H.R. 3764 to provide long-overdue Federal recognition to the Little Shell Tribe of Chippewa Indians.

Mr. Speaker, we could just kick the can here on government funding, on our public lands, and on border security all because CHUCK SCHUMER and NANCY PELOSI are folding their arms, shaking their heads no, and refusing to secure our border.

Mr. Speaker, this lame-duck session doesn't have to produce lame results. I urge my colleagues to take up a public lands package and to secure our border.

Mr. BEN RAY LUJAN of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the Senate amendment to H.R. 767, the SOAR to Health and Wellness Act of 2018.

This bill establishes a training program for healthcare and social service providers in order to better identify potential victims of human trafficking when they come into contact with healthcare or social services professionals. The bill provides grants to appropriate entities to help train these providers on how to identify and appropriately treat potential victims of human trafficking.

Nearly 21 million people worldwide are victims of human trafficking, forced labor, or sexual exploitation. At some point, many of these unidentified victims will come into contact with a healthcare provider or social services professional. It is critical for these providers to know how best to care for these individuals and how to ensure they can coordinate their treatment with other providers in a way that is culturally relevant, trauma informed, and patient centered. Helping healthcare professionals better recognize the signs of trafficking and improve their ability to intervene can truly be the difference between life and death.

Mr. Speaker, the House passed H.R. 767 on February 26 of this year, and we are now considering the amendment to the bill that the Senate agreed to yesterday. These changes reflect bipartisan efforts to streamline the text of the legislation, while maintaining the bill's intent and scope as originally passed in the House.

I want to thank Congressman COHEN for sponsoring this important piece of legislation and for his leadership on this issue.

Mr. Speaker, I urge my colleagues to support the bill. I have no further speakers, and I yield back the balance of my time.

Mr. GUTHRIE. Mr. Speaker, I enjoyed working with my colleague from New Mexico in moving this bill forward.

Mr. Speaker, H.R. 767, the SOAR Act, will head to the President's desk after passage today. It is critical in ensuring adequate treatment of victims of human trafficking.

Mr. Speaker, I urge Members to support the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky (Mr. GUTHRIE) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 767.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. AMASH. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

CODIFYING USEFUL REGULATORY DEFINITIONS ACT

Mr. GUTHRIE. Mr. Speaker, I move to suspend the rules and pass the bill (S. 2322) to amend the Federal Food, Drug, and Cosmetic Act to define the term natural cheese.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 2322

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 ''Codifying Useful Regulatory Definitions Act'' or the ''CURD Act''.

SEC. 2. FINDINGS.

Congress finds as follows:

(1) There is a need to define the term ''natural cheese'' in order to maintain transparency and consistency for consumers so that they may differentiate ''natural cheese'' from ''process cheese''.

(2) The term ''natural cheese'' has been used within the cheese making industry for more than 50 years and is well-established.

SEC. 3. DEFINITION OF NATURAL CHEESE.

(a) DEFINITION.—Section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321) is amended by adding at the end the following:

''(ss)(1) The term 'natural cheese' means cheese that is a ripened or unripened soft, semi-soft, or hard product, which may be coated, that is produced—

''(A) by—

''(i) coagulating wholly or partly the protein of milk, skimmed milk, partly skimmed milk, cream, whey cream, or buttermilk, or any combination of such ingredients, through the action of rennet or other suitable coagulating agents, and by partially draining the whey resulting from the coagulation, while respecting the principle that cheese-making results in a concentration of milk protein (in particular, the casein portion), and that consequently, the protein content of the cheese will be distinctly higher than the protein level of the blend of the above milk materials from which the cheese was made; or

''(ii) processing techniques involving coagulation of the protein of milk or products obtained from milk to produce an end-product with similar physical, chemical, and organoleptic characteristics as the product described in subclause (i); and

''(iii) including the addition of safe and suitable non-milk derived ingredients of the type permitted in the standards of identity described in clause (B) as natural cheese; or

''(B) in accordance with standards of identity under part 133 of title 21, Code of Federal Regulations (or any successor regulations), other than the standards described in subparagraph (2) or any future standards adopted by the Secretary in accordance with subparagraph (2)(I).

