Not voting—3

McCarthy (NY) McHugh Shuster

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ROYBAL-ALLARD) announced that the vote was taken by electronic device, and there were yes 400, noes 30, not voting 3, as follows:

(Roll No. 675)

YEAS—400

Abercrombie  Bonner  Capuano  Castle
Ackerman  Bono Mack  Casey  Castle
Adler  Boozman  Costello  Castle
Adlum  Boren  Costello (FL)
Altmire  Bosnyak  Children  Castle
Andrews  Brown  Clyburn  Castle
Arcuri  Brady (PA)  Cleaver  Castle
Austria  Brady (TX)  Clay  Castle
Baca  Braley (IA)  Cleaver  Castle
Bachmann  Bright  Clyburn  Castle
Bachus  Brown (GA)  Coble  Castle
Baird  Brown (SC)  Coffman (CO)  Castle
Barrett  Brown (IA)  Conaway  Castle
Barton (TX)  Buchanan  Connolly (VA)  Castle
Bean  Burgess  Conyers  Castle
Becerra  Burton (IN)  Cooper  Castle
Berkeley  Butterfield  Costa  Castle
Berman  Brown  Costello  Castle
Berry  Bright  Courter  Castle
Biggert  Camp  Crenshaw  Castle
Bilirakis  Cantor  Crowley  Castle
Bilirakis  Capito  Cuellar  Castle
Bishop (GA)  Capito  Culberson  Castle
Bishop (NY)  Capuano  Cummings  Castle
Bishop (UT)  Casale  Cummings  Castle
Blackburn  Cardona  Davis (AL)  Castle
Bhattacharya  Carnahan  Davis (CA)  Castle
Boehner  Carson (IN)  Davis (IL)  Castle

NAYS—30

Balducci  Blumenauer  Campbell  Campbell
Benton  Bishop (VT)  Bishop (WA)  Campbell
Berry  Blackburn  Blackwell  Campbell
Blunt  Bishop (NY)  Bishop (CA)  Campbell
Bloom  Bishop (CA)  Bishop (CA)  Campbell
Boehner  Bishop (AL)  Bishop (CA)  Campbell
Bosco  Bishop (CA)  Bishop (CA)  Campbell
Bowser  Bishop (CA)  Bishop (CA)  Campbell

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House 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.

The Clerk read the resolution, as follows:

\[\text{H. Res. 691}\]

PROVIDING FOR CONSIDERATION OF H.R. 2749, FOOD SAFETY ENHANCEMENT ACT OF 2009

Ms. SLAUGHTER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 691 and ask for its immediate consideration.

The Speaker read the resolution, as follows:

\[\text{H. Res. 691}\]

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House 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.
of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. In lieu of the amendment in the nature of a substitute printed in the report of the Committee on Energy and Commerce now printed in the bill, the amendment in the nature of a substitute provided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce; and (2) one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentlewoman from New York is recognized for 1 hour.

Ms. SLAUGHTER. Mr. Chairman, for the purpose of debate only, I yield the remainder of my time to the gentlelady from North Carolina, Representative Foxx. All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Ms. SLAUGHTER. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous materials into the RECORD.

The SPEAKER pro tempore (Mr. JACKSON of Illinois). Is there objection to the permission of the gentlelady from New York?

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, today the House will consider H.R. 2749, the Food Safety Enhancement Act, legislation that will help make our food supply safer and cleaner and provide much-needed peace of mind to American families.

Too often recently, we have watched horrible news reports showing stories of Americans contracting life-threatening illnesses from raw meat and produce. We have been in the grip of a food panic that shows no signs of easing up. Peanut butter, spinach, cookie dough, beef, tomatoes, sprouts, pistachios—every day it seems like it’s something new.

We know that every year 76 million Americans are sickened from consuming contaminated food, and 5,000 of those persons die. This issue has probably touched every one of us in some way. In too many cases, they’re not random, unpredictable events but widespread and systematic. And sadly, they are also preventable. They come about because of flaws in our food safety system. I am happy to say that these gaps in protection are closed by this legislation.

