Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herseth
Higgins
Hinchey
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—2

Royce
Taylor (MS)

NOT VOTING—15

Ackerman
Bean
Burton (IN)
Costa
Cubin
Diaz-Balart, L.
Diaz-Balart, M.
Evans
Gonzalez
Herger
Hinojosa
Norwood
Ros-Lehtinen
Salazar
Sweeney

□ 1621

So (two-thirds of those voting having responded 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. NORWOOD. Mr. Speaker, though I was absent on Wednesday, March 8, 2006 for personal reasons, I wish to have my intended votes recorded in the CONGRESSIONAL RECORD for the following series:

Rollcall vote 21 on ordering the previous question for H.R. 710—"aye"; rollcall vote 22 on the motion to instruct conferees on H.R. 2830—"no"; rollcall vote 23 on H.R. 4192—"aye"; rollcall vote 24 on H.R. 1053—"aye"; rollcall vote 25 on H. Res 673—"aye"; rollcall vote 26 on H.R. 3505—"aye."

PERSONAL EXPLANATION

Mr. HERGER. Mr. Speaker, on rollcall Nos. 25 and 26 I was unavoidably detained meeting with constituents. Had I been present I would have voted "yea."

APPOINTMENT OF CONFEREES ON H.R. 2830, PENSION PROTECTION ACT OF 2005

The SPEAKER pro tempore (Mr. GUTKNECHT). Without objection, the Chair appoints the following conferees on H.R. 2830:

From the Committee on Education and the Workforce, for consideration of the House bill and the Senate amendment thereto, and modifications committed to conference: Messrs. McKeon, Sam Johnson of Texas, Kline, Tiberi, George Miller of California, Payne, and Andrews.

From the Committee on Ways and Means, for consideration of the House bill and the Senate amendment thereto, and modifications committed to conference: Messrs. Thomas, Camp of Michigan, and Rangel.

For consideration of the House bill and the Senate amendment thereto, and modifications committed to conference: Mr. BOEHNER.

There was no objection.

GENERAL LEAVE

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1053, H. Res. 673, and H.R. 4167.

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

There was no objection.

NATIONAL UNIFORMITY FOR FOOD ACT OF 2005

The SPEAKER pro tempore. Pursuant to House Resolution 710 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4167.

□ 1623

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4167) to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes, with Mr. SIMMONS (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose on Thursday, March 2, 2006, all time for general debate pursuant to House Resolution 702 had expired.

Pursuant to House Resolution 710, no further general debate shall be in order and the bill is considered read for amendment under the 5-minute rule.

The text of the bill is as follows:

H.R. 4167

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 "National Uniformity for Food Act of 2005".

SEC. 2. NATIONAL UNIFORMITY FOR FOOD.

(a) NATIONAL UNIFORMITY.—Section 403A(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343–1(a)) is amended—

(1) in paragraph (4), by striking "or" at the end;

(2) in paragraph (5), by striking the period and inserting ", or";

(3) by inserting after paragraph (5) the following:

"(6) any requirement for a food described in section 402(a)(1), 402(a)(2), 402(a)(6), 402(a)(7), 402(c), 404, 406, 409, 512, or 721(a), that is not identical to the requirement of such section."; and

(4) by adding at the end the following: "For purposes of paragraph (6) and section 403B, the term 'identical' means that the language under the laws of a State or a political subdivision of a State is substantially the same language as the comparable provision under this Act and that any differences in language do not result in the imposition of materially different requirements. For purposes of paragraph (6), the term 'any requirement for a food' does not refer to provisions of this Act that relate to procedures for Federal action under this Act.".

(b) UNIFORMITY IN FOOD SAFETY WARNING NOTIFICATION REQUIREMENTS.—Chapter IV of such Act (21 U.S.C. 341 et seq.) is amended—

(1) by redesignating sections 403B and 403C as sections 403C and 403D, respectively; and

(2) by inserting after section 403A the following new section:

"SEC. 403B. UNIFORMITY IN FOOD SAFETY WARNING NOTIFICATION REQUIREMENTS.

''(a) UNIFORMITY REQUIREMENT.—

''(1) IN GENERAL.—Except as provided in subsections (c) and (d), no State or political subdivision of a State may, directly or indirectly, establish or continue in effect under any authority any notification requirement for a food that provides for a warning concerning the safety of the food, or any component or package of the food, unless such a notification requirement has been prescribed under the authority of this Act and the State or political subdivision notification requirement is identical to the notification requirement prescribed under the authority of this Act.

''(2) DEFINITIONS.—For purposes of paragraph (1)—

''(A) the term 'notification requirement' includes any mandatory disclosure requirement relating to the dissemination of information about a food by a manufacturer or distributor of a food in any manner, such as through a label, labeling, poster, public notice, advertising, or any other means of communication, except as provided in paragraph (3);

''(B) the term 'warning', used with respect to a food, means any statement, vignette, or other representation that indicates, directly or by implication, that the food presents or may present a hazard to health or safety; and

''(C) a reference to a notification requirement that provides for a warning shall not be construed to refer to any requirement or prohibition relating to food safety that does not involve a notification requirement.

''(3) CONSTRUCTION.—Nothing in this section shall be construed to prohibit a State from conducting the State's notification, disclosure, or other dissemination of information, or to prohibit any action taken relating to a mandatory recall, civil administrative order, embargo, detention order, or court proceeding involving food adulteration under a State statutory requirement identical to a food adulteration requirement under this Act.

