(iii) establish mandatory controls for a noxious weed; or

(iv) designate a noxious weed as warranting control efforts.

(F) REVISIONS.-THE SECRETARY SHALL REVISE THE CLASSIFICATION SYSTEM, AND THE PLACEMENT OF INDIVIDUAL NOXIOUS WEEDS WITHIN THE SYSTEM, IN RESPONSE TO CHANGING CIRCUMSTANCES.

(G) INTEGRATED MANAGEMENT PLANS.-IN CONJUNCTION WITH THE

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REGION OF COUNTRIES THAT THE SECRETARY DESIGNATES AS EXEMPT FROM PARAGRAPH (1), PURSUANT TO SUCH REGULATIONS AS THE SECRETARY MAY ISSUE.

(B) NOTIFICATION BY RESPONSIBLE PERSON.--THE PERSON RESPONSIBLE FOR A PLANT, PLANT PRODUCT, BIOLOGICAL CONTROL ORGANISM, PLANT PEST, NOXIOUS WEED, ARTICLE, OR MEANS OF CONVEYANCE SUBJECT TO SUBSECTION (A) SHALL PROMPTLY, ON ARRIVAL AT THE PORT OF ENTRY AND BEFORE THE PLANT, PLANT PRODUCT, BIOLOGICAL CONTROL ORGANISM, PLANT PEST, NOXIOUS WEED, ARTICLE, OR MEANS OF CONVEYANCE IS MOVED FROM THE PORT OF ENTRY, NOTIFY THE SECRETARY OR, AT THE SECRETARY'S DIRECTION, THE PROPER OFFICIAL OF THE STATE TO WHICH THE PLANT, PLANT PRODUCT, BIOLOGICAL CONTROL ORGANISM, PLANT PEST, NOXIOUS WEED, ARTICLE, OR MEANS OF CONVEYANCE IS DESTINED, OR BOTH, AS THE SECRETARY MAY PRESCRIBE, OF--

(1) THE NAME AND ADDRESS OF THE CONSIGNEE;

(2) THE NATURE AND QUANTITY OF THE PLANT, PLANT PRODUCT, BIOLOGICAL CONTROL ORGANISM, PLANT PEST, NOXIOUS WEED, ARTICLE, OR MEANS OF CONVEYANCE PROPOSED TO BE MOVED; AND

(3) THE COUNTRY AND LOCALITY WHERE THE PLANT, PLANT PRODUCT, BIOLOGICAL CONTROL ORGANISM, PLANT PEST, NOXIOUS WEED, ARTICLE, OR MEANS OF CONVEYANCE WAS GROWN, PRODUCED, OR LOCATED.

(C) NO MOVEMENT WITHOUT INSPECTION AND AUTHORIZATION.--NO PERSON SHALL MOVE FROM THE PORT OF ENTRY OR INTERSTATE AN IMPORTED PLANT, PLANT PRODUCT, BIOLOGICAL CONTROL ORGANISM, PLANT PEST, NOXIOUS WEED, ARTICLE, OR MEANS OF CONVEYANCE UNLESS THE IMPORTED PLANT, PLANT PRODUCT, BIOLOGICAL CONTROL ORGANISM, PLANT PEST, NOXIOUS WEED, ARTICLE, OR MEANS OF CONVEYANCE HAS BEEN INSPECTED AND AUTHORIZED FOR ENTRY INTO OR TRANSIT MOVEMENT THROUGH THE UNITED STATES, OR OTHERWISE RELEASED BY THE SECRETARY.

SEC. 6. REMEDIAL MEASURES OR DISPOSAL FOR PLANT PESTS OR NOXIOUS WEEDS; EXTRAORDINARY EMERGENCY.

(a) REMEDIAL MEASURES OR DISPOSAL FOR PLANT PESTS OR NOXIOUS WEEDS.--

(1) IN GENERAL.--EXCEPT AS PROVIDED IN SUBSECTION (C), IF THE SECRETARY CONSIDERS IT NECESSARY TO PREVENT THE DISSEMINATION OF A PLANT PEST OR NOXIOUS WEED NEW TO OR NOT KNOWN TO BE WIDELY PREVALENT OR DISTRIBUTED WITHIN AND THROUGHOUT THE UNITED STATES, THE SECRETARY MAY HOLD, SEIZE, QUARANTINE, TREAT, APPLY OTHER REMEDIAL MEASURES TO, DESTROY, OR OTHERWISE DISPOSE OF--

(A) A PLANT, PLANT PRODUCT, BIOLOGICAL CONTROL ORGANISM, PLANT PEST, NOXIOUS WEED, ARTICLE, OR MEANS OF CONVEYANCE THAT IS MOVING INTO OR THROUGH THE UNITED STATES OR INTERSTATE AND THAT THE SECRETARY HAS REASON TO BELIEVE IS INFESTED WITH THE PLANT PEST OR NOXIOUS WEED;

(B) a plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance that has moved into the United States or interstate and that the Secretary has reason to believe was infested with the plant pest or noxious weed at the time of the movement;

(C) a plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance that is moving into or through the United States or interstate, or has moved into the United States or interstate, in violation of this Act;

(D) a plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance that has not been maintained in compliance with a post-entry quarantine

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CLASSIFICATION SYSTEM, THE SECRETARY MAY DEVELOP AN INTEGRATED MANAGEMENT PLAN FOR A NOXIOUS WEED FOR THE GEOGRAPHIC REGION OR ECOLOGICAL RANGE OF THE UNITED STATES WHERE THE NOXIOUS WEED IS FOUND OR TO WHICH THE NOXIOUS WEED MAY SPREAD.

(B) EXTRAORDINARY EMERGENCIES.-

(1) IN GENERAL.-SUBJECT TO PARAGRAPH (2), IF THE SECRETARY DETERMINES THAT AN EXTRAORDINARY EMERGENCY EXISTS BECAUSE OF THE PRESENCE OF A PLANT PEST OR NOXIOUS WEED NEW TO OR NOT KNOWN TO BE WIDELY PREVALENT IN OR DISTRIBUTED WITHIN AND THROUGHOUT THE UNITED STATES AND THAT THE PRESENCE OF THE PLANT PEST OR NOXIOUS WEED THREATENS A CROP, OTHER PLANT, PLANT PRODUCT, OR THE NATURAL RESOURCES OR ENVIRONMENT OF THE UNITED STATES, THE SECRETARY MAY-

(A) HOLD, SEIZE, QUARANTINE, TREAT, APPLY OTHER REMEDIAL MEASURES TO, DESTROY, OR OTHERWISE DISPOSE OF, A PLANT, PLANT PRODUCT, BIOLOGICAL CONTROL ORGANISM, PLANT PEST, NOXIOUS WEED, ARTICLE, OR MEANS OF CONVEYANCE THAT THE SECRETARY HAS REASON TO BELIEVE IS INFESTED WITH THE PLANT PEST OR NOXIOUS WEED;

(B) QUARANTINE, TREAT, OR APPLY OTHER REMEDIAL MEASURES TO A PREMISES, INCLUDING A PLANT, PLANT PRODUCT, BIOLOGICAL CONTROL ORGANISM, ARTICLE, OR MEANS OF CONVEYANCE ON THE PREMISES, THAT THE SECRETARY HAS REASON TO BELIEVE IS INFESTED WITH THE PLANT PEST OR NOXIOUS WEED;

(C) QUARANTINE A STATE OR PORTION OF A STATE IN WHICH THE SECRETARY FINDS THE PLANT PEST OR NOXIOUS WEED, OR A PLANT, PLANT PRODUCT, BIOLOGICAL CONTROL ORGANISM, ARTICLE, OR MEANS OF CONVEYANCE THAT THE SECRETARY HAS REASON TO BELIEVE IS INFESTED WITH THE PLANT PEST OR NOXIOUS WEED; OR

(D) prohibit or restrict the movement within a State of a plant, plant product, biological control organism, article, or means of conveyance if the Secretary determines that the prohibition or restriction is necessary to prevent the dissemination of the plant pest or noxious weed or to eradicate the plant pest or noxious weed.