Under this bill, we give the FDA new authority, new tools, and a new source of funding to carry out its vital mission. Thanks to this bill, the FDA will make more frequent inspections of food processing facilities, develop a food trace-back system to pinpoint the source of food-borne illnesses, and have enhanced powers to ensure that imported foods are safe.

The bill provides the FDA better access to the records of food producers and manufacturers without having to wait for an outbreak of food-borne illness.

The bill provides strong, flexible enforcement tools and, importantly, it strengthens penalties imposed on food facilities that fail to comply with safety requirements.

We require food facilities to have safety plans in place to identify and mitigate hazards, one of the best ways to make an immediate improvement to food safety.

The legislation before us is bipartisan, and I think it is safe to say it will fundamentally change the way we protect the food we buy and the food we eat.

It is worth noting the bill was approved by the Energy and Commerce Committee back on June 17 by voice vote. That is how broad the support was.

We know this bill enjoys a lot of support from all Members. It received 280 votes yesterday, including 50 Republic votes to have and to hold. I am very confident that the bill will enjoy the same level of support today.

I will enter a copy of an editorial from today’s New York Times into the RECORD. The page made the following points:

"Under the current system, the FDA can only try to coax a food production facility to voluntarily recall its product after people have grown sick or even died. The legislation, the best in years, would give the agency a great deal more power and responsibility to prevent such outbreaks. The FDA would finally have the authority to set strong science-based safety standards for the growing, harvesting, and transporting of both domestic and imported food. The agency would then require each food production facility to come up with the best safety plan showing how it would meet those standards."

"Right now several years or more can elapse before the FDA does a full onsite inspection of a food facility. Most inspections are done by States and not all plants are visited. Under this bill so-called high-risk facilities, ones where there have been problems in the past or ones that handle easily spoiled items that can have seafood would have to be inspected by the FDA every 6 to 12 months. Lower-risk facilities, which deal with items like dry packed products with no history of causing problems, would be inspected every 18 months to 3 years."

As others have noted, the legislation is supported by a range of organizations including Consumers Union, Consumer Federation of America, American Public Health Association, Association of Schools of Public Health, Center for Science and the Public Interest, The Pew Charitable Trusts, Trust for America’s Health, and the Grocery Manufacturers Association.

I am disappointed to understand that some farm organizations are unwilling to support the legislation even after the committee negotiated in good faith to address their concerns. That lack of support cost us the two-thirds support needed for passage. I urge others to address some other concerns, including one complaint that every farm has to pay an annual $500 fee. I would like to point out that that requirement does not apply to farms that sell directly to consumers, meaning most if not all small family organic farms would not be covered.

Another concern centered on what this bill would mean to small organic farmers and whether the larger FDA power would interfere with their operation. The legislation before us permits the FDA to only issue standards for the riskiest products, and the FDA is also directed to take into consideration the impact on small-scale and diversified farms and on wildlife habitat, conservation practices, wildlife protection efforts, and organic production methods.

Yet another issue centered on whether confidential farm records might be disclosed to the FDA to others. In fact, the new legislation imposes a greater confidentiality requirement that the FDA can have access to relate only to fresh produce for which the FDA has issued a safety standard or that is the subject of an active investigation of a food-borne illness outbreak.

It is my hope that the small farmers in my district in upstate New York and elsewhere see this bill as a positive step forward in improving safety. Ultimately, we should feel confident about the quality of our food regardless of where it comes from a big farm or a small family-run organic farm.

Let me touch on one other issue as well. The legislation does not include strong new language to restrict the current overuse, I would say abuse, of antibiotics by farmers who raise livestock for human consumption. We have legislation that has a strong and growing number of supporters who, like me, worry that the use of nontherapeutic antibiotics in our food supply poses an enormous and growing health risk for all Americans. It is my hope that we take a strong push on this legislation later in the year, and I hope all my colleagues who are ready to vote for this food safety bill will be with us when we take up the Preservation of Antibiotics for Medical Treatment.