''(b) REVIEW OF EXISTING STATE REQUIREMENTS.—

''(1) EXISTING STATE REQUIREMENTS; DEFERRAL.—Any requirement that—

''(A)(i) is a State notification requirement that expressly applies to a specified food or food component and that provides for a warning described in subsection (a) that does not meet the uniformity requirement specified in subsection (a); or

''(ii) is a State food safety requirement described in section 403A(6) that does not meet the uniformity requirement specified in that paragraph; and

''(B) is in effect on the date of enactment of the National Uniformity for Food Act of 2005, shall remain in effect for 180 days after that date of enactment.

''(2) STATE PETITIONS.—With respect to a State notification or food safety requirement that is described in paragraph (1), the State may petition the Secretary for an exemption or a national standard under subsection (c). If a State submits such a petition within 180 days after the date of enactment of the National Uniformity for Food Act of 2005, the notification or food safety requirement shall remain in effect in accordance with subparagraph (C) of paragraph (3), and the time periods and provisions specified in subparagraphs (A) and (B) of such paragraph shall apply in lieu of the time periods and provisions specified in subsection (c)(3) (but not the time periods and provisions specified in subsection (d)(2)).

''(3) ACTION ON PETITIONS.—

''(A) PUBLICATION.—Not later than 270 days after the date of enactment of the National Uniformity for Food Act of 2005, the Secretary shall publish a notice in the Federal Register concerning any petition submitted under paragraph (2) and shall provide 180 days for public comment on the petition.

''(B) TIME PERIODS.—Not later than 360 days after the end of the period for public comment, the Secretary shall take final agency action on the petition.

''(C) ACTION.—

''(i) IN GENERAL.—With respect to a State that submits to the Secretary a petition in accordance with paragraph (2), the notification or food safety requirement involved shall remain in effect during the period beginning on the date of enactment of the National Uniformity for Food Act of 2005 and ending on the applicable date under subclause (I) or (II), as follows:

''(I) If the petition is denied by the Secretary, the date of such denial.

''(II) If the petition is approved by the Secretary, the effective date of the final rule that is promulgated under subsection (c) to provide an exemption or national standard pursuant to the petition, except that there is no applicable ending date under this subparagraph for a provision of State law that is part of such State requirement in any case in which the final rule does not establish any condition regarding such provision of law.

''(ii) NONCOMPLIANCE OF SECRETARY REGARDING TIMEFRAMES.—

''(I) JUDICIAL REVIEW.—The failure of the Secretary to comply with any requirement of subparagraph (A) or (B) shall constitute final agency action for purposes of judicial review. If the court conducting the review determines that the Secretary has failed to comply with the requirement, the court shall order the Secretary to comply within a period determined to be appropriate by the court.

''(II) STATUS OF STATE REQUIREMENT.—With respect to a State that submits to the Secretary a petition in accordance with paragraph (2), if the Secretary fails to take final agency action on the petition within the period that applies under subparagraph (B), the notification or food safety requirement involved remains in effect in accordance with clause (i).

''(c) EXEMPTIONS AND NATIONAL STANDARDS.—

''(1) EXEMPTIONS.—Any State may petition the Secretary to provide by regulation an exemption from section 403A(a)(6) or subsection (a), for a requirement of the State or a political subdivision of the State. The Secretary may provide such an exemption, under such conditions as the Secretary may impose, for such a requirement that—

''(A) protects an important public interest that would otherwise be unprotected, in the absence of the exemption;

''(B) would not cause any food to be in violation of any applicable requirement or prohibition under Federal law; and

''(C) would not unduly burden interstate commerce, balancing the importance of the public interest of the State or political subdivision against the impact on interstate commerce.

''(2) NATIONAL STANDARDS.—Any State may petition the Secretary to establish by regulation a national standard respecting any requirement under this Act or the Fair Packaging and Labeling Act (15 U.S.C. 1451 et seq.) relating to the regulation of a food.

''(3) ACTION ON PETITIONS.—

''(A) PUBLICATION.—Not later than 30 days after receipt of any petition under paragraph (1) or (2), the Secretary shall publish such petition in the Federal Register for public comment during a period specified by the Secretary.

''(B) TIME PERIODS FOR ACTION.—Not later than 60 days after the end of the period for public comment, the Secretary shall take final agency action on the petition or shall inform the petitioner, in writing, the reasons that taking the final agency action is not possible, the date by which the final agency action will be taken, and the final agency action that will be taken or is likely to be taken. In every case, the Secretary shall take final agency action on the petition not later than 120 days after the end of the period for public comment.

''(4) JUDICIAL REVIEW.—The failure of the Secretary to comply with any requirement of this subsection shall constitute final agency action for purposes of judicial review. If the court conducting the review determines that the Secretary has failed to comply with the requirement, the court shall order the Secretary to comply within a period determined to be appropriate by the court.