''(2) Such term does not include—

''(A) pasteurized process cheeses as defined in section 133.169, 133.170, or 133.171 of title 21, Code of Federal Regulations (or any successor regulations);

''(B) pasteurized process cheese foods as defined in section 133.173 or 133.174 of title 21, Code of Federal Regulations (or any successor regulations);

''(C) pasteurized cheese spreads as defined in section 133.175, 133.176, or 133.178 of title 21, Code of Federal Regulations (or any successor regulations);

''(D) pasteurized process cheese spreads as defined in section 133.179 or 133.180 of title 21, Code of Federal Regulations (or any successor regulations);

''(E) pasteurized blended cheeses as defined in section 133.167 or 133.168 of title 21, Code of Federal Regulations (or any successor regulations);

''(F) any products comparable to any product described in any of clauses (A) through (E); or

''(G) cold pack cheeses as defined in section 133.123, 133.124, or 133.125 title 21, Code of Federal Regulations (or any successor regulations);

''(H) grated American cheese food as defined in section 133.147 of title 21, Code of Federal Regulations (or any successor regulations); or

''(I) any other product the Secretary may designate as a process cheese.

''(3) For purposes of this paragraph, the term 'milk' has the meaning given such term in section 133.3 of title 21, Code of Federal Regulations (or any successor regulations) and includes the lacteal secretions from animals other than cows.''.

(b) LABELING.—Section 403 of the Federal Food Drug and Cosmetic Act (21 U.S.C. 343) is amended by adding at the end the following:

''(z) If its label or labeling includes the term 'natural cheese' as a factual descriptor of a category of cheese unless the food meets the definition of natural cheese under section 201(ss), except that nothing in this paragraph shall prohibit the use of the term 'natural' or 'all-natural', or a similar claim or statement with respect to a food in a manner that is consistent with regulations, guidance, or policy statements issued by the Secretary.''.

(c) NATIONAL UNIFORMITY.—Section 403A(a)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343–1(a)(2)) is amended by striking ''or 403(w)'' and inserting ''403(w), or 403(z)''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kentucky (Mr. GUTHRIE) and the gentleman from New Jersey (Mr. PALLONE) each will control 20 minutes.

The Chair recognizes the gentleman from Kentucky.

GENERAL LEAVE

Mr. GUTHRIE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material in the RECORD on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. GUTHRIE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before us today is a bill to define the term ''natural cheese.'' The House sponsor is our Speaker from Wisconsin, obviously, from the cheese State and the dairy State. What we are debating is S. 2322, the CURD Act.

Mr. Speaker, I ask my colleagues to support its passage, and I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to the bill we are considering under suspension of the rules, S. 2322, the Codifying Useful Regulatory Definitions Act, or the CURD Act.

This bill has not proceeded through regular order and codifies into the Federal Food, Drug, and Cosmetic Act a highly prescriptive definition of ''natural cheese'' that should be determined by the FDA, not by Congress.

This legislation creates a statutory definition for a specific category of cheese and expressly distinguishes what shall be considered natural cheese from the other standards of identity for processed cheese currently defined in regulation. The bill then codifies these regulatory standards of identity into the statute and expressly preempts any non-Federal definition of the term ''natural cheese.''

The FDA has the authority to define this term, yet proponents of this legislation prefer legislative expediency over sound regulatory decisionmaking. Supporters insist that this definition is needed in statute immediately to assure it quickly applies. However, instead of waiting to proceed through regular order or following the regulatory process, stakeholders are asking for an immediate statutory change because of ongoing litigation that this bill will help to resolve for some stakeholders.

Mr. Speaker, I am concerned that by rushing this legislation through we have not been given adequate time to consider the implications for this change or how this definition might impact consumers and other industry stakeholders. The FDA is best positioned to consider the public health impacts of defining this term and how it would interact with other agency efforts regarding nutrition labeling, such as a broader definition for the term ''natural.''

Additionally, I am concerned by the precedent this legislation creates and believe that passing this bill only encourages stakeholders to seek additional statutory changes or definitional clarity for the products when they believe the FDA has not acted as expeditiously as they wish or when they are facing litigation.