Let’s approve this food safety bill right now and start taking steps to make sure that our food supply is as safe as it can be.

[From The New York Times, July 30, 2009]

Far too many Americans are falling ill after eating foods tainted with salmonella, E. coli and other pathogens. The Food and
Mr. Speaker, this bill is being brought to the floor as a rule bill today because it failed to win enough votes to pass under the Suspension Calendar yesterday, but it had been brought to the floor under a closed rule. This is yet another closed rule on top of an entire appropriation season filled with closed rules. And I come before you today deeply concerned by the closed rule we have before us.

After promising the American people during campaign season that this would be the most open and honest Congress in history, Speaker PELOSI has gone back on her word by making this the most closed and restrictive Congress in history. Instead of having their ideas heard, the American people are being silenced with Speaker PELOSI’s justification that we won the election; so let us all abide by our campaign promises. Majority Leader HOYER stated this past February his agreement with re-storing the House to the regular order process of legislating. He said, “I think that is a very important pursuit... our committees and Members are designed to pursue regular order. Regular order gives to everybody the opportunity to participate in the process in a fashion which will affect, in my opinion, the most consensus and the best product.”

If the majority leader believes this, then why, Mr. Speaker, are we faced with another closed rule today? As my colleagues have expressed time and time again, bringing this number of bills to the floor under closed rules is not a responsible use of our time. Neither both Democrats and Republicans who want to have the opportunity to offer amendments and participate in debate with their colleagues over pressing issues of our time. By choosing to operate in the fashion we have, we are allowing the minority and their own colleagues from having appropriate input in the legislative process. This is not the way the greatest deliberative body in the world should operate.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I now yield 4 minutes to the gentleman from Kansas (Mr. MORAN).

Mr. MORAN of Kansas. I thank the gentlewoman for yielding.

Mr. Speaker, based upon yesterday’s vote on H.R. 2749, the Food Safety Enhancement Act, one would think that the Senate would say, “Yes,” and wait, maybe we have some issues here that need to be taken care of. Maybe we should refer this bill to the Committee on Agriculture and get some of these problems cleaned up. Instead of taking the lesson from yesterday’s defeat on this bill on the Suspension Calendar, the Democrat leadership has decided to run this bill through the House under a closed rule with no debate and no amendments.

I would ask: What’s the problem with referring this bill to a committee of jurisdiction to make technical, yet necessary, changes? Why not allow an amendment to clean up some of the bill’s problems regarding production agriculture and other rural businesses? All of us want to support a food safety bill. I will say that again: All of us, including me, want to support a food safety bill. I also believe that if the majority would allow a referral to the Committee on Agriculture, this food safety bill would receive wide and bipartisan support. However, the Democrat leadership has taken it’s my-way-or-the-highway approach that leaves those of us from rural America unable to support this legislation.

Yesterday when H.R. 2749 was on suspension, I raised issues that concern farmers and ranchers. The primary concern is an inadequate exemption for grain handlers and livestock producers.

Under the current system, the F.D.A. will need more inspectors, but it is also proposing rules that apply to grain farms. The F.D.A. would need to inspect all grain elevators. Farmers from performance standards and record-keeping from growing and harvesting activities, but it fails to exempt on-farm grain storage and transportation activities. While I thank the members of the Energy and Commerce Committee for trying to accommodate us, it’s still not right and more needs to be done.

Another problem I would like to raise today involves the grain-handling industry which affects thousands of small grain elevators across the country where farmers deliver their grain. Many of these facilities are already subject to USDA grain inspections. Many are also subject to State and Federal warehouse licensing fees.

However, this bill gives duplication authority to the FDA to do its inspections. It also imposes a one-size-fits-all registration fee for grain-handling facilities large and small. What’s the point? Grain elevators are already subject to licensing fees; so it must be to impose another revenue-raising tax.