''(d) IMMINENT HAZARD AUTHORITY.—

''(1) IN GENERAL.—A State may establish a requirement that would otherwise violate section 403A(a)(6) or subsection (a), if—

''(A) the requirement is needed to address an imminent hazard to health that is likely to result in serious adverse health consequences or death;

''(B) the State has notified the Secretary about the matter involved and the Secretary has not initiated enforcement action with respect to the matter;

''(C) a petition is submitted by the State under subsection (c) for an exemption or national standard relating to the requirement not later than 30 days after the date that the State establishes the requirement under this subsection; and

''(D) the State institutes enforcement action with respect to the matter in compliance with State law within 30 days after the date that the State establishes the requirement under this subsection.

''(2) ACTION ON PETITION.—

''(A) IN GENERAL.—The Secretary shall take final agency action on any petition submitted under paragraph (1)(C) not later than 7 days after the petition is received, and the provisions of subsection (c) shall not apply to the petition.

''(B) JUDICIAL REVIEW.—The failure of the Secretary to comply with the requirement described in subparagraph (A) shall constitute final agency action for purposes of judicial review. If the court conducting the review determines that the Secretary has failed to comply with the requirement, the court shall order the Secretary to comply within a period determined to be appropriate by the court.

''(3) DURATION.—If a State establishes a requirement in accordance with paragraph (1), the requirement may remain in effect until the Secretary takes final agency action on a petition submitted under paragraph (1)(C).

''(e) NO EFFECT ON PRODUCT LIABILITY LAW.—Nothing in this section shall be construed to modify or otherwise affect the product liability law of any State.

''(f) NO EFFECT ON IDENTICAL LAW.—Nothing in this section relating to a food shall be construed to prevent a State or political subdivision of a State from establishing, enforcing, or continuing in effect a requirement that is identical to a requirement of this Act, whether or not the Secretary has promulgated a regulation or issued a policy statement relating to the requirement.

''(g) NO EFFECT ON CERTAIN STATE LAW.—Nothing in this section or section 403A relating to a food shall be construed to prevent a State or political subdivision of a State from establishing, enforcing, or continuing in effect a requirement relating to—

''(1) freshness dating, open date labeling, grade labeling, a State inspection stamp, religious dietary labeling, organic or natural designation, returnable bottle labeling, unit pricing, or a statement of geographic origin; or

''(2) a consumer advisory relating to food sanitation that is imposed on a food establishment, or that is recommended by the Secretary, under part 3–6 of the Food Code issued by the Food and Drug Administration and referred to in the notice published at 64 Fed. Reg. 8576 (1999) (or any corresponding similar provision of such a Code).

''(h) DEFINITIONS.—In section 403A and this section:

''(1) The term 'requirement', used with respect to a Federal action or prohibition, means a mandatory action or prohibition established under this Act or the Fair Packaging and Labeling Act (15 U.S.C. 1451 et seq.), as appropriate, or by a regulation issued under or by a court order relating to, this Act or the Fair Packaging and Labeling Act, as appropriate.

''(2) The term 'petition' means a petition submitted in accordance with the provisions of section 10.30 of title 21, Code of Federal Regulations, containing all data and information relied upon by the petitioner to support an exemption or a national standard.''.

(c) CONFORMING AMENDMENT.—Section 403A(b) of such Act (21 U.S.C. 343–1(b)) is amended by adding after and below paragraph (3) the following:

''The requirements of paragraphs (3) and (4) of section 403B(c) shall apply to any such petition, in the same manner and to the same extent as the requirements apply to a petition described in section 403B(c).''.

Mr. ETHERIDGE. Mr. Chairman, I rise in support of H.R. 4167, the National Uniformity for Food Act of 2005.

As a senior member of the House Agriculture Committee, and a cosponsor of this legislation, I support H.R. 4167, to establish a uniform system of food safety and labeling requirements. This legislation is both timely and necessary for security and consistency in a global food economy. Currently, the United States operates under a labeling standard that continues to vary from state to state, with each state being able to create and enforce their own labeling requirements. This creates uncertainty, confusion, and possible danger to the health and well-being of the consumer; with one state requiring a certain warning label on a product, and another setting a completely different standard.

H.R. 4167 will create a single standard for food nutrition and warning labeling based on the high safety standards that are set by the United States Food and Drug Administration. This will be a national standard that will be applicable to all states. This legislation will continue to allow the FDA to work with states collaboratively in establishing food safety policies and standards.

I understand the concerns some have raised about H.R. 4167, and I voted for several amendments to make clear that I support reliable standards for food safety and public health. Specifically, the Cardoza amendment requires FDA to expedite state petitions involving a food notification requirement for health effects dealing with cancer, reproductive issues, birth defects, or information to parents or guardians concerning children's risk to a certain food. In addition, the Rogers Amendment prohibits H.R. 4167 from taking affect until after the Department of Health and Human Services, in consultation with the Department of Homeland Security, certifies that it will pose no additional risk to the public health or safety from terrorist attacks to the food supply. Finally, I support the Wasserman Schultz amendment to prohibit federal law from affecting any state law, regulation, prohibition, or other action that establishes a notification requirement regarding the presence or potential effects of mercury in fish and shellfish. H.R. 4167 is common sense legislation that was designed to create uniformity and consistency in labeling to help and protect the American consumer.

I urge my colleagues to support this legislation.

Mr. STARK. Mr. Chairman, I rise today in strong opposition to H.R. 4167, the National Uniformity for Food Act. This bill puts commercial food industry interests ahead of the rights of consumers to be warned about food safety issues.