(2) REQUIREMENTS FOR ACTION.-

(A) INADEQUATE STATE MEASURES.-AFTER REVIEW AND CONSULTATION WITH THE GOVERNOR OR OTHER APPROPRIATE OFFICIAL OF THE STATE, THE SECRETARY MAY TAKE ACTION UNDER THIS SUBSECTION ONLY ON A FINDING THAT THE MEASURES BEING TAKEN BY THE STATE ARE INADEQUATE TO ERADICATE THE PLANT PEST OR NOXIOUS WEED.

(B) NOTICE TO STATE AND PUBLIC.-BEFORE TAKING ANY ACTION IN A STATE UNDER THIS SUBSECTION, THE SECRETARY SHALL-

(I) NOTIFY THE GOVERNOR OR ANOTHER APPROPRIATE OFFICIAL OF THE STATE;

(II) ISSUE A PUBLIC ANNOUNCEMENT; AND

(III) EXCEPT AS PROVIDED IN SUBPARAGRAPH (C), PUBLISH IN THE FEDERAL REGISTER A STATEMENT OF-

(I) THE SECRETARY'S FINDINGS;

(II) the action the Secretary intends to take;

(III) the reason for the intended action; and

(IV) if practicable, an estimate of the anticipated duration of the extraordinary emergency.

(C) NOTICE AFTER ACTION.-IF IT IS NOT PRACTICABLE TO PUBLISH A STATEMENT IN THE FEDERAL REGISTER UNDER SUBPARAGRAPH (B) PRIOR TO

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TAKING AN ACTION UNDER THIS SUBSECTION, THE SECRETARY SHALL PUBLISH THE STATEMENT IN THE FEDERAL REGISTER WITHIN A REASONABLE PERIOD OF TIME, NOT TO EXCEED 10 BUSINESS DAYS, AFTER COMMENCEMENT OF THE ACTION.

(3) COMPENSATION.-

(A) IN GENERAL.-THE SECRETARY MAY PAY COMPENSATION TO A PERSON FOR ECONOMIC LOSSES INCURRED BY THE PERSON AS A RESULT OF ACTION TAKEN BY THE SECRETARY UNDER PARAGRAPH (1).

(B) FINAL DETERMINATION.-THE DETERMINATION BY THE SECRETARY OF THE AMOUNT OF ANY COMPENSATION PAID UNDER THIS SUBSECTION SHALL BE FINAL AND SHALL NOT BE SUBJECT TO JUDICIAL REVIEW.

(C) LEAST DRASTIC ACTION TO PREVENT DISSEMINATION.-NO PLANT, PLANT PRODUCT, BIOLOGICAL CONTROL ORGANISM, ARTICLE, OR MEANS OF CONVEYANCE SHALL BE DESTROYED, EXPORTED, OR RETURNED TO THE SHIPPING POINT OF ORIGIN, OR ORDERED TO BE DESTROYED, EXPORTED, OR RETURNED TO THE SHIPPING POINT OF ORIGIN UNDER THIS SECTION UNLESS, IN THE OPINION OF THE SECRETARY, THERE IS NO LESS DRASTIC ACTION THAT IS FEASIBLE, AND THAT WOULD BE ADEQUATE, TO PREVENT THE DISSEMINATION OF A PLANT PEST OR NOXIOUS WEED NEW TO OR NOT KNOWN TO BE WIDELY PREVALENT OR DISTRIBUTED WITHIN AND THROUGHOUT THE UNITED STATES.

(D) COMPENSATION OF OWNER FOR UNAUTHORIZED DISPOSAL.-

(1) IN GENERAL.-THE OWNER OF A PLANT, PLANT PRODUCT, BIOLOGICAL CONTROL ORGANISM, ARTICLE, OR MEANS OF CONVEYANCE DESTROYED OR OTHERWISE DISPOSED OF BY THE SECRETARY UNDER THIS SECTION MAY BRING AN ACTION AGAINST THE UNITED STATES IN THE UNITED STATES DISTRICT COURT OF THE DISTRICT OF COLUMBIA, NOT LATER THAN 1 YEAR AFTER THE DESTRUCTION OR DISPOSAL, AND RECOVER JUST COMPENSATION FOR THE DESTRUCTION OR DISPOSAL OF THE PLANT, PLANT PRODUCT, BIOLOGICAL CONTROL ORGANISM, ARTICLE, OR MEANS OF CONVEYANCE (NOT INCLUDING COMPENSATION FOR LOSS DUE TO DELAYS INCIDENT TO DETERMINING ELIGIBILITY FOR IMPORTATION, ENTRY, EXPORTATION, MOVEMENT IN INTERSTATE COMMERCE, OR RELEASE INTO THE ENVIRONMENT) IF THE OWNER ESTABLISHES THAT THE DESTRUCTION OR DISPOSAL WAS NOT AUTHORIZED UNDER THIS ACT.

(2) SOURCE FOR PAYMENTS.-A JUDGMENT RENDERED IN FAVOR OF THE OWNER SHALL BE PAID OUT OF THE MONEY IN THE TREASURY APPROPRIATED FOR PLANT PEST CONTROL ACTIVITIES OF THE DEPARTMENT OF AGRICULTURE.

SEC. 7. INSPECTIONS, SEIZURES, AND WARRANTS.

(a) IN GENERAL.-CONSISTENT WITH GUIDELINES APPROVED BY THE ATTORNEY GENERAL, THE SECRETARY MAY-

(1) STOP AND INSPECT, WITHOUT A WARRANT, A PERSON OR MEANS OF CONVEYANCE MOVING INTO THE UNITED STATES TO DETERMINE WHETHER THE PERSON OR MEANS OF CONVEYANCE IS CARRYING A PLANT, PLANT PRODUCT, BIOLOGICAL CONTROL ORGANISM, OR ARTICLE REGULATED UNDER THIS ACT OR IS MOVING SUBJECT TO THIS ACT;

(2) STOP AND INSPECT, WITHOUT A WARRANT, A PERSON OR MEANS OF CONVEYANCE MOVING IN INTERSTATE COMMERCE ON PROBABLE CAUSE TO BELIEVE THAT THE PERSON OR MEANS OF CONVEYANCE IS CARRYING A PLANT, PLANT PRODUCT, BIOLOGICAL CONTROL ORGANISM, OR ARTICLE REGULATED UNDER THIS ACT OR IS MOVING SUBJECT TO THIS ACT;

(3) stop and inspect, without a warrant, a person or means of conveyance moving in interstate commerce from or within a State, portion of a State, or premises quarantined under section 6(b) on probable cause to believe that the person or means of conveyance is carrying any plant, plant product, biological control organism, or

article regulated under this Act or is moving subject to this Act;
and

(4) enter, with a warrant, a premises in the United States for the purpose of making inspections and seizures under this Act.

(b) WARRANTS.-

(1) IN GENERAL.-A UNITED STATES JUDGE, A JUDGE OF A COURT OF RECORD IN THE UNITED STATES, OR A UNITED STATES MAGISTRATE JUDGE MAY, WITHIN THE JUDGE'S OR MAGISTRATE'S JURISDICTION, ON PROPER OATH OR AFFIRMATION SHOWING PROBABLE CAUSE TO BELIEVE THAT THERE IS ON CERTAIN PREMISES A PLANT, PLANT PRODUCT, BIOLOGICAL CONTROL ORGANISM, ARTICLE, FACILITY, OR MEANS OF CONVEYANCE REGULATED UNDER THIS ACT, ISSUE A WARRANT FOR ENTRY ON THE PREMISES TO MAKE AN INSPECTION OR SEIZURE UNDER THIS ACT.

(2) EXECUTION.-THE WARRANT MAY BE EXECUTED BY THE SECRETARY OR A UNITED STATES MARSHAL.

SEC. 8. COOPERATION.