A country-of-origin labeling is included in this bill, but we don’t need country-of-origin labeling for grain. Unlike meat, grain is a fungible product, and while it’s possible, although difficult, to identify a steak, giving identity to tiny individual kernels of grain, which are blended with billions of other tiny kernels of grain, is next to impossible.

I would like to point out that of the many food safety concerns Members and their constituents have raised, I have yet to hear a complaint about the grain-handling industry where farmers deliver their grain. Unlike meat, grain is a fungible product, and while it’s possible, although difficult, to identify a steak, giving identity to tiny individual kernels of grain, which are blended with billions of other tiny kernels of grain, is next to impossible.

I would like to point out that of the many food safety concerns Members and their constituents have raised, I have yet to hear a complaint about the grain-handling industry where farmers deliver their grain. Unlike meat, grain is a fungible product, and while it’s possible, although difficult, to identify a steak, giving identity to tiny individual kernels of grain, which are blended with billions of other tiny kernels of grain, is next to impossible.

I would like to point out that of the many food safety concerns Members and their constituents have raised, I have yet to hear a complaint about the grain-handling industry where farmers deliver their grain. Unlike meat, grain is a fungible product, and while it’s possible, although difficult, to identify a steak, giving identity to tiny individual kernels of grain, which are blended with billions of other tiny kernels of grain, is next to impossible.

I would like to point out that of the many food safety concerns Members and their constituents have raised, I have yet to hear a complaint about the grain-handling industry where farmers deliver their grain. Unlike meat, grain is a fungible product, and while it’s possible, although difficult, to identify a steak, giving identity to tiny individual kernels of grain, which are blended with billions of other tiny kernels of grain, is next to impossible.

I would like to point out that of the many food safety concerns Members and their constituents have raised, I have yet to hear a complaint about the grain-handling industry where farmers deliver their grain. Unlike meat, grain is a fungible product, and while it’s possible, although difficult, to identify a steak, giving identity to tiny individual kernels of grain, which are blended with billions of other tiny kernels of grain, is next to impossible.
from offering amendments. I simply have to ask: What’s the majority leadership afraid of?

We have said before, and I will continue to say again today, this country has the safest food supply in the world. Does that mean there isn’t room for improvement? No. Does that mean that we shouldn’t continue to examine our regulatory systems and find ways to make it better? No. I don’t think there is a single Member of Congress who wouldn’t support reasonable proposals that improve the safety of what is already the safest supply of food in the world. But this legislation is woefully inadequate. It fails to achieve what we are all seeking for our consumers: an improved food safety system.

The biggest challenge that I can point to is the fact that the bill expands the reach and authority of the U.S. Food and Drug Administration but does not require further accountability. This legislation does not require FDA to spend any additional funds on the inspection of food.

Beyond that there are other provisions that are troublesome. One in particular would mandate FDA to set on-farm production performance standards. I’m stunned that more people are not outraged by this concept, that the Federal Government will tell our farmers and ranchers how to do something that they have been doing since the dawn of mankind. Even after changes that will limit the intrusion of the Federal Government on the farm, the bill still goes too far in the direction of trying to produce food from a bureaucrat’s chair in Washington, D.C.

There remains a host of other problems with this bill. For example, has anyone considered if it’s wise to have the Federal Government grant licenses and charge fees for processing food? This would mean that the Federal Government could arbitrarily withdraw that license, even if there was technical violation of the law that ultimately would shut down an operation. Has anyone even considered the consequences of the provisions of this bill? Has anyone thought about how this would increase the cost of food for consumers and force food production out of the country?

□ 1500

Furthermore, the bill’s quarantine authority allows FDA to quarantine the entire nation if there is evidence or simply justification or information that a food commodity poses a health risk. No consideration is given to enabling the health of livestock, which is essential to food producers, processors or distributors. In particular, if the FDA ultimately lifts the quarantine because it was wrong, the agency has no obligation, no authority or means to indemnify producers for their losses.

