

RECORDED VOTE

Mr. HASTINGS of Florida. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 383, noes 44, not voting 6, as follows:

[Roll No. 678]

AYES—383

Abercrombie	Dahlkemper	Jackson (IL)
Ackerman	Davis (AL)	Jackson-Lee
Aderholt	Davis (CA)	(TX)
Adler (NJ)	Davis (IL)	Jenkins
Alexander	Davis (KY)	Johnson (GA)
Altmire	Davis (TN)	Johnson, E. B.
Andrews	DeFazio	Johnson, Sam
Arcuri	DeGette	Jones
Austria	Delahunt	Kagen
Baca	DeLauro	Kanjorski
Bachmann	Dent	Kaptur
Bachus	Diaz-Balart, L.	Kennedy
Baird	Diaz-Balart, M.	Kildee
Baldwin	Dicks	Kilpatrick (MI)
Barrett (SC)	Dingell	Kilroy
Barrow	Doggett	Kind
Barton (TX)	Donnelly (IN)	King (NY)
Bean	Doyle	Kirk
Becerra	Driehaus	Kirkpatrick (AZ)
Berkley	Duncan	Kissell
Berry	Edwards (MD)	Klein (FL)
Biggert	Edwards (TX)	Kline (MN)
Bilbray	Ehlers	Kosmas
Bilirakis	Ellison	Kratovil
Bishop (GA)	Ellsworth	Kucinich
Bishop (NY)	Emerson	Lance
Bishop (UT)	Engel	Langevin
Blumenauer	Eshoo	Larsen (WA)
Blunt	Etheridge	Larson (CT)
Boccheri	Fallin	Latham
Boehner	Farr	LaTourette
Bonner	Fattah	Latta
Bono Mack	Filmer	Lee (CA)
Boozman	Fleming	Lee (NY)
Boren	Forbes	Levin
Boswell	Fortenberry	Lewis (CA)
Boucher	Foster	Lewis (GA)
Boustany	Frank (MA)	Linder
Boyd	Frelinghuysen	Lipinski
Brady (PA)	Fudge	LoBiondo
Braley (IA)	Galleghy	Loehsack
Bright	Gerlach	Lofgren, Zoe
Brown (SC)	Giffords	Lowe
Brown, Corrine	Gohmert	Lucas
Brown-Waite,	Gonzalez	Luetkemeyer
Ginny	Goodlatte	Lujan
Buchanan	Gordon (TN)	Lungren, Daniel
Burton (IN)	Granger	E.
Butterfield	Graves	Lynch
Buyer	Grayson	Mack
Calvert	Green, Al	Maffei
Camp	Green, Gene	Maloney
Cao	Griffith	Manzullo
Capito	Grijalva	Markey (CO)
Capps	Guthrie	Markey (MA)
Capuano	Gutierrez	Marshall
Cardoza	Hall (NY)	Massa
Carnahan	Hall (TX)	Matheson
Carney	Halvorson	Matsui
Carson (IN)	Hare	McCarthy (CA)
Castle	Harman	McCaul
Castor (FL)	Harper	McClintock
Chaffetz	Hastings (FL)	McCollum
Chandler	Hastings (WA)	McCotter
Childers	Heinrich	McDermott
Chu	Heller	McGovern
Clarke	Herseth Sandlin	McHugh
Clay	Higgins	McIntyre
Cleaver	Hill	McKeon
Clyburn	Himes	McMahon
Cohen	Hinche	McMorris
Cole	Hinojosa	Rodgers
Conaway	Hirono	McNerney
Connolly (VA)	Hodes	Meek (FL)
Conyers	Hoekstra	Meeks (NY)
Cooper	Holden	Melancon
Costa	Holt	Mica
Costello	Honda	Michaud
Courtney	Hoyer	Miller (MI)
Crenshaw	Hunter	Miller (NC)
Crowley	Inglis	Miller, Gary
Cuellar	Inslee	Miller, George
Culberson	Israel	Minnick
Cummings	Issa	Mitchell