(a) IN GENERAL.-TO CARRY OUT THIS ACT, THE SECRETARY MAY COOPERATE WITH-

- (1) OTHER FEDERAL AGENCIES;
- (2) STATES OR POLITICAL SUBDIVISIONS OF STATES;
- (3) NATIONAL, STATE, OR LOCAL ASSOCIATIONS;
- (4) NATIONAL GOVERNMENTS;
- (5) LOCAL GOVERNMENTS OF OTHER NATIONS;
- (6) INTERNATIONAL ORGANIZATIONS;
- (7) INTERNATIONAL ASSOCIATIONS; AND
- (8) OTHER PERSONS.

(B) RESPONSIBILITY.-THE INDIVIDUAL OR ENTITY COOPERATING WITH THE SECRETARY SHALL BE RESPONSIBLE FOR CONDUCTING THE OPERATIONS OR TAKING MEASURES ON ALL LAND AND PROPERTY WITHIN THE FOREIGN COUNTRY OR STATE, OTHER THAN LAND AND PROPERTY OWNED OR CONTROLLED BY THE UNITED STATES, AND FOR OTHER FACILITIES AND MEANS DETERMINED BY THE SECRETARY.

(C) TRANSFER OF BIOLOGICAL CONTROL METHODS.-AT THE REQUEST OF A FEDERAL OR STATE LAND MANAGEMENT AGENCY, THE SECRETARY MAY TRANSFER TO THE AGENCY BIOLOGICAL CONTROL METHODS UTILIZING BIOLOGICAL CONTROL ORGANISMS AGAINST PLANT PESTS OR NOXIOUS WEEDS.

(D) IMPROVEMENT OF PLANTS, PLANT PRODUCTS, AND BIOLOGICAL CONTROL ORGANISMS.-THE SECRETARY MAY COOPERATE WITH STATE AUTHORITIES IN THE ADMINISTRATION OF REGULATIONS FOR THE IMPROVEMENT OF PLANTS, PLANT PRODUCTS, AND BIOLOGICAL CONTROL ORGANISMS.

SEC. 9. PHYTOSANITARY CERTIFICATE FOR EXPORTS.

The Secretary may certify a plant, plant product, or biological control organism as free from plant pests and noxious weeds, and exposure to plant pests and noxious weeds, according to the phytosanitary requirements of the country to which the plant, plant product, or biological control organism may be exported.

SEC. 10. ADMINISTRATION.

(a) IN GENERAL.-THE SECRETARY MAY ACQUIRE AND MAINTAIN SUCH REAL OR PERSONAL PROPERTY, EMPLOY SUCH PERSONS, MAKE SUCH GRANTS, AND ENTER INTO SUCH CONTRACTS, COOPERATIVE AGREEMENTS, MEMORANDA OF UNDERSTANDING, OR OTHER AGREEMENTS AS ARE NECESSARY TO CARRY OUT THIS ACT.

(B) PERSONNEL OF USER FEE SERVICES.-NOTWITHSTANDING ANY OTHER LAW, THE SECRETARY SHALL PROVIDE ADEQUATE PERSONNEL FOR SERVICES PROVIDED UNDER THIS ACT THAT ARE FUNDED BY USER FEES.

(C) TORT CLAIMS.-

- (1) IN GENERAL.-THE SECRETARY MAY PAY A TORT CLAIM (IN THE MANNER

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AUTHORIZED IN THE FIRST PARAGRAPH OF SECTION 2672 OF TITLE 28, UNITED STATES CODE) IF THE CLAIM ARISES OUTSIDE THE UNITED STATES IN CONNECTION WITH AN ACTIVITY AUTHORIZED UNDER THIS ACT.

(2) TIME LIMITATION.--A CLAIM MAY NOT BE ALLOWED UNDER PARAGRAPH (1) UNLESS THE CLAIM IS PRESENTED IN WRITING TO THE SECRETARY NOT LATER THAN 2 YEARS AFTER THE CLAIM ACCRUES.

SEC. 11. REIMBURSABLE AGREEMENTS.

(a) PRECLEARANCE.--

(1) IN GENERAL.--THE SECRETARY MAY ENTER INTO A REIMBURSABLE FEE AGREEMENT WITH A PERSON FOR PRECLEARANCE (AT A LOCATION OUTSIDE THE UNITED STATES) OF PLANTS, PLANT PRODUCTS, AND ARTICLES FOR MOVEMENT INTO THE UNITED STATES.

(2) ACCOUNT.--ALL FUNDS COLLECTED UNDER THIS SUBSECTION SHALL BE CREDITED TO AN ACCOUNT THAT MAY BE ESTABLISHED BY THE SECRETARY AND REMAIN AVAILABLE UNTIL EXPENDED WITHOUT FISCAL YEAR LIMITATION.

(b) OVERTIME.--

(1) IN GENERAL.--NOTWITHSTANDING ANY OTHER LAW, THE SECRETARY MAY PAY AN EMPLOYEE OF THE DEPARTMENT OF AGRICULTURE PERFORMING SERVICES UNDER THIS ACT RELATING TO IMPORTS INTO AND EXPORTS FROM THE UNITED STATES, FOR ALL OVERTIME, NIGHT, OR HOLIDAY WORK PERFORMED BY THE EMPLOYEE, AT A RATE OF PAY DETERMINED BY THE SECRETARY.

(2) REIMBURSEMENT OF SECRETARY.--THE SECRETARY MAY REQUIRE A PERSON FOR WHOM THE SERVICES ARE PERFORMED TO REIMBURSE THE SECRETARY FOR ANY FUNDS PAID BY THE SECRETARY FOR THE SERVICES.

(3) ACCOUNT.--ALL FUNDS COLLECTED UNDER THIS SUBSECTION SHALL BE CREDITED TO THE ACCOUNT THAT INCURS THE COSTS AND REMAIN AVAILABLE UNTIL EXPENDED WITHOUT FISCAL YEAR LIMITATION.

(c) LATE PAYMENT PENALTY AND INTEREST.--

(1) PENALTY.--ON FAILURE OF A PERSON TO REIMBURSE THE SECRETARY IN ACCORDANCE WITH THIS SECTION, THE SECRETARY MAY ASSESS A LATE PAYMENT PENALTY AGAINST THE PERSON.

(2) INTEREST.--OVERDUE FUNDS DUE THE SECRETARY UNDER THIS SECTION SHALL ACCRUE INTEREST IN ACCORDANCE WITH SECTION 3717 OF TITLE 31, UNITED STATES CODE.

(3) ACCOUNT.--A LATE PAYMENT PENALTY AND ACCRUED INTEREST SHALL BE CREDITED TO THE ACCOUNT THAT INCURS THE COSTS AND SHALL REMAIN AVAILABLE UNTIL EXPENDED WITHOUT FISCAL YEAR LIMITATION.

SEC. 12. VIOLATIONS; PENALTIES.

(a) CRIMINAL PENALTIES.--A PERSON WHO KNOWINGLY VIOLATES THIS ACT, OR WHO KNOWINGLY FORGES, COUNTERFEITS, OR, WITHOUT AUTHORITY FROM THE SECRETARY, USES, ALTERS, DEFACES, OR DESTROYS A CERTIFICATE, PERMIT, OR OTHER DOCUMENT PROVIDED UNDER THIS ACT SHALL BE GUILTY OF A MISDEMEANOR, AND, ON CONVICTION, SHALL BE FINED IN ACCORDANCE WITH TITLE 18, UNITED STATES CODE, OR IMPRISONED FOR NOT MORE THAN 1 YEAR, OR BOTH.

(b) CIVIL PENALTIES.--

(1) IN GENERAL.--A PERSON WHO VIOLATES THIS ACT, OR WHO FORGES, COUNTERFEITS, OR, WITHOUT AUTHORITY FROM THE SECRETARY, USES, ALTERS, DEFACES, OR DESTROYS A CERTIFICATE, PERMIT, OR OTHER DOCUMENT PROVIDED UNDER THIS ACT MAY, AFTER NOTICE AND OPPORTUNITY FOR A HEARING ON THE RECORD, BE ASSESSED A CIVIL PENALTY BY THE SECRETARY OF NOT MORE THAN \$25,000 FOR EACH VIOLATION.