Mr. Speaker, let me revisit my original point. We have the safest food supply in the world. We need to constantly work to improve our food safety system. But if we are sincere in making those improvements, then we must have a bill before us that is not the product of a rushed legislative process where all the committees of jurisdiction were not allowed to fully participate. Yesterday, with the votes of Members on the floor of the House, we rejected that process, and today we find ourselves considering the same legislation under a closed rule, once again, barred from offering amendments.

I repeat, what is the majority afraid of? Food safety should not be a partisan or political issue. This should not be a fight. It should be a constructive process.

Defeat this rule. Bring H.R. 2749 back to the committees. Let all the committees of jurisdiction work their will and work their way so that we can create a bill that serves farmers, ranchers, processors, retailers and, yes, consumers. Tell me what is wrong with that. Tell me what is right about this bill.

Let's defeat the rule. Let’s finish the process. Let’s do better.

Ms. SLAUGHTER. Mr. Speaker, I yield myself 30 seconds to ask a question: If everybody is doing things so well, why do we have 76 million Americans get sick every single year from contaminated food and 5,000 of them die?

Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. FARR).

Mr. FARR. Mr. Speaker, I yield to the chairwoman for yielding.

Mr. Speaker, I rise with mixed emotions but in support of the rule. I represent the Salinas Valley, which is one of the most productive agricultural regions of the world. We are the “Salad Bowl Capital” of the world. And when you produce fresh produce, for example, lettuce, you don’t have a kill step. You can’t boil it before you eat it, so you have to be very careful about how you grow this material—lettuce, broccoli, Brussels sprouts and all of those things—so you don’t have contamination coming from the field.

We have had recalls, the E. coli recall, a very serious recall, and the difficulty we have had over the years is that essentially the Federal responsibility for food safety is in the Food and Drug Administration, the FDA. The responsibility for poultry inspection and meat inspection is in the Department of Agriculture, but both are split responsibilities in this country, and it has been that way for a long, long time.

What you hear in this bill is we need to have some national standards. The authority for those standards lies, for other than meat and poultry, with the Food and Drug Administration. So if you are going to get these standards and get some national credibility and an equal playing field, then you are going to have to work on the food safety for agriculture and organic and all of those other producers in this legislation.

We have been trying to do that, and the author of the bill, JOHN DINGELL, has been a tremendous help in trying to understand the nuances of small farmers, of organic farmers and others that are selling to farmers’ markets.

But I hear from all my ag folks that they may not want the FDA, who don’t know much about growing practices, to be out there. They do agree, they need to have federal standards that this is the only way we are going to ensure that all food we serve in this country, which has the safest food in the world, is going to be even safer.

I share the concerns raised by the minority, but I think that the best answer to the problem is to work in a constructive way so that we can develop constructive regulations that benefit everyone, and that is an equal playing field, not a split between the USDA and the FDA.

Ms. FOXX. Mr. Speaker, I yield 3 minutes to my colleague, the gentleman from Pennsylvania (Mr. THOMPSON).

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I thank the gentlelady from North Carolina for yielding.

Mr. Speaker, I rise in opposition to the rule and the underlying legislation. This bill was brought to the floor yesterday under an expedited rule in order to ensure the passing of the rule with minimal debate. The bill failed to pass under a two-thirds vote, and that is why we are considering it again today.

I have three main objections to the bill in its current form: the cost to our family farms and the jurisdiction of FDA, and the process the majority has taken to bring this to the floor today.

Let me begin by saying that food safety is among the highest priorities of our farmers, the USDA and the Agriculture Committee. In my view, having a safe and abundant domestic food supply is a crucial public health matter and it is equally imperative to our national security.

Although America has the safest food supply in the world, there are clearly improvements that need to be made to our system. However, this legislation is not a step in the right direction. The bill would do little, if anything at all, to improve food safety, yet will have a substantial impact upon the Nation’s 2.2 million farms, many of which are family owned and operated.