Mollohan	Rodriguez	Spratt
Moore (KS)	Roe (TN)	Stark
Moran (KS)	Rogers (AL)	Stupak
Moran (VA)	Rogers (KY)	Sullivan
Murphy (CT)	Rogers (MD)	Sutton
Murphy (NY)	Rohrabacher	Tanner
Murphy, Patrick	Ros-Lehtinen	Taylor
Murphy, Tim	Ross	Teague
Murtha	Rothman (NJ)	Terry
Myrick	Roybal-Allard	Thompson (CA)
Nadler (NY)	Ruppersberger	Thompson (MS)
Napolitano	Rush	Thompson (PA)
Neal (MA)	Ryan (OH)	Thornberry
Nunes	Salazar	Tiahrt
Nye	Sánchez, Linda	Tiberi
Oberstar	T.	Tierney
Obey	Sarbanes	Titus
Oliver	Schakowsky	Tonko
Ortiz	Schauer	Towns
Pallone	Schiff	Tsongas
Pascarell	Schmidt	Turner
Pastor (AZ)	Schock	Upton
Paulsen	Schrader	Van Hollen
Payne	Schwartz	Velázquez
Pence	Scott (GA)	Visclosky
Perlmutter	Scott (VA)	Walden
Perriello	Serrano	Walz
Peters	Sessions	Wamp
Peterson	Sestak	Wasserman
Pingree (ME)	Shea-Porter	Schultz
Pitts	Sherman	Waters
Platts	Shimkus	Watson
Poe (TX)	Shuler	Watt
Polis (CO)	Shuster	Waxman
Pomeroy	Simpson	Weiner
Posey	Sires	Weiner
Price (NC)	Skelton	Welch
Putnam	Slaughter	Wexler
Quigley	Smith (NE)	Whitfield
Radanovich	Smith (NJ)	Wilson (OH)
Rahall	Smith (TX)	Wittman
Rangel	Smith (WA)	Wolf
Rehberg	Snyder	Woolsey
Reichert	Souder	Wu
Reyes	Space	Yarmuth
Richardson	Speier	Young (AK)

NOES—44

Akin	Foxx	Neugebauer
Bartlett	Franks (AZ)	Olson
Blackburn	Garrett (NJ)	Paul
Brady (TX)	Gingrey (GA)	Petri
Broun (GA)	Hensarling	Rooney
Burgess	Herger	Roskam
Campbell	Johnson (IL)	Royce
Cantor	Jordan (OH)	Ryan (WI)
Carter	King (IA)	Scalise
Cassidy	Kingston	Sensenbrenner
Coble	Lamborn	Shadegg
Coffman (CO)	Lummis	Stearns
Deal (GA)	Marchant	Westmoreland
Dreier	McHenry	Wilson (SC)
Flake	Miller (FL)	

NOT VOTING—6

Berman	Moore (WI)	Sanchez, Loretta
McCarthy (NY)	Price (GA)	Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1613

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. PRICE of Georgia. Mr. Speaker, on roll-call Nos. 677 and 678 I was inadvertently detained. Had I been present, I would have voted "no" on No. 677 and "no" on No. 678.

ABSENTEE BALLOT TRACK, RECEIVE, AND CONFIRM ACT

The SPEAKER pro tempore. The unfinished business is the question on

suspending the rules and passing the bill, H.R. 2510.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. DAVIS) that the House suspend the rules and pass the bill, H.R. 2510.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

COMMUNICATION FROM CHAIR OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore laid before the House the following communication from the Chair of the Committee on Transportation and Infrastructure:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON TRANSPORTATION AND
INFRASTRUCTURE,

Washington, DC, May 15, 2009.

Hon. NANCY PELOSI,
Speaker of the House,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to section 194 of title 14, United States Code, as Chairman of the Committee on Transportation and Infrastructure, I am required to designate three Members of the United States Coast Guard Academy Board of Visitors. I designate Representative Michael H. Michaud (Maine), Representative Mazie Hirono (Hawaii), and Ranking member John L. Mica (Florida) to serve on the Board of Visitors.

Since its founding in 1876, the Coast Guard Academy, based in New London, Connecticut has accomplished its mission of "educating, training, and developing leaders of character who are ethically, intellectually, professionally, and physically prepared to serve their country." The Board of Visitors meets annually with staff, faculty and cadets to review the Academy's programs, curricula, and facilities and to assess future needs. The Board of Visitors plays an important supervisory role in ensuring the continued success of the Academy and the tradition of excellence of the U.S. Coast Guard.

Thank you for your consideration in this matter.

Sincerely,

JAMES L. OBERSTAR,
Chairman.