(2) FINAL ORDER.--THE ORDER OF THE SECRETARY ASSESSING A CIVIL PENALTY SHALL BE TREATED AS A FINAL ORDER THAT IS REVIEWABLE UNDER CHAPTER 158 OF TITLE 28, UNITED STATES CODE.

(3) VALIDITY OF ORDER.--THE VALIDITY OF AN ORDER OF THE SECRETARY

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MAY NOT BE REVIEWED IN AN ACTION TO COLLECT THE CIVIL PENALTY.

(4) INTEREST.--A CIVIL PENALTY NOT PAID IN FULL WHEN DUE UNDER AN ORDER ASSESSING THE CIVIL PENALTY SHALL (AFTER THE DUE DATE) ACCRUE INTEREST UNTIL PAID AT THE RATE OF INTEREST APPLICABLE TO A CIVIL JUDGMENT OF A COURT OF THE UNITED STATES.

(C) PECUNIARY GAINS OR LOSSES.--IF A PERSON DERIVES PECUNIARY GAIN FROM AN OFFENSE DESCRIBED IN SUBSECTION (A) OR (B), OR IF THE OFFENSE RESULTS IN PECUNIARY LOSS TO A PERSON OTHER THAN THE DEFENDANT, THE DEFENDANT MAY BE FINED NOT MORE THAN AN AMOUNT THAT IS THE GREATER OF TWICE THE GROSS GAIN OR TWICE THE GROSS LOSS, UNLESS IMPOSITION OF A FINE UNDER THIS SUBSECTION WOULD UNDULY COMPLICATE OR PROLONG THE IMPOSITION OF A FINE OR SENTENCE UNDER SUBSECTION (A) OR (B).

(D) AGENTS.--FOR PURPOSES OF THIS ACT, THE ACT, OMISSION, OR FAILURE OF AN OFFICER, AGENT, OR PERSON ACTING FOR OR EMPLOYED BY ANY OTHER PERSON WITHIN THE SCOPE OF THE EMPLOYMENT OR OFFICE OF THE OTHER PERSON SHALL BE CONSIDERED ALSO TO BE THE ACT, OMISSION, OR FAILURE OF THE OTHER PERSON.

(E) CIVIL PENALTIES OR NOTICE IN LIEU OF PROSECUTION.--THE SECRETARY SHALL COORDINATE WITH THE ATTORNEY GENERAL TO ESTABLISH GUIDELINES TO DETERMINE UNDER WHAT CIRCUMSTANCES THE SECRETARY MAY ISSUE A CIVIL PENALTY OR SUITABLE NOTICE OF WARNING IN LIEU OF PROSECUTION BY THE ATTORNEY GENERAL OF A VIOLATION OF THIS ACT.

SEC. 13. ENFORCEMENT.

(a) INVESTIGATIONS, EVIDENCE, AND SUBPOENAS.--

(1) INVESTIGATIONS.--THE SECRETARY MAY GATHER AND COMPILE INFORMATION AND CONDUCT ANY INVESTIGATIONS THE SECRETARY CONSIDERS NECESSARY FOR THE ADMINISTRATION AND ENFORCEMENT OF THIS ACT.

(2) EVIDENCE.--THE SECRETARY SHALL AT ALL REASONABLE TIMES HAVE THE RIGHT TO EXAMINE AND COPY ANY DOCUMENTARY EVIDENCE OF A PERSON BEING INVESTIGATED OR PROCEEDED AGAINST.

(3) SUBPOENAS.--

(A) IN GENERAL.--THE SECRETARY SHALL HAVE POWER TO REQUIRE BY SUBPOENA THE ATTENDANCE AND TESTIMONY OF ANY WITNESS AND THE PRODUCTION OF ALL DOCUMENTARY EVIDENCE RELATING TO THE ADMINISTRATION OR ENFORCEMENT OF THIS ACT OR ANY MATTER UNDER INVESTIGATION IN CONNECTION WITH THIS ACT.

(B) LOCATION.--THE ATTENDANCE OF A WITNESS AND PRODUCTION OF DOCUMENTARY EVIDENCE MAY BE REQUIRED FROM ANY PLACE IN THE UNITED STATES AT ANY DESIGNATED PLACE OF HEARING.

(C) NONCOMPLIANCE WITH SUBPOENA.--IF A PERSON DISOBEYS A SUBPOENA, THE SECRETARY MAY REQUEST THE ATTORNEY GENERAL TO INVOKE THE AID OF A COURT OF THE UNITED STATES WITHIN THE JURISDICTION IN WHICH THE INVESTIGATION IS CONDUCTED, OR WHERE THE PERSON RESIDES, IS FOUND, TRANSACTS BUSINESS, IS LICENSED TO DO BUSINESS, OR IS INCORPORATED TO REQUIRE THE ATTENDANCE AND TESTIMONY OF A WITNESS AND THE PRODUCTION OF DOCUMENTARY EVIDENCE.

(D) ORDER.--IF A PERSON DISOBEYS A SUBPOENA, THE COURT MAY ORDER THE PERSON TO APPEAR BEFORE THE SECRETARY AND GIVE EVIDENCE CONCERNING THE MATTER IN QUESTION OR TO PRODUCE DOCUMENTARY EVIDENCE.

(E) NONCOMPLIANCE WITH ORDER.--A FAILURE TO OBEY THE COURT'S ORDER MAY BE PUNISHED BY THE COURT AS A CONTEMPT OF THE COURT.

(F) FEES AND MILEAGE.--

(I) IN GENERAL.--A WITNESS SUMMONED BY THE SECRETARY SHALL BE PAID THE SAME FEES AND REIMBURSEMENT FOR MILEAGE THAT IS

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PAID TO A WITNESS IN THE COURTS OF THE UNITED STATES.

(II) DEPOSITIONS.-A WITNESS WHOSE DEPOSITION IS TAKEN, AND THE PERSON TAKING THE DEPOSITION, SHALL BE ENTITLED TO THE SAME FEES THAT ARE PAID FOR SIMILAR SERVICES IN A COURT OF THE UNITED STATES.

(b) ATTORNEY GENERAL.-THE ATTORNEY GENERAL MAY-

(1) PROSECUTE, IN THE NAME OF THE UNITED STATES, A CRIMINAL VIOLATION OF THIS ACT THAT IS REFERRED TO THE ATTORNEY GENERAL BY THE SECRETARY OR IS BROUGHT TO THE NOTICE OF THE ATTORNEY GENERAL BY A PERSON:

(2) BRING AN ACTION TO ENJOIN THE VIOLATION OF OR TO COMPEL COMPLIANCE WITH THIS ACT, OR TO ENJOIN ANY INTERFERENCE BY A PERSON WITH THE SECRETARY IN CARRYING OUT THIS ACT, IF THE SECRETARY HAS REASON TO BELIEVE THAT THE PERSON HAS VIOLATED OR IS ABOUT TO VIOLATE THIS ACT, OR HAS INTERFERED, OR IS ABOUT TO INTERFERE, WITH THE SECRETARY; AND

(3) BRING AN ACTION FOR THE RECOVERY OF ANY UNPAID CIVIL PENALTY, FUNDS UNDER A REIMBURSABLE AGREEMENT, LATE PAYMENT PENALTY, OR INTEREST ASSESSED UNDER THIS ACT.

(c) JURISDICTION.-

(1) IN GENERAL.-EXCEPT AS PROVIDED IN SECTION 12(B), A UNITED STATES DISTRICT COURT, THE DISTRICT COURT OF GUAM, THE DISTRICT COURT OF THE VIRGIN ISLANDS, THE HIGHEST COURT OF AMERICAN SAMOA, AND THE UNITED STATES COURTS OF OTHER TERRITORIES AND POSSESSIONS SHALL HAVE JURISDICTION OVER ALL CASES ARISING UNDER THIS ACT.