Specifically, I am concerned with the increased costs this bill will charge farms in the form of unnecessary fees and registrations. Many farmers will not be able to sell their products without paying expensive annual registration fees. Enacting this legislation could place significant new financial and administrative burdens on the Food and Drug Administration. The bill provides the FDA with new regulatory authority over farming activities, when currently such activities are already regulated by the agriculture experts at USDA.

USDA is doing great outreach work on food safety and has a presence in every county across this country. In other words, USDA already is doing a tremendous job of work on improving food safety, and therefore food safety does
not need to be additionally regulated by the FDA. I admit that some modest steps were taken to improve the bill, specifically regarding livestock and row crops, but the minor improvements did not go far enough to improve the overall effectiveness.

The United States Department of Agriculture has a strong record. They work hard to partner with industry, they work hard to provide mechanisms for consumer input, and they work hard on consumer education regarding food safety, but there is no real control to assure that Food and Drug doesn’t know what we are doing and why is very important here.

I represent farmers and I represent consumers. Almost all of us have some farmers, and all of us represent consumers. The safety of both is important.

Understand that Food and Drug has been starved of authority and starved of money for a long time. The last meaningful reform in Food and Drug occurred in 1996. America’s food is the safest in the world, but it is not as safe as it should be. It should be known that much of the lack of safety of American food comes because of foreign producers, whose production cannot be traced and tracked.

We are going to hear complaints about the tomato pepper problem that we had. That problem has been occurring because there is no way of tracing or finding how these goods move through commerce. Similar situations have occurred with regard to seafood and shellfish, with regard to berries and grapes, with regard to all manner of leafy vegetables and foods. It occurs because Food and Drug cannot control what enters this country, and it occurs because Food and Drug does not have the authority to properly deal with it.

In the instance of major failures, it has occurred because the Food and Drug Administration does not have sufficient authority to focus on the specific wrongdoers and wrongdoing. So every American producer is hurt. We have enabled Food and Drug and required them to address this by a focused effort.

Now, with regard to the authorities given, first of all, we have assiduously avoided the authority of the Agriculture Committee. Extensive discussions were held between the Commerce Committee members and the Committee on Agriculture; respectful, open, friendly discussions.

If there is the Agriculture Committee, that is not a matter that the Commerce Committee can address. But we have achieved the approval of the chairman of the committee, who spoke yesterday, as my colleagues will remember, in favor of the legislation which we now discuss.

What does the legislation do? First of all, it keeps the FDA off the farm. Second of all, it is aimed at seeing to it that we have a responsible program for control. It requires registration of producers and manufacturers. That is very important, because without that, Food and Drug doesn’t know who is doing what and has no real control to assure that good manufacturing practices, a word of art, are applied by the industry at every phase.

The Chinese are notoriously sloppy in their handling of food: melamine in milk products, unsafe seafood, unsafe shellfish, unsafe meats, mushrooms that are unsafe.

The SPEAKER pro tempore. The time of the gentleman from Michigan has expired.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Michigan (Mr. DINGELL), chairman emeritus of the Energy and Commerce Committee and dean of the House.

(Mr. DINGELL asked and was given permission to revise and extend his remarks.)

Mr. DINGELL. Mr. Speaker, we are hearing much fiction and little fact. I want to say what I say with great respect and affection for the gentleman from Oklahoma, but giving an understanding of what it is we are doing and why is very important here.

I represent farmers and I represent consumers. Almost all of us have some farmers, and all of us represent consumers. The safety of both is important.

Understand that Food and Drug has been starved of authority and starved of money for a long time. The last meaningful reform in Food and Drug occurred in 1996. America’s food is the safest in the world, but it is not as safe as it should be. It should be known that much of the lack of safety of American food comes because of foreign producers, whose production cannot be traced and tracked.

We are going to hear complaints about the tomato pepper problem that we had. That problem has been occurring because there is no way of tracing or finding how these goods move through commerce. Similar situations have occurred with regard to seafood and shellfish, with regard to berries and grapes, with regard to all manner of leafy vegetables and foods. It occurs because Food and Drug cannot control what enters this country, and it occurs because Food and Drug does not have the authority to properly deal with it.

