# EXTENSIONS OF REMARKS

## IMPROVING THE SAFETY OF IMPORTED FOOD

### HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 10, 2001*

Mr. DINGELL. Mr. Speaker, according to the Secretary of Health and Human Services Tommy Thompson, there is a need to protect food coming into the U.S. from foreign countries against intentional adulteration. I agree. For the last two congresses, most of the Democratic members of the Committee on Energy and Commerce have sponsored legislation aimed at improving the safety of imported food Americans eat. Today, I am reintroducing that bill together with amendments that give higher priority to, and that deal more directly with, concerns about the intentional adulteration of imported food that we, the American public, and the Secretary now share as a result of the recent tragic events in New York City and Washington.

Although the legislation I introduced in the last two congresses has not received so much as a hearing, Congress's failure to act is not because there hasn't been a problem. According to the General Accounting Office (GAO), adulterated food causes 81 million illnesses and as many as 9,100 deaths each year. The important thing to know, however, is that these deaths and illnesses are also avoidable. We have the means to arm the Food and Drug Administration (FDA) with the authority and resources it needs to protect our food supply. There are exciting new technologies that have the potential to make tests for microbial and pesticide or other chemical adulteration easy to perform and affordable.

Unfortunately, FDA does virtually no preventive testing under our current food import program. Food shows up at any one of 307 different ports of entry. An FDA inspector may or may not be present. And, even if an inspector is present, only about one percent of imported fresh fruits and vegetables are inspected and even fewer tested. The tests can take a week or more to yield results. In the meantime, the food is long gone and most likely consumed.

Instead of pre-testing and verifying the safety of imported food before the American public eats it, the FDA waits for people to get sick or die before it tries to determine whether food adulteration is involved. The outrageous and wholly intolerable conclusion one must draw is that Americans are being used as guinea pigs.

There are special problems with imported food that do not exist with food produced in the U.S. FDA lacks authority and resources to ''trace back'' the source of food borne illness beyond the border. It also does not have access to the points of production, processing, and distribution as it does in the case of U.S. food products. Furthermore, preventive detection is virtually impossible because FDA does not have tests available to detect pathogens on imported food in a timely manner. Finally, FDA cannot even account, in many cases, for what happens to imported fruits and vegetables that are adulterated and refused admission into the U.S.

GAO has studied this situation and has concluded that the Federal government cannot ensure that imported food is safe. New resources, authorities, and technologies are needed for FDA to assure the American public, with confidence, that imported food has not been intentionally adulterated and is safe.

More food safety inspectors are needed. FDA only has 150 inspectors who are spread thinly at 307 ports where food comes into the United States—less than half the number of inspectors needed to cover all ports on a full-time basis. On the other hand, meat and poultry that the U.S. Department of Agriculture (USDA) must inspect comes into the United States at only 35 ports. Furthermore, USDA gets 80% of the food safety budget even though it has responsibility for only 20% of the food supply, while FDA that has responsibility for 80% of the food supply gets only 20% of the food safety budget.

The Imported Food Safety Act of 2001, which I am introducing today, addresses each of these problems. It gives the Secretary of Health and Human Services authority to limit the number of ports where imported food may come into the U.S. Therefore, if FDA only has enough inspectors to cover 20 ports, instead of the 307 ports it now tries to inspect, the Secretary can require imported food to come through those 20 ports. The bill also authorizes such sums as the Secretary deems necessary to hire enough inspectors and to conduct enough tests so that the American public has confidence that imported food has not been intentionally adulterated.

The legislation also provides additional resources in the form of a modest user fee on imported foods, and a ''Manhattan Project'' to develop ''real time'' tests that yield results within 60 minutes to detect E. coli, salmonella, and other microbial contaminants as well as pesticides and other chemical contaminants. Finally, the legislation gives FDA authority like USDA has for meat and poultry, to stop unsafe food at the border and to assure that its ultimate destination is not America's dinner table.

Mr. Speaker, the time for action is now. Thirty-eight percent of all the fruit and 12 percent of all the vegetables Americans eat each year come from foreign countries. Over the last five years, the volume of food imported into the U.S. has almost doubled. FDA has acknowledged that it is ''in danger of being overwhelmed by the volume of products reaching U.S. ports.''

Let's do the people's business and improve the safety of our food supply. Let's hear from consumers, public health experts, and all others with an interest in the matter. I am confident that none will dare defend the status quo.

## AIR PIRACY REPRISAL AND CAPTURE ACT OF 2001

### HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 10, 2001*

Mr. PAUL. Mr. Speaker, I rise to introduce the Air Piracy Reprisal and Capture Act of 2001 and the September 11 Marque and Reprisal Act of 2001. The Air Piracy Reprisal and Capture Act of 2001 updates the federal definition of ''piracy'' to include acts committed in the skies. The September 11 Marque and Reprisal Act of 2001 provides Congressional authorization for the President to issue letters of marque and reprisal to appropriate parties to seize the person and property of Osama bin Laden and any other individual responsible for the terrorist attacks of September 11. Authority to grant letters of marque and reprisal are provided for in the Constitution as a means of allowing Congress to deal with aggressive actions where a formal declaration of war against a foreign power is problematic, Originally intended to deal with piracy, letters of marque and reprisal represent an appropriate response to the piracy of the twentieth century: hijacking terrorism.

All of America stood horrified at the brutal attacks of September 11 and all of us stand united in our determination to exact just retribution on the perpetrators of this evil deed. This is why I supported giving the President broad authority to use military power to respond to these attacks. When Congress authorized the use of force to respond to the attacks of September 11 we recognized these attacks were not merely criminal acts but an ''unusual and extraordinary threat to the national security.''

Congress must use every means available to fight the terrorists behind this attack if we are to fulfil our constitutional obligations to provide for the common defense of our sovereign nation. Issuance of letters of marque and reprisal are a valuable tool in the struggle to exact just retribution on the perpetrators of the attacks on the World Trade Center and the Pentagon. In fact, they may be among the most effective response available to Congress.

Since the bombing there has been much discussion of how to respond to warlike acts carried out by private parties. The drafters of the Constitution also had to wrestle with the problem of how to respond to sporadic attacks on American soil and citizens organized by groups not formally affiliated with a government. In order to deal with this situation, the Constitution authorized Congress to issue letters of marque and reprisal. In the early days of the Republic, marque and reprisal were usually used against pirates who, while they may have enjoyed the protection and partnership of governments, where not official representatives of a government.

Although modern America does not face the threat of piracy on the high seas, we do face the threat of international terrorism, Terrorism