We should be making changes to the Federal statute when they are necessary and in order to protect the public health, not when industry is seeking a favorable outcome that could be achieved through regulatory process. I do not believe this change is warranted in this circumstance.

Finally, Mr. Speaker, I strongly believe that legislation like the CURD Act should be considered through regular order, and I am opposed to this bill, given that the House of Representatives has held no hearings on this issue and has not marked up the bill under consideration today. The Senate passed this bill in the dead of night, with no discussion or debate on the floor. I believe we are abdicating our duty to fully consider the implications of this statutory change if we pass this bill today.

On the substance, Mr. Speaker, the Center for Science in the Public Interest, Consumer Reports, and The Good Food Institute are all opposed to this legislation and have raised serious concerns about the impact of this change on consumer confusion and transparency. I include in the RECORD letters in opposition to the bill from all three.

CENTER FOR SCIENCE
IN THE PUBLIC INTEREST,
Washington, DC, December 19, 2018.

DEAR MEMBER: The Center for Science in the Public Interest writes to urge you to oppose the CURD Act (H.R. 4828, S. 2322). This misguided bill would define ''natural cheese'' in a way that actually muddles, rather than clarifies, the term. For example, it would allow the use of artificial colors and additives in ''natural cheese'' and would also make labeling for cheese inconsistent with U.S. Department of Agriculture (USDA) labeling requirements and possibly also with the Food and Drug Administration's (FDA's) labeling requirements for other ''natural'' foods. The bill could also prevent the term ''natural'' from being used on non-dairy cheese alternatives that may otherwise rightly be considered natural by consumers.

The stated purpose of the bill is to draw a clear line for consumers between ''natural cheese'' and processed cheese. Yet we have seen no evidence that consumers are confusing processed cheese with natural cheese in the marketplace. The FDA's current standards of identity for processed cheese types already require that these cheeses include a specific statement of identity on the label indicating that they are ''process cheese.'' And there are currently strong incentives for the manufacturers of process cheese to avoid ''natural'' claims, as this could expose cheesemakers to liability.

Rather than protecting consumers, the bill would confuse them by permitting misleading ''natural'' claims on products that most Americans would not consider natural. For example, a nationally representative telephone survey conducted in May 2018 by Consumer Reports found that more than 80 percent of consumers say ''natural'' should mean no artificial ingredients were used. Yet the CURD Act allows for the use of synthetic food dye, artificial flavors, and other artificial additives in so-called ''natural cheese.'' Similarly, an overwhelming majority of Americans surveyed felt that use of the term ''natural'' should be reserved for foods that deploy natural agricultural practices to produce the food's ingredients, including by limiting the use of hormones, pesticides, and antibiotics. In contrast, the bill would allow the term ''natural cheese'' to appear irrespective of the agricultural practices used to produce the cheese's ingredients.

The bill would also make labeling for ''natural cheese'' inconsistent with USDA and with likely future FDA requirements for ''natural'' on food labels in general. The USDA currently permits the use of the term ''natural'' on products that contain no artificial ingredient or added color and which are only minimally processed. In addition, understanding that ''natural'' can have many meanings, the USDA requires a brief statement of meaning on labels to avoid confusion, stating, that the food is ''*no more than minimally processed and contains no artificial ingredients.'' The FDA is also currently considering adopting a definition of ''natural'' and may create similar requirements based on comments in its public docket on the issue. Yet the bill would authorize the claim ''natural cheese'' to be used on cheese in a manner that fails to align with either the USDA's current rules or prospective FDA requirements, leading to inconsistency and confusion across the marketplace.

Finally, the bill defines ''natural cheese'' in a manner that could be interpreted to prohibit use of the term on non-dairy alternatives intended for consumers who are vegan, lactose intolerant, or who otherwise wish to avoid dairy cheeses. Use of the term ''natural'' should not be prohibited on these products, provided the products otherwise meet consumer expectations for use of this term.