In the instance of major failures, it has occurred because the Food and Drug Administration does not have sufficient authority to focus on the specific wrongdoers and wrongdoing. So
registration requirement that effectively creates a Federal license to be in the food business.

Like the Democrat stimulus bill, cap-and-trade, and the proposed health care bill, this is another example of broad-based and sweeping government, raising new taxes on small businesses, and intruding in the private lives of Americans.

On-farm performance standards: New language added to the bill would exclude producers from FDA regulatory authority over growing and harvesting of crops. Language was also improved that would relieve livestock producers from some of the burdens of the law. Although these are needed changes, they do not go far enough to make the bill acceptable. This bill still leaves our Nation’s fruit and vegetable producers subject to objectionable regulatory burdens. We can still expect to have an agency of the Federal Government telling our farmers how to do their jobs.

Registration of food-processing facilities was originally envisioned as a commonsense way of helping the FDA identify facilities under the bioterrorism act in 2002. This provision turns registration into a Federal license for any food business to operate by charging exorbitant fees, making it unlawful to sell food without a registration license and allowing the FDA to suspend a company’s registration.

Traceability: Another issue. It does not make food safer. Traceability simply adds enormous regulatory burden without even knowing if it can be done in the first place. There is no requirement that the system developed by the FDA be feasible or affordable.

Recordkeeping: Broad recordkeeping authorities will impose significant regulatory burdens. Minimal consideration is given to risks associated with the product produced at the regulated facility, the size of the facility, and the recordkeeping requirements. The language lacks protections from disclosure of proprietary information.

The issue of quarantine authority. The bill’s quarantine authority allows the Food and Drug Administration to quarantine a geographic area if there is credible evidence that food poses a health risk. No consideration is given to economic losses suffered by food producers, processors or distributors in the quarantine area. It’s my understanding the ranking member of the Agriculture Committee will offer something that will help to correct that later on, and I hope everyone will support that measure.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. FOXX. I yield the gentleman an additional 1 minute.

Mr. GOODLATTE. In particular, if the FDA ultimately levies the quarantine for lack of confirmatory evidence the agency has no obligation, authority or means to indemnify producers for their losses. Conversely, under the authority of the Animal Health Protection Act and Plant Protection Act, the USDA, which has jurisdiction over other sectors of our food safety and has done an outstanding job, must indemnify producers who have incurred such losses.

From a public health and safety point of view, end product testing offers little protection or assurance. HACCP was introduced as a system whereby the manufacturer evaluates their processes, packs, transports or holds their products for distribution to ensure that the finished product is safe. The language allows the FDA to impose these responsibilities and impose exorbitant fees, making it unlawful to sell food without a registration license and allowing the FDA to suspend a company’s registration.

Mr. Speaker, I would urge my colleagues to oppose this rule, this closed rule, and this bad bill.

Ms. SLAUGHTER. I will reserve.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume. The concern about closed rules is not just one expressed by Republicans. Democrats have expressed their own frustrations with the closed manner in which this Congress is being operated, but nothing has changed.

In February, a group of Democrats garnered more than 60 signatures on a letter to Majority Leader HOYER calling for a prompt return to regular order. In the letter, they stated that “Committee members must function thoroughly and inclusively, and cooperation must ensue between the parties and the houses to ensure that our legislative tactics enable rather than impede progress.” This was written by, as I said, over 60 Democratic Members.

They went on to say, “In general, we must engender an atmosphere that allows partisan games to cease and collaboration to succeed. We look forward to working constructively with this institution.” So not only does the closed rule process hurt and exclude Republican Members, it hurts and excludes Democrat Members as well.

By preferring to stifle debate, the Democrats in charge have denied their colleagues on both sides of the aisle the ability to do the job they’ve been elected to do, offer ideas that represent and serve their constituents. The Democrats in charge are denying Members the ability to improve Medicare and other health care legislation, and this is an injustice to all of their colleagues, and this rule and this bill are prime examples.