The National Uniformity for Food Act would preempt all state food safety labeling protections, even if those protections have no effect on interstate commerce. The bill also bars states from limiting particular toxic chemicals in food, even if the Food and Drug Administration (FDA) has not set standards for those chemicals. For example, the current California requirement for point-of-sale warnings about high mercury levels in certain fish would be eliminated if this bill becomes law.

This bill is especially detrimental in states like California that have gone to great lengths to protect consumers through strong food safety labeling requirements. Requirements like California's Proposition 65 have greatly reduced exposure to toxic chemicals in food. California's food safety laws should be a model for the nation. Instead, the grocery and commercial food industries have used their influence in the halls of Congress in an attempt to destroy these laws.

California Attorney General Bill Lockyer, the National Association of State Departments of Agriculture, and many consumer groups oppose this bill. Mr. Lockyer said in a letter to the California delegation that the National Uniformity for Food Act ''would greatly impede our ability to protect the health of Californians, both under Proposition 65 and under other laws that could be adopted by the voters or our legislature.''

I urge my all my colleagues to stand up for consumers, not corporations, by voting no on the National Uniformity for Food Act.

Ms. SCHAKOWSKY. Mr. Chairman, I rise in strong opposition to H.R. 4167, the National Uniformity for Food Act. H.R. 4167 is intended to provide uniform food safety warnings and notifications. As written, however, it would hinder my state of Illinois' ability to protect the food supply and to respond quickly to local food safety concerns.

The National Uniformity for Food Act would weaken Illinois' ability to protect its residents from contaminated food by adding a layer of bureaucracy before such food could be removed from the shelves. Eighty percent of the country's food safety inspections are completed at the state and local levels. The bill preempts state food safety rules, which are often more stringent than federal standards and threatens the states' capacity to respond without delay to food safety issues.

For example, in 2002, 40 Illinois school children became sick after eating what appeared to be ammonia-contaminated chicken. Our Department of Public Health issued the necessary embargoes and the product was immediately removed from schools so no other children became ill. H.R. 4167 would prevent our state health department from taking immediate action in a similar situation.

In addition, H.R. 4167 would erect a number of legal hurdles. The bill would force state standards and procedures to be made identical to federal standards and procedures. H.R. 4167 would therefore prevent Illinois from taking action to keep any contaminated product regulated under the Illinois Food, Drug and Cosmetic Act out of the marketplace. For example, the bill would: remove Illinois' ability to take emergency action to keep contaminated food from reaching the public; prohibit Illinois from providing state-level consumer food warnings, including the mercury contamination in fish, the content of fats and oils in food, and the use of pesticides on fruits and vegetables; remove the state's ability to ensure the safety of food and color additives; and preempt state laws that require stores selling alcoholic beverages to post warning signs about the risks of drinking alcohol during pregnancy.

Every year, 76 million Americans suffer from food poisoning resulting in approximately 5,000 deaths. The stakes are only growing now that mad cow disease has been discovered in the United States. In addition, we must remain aware that our food supply is a potential target of terrorism. Now is the time to strengthen, and not dilute, our efforts to detect unsafe food products before they reach grocery store shelves.

I have received nearly 500 letters of opposition to H.R. 4167 from my constituents, in addition to letters of opposition from Illinois Attorney General Lisa Madigan, the Illinois Public Interest Research Group, and Illinois Governor Rod Blagojevich. Governor Blagojevich writes: ''Regulating and protecting the food supply is a responsibility shared by local, state and federal governments. In fact, approximately 80 percent of food safety inspections in the United States are completed at state and local levels. Therefore, passage of House Resolution 4167, preempting state rules on food supply that may be stronger than federal law, could put Illinois' residents and visitors at risk.'' I cannot support legislation which would hinder Illinois' ability to respond quickly to local food safety concerns. I encourage my colleagues to join me in opposing this legislation.

Mr. BLUMENAUER. Mr. Chairman, I am deeply disturbed by this proposal that would strip away states' ability to protect their citizens' food supply. Today's consideration of the ''National Food Uniformity Act'' represents the fourth time this bill has been considered since I have come to Congress. Congress and the public have repeatedly shown that they are opposed to the weakening of food safety laws, and yet we are forced to continue this debate.

Each year, food-borne illnesses result in 76 million illnesses, 325,000 hospitalizations and 5,000 deaths. This bill would nullify approximately 200 state laws aimed at reducing the incidence of these food-borne illnesses.

It's shameful that this bill does not create any uniform safety standards, but simply strips away states' rights to protect their residents. I'm sympathetic to some manufacturers' concerns about the burdens of multiple labeling

and food standards. However, state food safety regulations have protected millions of American consumers and I cannot support legislation that does not put in place any comparable national standards.

Mr. GUTKNECHT. Mr. Chairman, I would like to clarify the scope of preemption under H.R. 4167, because some confusing and misleading things have been said on this subject. While I have great respect for the Association of Food and Drug Officials, especially for the work its members do at the state level, I would specifically like to clarify some mistaken points the group made in a letter dated January 16th of this year. This letter stated that H.R. 4167 would preempt state laws on food sanitation, including milk sanitation statutes on the books in Minnesota and most other states. This is not the case. The bill we're considering today would not preempt state food sanitation standards.