The FDA is currently working on a definition of ''natural'' that would be non-misleading, based on consumer understanding, and apply uniformly to all FDA-regulated foods, including cheese. Congress should not act prematurely to carve out a definition for ''natural cheese'' before the agency has taken action to define ''natural'' for other products.

For these reasons, we urge you to vote ''no'' on the CURD Act.

Sincerely,

SARAH SORSCHER,
Deputy Director of Regulatory Affairs, Center for Science in the Public Interest.

CONSUMER REPORTS,
December 20, 2018.

House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE: Consumer Reports (CR), an independent, nonprofit member organization that works side by side with consumers for truth, transparency, and fairness in the marketplace, urges you to vote no on S. 2322, the Codifying Useful Regulatory Definitions (CURD) Act. This bill would only add to consumer confusion at the supermarket and undermine ongoing efforts to make food labeling clearer and more consistent.

S. 2322 would amend the Federal Food, Drug, and Cosmetic Act to set a definition of ''natural cheese'' and prohibit food from being labeled as ''natural cheese'' unless it meets that definition. Unfortunately, this seemingly mundane bill would allow cheese to be labeled ''natural'' even if the cheese includes artificial ingredients or synthetic substances, such as yellow food dye, or if the cheese was produced using methods or pesticides that consumers do not consider ''natural'' according to our recent survey.

Generally, S. 2322 would permit misleading food labeling on cheese that is inconsistent with consumers' understanding of the term ''natural.'' According to Consumer Reports' nationally representative April 2018 survey of 1,014 U.S. residents, most Americans think ''natural'' should mean: (1) that no artificial ingredients were used (81%); (2) that no added hormones were used during food production (81%); and (3) that no chemical pesticides were used during food production (79%). The CURD Act would allow the label ''natural cheese'' on products with any of these characteristics.

We also oppose S. 2322 because it would undermine ongoing work at the Food and Drug Administration (FDA) to define ''natural''

through a process that prioritizes the public interest and involves the input of all stakeholders. This effort intends to define the term ''natural'' in a way that is not misleading and based on consumer understanding, and that applies to all foods in the marketplace overseen by the agency. We support this initiative, especially because our April 2018 survey found that 88% of Americans think that all companies should meet the same standard for the ''natural'' label. Congress should not short-circuit this important work by setting a special definition of ''natural cheese.''

The CURD Act ultimately places the interests of cheese producers ahead of the broad need for consumers to understand what they're buying and feeding their families. We urge you to support a clear, consistent, and accountable food marketplace for consumers, and vote no on S. 2322.

Sincerely,

JEAN HALLORAN,
Director, Food Policy Initiatives Consumer Reports.
CHARLOTTE VALLAEYS,
Senior Policy Analyst Consumer Reports.
WILLIAM WALLACE,
Senior Policy Analyst, Consumer Reports.

THE GOOD FOOD INSTITUTE,
Washington, DC, December 19, 2018.

Hon. GREG WALDEN,
Chairman, House Committee on Energy and Commerce,
Hon. FRANK PALLONE, JR.,
Ranking Member, House Committee on Energy and Commerce, Washington D.C.
Re Opposition to the Codifying Useful Regulatory Definitions Act (''CURD Act'').

DEAR CHAIRMAN WALDEN AND REP. PALLONE: The Good Food Institute (''GFI'') is a 501(c)(3) nonprofit organization that serves as a think tank and accelerator for plant-based foods and cell-based meat. GFI is comprised of scientists, entrepreneurs, lawyers, and policy experts focused on using food innovation and markets to create a more sustainable food supply. More specifically, we support policies that ensure a level playing field for plant-based foods and cell-based meat. We write today to express our opposition to the CURD Act (S. 2322).

A marketplace that serves consumers well is one in which products compete on their merits, not on their political connections. The role of the government in this marketplace is to ensure that products bear clear, accurate, and consistent labels that present essential information without confusing or misleading consumers.