(2) VENUE.-EXCEPT AS PROVIDED IN SUBSECTION (B), AN ACTION ARISING UNDER THIS ACT MAY BE BROUGHT, AND PROCESS MAY BE SERVED, IN THE JUDICIAL DISTRICT WHERE A VIOLATION OR INTERFERENCE OCCURRED OR IS ABOUT TO OCCUR, OR WHERE THE PERSON CHARGED WITH THE VIOLATION, INTERFERENCE, IMPENDING VIOLATION, IMPENDING INTERFERENCE, OR FAILURE TO PAY RESIDES, IS FOUND, TRANSACTS BUSINESS, IS LICENSED TO DO BUSINESS, OR IS INCORPORATED.

(3) SUBPOENAS.-A SUBPOENA FOR A WITNESS TO ATTEND COURT IN A JUDICIAL DISTRICT OR TO TESTIFY OR PRODUCE EVIDENCE AT AN ADMINISTRATIVE HEARING IN A JUDICIAL DISTRICT IN AN ACTION OR PROCEEDING ARISING UNDER THIS ACT MAY APPLY TO ANY OTHER JUDICIAL DISTRICT.

SEC. 14. PREEMPTION.

(a) IN GENERAL.-EXCEPT AS PROVIDED IN SUBSECTION (B), NO STATE OR POLITICAL SUBDIVISION OF A STATE MAY REGULATE ANY ARTICLE, MEANS OF CONVEYANCE, PLANT, BIOLOGICAL CONTROL ORGANISM, PLANT PEST, NOXIOUS WEED, OR PLANT PRODUCT IN FOREIGN COMMERCE TO CONTROL A PLANT PEST OR NOXIOUS WEED, ERADICATE A PLANT PEST OR NOXIOUS WEED, OR PREVENT THE INTRODUCTION OR DISSEMINATION OF A BIOLOGICAL CONTROL ORGANISM, PLANT PEST, OR NOXIOUS WEED.

(b) STATE NOXIOUS WEED LAWS.-THIS ACT SHALL NOT INVALIDATE THE LAW OF ANY STATE OR POLITICAL SUBDIVISION OF A STATE RELATING TO NOXIOUS WEEDS, EXCEPT THAT A STATE OR POLITICAL SUBDIVISION OF A STATE MAY NOT PERMIT ANY ACTION THAT IS PROHIBITED UNDER THIS ACT.

SEC. 15. REGULATIONS AND ORDERS.

The Secretary may issue such regulations and orders as the Secretary considers necessary to carry out this Act, including (at the option of the Secretary) regulations and orders relating to-

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(1) notification of arrival of plants, plant products, biological control organisms, plant pests, noxious weeds, articles, or means of conveyance;

(2) prohibition or restriction of or on the importation, entry, exportation, or movement in interstate commerce of plants, plant products, biological control organisms, plant pests, noxious weeds, articles, or means of conveyance;

(3) holding, seizure of, quarantine of, treatment of, application of remedial measures to, destruction of, or disposal of plants, plant products, biological control organisms, plant pests, noxious weeds, articles, premises, or means of conveyance;

(4) in the case of an extraordinary emergency, prohibition or restriction on the movement of plants, plant products, biological control organisms, plant pests, noxious weeds, articles, or means of conveyance;

(5) payment of compensation;

(6) cooperation with other Federal agencies, States, political subdivisions of States, national governments, local governments of other countries, international organizations, international associations, and other persons, entities, and individuals;

(7) transfer of biological control methods for plant pests or noxious weeds;

(8) negotiation and execution of agreements;

(9) acquisition and maintenance of real and personal property;

(10) issuance of letters of warning;

(11) compilation of information;

(12) conduct of investigations;

(13) transfer of funds for emergencies;

(14) approval of facilities and means of conveyance;

(15) denial of approval of facilities and means of conveyance;

(16) suspension and revocation of approval of facilities and means of conveyance;

(17) inspection, testing, and certification;

(18) cleaning and disinfection;

(19) designation of ports of entry;

(20) imposition and collection of fees, penalties, and interest;

(21) recordkeeping, marking, and identification;

(22) issuance of permits and phytosanitary certificates;

(23) establishment of quarantines, post-importation conditions, and post-entry quarantine conditions;

(24) establishment of conditions for transit movement through the United States; and

(25) treatment of land for the prevention, suppression, or control of plant pests or noxious weeds.

SEC. 16. AUTHORIZATION OF APPROPRIATIONS; TRANSFERS.

(a) AUTHORIZATION OF APPROPRIATIONS.-

(1) IN GENERAL.-THERE ARE AUTHORIZED TO BE APPROPRIATED SUCH SUMS AS ARE NECESSARY TO CARRY OUT THIS ACT.

(2) INDEMNITIES.-EXCEPT AS SPECIFICALLY AUTHORIZED BY LAW, NO PART OF THE MONEY MADE AVAILABLE UNDER PARAGRAPH (1) SHALL BE USED TO PAY AN INDEMNITY FOR PROPERTY INJURED OR DESTROYED BY OR AT THE DIRECTION OF THE SECRETARY.

(b) TRANSFERS.-

(1) IN GENERAL.-IN CONNECTION WITH AN EMERGENCY IN WHICH A PLANT

PEST OR NOXIOUS WEEDS THREATENS ANY SEGMENT OF THE AGRICULTURAL PRODUCTION OF THE UNITED STATES, THE SECRETARY MAY TRANSFER (FROM OTHER APPROPRIATIONS OR FUNDS AVAILABLE TO AN AGENCY OR CORPORATION OF THE DEPARTMENT OF AGRICULTURE) SUCH FUNDS AS THE SECRETARY CONSIDERS NECESSARY FOR THE ARREST, CONTROL, ERADICATION, AND PREVENTION OF THE SPREAD OF THE PLANT PEST OR NOXIOUS WEED AND FOR RELATED EXPENSES.

(2) AVAILABILITY.--ANY FUNDS TRANSFERRED UNDER THIS SUBSECTION SHALL REMAIN AVAILABLE TO CARRY OUT PARAGRAPH (1) WITHOUT FISCAL YEAR LIMITATION.

SEC. 17. REPEALS.

The following provisions of law are repealed:

- (1) Public Law 97-46 (7 U.S.C. 147b).
- (2) The Joint Resolution of April 6, 1937 (50 Stat. 57, chapter 69; 7 U.S.C. 148 et seq.).
- (3) Section 1773 of the Food Security Act of 1985 (7 U.S.C. 148f).
- (4) The Act of January 31, 1942 (56 Stat. 40, chapter 31; 7 U.S.C. 149).
- (5) The Golden Nematode Act (7 U.S.C. 150 et seq.).
- (6) The Federal Plant Pest Act (7 U.S.C. 150aa et seq.).
- (7) The Act of August 20, 1912 (commonly known as the "Plant Quarantine Act") (37 Stat. 315, chapter 308; 7 U.S.C. 151 et seq.).
- (8) The Halogeton Glomeratus Control Act (7 U.S.C. 1651 et seq.).
- (9) The Act of August 28, 1950 (64 Stat. 561, chapter 815; 7 U.S.C. 2260).
- (10) The Federal Noxious Weed Act of 1974 (7 U.S.C. 2801 et seq.), other than the first section of the Act (Public Law 93-629; 7 U.S.C. 2801 note) and section 15 of the Act (7 U.S.C. 2814).

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FULL TEXT OF BILLS

105TH CONGRESS: 1ST SESSION
IN THE SENATE OF THE UNITED STATES
AS INTRODUCED IN THE SENATE

S. 617

1997 S. 617; 105 S. 617

<=1> Retrieve Bill Tracking Report

SYNOPSIS:

A BILL To amend the Federal Meat Inspection Act to require that imported meat, and meat food products containing imported meat, bear a label identifying the country of origin.

DATE OF INTRODUCTION: APRIL 17, 1997

DATE OF VERSION: APRIL 21, 1997 -- VERSION: 1

SPONSOR(S):

Mr. JOHNSON (FOR HIMSELF, Mr. CRAIG, Mr. DASCHLE, Mr. BURNS, and Mr. BAUCUS) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

TEXT:

* 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 Meat Labeling Act of 1997".

SEC. 2. COUNTRY OF ORIGIN LABELING OF IMPORTED MEAT AND MEAT FOOD PRODUCTS.

