The SPEAKER pro tempore. This is a RECORDED VOTE. The result of the vote was announced in the House Journal. There are 2 minutes remaining in this vote.

<table>
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<tr>
<th>AYES</th>
<th>NOES</th>
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<td>383</td>
<td>44</td>
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The 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 unfinishing 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:

The 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 Representatives Michael H. Michaud (Maine), Representative Mazie K. Hirono (Hawaii), and Ranking Member John L. Mica (Florida) to serve on the Board of Visitors.

Since it is founding in 1876, the Coast Guard Academy, based in New London, Connecticut has accomplished its mission in 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.
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”.

TITLE II—MISCELLANEOUS

Sec. 201. Food substances generally recognized as safe.
Sec. 203. Export contingency reserve program.
Sec. 204. Registration for commercial importers of food; fee.
Sec. 205. Registration for customs brokers.
Sec. 206. Uniform standards for food facilities, importers, and customs brokers.
Sec. 207. Prohibition against delaying, limiting, or refusing inspection.
Sec. 208. Dedicated foreign inspectorate.
Sec. 209. Plan and review of continued operation of 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.

TITLE III—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. Traceability.
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.

(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 an alternative 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 to the extent such farm 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, packaging, 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 212 of the Federal Alcohol Administration Act (27 U.S.C. 211), from the requirements of this Act and the amendments made by this Act.

SEC. 101. CHANGES IN REGISTRATION OF FOOD FACILITIES.

(a) USDA-Regulated Products.—Food is exempt from the requirements of this Act to the extent 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 processed, packed, or held in a facility that is not dually regulated 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.
(1)(B) Such term does not include farms; private residences of individuals; restaurants; other retail food establishments; nonprofit...