H.R. 4167 only provides for federal preemption of certain requirements of the Federal Food, Drug, and Cosmetic Act, or FFDCA, and these are specified in the legislation. If a requirement of the FFDCA is not specified in H.R. 4167, then it will not be preempted by H.R. 4167, and states can establish or maintain requirements that are different from federal ones. This is the case when it comes to sanitation. Again, Mr. Chairman, states would still be free to enact state sanitation standards that are not identical to federal sanitation standards.

Even if H.R. 4167 did preempt state laws on food sanitation, which it again does not, it would still not preempt state milk sanitation laws. Through this bill, for preemption to be found in general, there must be a conflict between a state law and a federal requirement of the FFDCA or certain other federal laws and regulations. But in the case of milk sanitation, there is no federal law or regulation for a state law to conflict with. There are only the FDA definitions of "pasteurized" and "ultra-pasteurized" milk, which are agreed upon by agencies at all levels of government and the entire dairy industry, and the general manufacturing practice regulations applicable to all foods. Along these lines, Mr. Chairman, I ask that the dairy industry's letter of support for H.R. 4167 be included in the RECORD following my remarks.

These were conscious decisions made by the authors of H.R. 4167, decisions that, I think it is safe to say, are certainly agreed upon by the over 225 cosponsors of this bill, including myself. We recognize that states have often been at the forefront of regulating food sanitation, and for this reason, one of our legislative intents through this bill was that food sanitation standards should not and would not be preempted.

FEBRUARY 28, 2006.

Members of the House of Representatives, Washington, D.C.

DEAR REPRESENTATIVES: America's dairy producers and processors urge you to vote for H.R. 4167, the "National Uniformity for Food Act of 2005."

The International Dairy Foods Association (IDFA) and the National Milk Producers Federation (NMPF) support H.R. 4167, a bill to amend the Federal Food, Drug and Cosmetic Act in the areas of food safety tolerance setting and warning labeling because it takes a measured, science based approach, to achieve labeling uniformity. The bill contains a method for the orderly review and harmonization of existing state food safety adulteration laws and warnings as they relate to Federal law. No existing state labeling law would be preempted without this review and state requirements under petition would stay in effect during that review.

H.R. 4167 recognizes that it makes no sense to have a "patchwork quilt" of different states adopting different regulatory requirements on identical food product labeling. National uniformity in food laws is actually the norm, not the exception. All meat and poultry regulated by the U.S. Department of Agriculture (USDA) have national uniformity under the Federal Meat Inspection Act and the Poultry Products Inspection Act. The Nutrition Labeling and Education Act (NLEA) of 1990 established uniform nutrition labeling requirements on manufactured foods. In addition, the Food Quality Protection Act (FQPA) of 1996 included a uniformity provision for pesticide tolerance standards in food products. H.R. 4167 completes the job by establishing national uniformity for food additives and warning labels.

H.R. 4167 enjoys the support of 227 bipartisan co-sponsors and was reported by a bipartisan vote from the Energy and Commerce Committee on December 15,2005. America's dairy industry believes consumers deserve a single standard when it comes to food safety, and this bill will allow states and the Food and Drug Administration to work collaboratively in establishing sound food safety labeling policies that benefit, not confuse consumers. We urge your vote for H.R. 4167.

Sincerely,

CONNIE TIPTON,
President and CEO, International Dairy Foods Association.

JERRY KOZAK,
President and CEO, National Milk Producers Federation.

Mr. GILLMOR. Mr. Chairman, I rise today in strong support of H.R. 4167, the National Uniformity for Foods Act. I am pleased to be one of 226 cosponsors, and congratulate its sponsors, MIKE ROGERS and ED TOWNS, for their leadership in bringing this important food safety bill to the floor.

Domestic manufacturers and consumers alike will be well-served by this legislation which aims to alleviate the confusion created by a patchwork regulatory system, by requiring that the U.S. Food and Drug Administration (FDA) and the states work together to develop uniform safety standards.

Of note, the National Uniformity for Foods Act will likely benefit an estimated 16,000 food processing facilities scattered throughout the country. Most of them process foods that are distributed across state lines, including items like soup, ketchup, candy and crackers, all of which are produced in my congressional district.

Beyond food processors, glass manufacturers, who package food, beverages, cosmetics and other consumer products in Northwest Ohio will also be impacted positively by H.R. 4167. Given the nationwide distribution of most products packaged in glass, it is critical that glass manufacturers follow a national standard for the bottles that they produce.

Under the current regulatory system, each of the 50 states has the ability to require its own warning labels separate and apart from the FDA's requirements. Again, this multi-tiered regulatory environment can be highly inefficient, and serves to often confuse, rather than educate consumers. Manufacturers and consumers should have reasonable expectations that rational, scientifically based, and consistent standards will apply. The citizens of all states deserve the same level of food safety.

I should also point out that H.R. 4167 will not pre-empt existing state food safety requirements without thorough FDA evaluation, and will not prevent states from taking enforcement action without federal approval, so long as state food safety laws are the same as the federal government's requirements. Furthermore, this measure will not interfere with a state's rapid response mechanism to take action in emergency circumstances. Mr. Chairman, I again urge my colleagues to join me in supporting H.R. 4167.

The Acting CHAIRMAN. No amendment to the bill shall be in order except those printed in House Report 109–386. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered read, debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. BARTON OF TEXAS

Mr. BARTON of Texas. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 printed in House Report 109–386 offered by Mr. BARTON of Texas:

Page 2, line 7, strike "403A(a)" and insert "403A".

