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To promote the safety of food, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 1, 1998

Mr. COVERDELL (for himself and Mr. ABRAHAM) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

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A BILL

To promote the safety of food, and for other purposes.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Food Research, Education, Safety, and Health Act of 1998''.

SEC. 2. DEFINITIONS.

In this Act:

(1) COMMITTEE OF JURISDICTION.—The term ''committee of jurisdiction'' means—

(A) the Committee on Agriculture of the House of Representatives;

(B) the Committee on Commerce of the House of Representatives;

(C) the Committee on Agriculture, Nutrition and Forestry of the Senate; and

(D) the Committee on Labor and Human Resources of the Senate.

(2) FOOD.—The term ''food'' means food intended for human consumption.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(4) STATE.—The term ''State'' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.

SEC. 3. CONSUMER EDUCATION FOOD SAFETY BLOCK GRANTS.

(a) AUTHORITY.—The Secretary shall make grants to States to enable the States to carry out consumer education food safety programs.

(b) APPLICATION.—To receive a grant under this section, a State shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including—

(1) a description of the activities that the State will carry out using funds received under this section;

(2) a designation of an appropriate State agency to administer the funds; and

(3) a description of the steps to be taken to ensure that the funds are used in accordance with subsection (e).

(c) AMOUNT OF GRANT.—

(1) IN GENERAL.—From the amounts available to carry out this section for a fiscal year, the Secretary shall allot to each State an amount that bears the same proportion to the amounts available as the population of the State bears to the population of all of the States.

(2) DETERMINATIONS OF POPULATION.—In determining population figures for purposes of this subsection, the Secretary shall use the latest available annual estimates prepared by the Secretary of Commerce.

(d) PAYMENTS.—

(1) IN GENERAL.—If the Secretary approves an application submitted by a State under subsection (b), the Secretary shall make a payment to the State

in an amount that is equal to its allotment under subsection (c).

(2) FORM OF PAYMENTS.—The Secretary may make payments under this section to a State in installments, and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments, as the Secretary may determine.

(3) REALLOTMENTS.—If the Secretary determines that any portion of the allotment of a State under subsection (c) will not be used to carry out this section in accordance with an approved State application under subsection (b), the Secretary shall reallot to the other States in proportion to the original allotments to the other States.

(e) USE OF FUNDS.—Funds received by a State under this section shall be used to carry out consumer education food safety programs under which education is provided to consumers and other persons on safe food practices at each step in the food chain (including agricultural production, handling, processing, distribution, and preparation of food in restaurants, grocery stores, and homes) using the mechanisms described in subsection (g).

(f) MATCHING FUNDS.—As a condition of receipt of funds under this section, the Secretary may require a

State to provide matching funds (at the option of the Secretary, in the form of direct funding or in-kind support).

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 1999 through 2001.

SEC. 4. IRRADIATION OF FOODS.

(a) IN GENERAL.—In conjunction with the Director of the Centers for Disease Control and Prevention, the Commissioner of Food and Drugs, and the Director of the National Institutes of Health, the Secretary shall carry out consumer education initiatives on the irradiation of foods, especially ground beef and poultry.

(b) STUDY.—Not later than 30 days after the date of enactment of this Act, the Secretary shall—

(1) conduct a study of the cost and feasibility of irradiating fruits and vegetables and of new irradiation technologies; and

(2) report the results of the study to each of the committees of jurisdiction.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000 for each of fiscal years 1999 through 2001.

SEC. 5. FOOD SAFETY COUNCIL.

(a) ESTABLISHMENT.—There is established a Food Safety Council composed of 12 members, including—

(1) the Secretary;

(2) the Secretary of Health and Human Services;

(3) the Commissioner of Food and Drugs;

(4) 3 members appointed by the President;

(5) 3 members appointed by the Majority Leader of the Senate; and

(6) 3 members appointed by the Speaker of the House.

(b) TERMS.—

(1) IN GENERAL.—A member of the Council appointed under paragraph (4), (5), or (6) of subsection (a) shall be appointed for a term of not to exceed 3 years.

(2) VACANCIES.—An individual appointed to complete an unexpired term of a member of the Council described in paragraph (1) shall serve only for the remainder of the term.

(c) ADMINISTRATION.—

(1) CHAIRPERSON.—The Secretary shall serve as chairperson of the Council.

(2) MEETINGS.—

(A) IN GENERAL.—The Council shall meet at least twice a year at the call of the Chairperson.

(B) PUBLIC MEETINGS.—A meeting of the Council shall be open to the public.

(C) QUORUM.—Five members of the Council shall constitute a quorum.

(d) DUTIES.—The Council shall—

(1) evaluate, and establish priorities for, food safety research and education, and food-related illness prevention activities, conducted by the Federal Government;

(2) direct that Federal agencies conduct any necessary updates of science, technology, and public health activities that relate to food safety; and

(3) submit to the committees of jurisdiction an annual report on actions taken to carry out this section, including any recommendations for improvements in food safety.