□ 1615

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3269, CORPORATE AND FINANCIAL INSTITUTION COMPENSATION FAIRNESS ACT OF 2009

Ms. PINGREE of Maine, from the Committee on Rules, submitted a privileged report (Rept. No. 111-237) on the resolution (H. Res. 697) providing for consideration of the bill (H.R. 3269) to amend the Securities Exchange Act of 1934 to provide shareholders with an advisory vote on executive compensation and to prevent perverse incentives in the compensation practices of financial institutions, which was referred to

the House Calendar and ordered to be printed.

FOOD SAFETY ENHANCEMENT ACT OF 2009

Mr. DINGELL. Mr. Speaker, pursuant to H. Res. 691, I call up the bill (H.R. 2749) to amend the Federal Food, Drug, and Cosmetic Act to improve the safety of food in the global market, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 691, in lieu of the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill, the amendment in the nature of a substitute printed in House Report 111-235 is adopted, and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 2749

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 Safety Enhancement Act of 2009”.

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

- Sec. 1. Short title.
 - Sec. 2. Table of contents.
 - Sec. 3. References.
 - Sec. 4. Rules of construction.
 - Sec. 5. USDA exemptions.
 - Sec. 6. Alcohol-related facilities.
- TITLE I—FOOD SAFETY
Subtitle A—Prevention
- Sec. 101. Changes in registration of food facilities.
 - Sec. 102. Hazard analysis, risk-based preventive controls, food safety plan, finished product test results from category 1 facilities.
 - Sec. 103. Performance standards.
 - Sec. 104. Safety standards for produce and certain other raw agricultural commodities.
 - Sec. 105. Risk-based inspection schedule.
 - Sec. 106. Access to records.
 - Sec. 107. Traceability of food.
 - Sec. 108. Reinspection and food recall fees applicable to facilities.
 - Sec. 109. Certification and accreditation.
 - Sec. 110. Testing by accredited laboratories.
 - Sec. 111. Notification, nondistribution, and recall of adulterated or misbranded food.
 - Sec. 112. Reportable food registry; exchange of information.
 - Sec. 113. Safe and secure food importation program.
 - Sec. 114. Infant formula.
- Subtitle B—Intervention
- Sec. 121. Surveillance.
 - Sec. 122. Public education and advisory system.
 - Sec. 123. Research.
- Subtitle C—Response
- Sec. 131. Procedures for seizure.
 - Sec. 132. Administrative detention.
 - Sec. 133. Authority to prohibit or restrict the movement of food.
 - Sec. 134. Criminal penalties.
 - Sec. 135. Civil penalties for violations relating to food.
 - Sec. 136. Improper import entry filings.

TITLE II—MISCELLANEOUS

- Sec. 201. Food substances generally recognized as safe.
- Sec. 202. Country of origin labeling.
- Sec. 203. Exportation certificate program.
- Sec. 204. Registration for commercial importers of food; fee.
- Sec. 205. Registration for customs brokers.
- Sec. 206. Unique identification number for food facilities, importers, and custom brokers.
- Sec. 207. Prohibition against delaying, limiting, or refusing inspection.
- Sec. 208. Dedicated foreign inspectorate.
- Sec. 209. Plan and review of continued operation of field laboratories.
- Sec. 210. False or misleading reporting to FDA.
- Sec. 211. Subpoena authority.
- Sec. 212. Whistleblower protections.
- Sec. 213. Extraterritorial jurisdiction.
- Sec. 214. Support for training institutes.
- Sec. 215. Bisphenol A in food and beverage containers.
- Sec. 216. Lead content labeling requirement for ceramic tableware and cookware.

SEC. 3. REFERENCES.

Except as otherwise specified, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

SEC. 4. RULES OF CONSTRUCTION.

(a) Nothing in this Act or the amendments made by this Act shall be construed to prohibit or limit—

- (1) any cause of action under State law; or
- (2) the introduction of evidence of compliance or noncompliance with the requirements of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

(b) Nothing in this Act or any amendment made by this Act shall be construed to—

- (1) alter the jurisdiction between the Secretary of Agriculture and the Secretary of Health and Human Services, under applicable statutes and regulations;
- (2) limit the authority of the Secretary of Health and Human Services to issue regulations related to the safety of food under—

(A) the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) as in effect on the day before the date of the enactment of this Act; or

(B) the Public Health Service Act (42 U.S.C. 301 et seq.) as in effect on the day before the date of the enactment of this Act; or

(3) impede, minimize, or affect the authority of the Secretary of Agriculture to prevent, control, or mitigate a plant or animal health emergency, or a food emergency involving products regulated under the Federal Meat Inspection Act (21 U.S.C. 601 et seq.), the Poultry Products Inspection Act (21 U.S.C. 451 et seq.), or the Egg Products Inspection Act (21 U.S.C. 1031 et seq.).