Page 2, beginning on line 8, strike "343–1(a)" and insert "343–1".

Page 2, line 10, strike "in paragraph (4)" and insert "in subsection (a)(4)".

Page 2, line 12, strike "in paragraph (5)" and insert "in subsection (a)(5)".

Page 2, line 14, insert "in subsection (a)," after "(3)".

Page 3, strike lines 5 through 15 and insert the following:

(4) by adding at the end the following:

"(c)(1) For purposes of subsection (a)(6) and section 403B, the term 'identical' means that the language under the laws of a State or a political subdivision of a State is substantially the same language as the comparable provision under this Act and that any differences in language do not result in the imposition of materially different requirements. For purposes of subsection (a)(6), the term 'any requirement for a food' does not refer to provisions of this Act that relate to procedures for Federal action under this Act.

"(2) For purposes of subsection (a)(6), a State or political subdivision of a State may enforce a State law that contains a requirement that is identical to a requirement in a section of Federal law referred to in subsection (a)(6) if—

"(A) the Secretary has promulgated a regulation or adopted a final guidance relating to the requirement and the State applies the State requirement in a manner that conforms to the regulation or guidance; or

"(B) the Secretary has not promulgated a regulation or adopted a final guidance relating to the requirement, except that if the

Secretary has considered a proposal for a regulation or final guidance relating to the requirement and has, after soliciting public comment, made a determination not to promulgate such regulation or adopt such guidance, which determination is published in the Federal Register, the State may not enforce any requirements in State law that are policies rejected by the Secretary through such determination.''.

Page 13, strike lines 13 through 19.

Page 13, line 20, strike ''(g)'' and insert ''(f)''.

Page 14, line 4, strike ''or'' after ''pricing,''.

Page 14, line 5, insert before the semicolon the following: '', or dietary supplements''.

Page 14, line 13, strike ''(h)'' and insert ''(g)''.

The Acting CHAIRMAN. Pursuant to House Resolution 710, the gentleman from Texas (Mr. BARTON) and a Member opposed each will control 5 minutes.

Mr. WAXMAN. Mr. Chairman, if no one rises in opposition to the amendment, I would like to claim the time, for purposes of debate, by unanimous consent.

The Acting CHAIRMAN. Without objection, the gentleman from California (Mr. WAXMAN) will control the time in opposition.

There was no objection.

Mr. BARTON of Texas. Mr. Chairman, I yield myself such time as I may consume.

My amendment provides clarification on the scope of the bill in two important areas. First, the amendment clarifies that uniformity in notification requirements for warnings does not apply to dietary supplements.

Additionally, during committee consideration of H.R. 4167, some Members expressed some confusion regarding the scope of subsection (f) of the bill. Today's amendment is designed to clear up that confusion and ensure that States can set tolerance levels for substances in food when the Federal Government has not.

Section 2 of the bill extends national uniformity to all aspects of food adulteration. I support the premise of food adulteration and tolerance levels should be uniform throughout the country. If a substance in food is injurious to one State's consumers, it would be injurious to the people of all 50 States. Section 401(a) of the Food, Drug and Cosmetic Act states a food is adulterated ''if it bears or contains any poisonous or deleterious substance which may render it injurious to health.'' The FDA currently determines levels of substances in particular foods to ensure that the food remains safe. Foods above those levels are considered adulterated.

The FDA is the world's gold standard for food regulation. If the agency has made a determination that a particular substance in food at a particular level is safe, then it should be safe to be sold in any State. However, if the FDA has not adopted a tolerance level for a substance in a particular food, nor affirmatively rejected a standard, then the State should be allowed to adopt its own standard when it deems necessary.

My amendment clarifies the intent of the authors of the legislation by stating that when there is neither a Federal tolerance level for a substance in a particular food, nor has the FDA made an affirmative rejection of the need for a tolerance for a particular substance, then the State may establish and enforce its own tolerance standard.

Mr. Chairman, I would urge my colleagues to support the amendment.

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

Mr. WAXMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is claimed that the Barton amendment preserves State and local authorities to act when the Federal Government has not. Unfortunately, the extent of the amendment does not support this statement. The amendment merely provides that States may enforce identical requirements to Federal requirements.

This is a terrible policy. Sixteen years ago, the Food and Drug Administration learned that there were cancer-causing chemicals in soft drinks way above levels that would be permitted in drinking water. Once the soft drink industry promised to address the problem, the FDA did nothing. Under the legislation the House considers today, the States' hands will be tied, even while the FDA continues to do nothing.

The other purpose of this amendment is that it would allow the States to regulate in the area of dietary supplements. The Food and Drug Administration can regulate in that area, but the States could go even further.

Now, I am for States rights, and so if a State wants to go further in the area of dietary supplements, I should not object, although I do not know whether the people who want this bill think that dietary supplements ought to be treated differently than the other foods. Why should we allow the States to regulate in the area of dietary supplements but not in regular food? The distinction does not make a lot of sense.

I do not oppose this amendment. I sought the time for the purposes of debate, but I think the point I would draw to the attention of my colleagues is why are we treating dietary supplements different from other foods? The States have historically dealt in this area, and the States ought to be permitted to deal not just in dietary supplements, but with all food under the police powers that are granted to every State to act to protect their own citizens.