(e) COMPENSATION; EXPENSES.—

(1) COMPENSATION OF MEMBERS.—

(A) NONFEDERAL MEMBERS.—A member of the Council who is not otherwise an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for a position at level IV of the Executive Schedule under section 5315 of title 5, United

States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Council.

(B) FEDERAL MEMBERS.—A member of the Council who is otherwise an officer or employee of the United States shall serve without compensation in addition to that received for services as an officer or employee of the United States.

(2) TRAVEL EXPENSES.—A member of the Council shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of service for the Council.

(f) FUNDING.—From funds of the Department of Agriculture, the Secretary shall use to carry out this section not more than $100,000 for each of fiscal years 1999 through 2001.

SEC. 6. COMPETITIVE RESEARCH GRANTS FOR REDUCING THREATS OF FOOD-BORNE PATHOGENS.

(a) IN GENERAL.—The Secretary shall make competitive grants, for periods not to exceed 5 years, to col-

leges and universities, State agricultural experiment stations, other research institutions and organizations, Federal agencies, and private persons for research to reduce and control the health and other threats posed by deadly food-borne pathogens.

(b) PARTICIPATION IN GRANT PROCESS.—In seeking proposals for grants under this section and in performing peer review evaluations of the proposals, the Secretary shall seek the widest participation of qualified scientists in the Federal Government, colleges and universities, State agricultural experiment stations, and private persons.

(c) USE OF FUNDS.—Funds received under this section shall not be used for the planning, repair, rehabilitation, acquisition, or construction of a building or facility.

(d) REPORT.—Not later than December 1, 2001, the Secretary shall submit to the committees of jurisdiction a report on actions taken to carry out this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000 for each of fiscal years 1999 through 2001.

SEC. 7. DEMONSTRATION PROJECTS FOR REDUCING THREATS OF FOOD-BORNE PATHOGENS.

(a) DEMONSTRATION PROJECTS.—The Secretary shall conduct a sufficient number of demonstration projects to—

(1) determine the epidemiology and ecology of potential food-borne pathogens; and

(2) develop interventions.

(b) REPORT.—Not later than December 1, 2001, the Secretary shall submit to the committees of jurisdiction a report on actions taken to carry out this section.

(c) FUNDING.—From funds of the Department of Agriculture, the Secretary shall use to carry out this section not more than $100,000 for each of fiscal years 1999 through 2001.

SEC. 8. DETECTION AND MEDICAL TREATMENTS FOR FOOD-BORNE PATHOGENS.

(a) DETECTION.—There is authorized to be appropriated $5,000,000 for each of fiscal years 1999 through 2001 to enable the Centers for Disease Control and Prevention to improve the detection of food-borne pathogens through—

(1) the creation of new employment positions for scientists; and

(2) the acquisition of scientific equipment.

(b) MEDICAL TREATMENTS.—There is authorized to be appropriated $5,000,000 for each of fiscal years 1999 through 2001 to enable the National Institutes of Health to conduct research concerning medical treatments for individuals infected with food-borne pathogens.

SEC. 9. FOOD SAFETY RESEARCH INFORMATION OFFICE.

(a) ESTABLISHMENT.—The Secretary shall establish a Food Safety Research Information Office in the National Agricultural Library.

(b) DUTIES.—In cooperation with the Director of the Centers for Disease Control and Prevention, the Commissioner of Food and Drugs, the Director of the National Institutes of Health, and other providers of relevant information, the Food Safety Research Information Office shall provide the scientific community and other interested persons with information on public and private research initiatives on food safety.

SEC. 10. RISK ASSESSMENTS.

(a) IN GENERAL.—In cooperation with the Director of the Centers for Disease Control and Prevention, the Commissioner of Food and Drugs, and the Director of the National Institutes of Health, the Secretary shall conduct—

(1) a risk assessment for each species of animal that is used to produce food in the United States,

at each step in the food chain (including agricultural production, handling, processing, distribution, and preparation of food in restaurants, grocery stores, and homes) to determine the risks of pathogens posed by the species;

(2) a risk assessment for each type of fruit and vegetable that is intended for human consumption in the United States to determine the risks of pathogens posed by the type; and

(3) a risk assessment on food safety practices conducted in homes to determine the risks of pathogens posed by the practices.

(b) WORKING GROUPS.—After the risk assessments required under subsection (a)(1) are completed, the Secretary shall, in cooperation with producer groups, establish species-specific working groups to address potential pathogens on farms.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to each of the committees of jurisdiction a report describing the results of the risk assessments required under this section.

SEC. 11. SAFETY AND HEALTH RISKS OF IMPORTED FOOD.

There is authorized to be appropriated $10,340,000 for each of fiscal years 1999 through 2001 to enable the

Commissioner of Food and Drugs to decrease the safety and health risks of imported food through—

(1) the creation of new employment positions for microbiologists and inspectors; and

(2) the acquisition of scientific equipment.

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