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Food and Nutrition Legislation

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From February 1 through October 23, 1992, many bills affecting food safety, quality, nutrition, and assistance were introduced in the House and the Senate. Some are described below.

Appropriations for Agriculture

H.R. 5487—Jamie L. Whitten (MS)

Signed into law (P.L. 102-341) on August 14, 1992, this bill provides appropriations for farm and food programs in fiscal 1993. The new budget authority is \$60.5 billion, an \$8-billion increase over fiscal 1992.

More than \$38 billion will go to domestic food programs. Food stamp funding rose \$5 billion to \$28 billion. However, this figure is only a projected outlay. Because it is an entitlement program, the cost is determined by the number of people who qualify and actually receive benefits.

Appropriations for the Women, Infants, and Children Special Supplemental Food Program (WIC) also rose. WIC's funding for fiscal 1993 is \$2.86 billion, \$260 million over fiscal 1992.

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Domestic Food and Nutrition Assistance

H.R. 4150—Robert H. Michel (IL)

This broad piece of legislation amends food stamp and child nutrition programs.

The food stamp amendments would require the parent of a minor child with an absent parent to cooperate with State child-support enforcement agencies in order to participate in the food stamp program. Federal cost-sharing would be retained and made permanent.

Amendments to the National School Lunch Act would increase cash subsidies for reduced-price meals. Amendments to the Child Nutrition Act of 1966 would increase cash subsidies for reduced-price meals in the School Breakfast Program. These amendments also provide for additional research funds to determine WIC's effect on children.

H.R. 4822—Dale E. Kildee (MI)

The Every Fifth Child Act would phase in appropriations for the WIC and Head Start Programs toward full funding.

At present funding levels, WIC serves only 55 percent of those who are eligible, and Head Start programs reach only one in three eligible children. If this bill is approved, WIC should be fully funded by 1996 and Head Start Programs should be fully funded through 1998.

The bill acknowledges Congress's findings that: every fifth child in the United States lives in poverty; every 35 seconds, on average, an infant is born into poverty in the United States; children, who account for 15 percent of all homeless people, are the fast growing segment of the homeless population; and, in the last decade, childhood poverty increased 21 percent.

H.R. 5218—William E. Dannemeyer (CA)

The Women and Children First Act of 1992 would address the food, housing, and income needs of families, women, and children.

The act establishes eligibility criteria (which include income requirements, asset requirements, identification requirements, job training or education requirements, employment status, and registration with State employment offices) for households to receive benefits.

Cash payments would be made available to eligible households of any participating State (one which enters into an agreement with the Department of Health and Human Services to provide benefits that meet the terms of the act).

The act would terminate certain public assistance programs by repealing legislation—including the Food Stamp Act of 1977, the National School Lunch Act, and the Child Nutrition Act of 1966.

H.R. 5439—Charles Hatcher (GA)

The Food Stamp Quality Control System Amendments of 1992 would provide a program that enhances payment accuracy. The program would reward States with low payment errors and penalize those with poor rates after this year. Rewards would consist of enhanced administrative funding. Penalties would require States with high error rates to share the cost of payment errors.

Provisions of this act would become effective only if the costs are fully offset each fiscal year. No agricultural price-support or income-support program administered through USDA's Commodity Credit Corporation could be reduced to achieve such offset.

S. 2761—Patrick J. Leahy (VT)

The WIC Farmers' Market Nutrition Act of 1992 would allow WIC recipients to use their benefits to

buy fresh, nutritious unprepared foods at farmers markets.

The act grants funds to State WIC programs designed to provide resources to persons who are nutritionally at risk. This program would award grants, subject to the availability of appropriated funds. States must submit plans for the establishment or maintenance of such programs, as long as the programs provide State, local, or private funds equal to at least 30 percent of program's total cost.

H.R. 6143—Barbara Collins (MI)

The Transportation of Produce Act of 1992 attempts to encourage and assist producers, processors, and other handlers of agricultural commodities to donate edible—but "unmarketable"—commodities to food banks, soup kitchens, and

homeless shelters. Commodities eligible for donation are fit for human consumption but are unmarketable because of grade, size, and quality restrictions imposed by marketing orders.

USDA may enter into agreements with producers, processors, and other commodity handlers offering to make such donations. In return for the donations, USDA could pay all or part of the harvesting costs if the commodity would likely not be harvested without the agreement and if volunteers are not available for harvesting.

USDA and the Department of Transportation would enter into contracts with persons to collect, store, and distribute commodities made available under the program.

Local governments may nominate food banks, soup kitchens, and homeless shelters to receive commodities. Those nominations, along with the listed donations, would be compiled into a State plan for review by USDA.

Food Safety and Health

H.R. 4764—E (Kika) de la Garza (TX)

The Minor Crop Protection Assistance Act of 1992 would amend pesticide-use provisions in the Federal Insecticide, Fungicide, and Rodenticide Act. Congress found that many of the uses of crop-protection chemicals for fruit, nuts, vegetables, ornaments, and other specialty crops are "minor uses," in that the potential return on the cost of producing data necessary to support the registration of such chemicals is not sufficient. Also, while limited use of some crop-protection chemicals on major crops is necessary for integrated pest-management programs in small areas with unusual pest problems, this small-scale use means economic incentives may be insufficient to support the costs of registration and continued availability.

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The act allows minor use of pesticides (when total area treated with a particular pesticide is less than 300,000 acres) under certain circumstances. Production of crops protected by the chemicals is important to preserve the public health of American citizens, to ensure a varied and healthy diet, and to support a viable domestic economy.