(a) LABELING REQUIRED.--SECTION 1(N) OF THE FEDERAL MEAT INSPECTION ACT (21 U.S.C. 601(N)) IS AMENDED BY ADDING AT THE END THE FOLLOWING:

"(13)(A) IF IT IS IMPORTED INTO THE UNITED STATES UNLESS IT BEARS OR IS ACCOMPANIED BY LABELING THAT IDENTIFIES THE COUNTRY OF ORIGIN OF THE ANIMAL THAT IS THE SOURCE OF THE IMPORTED CARCASS, PART THEREOF, OR MEAT OR IS PART OF THE CONTENTS OF THE IMPORTED MEAT FOOD PRODUCT.

"(B) IF IT ORIGINATES FROM AN ANIMAL THAT WAS IMPORTED INTO THE UNITED STATES LESS THAN 10 DAYS PRIOR TO SLAUGHTER UNLESS IT BEARS OR IS ACCOMPANIED BY LABELING THAT IDENTIFIES THE COUNTRY OF ORIGIN OF THE ANIMAL.

"(C) IF IT IS A MEAT FOOD PRODUCT PREPARED IN THE UNITED STATES USING ANY CARCASS, PART THEREOF, OR MEAT IMPORTED INTO THE UNITED STATES UNLESS THE MEAT FOOD PRODUCT BEARS OR IS ACCOMPANIED BY LABELING THAT IDENTIFIES THE COUNTRY OF ORIGIN OF THE ANIMAL THAT IS THE SOURCE OF THE IMPORTED CARCASS, PART THEREOF, OR MEAT.

"(D) IN THIS PARAGRAPH, THE TERM 'COUNTRY OF ORIGIN' MEANS THE COUNTRY OR COUNTRIES IN WHICH AN ANIMAL IS RAISED BEFORE SLAUGHTER."

(B) CONFORMING AMENDMENTS.--SECTION 1(N) OF THE FEDERAL MEAT INSPECTION ACT IS AMENDED--

(1) BY STRIKING "IF" AT THE BEGINNING OF EACH OF PARAGRAPHS (1)

S. 617 APRIL 21, 1997 -- VERSION: 1

THROUGH (12) AND INSERTING "IF";

(2) BY STRIKING THE SEMICOLON AT THE END OF EACH OF PARAGRAPHS (1) THROUGH (10) AND INSERTING A PERIOD; AND

(3) IN PARAGRAPH (11), BY STRIKING ": OR" AT THE END AND INSERTING A PERIOD.

(C) EFFECTIVE DATE.-THE AMENDMENTS MADE BY THIS SECTION SHALL TAKE EFFECT 1 YEAR AFTER THE DATE OF ENACTMENT OF THIS ACT.

LOAD-DATE: April 22, 1997

FULL TEXT OF BILLS

105TH CONGRESS: 1ST SESSION
IN THE SENATE OF THE UNITED STATES
AS INTRODUCED IN THE SENATE

S. 1042

1997 S. 1042; 105 S. 1042

<=1> Retrieve Bill Tracking Report

SYNOPSIS:

A BILL To require country of origin labeling of perishable agricultural commodities imported into the United States and to establish penalties for violations of the labeling requirements.

DATE OF INTRODUCTION: JULY 21, 1997

DATE OF VERSION: JULY 22, 1997 -- VERSION: 1

SPONSOR(S):

Mr. CRAIG (FOR HIMSELF, MR. GRAHAM, AND MR. JOHNSON)

TEXT:

* 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 Produce Labeling Act of 1997".

SEC. 2. INDICATION OF COUNTRY OF ORIGIN OF IMPORTED PERISHABLE
AGRICULTURAL COMMODITIES.

(a) DEFINITIONS.--FOR PURPOSES OF THIS SECTION, THE TERMS "PERISHABLE
AGRICULTURAL COMMODITY" AND "RETAILER" HAVE THE MEANINGS GIVEN THE TERMS
IN SECTION 1(B) OF THE PERISHABLE AGRICULTURAL COMMODITIES ACT, 1930 (7
U.S.C. 499A(B)).

(B) NOTICE OF COUNTRY OF ORIGIN REQUIRED.--A RETAILER OF A PERISHABLE
AGRICULTURAL COMMODITY IMPORTED INTO THE UNITED STATES SHALL INFORM
CONSUMERS, AT THE FINAL POINT OF SALE OF THE PERISHABLE AGRICULTURAL
COMMODITY TO CONSUMERS, OF THE COUNTRY OF ORIGIN OF THE PERISHABLE
AGRICULTURAL COMMODITY.

(C) METHOD OF NOTIFICATION.--

(1) IN GENERAL.--THE INFORMATION REQUIRED BY SUBSECTION (B) MAY BE
PROVIDED TO CONSUMERS BY MEANS OF A LABEL, STAMP, MARK, PLACARD, OR
OTHER CLEAR AND VISIBLE SIGN ON THE IMPORTED PERISHABLE AGRICULTURAL
COMMODITY OR ON THE PACKAGE, DISPLAY, HOLDING UNIT, OR BIN CONTAINING
THE COMMODITY AT THE FINAL POINT OF SALE TO CONSUMERS.

(2) LABELED COMMODITIES.--IF THE IMPORTED PERISHABLE AGRICULTURAL
COMMODITY IS ALREADY INDIVIDUALLY LABELED REGARDING COUNTRY OF ORIGIN
BY THE PACKER, IMPORTER, OR ANOTHER PERSON, THE RETAILER SHALL NOT BE
REQUIRED TO PROVIDE ANY ADDITIONAL INFORMATION TO COMPLY WITH THIS
SECTION.

(D) VIOLATIONS.--IF A RETAILER FAILS TO INDICATE THE COUNTRY OF ORIGIN
OF AN IMPORTED PERISHABLE AGRICULTURAL COMMODITY AS REQUIRED BY
SUBSECTION (B), THE SECRETARY OF AGRICULTURE MAY IMPOSE A MONETARY

See HR. 1232

S. 1042 JULY 22, 1997 -- VERSION: 1

PENALTY ON THE RETAILER IN AN AMOUNT NOT TO EXCEED-

(1) \$1,000 FOR THE FIRST DAY ON WHICH THE VIOLATION OCCURS; AND

(2) \$250 FOR EACH DAY ON WHICH THE SAME VIOLATION CONTINUES.

(E) DEPOSIT OF FUNDS.-AMOUNTS COLLECTED UNDER SUBSECTION (D) SHALL BE DEPOSITED IN THE TREASURY OF THE UNITED STATES AS MISCELLANEOUS RECEIPTS.

(F) APPLICATION OF SECTION.-THIS SECTION SHALL APPLY WITH RESPECT TO A PERISHABLE AGRICULTURAL COMMODITY IMPORTED INTO THE UNITED STATES AFTER THE END OF THE 6-MONTH PERIOD BEGINNING ON THE DATE OF THE ENACTMENT OF THIS SECTION.

LOAD-DATE: July 25, 1997

DATE: SEPTEMBER 22, 1997

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Bill Tracking Report

105th Congress
1st Session

U. S. House of Representatives

HR 1232

1997 Bill Tracking H.R. 1232; 105 Bill Tracking H.R. 1232

IMPORTED PRODUCE LABELING ACT OF 1997

<=1> Retrieve full text version

DATE-INTRO: April 8, 1997

LAST-ACTION-DATE: September 17, 1997

STATUS: Referred to committee

SPONSOR: Representative Sonny Bono R-CA

TOTAL-COSPONSORS: 65 Cosponsors: 31 Democrats / 33 Republicans

SYNOPSIS: A bill to require country of origin labeling of perishable
agricultural commodities imported into the United States and to establish
penalties for violations of such labeling requirements.