SEC. 5. USDA EXEMPTIONS.

(a) USDA-REGULATED PRODUCTS.—Food is exempt from the requirements of this Act to the extent that such food is regulated by the Secretary of Agriculture under the Federal Meat Inspection Act (21 U.S.C. 601 et seq.), the Poultry Products Inspection Act (21 U.S.C. 451 et seq.), or the Egg Products Inspection Act (21 U.S.C. 1031 et seq.).

(b) LIVESTOCK AND POULTRY.—Livestock and poultry that are intended to be presented for slaughter pursuant to the regulations by the Secretary of Agriculture under the Federal Meat Inspection Act or the Poultry Products Inspection Act are exempt from the requirements of this Act. A cow, sheep, or goat that is used for the production of milk is exempt from the requirements of this Act.

(c) USDA-REGULATED FACILITIES.—A facility is exempt from the requirements of this Act to the extent such facility is regulated as an official establishment by the Secretary of Agriculture under the Federal Meat Inspection Act, the Poultry Products Inspection Act, or the Egg Products Inspection Act or under a program recognized by the Secretary of Agriculture as at least equal to Federal regulation under the Federal Meat Inspection Act, the Poultry Products Inspection Act, or the Egg Products Inspection Act.

(d) FARMS.—A farm is exempt from the requirements of this Act to the extent such farm raises animals from which food is derived that is regulated under the Federal Meat Inspection Act, the Poultry Products Inspection Act, or the Egg Products Inspection Act.

SEC. 6. ALCOHOL-RELATED FACILITIES.

(a) IN GENERAL.—With the exception of the amendments made by section 101(a) and (b) and section 113 of this Act, nothing in this Act, or the amendments made by this Act, shall be construed to apply to a facility that—

(1) under the Federal Alcohol Administration Act (27 U.S.C. 201 et seq.) or chapter 51 of subtitle E of the Internal Revenue Code of 1986 (26 U.S.C. 5291 et seq.) is required to obtain a permit or to register with the Secretary of the Treasury as a condition of doing business in the United States; and

(2) under section 415 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 350d), as amended by this Act, is required to register as a facility because such facility is engaged in manufacturing, processing, packing, or holding 1 or more alcoholic beverages.

(b) LIMITED RECEIPT AND DISTRIBUTION OF NON-ALCOHOL FOOD.—Subsection (a) shall not apply to a facility engaged in the distributing of any non-alcohol food, except that subsection (a) shall apply to a facility described in paragraphs (1) and (2) of subsection (a) that receives and distributes non-alcohol food provided such food is received and distributed—

(1) in a prepackaged form that prevents any direct human contact with such food; and

(2) in amounts that constitute not more than 5 percent of the overall sales of such facility, as determined by the Secretary of the Treasury.

(c) RULE OF CONSTRUCTION.—This section shall not be construed to exempt any food, apart from distilled spirits, wine, and malt beverages, as defined in section 211 of the Federal Alcohol Administration Act (27 U.S.C. 211), from the requirements of this Act and the amendments made by this Act.

TITLE I—FOOD SAFETY

Subtitle A—Prevention

SEC. 101. CHANGES IN REGISTRATION OF FOOD FACILITIES.

(a) MISBRANDING.—Section 403 (21 U.S.C. 343) is amended by adding at the end the following:

“(z) If it was manufactured, processed, packed, or held in a facility that is not duly registered under section 415, including a facility whose registration is canceled or suspended under such section.”.

(b) ANNUAL REGISTRATION.—

(1) DEFINITION OF FACILITY.—Paragraph (1) of section 415(b) (21 U.S.C. 350d(b)) is amended to read as follows:

“(1)(A) The term ‘facility’ means any factory, warehouse, or establishment (including a factory, warehouse, or establishment of an importer) that manufactures, processes, packs, or holds food.

“(B) Such term does not include farms; private residences of individuals; restaurants; other retail food establishments; nonprofit