The act permits waiver of data requirements to ensure that certain minor-use chemicals critical to the protection of various crops continue to be available. Applicable data requirements may be waived if the Environmental Protection Agency (EPA) determines that adequate data are available from other sources to permit the determination of the risk presented by the minor use of the pesticide. Any such risks must not have an unreasonable adverse effect on the environment.

The bill also provides for the registration of pesticides for minor use.

S. 2884—Thad Cochran (MS)

The Fish Safety Act of 1992 would expand meat-inspection programs to include fish and fish products. States would be assisted in implementing the inspection and sampling program.

The act would ensure the wholesomeness and safety of all fish and fish products in the United States through a comprehensive safety program. Included would be: (1) a mandatory health-based program for the inspection of fish and fish products, which must be properly labeled and packaged; (2) establishment and enforcement of safety and wholesomeness standards; (3) monitoring and evaluating product safety risks; (4) scientific assessment of consumer health risks attributed to the consumption of

adulterated products; (5) consumer education programs; and (6) proper labeling, processing, handling, packaging, and storing of products.

Food Labeling

Section 343 of the Food, Drug, and Cosmetic Act defines the conditions by which a food shall be deemed to be misbranded. Several bills under consideration would amend section 343.

H.R. 5401—Gerald D. Kleczka (WI)

Amendments to the Federal Food, Drug, and Cosmetic Act would require that foods derived from plant varieties developed by genetic modification be labeled to identify their derivation. "Modification" means an alteration in the composition of food that results from adding, deleting, or changing hereditary traits.

H.R. 5613—Patricia Schroeder (CO)

Amendments to the Federal Food, Drug, and Cosmetic Act would require ingredient labeling for malt beverages, wine, and distilled spirits.

Labels must disclose the alcohol content by volume, the number of servings it contains to the nearest quarter drink, ingredients, calories per container and per drink, and the common or usual name of each ingredient (including additives).

The label would also be required to bear the following statement: "If you or someone you know has a drinking problem, a call may be made to... (reference to a toll-free phone number providing assistance for problem drinkers)."

The required information would be located in a conspicuous place on the label, be displayed horizontally, be easily legible when the container is held in the usual way, and be offset by borders.

Funds would be authorized to establish and operate the toll-free

phone number for problem drinkers.

S. 2835—Orrin G. Hatch (UT)

The Health Freedom Act of 1992 adds provisions regarding the composition and labeling of dietary supplements to the Federal Food, Drug, and Cosmetic Act. The bill defines a dietary supplement as an article that includes—and is intended to supplement the diet with—a vitamin, mineral, herb, or other similar nutritional substance.

Under the terms of the bill, a dietary supplement would not be considered a drug solely because of the potency of a substance. Also, a substance in a dietary supplement would not be considered a food additive if the substance is identified on the label as a substance to supplement the diet.

The act would allow a dietary supplement to be described as such in labeling or advertising, which may include a health claim. Such claims may characterize the relationship of the dietary supplement (or one or more of the substances provided by the supplement, or the absence of the substances provided by the supplement) to a disease or health-related condition. Such claims must be truthful and not misleading, and be backed by scientific evidence.

S. 2968—Howard M. Metzenbaum (OH)

The Nutrition Advertising Coordination Act of 1992 would amend the Federal Food, Drug, and Cosmetic Act to prevent misleading advertising of the health benefits of foods. Foods would be considered misbranded if the advertisement makes a claim, expressly or by implication, unless the claim is in accordance with regulations issued by the Department of Health and Human Services.

Foreign Food and Nutrition Assistance

H.R. 4168—Robert G. Torricelli (NJ)

The Cuban Democracy Act of 1992 would provide for sanctions against countries assisting Cuba and would prohibit certain transactions between U.S. firms and Cuba until Cuba takes certain steps toward democracy and respect for human rights.

The U.S. Trade Representative would negotiate with Cuba's trading partners to restrict trade and credit relations with Cuba in a manner consistent with U.S. policy.

The act would prohibit restrictions on the export to Cuba of medicines for humanitarian purposes. Food, medicine, and medical supplies for humanitarian purposes would be made available to Cuba under the Foreign Assistance Act of 1961 and the Agricultural Trade Development and Assistance Act of 1954, if the President certifies that the Government of Cuba: (1) has made a commitment to hold free and fair elections for a new government within 6 months, and is proceeding to implement that de-

cision; (2) has made a commitment to respect, and is respecting, human rights and basic democratic freedoms; and (3) is not providing weapons or funds to any group in any other country that seeks the violent overthrow of the government of such country.

H.R. 4547—Dante B. Fascell (FL)

The Freedom Support Act of 1992 sets forth U.S. policy with respect to assistance to the independent states of the former Soviet

Union (excluding Estonia, Latvia, and Lithuania). The assistance is conditional on the termination of those states' military and technical assistance, subsidies, and other forms of assistance to Cuba.

The act would amend the Food for Progress Act of 1985 by considering the independent states as emerging democracies. Then they would qualify to receive agricultural commodities under this act.

The act also would amend the Agricultural Development and Trade Act of 1990 to expand the availability of export credit guarantees to emerging democracies if the guarantees will promote exports of U.S. agricultural commodities.

An independent state's ability to service debt under the export credit guarantee program of the Agricultural Trade Act of 1978 must be considered along with: (1) the major economic reforms occurring there; (2) the substantial enhancement in its international financial standing resulting from such reforms; and (3) the contribution that credit guarantees can make in promoting U.S. agricultural exports. ■

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