In our view, the CURD Act has three significant flaws. First, the Act would override FDA's regulatory definition of milk as it pertains to standards of identity for cheeses by explicitly including ''the lacteal secretions from animals other than cows'' but not plant-based milks. The agency's current definition, 21 C.F.R. §133.3, states that milk used in cheese is obtained by the ''complete milking of one or more healthy cows.'' Of course, there are a wide variety of cheeses in the marketplace that are made from other kinds of milks, including goat's milk, sheep's milk, and cashew milk. The word cheese is allowable so long as these products' labels clearly communicate to consumers the identity of the product (that it is made from goat's milk, sheep's milk, or cashew milk)—just as terms like soy milk, almond milk, and chocolate milk are allowable on milk cartons. The CURD Act's expansion of the definition of milk to include lacteal secretions of other animals, but not plants, suggests that its intent is protectionist: to permit producers to use the label ''natural cheese'' when their products contain ingredients that are not natural (e.g., synthetic dyes) while simultaneously attempting to deny producers of plant-based cheeses access to the same term.

Second, the CURD Act would establish a product-specific definition of the term ''natural'' instead of a consistent definition set by FDA that would apply to all the food products it regulates. Setting a product-specific definition of ''natural'' would likely conflict with how FDA uses it in other contexts and could result in consumer confusion.

Third, the Act would create a rift between FDA and USDA regarding the use of ''natural'' on labels. This too could increase consumer confusion. Since the term ''natural'' can mean different things to different consumers, USDA currently requires USDA-approved labels to briefly explain on-label what a ''natural'' claim applies to. The CURD Act does not require any such explanation, giving ''natural cheese'' a free pass to claim it is natural without giving further information to consumers.

To ensure a fair marketplace that works for consumers, food labels must be clear to consumers and not privilege one set of producers over another. By that measure, the CURD Act fails. We therefore respectfully urge you to oppose the bill at this time.

Thank you very much for your consideration of this request.

Sincerely,

JESSICA ALMY, ESQ.
Director of Policy, The Good Food Institute.
KENNETH FORSBERG, PH.D.,
Senior Policy Specialist, The Good Food Institute.

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Mr. PALLONE. Mr. Speaker, we should not displace the important role of the FDA in determining the correct terminology and approach to regulating and labeling food products like cheese. Changes to the statute should be considered in broad daylight, with robust discussion and significant input from consumer, industry, and government stakeholders.

That has not happened in this case, and for these reasons I oppose the bill and urge my colleagues to oppose the bill as well.

Mr. Speaker, I yield back the balance of my time.

Mr. GUTHRIE. Mr. Speaker, I support S. 2322, the CURD Act, which would define the term ''natural cheese'' within the Federal statute and, with passage, head to the President's desk.

Mr. Speaker, I urge all Members to support the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky (Mr. GUTHRIE) that the House suspend the rules and pass the bill, S. 2322.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. AMASH. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

VA WEBSITE ACCESSIBILITY ACT OF 2018

Mr. ROE of Tennessee. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6418) to direct the Secretary of Veterans Affairs to conduct a study regarding the accessibility of websites of the Department of Veterans Affairs to individuals with disabilities, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6418

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 ''VA Website Accessibility Act of 2018''.

SEC. 2. STUDY REGARDING THE ACCESSIBILITY OF WEBSITES OF THE DEPARTMENT OF VETERANS AFFAIRS TO INDIVIDUALS WITH DISABILITIES.

(a) STUDY.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall examine all websites (including attached files and web-based applications) of the Department of Veterans Affairs to determine whether such websites are accessible to individuals with disabilities in accordance with section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d).

(b) REPORT.—Not later than 90 days after completing the study under subsection (a), the Secretary shall submit a report to Congress regarding such study. The report shall include the following:

(1) A list of each website, file, or web-based application described in subsection (a) that is not accessible to individuals with disabilities in accordance with section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d).

(2) The plan of the Secretary to bring each website, file, or web-based application identified in the list under paragraph (1) into compliance with the requirements of section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. ROE) and the gentleman from California (Mr. TAKANO) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. ROE of Tennessee. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. ROE of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 6418, as amended, the VA Website Accessibility Act of 2018.

Mr. Speaker, in the interest of time, I will allow Vice Ranking Member TAKANO to discuss the bill, and I reserve the balance of my time.

Mr. TAKANO. Mr. Speaker, I yield myself such time as I may consume.