The Democrats in charge are limiting what ideas are debated on the floor and what constituents can be represented in this House. Our constituents, in both Republican and Democrat districts, are struggling to make ends meet, are facing unemployment, and yet are simultaneously being shut out of the debate over how their hard-earned taxpayer dollars are being borrowed and spent by the Federal Government.

Mr. Speaker, it’s very concerning to me that the Democrat majority has chosen to silence their colleagues on both sides of the aisle yet again. In doing so, they have chosen to keep the millions of constituents we represent from having a voice on the floor of the people’s House.

My colleagues have offered a lot of reasons why this bill underlying this rule is not a good bill and needs to be improved. But I want to make a couple of comments about that, also. This bill actually does very little to enhance food safety. In fact, I want to call attention, again, to the motto of the State of North Carolina, “To be, rather than to seem.”

We have a bill here called the Food Safety Enhancement Act that does very little to enhance the safety of food. As my colleague from Virginia said just now, the FDA is not being required to spend one extra dime on inspecting food. But it gives unprecedented authority to the Food and Drug Administration by imposing mandatory recall, quarantine authority, recording requirements, warrantless inspection authority, and country-of-origin labeling requirements.

By enacting user fees on inspections and licensing requirements on food facilities, this bill essentially places a tax on consumers by increasing the price of food. So much for the promise that taxes would not go up on people who make less than $250,000 a year.

This bill grants the FDA the authority to shut down or inspect businesses and determine what qualifies as a health concern.

This bill leaves our Nation’s fruit and vegetable producers subject to regulatory burdens by allowing the FDA to regulate how crops are raised, dictating to farmers how they should farm. We’ve been farming since our earliest beginnings as a species, and we want to do it without the regulatory guidance of the FDA. This bill reminds me of the tactics of the former Soviet Union, and we know how successful that was.

This bill requires the Secretary of Health and Human Services to establish a tracing system for food. Each person who produces, manufactures, processes, packs, transports or holds such food would have to maintain the full pedigree of the origin and pre-use history of the food. This bill would not explain how far foods will have to be traced back, or how it will be done for foods with multiple ingredients. Given these ambiguities, it’s unclear how much it will cost farmers and taxpayers or manufactures food.

This bill also creates severe criminal and civil penalties, including prison terms of up to 10 years and/or fines of up to a total of $100,000 for individuals. The bill would impose an annual registration fee of $350 on any facility that brings food from other states into this country.

Even though farms are technically exempt, FDA has defined “farm” very narrowly. People making foods such as
The yeas and nays were ordered. The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on agreeing to House Concurrent Resolution 172 will be followed by 5-minute votes on the adoption of H. Res. 691 and motions to suspend the rules with regard to H.R. 2728, if ordered, and H.R. 2510, if ordered.

The vote was taken by electronic device, and there were—yeas 231, nays 191, not voting 11, as follows:

[Roll No. 678]

YEA—231

Abercrombie (HI), Andrews (MD), Barrow (GA), Boucher (VT), Bono Mack (CA), Boozman (AR), Bothe (MT), Broun (GA), Burton (IN), Casey (RI), Capps (CA), Capuano (MA), Carcieri (RI), Carper (DE), Cardenas (CA), Carnahan (MO), Carson (NC), Castor (FL), Chandler (VA), Chaffetz (UT), Chu (CA), Clarke (CT), Cleaver (MO), Clyburn (SC), Connolly (VA), Coney (AK), Cooper (GA), Costello (IL), Costa (CA), Courtney (CT), Crowley (NY), Cuccinelli (VA), Cummings (SC), Dahlkemper (PA), Del Norte (CA), Davis (CA), Davis (IL), Davis (TN), DeFazio (NY), Delaney (MD), DeGette (CO), DeLauro (CT), Dicks (WA), Dingell (MI), Doty (WA), Edwards (NY), Edwards (TX), Ehlers (TX), El/details of the raw text