

111TH CONGRESS
1ST SESSION

H. R. 1370

To improve the protections afforded under Federal law to consumers from contaminated seafood by directing the Secretary of Commerce to establish a program, in coordination with other appropriate Federal agencies, to strengthen activities for ensuring that seafood sold or offered for sale to the public in or affecting interstate commerce is fit for human consumption.

IN THE HOUSE OF REPRESENTATIVES

MARCH 5, 2009

Mr. WEINER introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To improve the protections afforded under Federal law to consumers from contaminated seafood by directing the Secretary of Commerce to establish a program, in coordination with other appropriate Federal agencies, to strengthen activities for ensuring that seafood sold or offered for sale to the public in or affecting interstate commerce is fit for human consumption.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Commercial Seafood
3 Consumer Protection Act”.

4 **SEC. 2. SEAFOOD SAFETY.**

5 (a) IN GENERAL.—The Secretary of Commerce shall,
6 in coordination with the Secretary of Health and Human
7 Services and other appropriate Federal agencies, establish
8 a program to strengthen Federal activities for ensuring
9 that commercially distributed seafood in the United States
10 meets the food quality and safety requirements of Federal
11 law.

12 (b) MEMORANDUM OF UNDERSTANDING.—The Sec-
13 retary of Commerce and the Secretary of Health and
14 Human Services shall enter into an agreement within 180
15 days after enactment of this Act to strengthen cooperation
16 on seafood safety. The agreement shall include provisions
17 for—

18 (1) cooperative arrangements for examining and
19 testing seafood imports;

20 (2) coordination of inspections of foreign facili-
21 ties;

22 (3) technical assistance and training of foreign
23 facilities for marine aquaculture, technical assistance
24 for foreign governments concerning United States
25 regulatory requirements, and appropriate informa-

1 tion transfer arrangements between the United
2 States and foreign governments;

3 (4) developing a process for expediting imports
4 of seafood into the United States from foreign coun-
5 tries and exporters that consistently adhere to the
6 highest standards for ensuring seafood safety;

7 (5) establishing a system to track shipments of
8 seafood in the distribution chain within the United
9 States;

10 (6) labeling requirements to assure species iden-
11 tity and prevent fraudulent practices;

12 (7) a process by which officers and employees
13 of the National Oceanic and Atmospheric Adminis-
14 tration and National Marine Fisheries Service may
15 be commissioned by the Secretary of Health and
16 Human Services for seafood examinations and inves-
17 tigations conducted under section 801 of the Federal
18 Food, Drug, and Cosmetic Act (21 U.S.C. 381);

19 (8) the sharing of information concerning ob-
20 served non-compliance with United States food re-
21 quirements domestically and in foreign countries and
22 new regulatory decisions and policies that may affect
23 regulatory outcomes; and

1 (9) conducting joint training on subjects that
2 affect and strengthen seafood inspection effective-
3 ness by Federal authorities.

4 **SEC. 3. CERTIFIED LABORATORIES.**

5 Within 180 days after the date of enactment of this
6 Act, the Secretary of Commerce, in consultation with the
7 Secretary of Health and Human Services, shall increase
8 the number of laboratories certified to the standards of
9 the Food and Drug Administration in the United States
10 and in countries that export seafood to the United States
11 for the purpose of analyzing seafood and ensuring that
12 it complies with Federal law. Such laboratories may in-
13 clude Federal, State, and private facilities. The Secretary
14 of Commerce shall publish in the Federal Register a list
15 of certified laboratories, and shall update the list, and pub-
16 lish the updated list, no less frequently than annually.

17 **SEC. 4. NOAA LABORATORIES.**

18 In any fiscal year beginning after the date of enact-
19 ment of this Act, the Secretary of Commerce may increase
20 the number and capacity of laboratories operated by the
21 National Oceanic and Atmospheric Administration in-
22 volved in carrying out testing and other activities under
23 this Act to the extent the Secretary determines that in-
24 creased laboratory capacity is necessary to carry out the

1 provisions of this Act and as provided for in appropria-
2 tions Acts.

3 **SEC. 5. INSPECTION TEAMS.**

4 The Secretary of Commerce, in cooperation with the
5 Secretary of Health and Human Services, may send 1 or
6 more inspectors to a country or exporter from which sea-
7 food exported to the United States originates. The inspec-
8 tion team will assess practices and processes being used
9 in connection with the farming, cultivation, harvesting,
10 preparation for market, or transportation of such seafood
11 and provide technical assistance related to the require-
12 ments established under the Federal Food, Drug, and
13 Cosmetic Act (21 U.S.C. 301 et seq.). The inspection team
14 shall prepare a report for the Secretary with its findings.
15 The Secretary of Commerce shall make a copy of the re-
16 port available to the country or exporter that is the subject
17 of the report and provide a 30-day period during which
18 the country or exporter may provide a rebuttal or other
19 comments on the findings of the Secretary. The Secretary
20 of Commerce shall cause the report, together with any
21 comments submitted to the Secretary by the country or
22 exporter, to be published in the Federal Register not later
23 than 60 days after the inspection team makes its final re-
24 port.

1 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

2 There are authorized to be appropriated \$15,000,000
3 for each of fiscal years 2010 through 2014, for purposes
4 of carrying out this Act.

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