□ 1630

So I want Members to know that this amendment is going to treat dietary supplements in a harsher way, by letting the States act, than we will with regular foods where it comes to a tolerance or a warning label.

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

Mr. BARTON of Texas. Mr. Chairman, may I inquire how much time I still have?

The Acting CHAIRMAN (Mr. SIMMONS). The gentleman from Texas has 3 minutes remaining.

PARLIAMENTARY INQUIRY

Mr. BARTON of Texas. Mr. Chairman, I want to propound a parliamentary inquiry.

I have no more requests for time, and I am going to close. I have a colloquy I want to enter into with the gentleman from Washington State, Mr. INSLEE. Can I use this time for that colloquy?

The Acting CHAIRMAN. The gentleman may yield to himself for purposes of a colloquy.

Mr. BARTON of Texas. Mr. Chairman, I yield myself such time as I may consume to engage in a colloquy with the gentleman from Washington, and I yield to him at this time.

Mr. INSLEE. Mr. Chairman, I would like to be certain that I understand the requirement in the bill that State food safety laws be identical to the ten sections of Federal law that are listed in section 2(a)(6) of the bill. Am I correct that each of these ten sections provides a basis for determining whether food is adulterated?

Mr. BARTON of Texas. Reclaiming my time, Mr. Chairman. The gentleman is correct. Provisions of State law that establish standards for determining when a food is adulterated, that are the State counterparts to those ten listed sections of Federal law, will need to be identical to the Federal law.

Mr. INSLEE. If the gentleman will continue to yield. ''Identical'' in this context does not mean that every word has to be exactly the same, does it?

Mr. BARTON of Texas. No. ''Identical'' is defined to mean that minor differences in wording are acceptable so long as they do not alter the underlying meaning of the provision. So, for example, Federal law provides that a food is adulterated ''if it contains any added poisonous or deleterious substance which may render the food injurious to health.'' This is often referred to as the basic adulteration provision of Federal law. State law that addresses the basic adulteration requirement will need to be the same as that provision of Federal law.

Mr. INSLEE. If a State's basic adulteration law is identical to the Federal adulteration law, can a State apply that law as it determines to be proper?

Mr. BARTON of Texas. If the FDA has not established a tolerance or limit for a particular poisonous or deleterious substance in food, the State is free to make its own determination of what quantity of that substance should be held to adulterate the food. If, however, there is an FDA established tolerance or limit, the State would then need to follow the tolerance or limit in its enforcement of State law. If FDA has finally determined that there should not be a tolerance or limit, then in that instance also the State would need to follow the Federal policy.

Mr. INSLEE. I thank the gentleman for this explanation, and I have a further inquiry.

I understand that if a State law is identical to the Federal, that State regulators can apply State law to particular circumstances where FDA has not.

Suppose a State enacts a law that applies to State's basic adulteration requirement to a particular substance or circumstance. So the law would say, for example, that the State has determined that any food that contains more than X amount of Y poisonous or deleterious substance adulterates the food within the meaning of that State's food adulteration law, would that be permissible?

Mr. BARTON of Texas. Yes. If the State's food adulteration provisions are identical to the listed Federal provisions and there is no Federal tolerance or limit, the State may apply its law either by regulatory action or State legislative enactment. All that the bill requires is that the State apply the same standard for adulteration that is found in Federal law. It does not matter whether the State does that administratively or by legislation.

Mr. INSLEE. Thank you, Mr. Chairman, for those clarifications.

Mr. BARTON of Texas. Mr. Chairman, I thank the gentleman, and I now ask for an ''aye'' vote on the Barton amendment.

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

Mr. WAXMAN. Mr. Chairman, I yield myself the balance of my time to enter into that last point that was made.

A State may act if they act in a way that is identical to the Federal action. Great. But if a State wants to act where the Federal Government has not acted, the States will be blocked, or may be blocked, from acting at all.

I think that illustrates the problem with this legislation. The State authority is stopped, and if the Federal Government doesn't act and the State can't act, then there will be no warning label. There will be no action at all on either the State or the Federal level to protect the public, even though the State would like to protect its own citizens.

That illustrates to me the basic flaw in this whole bill that is before us. And maybe it is why we never had a day of hearings on it and it is being rushed through the House of Representatives without adequate debate.

But let me just make that point as clearly as possible. Because sometimes you hear over and over again, we will have a stronger Federal law and there will be one uniform Federal law. Well, this will allow one uniform nonFederal law to preempt the States, and they will be identical because they will both say nothing to give the consumers the information they ought to have about the problems in food that could cause cancer or other medical problems or health problems, such as PCBs in shellfish, such as mercury in some other foods, such as carcinogens in something else. The public won't even be empowered to protect themselves if they want to. It is ''buyer beware,'' but at least let the buyer have some information and let them then make that decision.

So I don't object to this amendment, but I do object to the bill, and this amendment does not cure the fundamental problems with this legislation.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. BARTON).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. CARDOZA

Mr. CARDOZA. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 printed in House Report 109–386 offered by Mr. CARDOZA:

Page 11, after line 7, insert the following:

''(C) EXPEDITED CONSIDERATION.—The Secretary shall expedite the consideration of any petition under paragraphs (1) or (2) that involves a request for a notification requirement for a food that provides a warning where the health effect to be addressed by the warning relates to cancer or reproductive or birth defects or is intended to provide information that will allow parents or guardians to understand, monitor, or limit a child's exposure to cancer-causing agents or reproductive or developmental toxins.''.