ACTIONS: Committee Referrals:
04/08/97 House Agriculture Committee

Legislative Chronology:

1st Session Activity:

04/08/97	143	Cong Rec H 1338	Referred to the House Agriculture Committee
04/16/97	143	Cong Rec H 1612	Cosponsor(s) added
04/17/97	143	Cong Rec H 1707	Cosponsor(s) added
04/29/97	143	Cong Rec H 1989	Cosponsor(s) added
05/05/97	143	Cong Rec H 2168	Cosponsor(s) added
05/07/97	143	Cong Rec H 2351	Cosponsor(s) added
05/15/97	143	Cong Rec H 2785	Cosponsor(s) added
05/20/97	143	Cong Rec H 3070	Cosponsor(s) added
06/12/97	143	Cong Rec H 3797	Cosponsor(s) added
06/18/97	143	Cong Rec H 3924	Cosponsor(s) added
07/15/97	143	Cong Rec H 5297	Cosponsor(s) added
07/22/97	143	Cong Rec H 5569	Cosponsor(s) added
07/23/97	143	Cong Rec H 5664	Cosponsor(s) added
07/25/97	143	Cong Rec H 5826	Cosponsor(s) added
07/29/97	143	Cong Rec H 6026	Cosponsor(s) added

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09/03/97 143 Cong Rec H 6797 Cosponsor(s) added
 09/05/97 143 Cong Rec H 6962 Cosponsor(s) added
 09/09/97 143 Cong Rec H 7119 Cosponsor(s) added
 09/10/97 143 Cong Rec H 7199 Cosponsor(s) added
 09/17/97 143 Cong Rec H 7528 Cosponsor(s) added

BILL-DIGEST: (from the CONGRESSIONAL RESEARCH SERVICE)

Short title as introduced :

Imported Produce Labeling Act of 1997

Digest :

Imported Produce Labeling Act of 1997 - Requires country of origin labeling of perishable agricultural commodities imported into the United States. Authorizes fines for violations of such provision.

CRS Index Terms:

Agriculture
 Agriculture in foreign trade
 Consumers
 Fines (Penalties)
 Food
 Food labeling
 Fruit
 Fruit trade
 Imports
 Law
 Trade
 Vegetable trade
 Vegetables

CO-SPONSORS: Original Cosponsors:

Barr R-GA	Bishop D-GA	Calvert R-CA
Condit D-CA	Diaz-Balart R-FL	Goss R-FL
Hastings D-FL	Hunter R-CA	Kaptur D-OH
King R-NY	Meek D-FL	Mica R-FL
Miller R-FL	Ney R-OH	Riggs R-CA
Stearns R-FL	Thurman D-FL	Traficant, Jr. D-OH
Watts R-OK	Weldon R-FL	Wexler D-FL

Added 04/16/97:

Cunningham R-CA	Deal R-GA	Foley R-FL
McHugh R-NY		

Added 04/17/97:

Coburn R-OK

Added 04/29/97:

Boyd D-FL
Rivers D-MI

Deutsch D-FL
Solomon R-NY

Kucinich D-OH

Added 05/05/97:

Bonior D-MI

Thomas R-CA

Added 05/07/97:

Brown D-CA

Gallegly R-CA

Ros-Lehtinen R-FL

Added 05/15/97:

Berman D-CA

Leach R-IA

Scarborough R-FL

Added 05/20/97:

Etheridge D-NC

Filner D-CA

Added 06/13/97:

Evans D-IL

Added 06/18/97:

Brown D-FL
Kildee D-MI

Dellums D-CA

Fazio D-CA

Added 07/15/97:

Chambliss R-GA

Davis D-FL

Added 07/22/97:

Sanders I-VT

Stump R-AZ

Added 07/23/97:

Poshard D-IL

Rohrabacher R-CA

Added 07/25/97:

Brown D-OH

Added 07/29/97:

Clyburn D-SC

Added 09/03/97:

Bill Tracking Report HR 1232

Chenoweth R-ID

McCollum R-FL

Shaw R-FL

Added 09/05/97:

Capps D-CA

Added 09/09/97:

Bilirakis R-FL

Lofgren D-CA

Added 09/10/97:

Cannon R-UT

Added 09/17/97:

Costello D-IL
Stupak D-MI

Pascrell D-NJ

Sensenbrenner R-WI

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Bill Tracking Report

105th Congress
1st Session

U. S. House of Representatives

HR 1371

1997 Bill Tracking H.R. 1371; 105 Bill Tracking H.R. 1371

IMPORTED MEAT LABELING ACT OF 1997

<=1> Retrieve full text version

DATE-INTRO: April 17, 1997

LAST-ACTION-DATE: September 18, 1997

STATUS: Referred to committee

SPONSOR: Representative Helen P. Chenoweth R-ID

TOTAL-COSPONSORS: 25 Cosponsors: 11 Democrats / 14 Republicans

SYNOPSIS: A bill to amend the Federal Meat Inspection Act to require that imported meat, and meat food products containing imported meat, bear a label identifying the country of origin.

ACTIONS: Committee Referrals:
04/17/97 House Agriculture Committee

Legislative Chronology:

1st Session Activity:

04/17/97	143	Cong Rec H 1704	Referred to the House Agriculture Committee
04/23/97	143	Cong Rec H 1794	Cosponsor(s) added
05/01/97	143	Cong Rec H 2157	Cosponsor(s) added
06/03/97	143	Cong Rec H 3274	Cosponsor(s) added
06/23/97	143	Cong Rec H 4222	Cosponsor(s) added
06/26/97	143	Cong Rec H 4835	Cosponsor(s) added
07/10/97	143	Cong Rec H 5132	Cosponsor(s) added
07/22/97	143	Cong Rec H 5570	Cosponsor(s) added
07/31/97	143	Cong Rec H 6707	Cosponsor(s) added
09/03/97	143	Cong Rec H 6797	Cosponsor(s) added
09/08/97	143	Cong Rec H 7008	Cosponsor(s) added
09/11/97	143	Cong Rec H 7263	Cosponsor(s) added
09/18/97	143	Cong Rec H 7600	Cosponsor(s) added

Bill Tracking Report HR 1371

BILL-DIGEST: (from the CONGRESSIONAL RESEARCH SERVICE)

Short title as introduced :

Imported Meat Labeling Act of 1997

Digest :

Imported Meat Labeling Act of 1997 - Amends the Federal Meat Inspection Act to require country of origin (where an animal is raised before slaughter) labeling of imported meat or U.S.-prepared meat food products containing foreign meat.

CRS Index Terms:

Food
Agriculture
Agriculture in foreign trade
Consumer education
Consumers
Food labeling
Imports
Meat
Meat inspection
Trade

CO-SPONSORS: Original Cosponsors:

Pomeroy D-ND

Added 04/23/97:

Hill R-MT

Added 05/01/97:

Cubin R-WY

Added 06/03/97:

Pickering R-MS

Added 06/23/97:

Stump R-AZ

Added 06/26/97:

Evans D-IL
Regula R-OH

McHugh R-NY

Poshard D-IL

Added 07/10/97:

Bono R-CA
Souder R-IN

Etheridge D-NC
Tiahrt R-KS

Lofgren D-CA

Added 07/22/97:

Edwards D-TX

Sessions R-TX

Added 07/31/97:

Turner D-TX

Added 09/03/97:

Hall D-TX

Added 09/08/97:

Coburn R-OK
Thurman D-FL

Rohrabacher R-CA

Sandlin D-TX

Added 09/11/97:

Cannon R-UT

Kaptur D-OH

Added 09/18/97:

Sensenbrenner R-WI

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Bill Tracking Report

105th Congress
1st Session

U. S. House of Representatives

HR 2332

1997 Bill Tracking H.R. 2332; 105 Bill Tracking H.R. 2332

<=1> Retrieve full text version

DATE-INTRO: July 31, 1997

LAST-ACTION-DATE: September 18, 1997

STATUS: Referred to committee

SPONSOR: Representative Robert Terry Everett R-AL

TOTAL-COSPONSORS: 40 Cosponsors: 21 Democrats / 19 Republicans

SYNOPSIS: A bill to amend section 304 of the Tariff Act of 1930 to require the marking of frozen produce with the country of origin on the front panel of the package for retail sale.

ACTIONS: Committee Referrals:
07/31/97 House Ways and Means Committee

Legislative Chronology:

1st Session Activity:

07/31/97	143	Cong Rec E 1617	Remarks by Rep. Everett AL
07/31/97	143	Cong Rec H 6703	Referred to the House Ways and Means Committee
09/03/97	143	Cong Rec H 6799	Cosponsor(s) removed
09/04/97	143	Cong Rec H 6918	Cosponsor(s) added
09/05/97	143	Cong Rec H 6962	Cosponsor(s) added
09/18/97	143	Cong Rec H 7601	Cosponsor(s) added

BILL-DIGEST: (from the CONGRESSIONAL RESEARCH SERVICE)

CRS Index Terms:

Trade
Agriculture

Agriculture in foreign trade
 Business
 Consumers
 Food
 Food labeling
 Frozen food
 Frozen foods industry
 Fruit
 Fruit trade
 Packaging
 Tariff
 Vegetable trade
 Vegetables

CO-SPONSORS: Original Cosponsors:

Aderholt R-AL	Barcia D-MI	Boehner R-OH
Bono R-CA	Boyd D-FL	Callahan R-AL
Campbell R-CA	Cramer D-AL	Deal R-GA
Degette D-CO	Dellums D-CA	Duncan, Jr. R-TN
Farr D-CA	Filner D-CA	Foley R-FL
Hinchey D-NY	Hunter R-CA	Kaptur D-OH
Kucinich D-OH	McHugh R-NY	McNulty D-NY
Meek D-FL	Miller D-CA	Ney R-OH
Poshard D-IL	Riley R-AL	Rivers D-MI
Rohrabacher R-CA	Souder R-IN	Spratt, Jr. D-SC
Stump R-AZ	Tanner D-TN	Thurman D-FL

Removed 09/03/97:

Boehner R-OH

Added 09/04/97:

Bonior D-MI	Klink D-PA	Weldon R-FL
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Added 09/05/97:

Coburn R-OK

Added 09/18/97:

Sensenbrenner R-WI	Stupak D-MI
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Bill Tracking Report

105th Congress
1st Session

U. S. Senate

S 617

1997 Bill Tracking S. 617; 105 Bill Tracking S. 617

IMPORTED MEAT LABELING ACT OF 1997

<=1> Retrieve full text version

DATE-INTRO: April 17, 1997

LAST-ACTION-DATE: September 16, 1997

STATUS: Referred to committee

SPONSOR: Senator Tim Johnson D-SD

TOTAL-COSPONSORS: 9 Cosponsors: 3 Democrats / 6 Republicans

SYNOPSIS: A bill to amend the Federal Meat Inspection Act to require that imported meat, and meat food products containing imported meat, bear a label identifying the country of origin.

ACTIONS: Committee Referrals:

04/17/97 Senate Agriculture, Nutrition, and Forestry Committee

Legislative Chronology:

1st Session Activity:

04/17/97 143 Cong Rec S 3349 Referred to the Senate Agriculture, Nutrition,
and Forestry Committee
04/17/97 143 Cong Rec S 3364 Remarks by Sen. Johnson SD
04/17/97 143 Cong Rec S 3364 Remarks by Sen. Burns MT
04/17/97 143 Cong Rec S 3364 Remarks by Sen. Craig ID
05/06/97 143 Cong Rec S 4011 Cosponsor(s) added
09/16/97 143 Cong Rec S 9427 Cosponsor(s) added

BILL-DIGEST: (from the CONGRESSIONAL RESEARCH SERVICE)

Short title as introduced :

Imported Meal Labeling Act of 1997

Digest :

Imported Meat Labeling Act of 1997 - Amends the Federal Meat Inspection Act to require country of origin (where an animal is raised before slaughter) labeling: (1) of imported meat, or U.S.-prepared meat food products containing imported meat; or (2) originating from an animal imported into the United States for slaughter.

CRS Index Terms:

Food
Agriculture
Agriculture in foreign trade
Consumer education
Consumers
Food labeling
Imports
Meat
Meat inspection
Trade

CO-SPONSORS: Original Cosponsors:

Baucus D-MT	Burns R-MT	Craig R-ID
Daschle D-SD		

Added 05/06/97:

Thomas R-WY

Added 07/31/97:

Hatch R-UT

Added 09/16/97:

Campbell R-CO	Conrad D-ND	Kempthorne R-ID
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Bill Tracking Report

105th Congress
1st Session

U. S. Senate

S 1042

1997 Bill Tracking S. 1042; 105 Bill Tracking S. 1042

IMPORTED PRODUCE LABELING ACT OF 1997

<=1> Retrieve full text version

DATE-INTRO: July 21, 1997

LAST-ACTION-DATE: September 17, 1997

STATUS: Referred to committee

SPONSOR: Senator Larry Craig R-ID

TOTAL-COSPONSORS: 7 Cosponsors: 5 Democrats / 2 Republicans

SYNOPSIS: A bill to require country of origin labeling of perishable
agricultural commodities imported into the United States and to establish
penalties for violations of the labeling requirements.

ACTIONS: Committee Referrals:
07/21/97 Senate Agriculture, Nutrition, and Forestry Committee

Legislative Chronology:

1st Session Activity:

07/21/97 143 Cong Rec S 7767 Referred to the Senate Agriculture, Nutrition,
and Forestry Committee
07/21/97 143 Cong Rec S 7771 Remarks by Sen. Craig ID
09/04/97 143 Cong Rec S 8832 Cosponsor(s) added
09/09/97 143 Cong Rec S 9019 Cosponsor(s) added
09/17/97 143 Cong Rec S 9524 Cosponsor(s) added

BILL-DIGEST: (from the CONGRESSIONAL RESEARCH SERVICE)

Short title as introduced :

Imported Produce Labeling Act of 1997

Digest :

Imported Produce Labeling Act of 1997 - Requires country of origin labeling of perishable agricultural commodities imported into the United States. Authorizes fines for violations of such provision.

CRS Index Terms:

Agriculture
Agriculture in foreign trade
Consumers
Fines (Penalties)
Food
Food labeling
Fruit
Fruit trade
Imports
Law
Trade
Vegetable trade
Vegetables

CO-SPONSORS: Original Cosponsors:

Graham D-FL Johnson D-SD

Added 07/31/97:

Mack R-FL

Added 09/04/97:

Wyden D-OR

Added 09/09/97:

Campbell R-CO Levin D-MI

Added 09/17/97:

Baucus D-MT

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Bill Tracking Report

105th Congress
1st Session

U. S. Senate

S 1119

1997 Bill Tracking S. 1119; 105 Bill Tracking S. 1119

DATE-INTRO: July 31, 1997

LAST-ACTION-DATE: July 31, 1997

STATUS: Referred to committee

SPONSOR: Senator Edmond Spencer Abraham R-MI

TOTAL-COSPONSORS: 0 Cosponsors: 0 Democrats / 0 Republicans

SYNOPSIS: A bill to amend the Perishable Agricultural Commodities Act, 1930 to increase the penalty under certain circumstances for commission merchants, dealers, or brokers who misrepresent the country of origin or other characteristics of perishable agricultural commodities.

ACTIONS: Committee Referrals:
07/31/97 Senate Agriculture, Nutrition, and Forestry Committee

Legislative Chronology:

1st Session Activity:

07/31/97 143 Cong Rec S 8532 Referred to the Senate Agriculture, Nutrition,
and Forestry Committee
07/31/97 143 Cong Rec S 8582 Remarks by Sen. Abraham MI

BILL-DIGEST: (from the CONGRESSIONAL RESEARCH SERVICE)

Digest :

Amends the Perishable Agricultural Commodities Act, 1930 to make it a felony for a commission merchant, dealer, or broker to intentionally or with reckless disregard misrepresent the country of origin of a perishable agricultural commodity, with the resulting serious injury or death of an individual.

CRS Index Terms:

Agriculture
Agriculture in foreign trade
Consumers
Criminal justice
Criminal negligence
Deceptive advertising
Food
Food labeling
Food safety
Homicide
Produce trade
Trade

CO-SPONSORS:

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