The Acting CHAIRMAN. Pursuant to House Resolution 710, the gentleman from California (Mr. CARDOZA) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from California (Mr. CARDOZA).

Mr. WAXMAN. Mr. Chairman, I ask unanimous consent that I be able to take the time and debate on this amendment.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. DEAL of Georgia. Mr. Chairman, unless there is someone in opposition to it, I would claim the time in opposition, even though I am not opposed to it. I am not sure that Mr. WAXMAN and I are on the same position on the amendment.

Mr. WAXMAN. Well, Mr. Chairman, I will be in opposition to the amendment and claim the time in opposition.

The Acting CHAIRMAN. The gentleman from California (Mr. WAXMAN) is opposed and will control the time.

The gentleman from California (Mr. CARDOZA) is recognized.

Mr. CARDOZA. Mr. Chairman, I yield myself such time as I may consume to offer my amendment to H.R. 4167, the National Uniformity for Food Act.

H.R. 4167 creates two separate petition processes for States that may petition the FDA requesting approval for State labeling requirements. Under the first, the States are given a transitional period to request FDA approval of existing State regulations for food labeling. The second creates a process for States to petition the FDA to approve a national standard for new food labeling requirements, or to exempt a State from certain requirements of national uniformity.

My amendment deals only with the latter, the process for States to petition the FDA to approve national standards for future labeling requirements.

The bill sets strict timelines for FDA action on State petitions for future national standards. Petitions must be published in the Federal Register within 30 days of receipt and made available for public comment. The FDA must approve or deny within 60 days of the close of the public comment period, unless an extension is requested in order to gather more information. However, in all cases, final action must be rendered no later than 120 days after the close of the public comment period.

While I applaud the author for including these timelines, I feel it is important to have an even swifter resolution for those State petitions that may affect our most vulnerable populations. My amendment would further expedite consideration of State petitions seeking adoption of national warning requirements in three circumstances: first, where the proposed warning relates to cancer-causing agents; second, where the proposed warning relates to reproductive effects or birth defects; and, third, when the requested warning is intended to provide information that will allow parents to understand, monitor, or limit a child's exposure to cancer-causing agents or reproductive or developmental toxins.

My amendment will help ensure that when a State believes a warning should be provided against possible serious health effects or birth defects, FDA consideration of the State request must occur in the shortest period of time possible.

As a member of the California delegation, I stand by my support of the National Uniformity for Food Act, but I also recognize the importance of retaining a State's ability to advocate for their food safety warnings and that that be promoted nationwide. Ultimately, my amendment preserves the goal of H.R. 4167 to have uniform national warnings while also ensuring that Federal action on State requests for important health warnings is not delayed.

Mr. Chairman, I ask for an ''aye'' vote, and I reserve the balance of my time.

Mr. WAXMAN. Mr. Chairman, I yield myself such time as I may consume.

This bill requires a State to petition the Food and Drug Administration to see if the Food and Drug Administration will allow the State to continue with its law. Now, many of these laws are dealing with carcinogens and reproductive toxins, very, very serious matters, and the States feel the public ought to be advised about that.

This amendment, however, provides an expedited review. Well, the Congressional Budget Office has said that this

is going to cost $100 million over 5 years, and that is to review 200 State petitions, because there are 200 State laws that are going to be wiped out. The Congressional Budget Office says they do not think the FDA will comply in time. So the FDA is going to be mandated to get their review done in an expedited way and it is going to cost us over $100 million, but they are not going to comply.

Well, that is why the States attorneys general have contacted us and they say that this bill is going to create a whole new Federal bureaucracy. Imagine that, Republicans who are sponsoring this bill, and Democrats who have joined with them, who I don't think both sides of the aisle understood the consequences of this bill; that it takes away the States rights to enact legislation in areas of carcinogens and reproductive toxins and other areas where they think the public health and safety may be at stake, it takes away the States rights to give it to a Federal bureaucracy, and it enhances that Federal bureaucracy with additional burdens but creates no more funding to do that job.

Is this what we have always expected out of Congress; creating a new bureaucracy to act in place of State duly elected governments? I just think this bill, if people will examine it carefully, can't stand the light of day. And I guess that is why we have never had a hearing on it. No one has ever been able to get the pros and the cons. We have no record to substantiate that legislation to start with.

And this amendment, although it is hard to oppose an amendment that says we are going to have an expedited review, although the bill provides for a 180-day review, nobody who has looked at it carefully, especially the Congressional Budget Office, thinks it will make a difference because they are never going to get around to it.

I guess the way to handle it is the Food and Drug Administration can say, very quickly, no, that State law will not be allowed. We won't let them have those warnings for their people. We will just overturn the State law. That will be what they will have to do if they have to do it in an expedited way, especially if they are hearing from special interest groups that want the laws at the State level to be overturned.

But let me just add one other point. We are talking about 200 State laws that are on the books now. But what about other problems in the future that States may find out about that may even be peculiar to that State? They are not going to be looking at that issue any longer because they know that the Federal Government is now preempting the field. But the Federal Government, by preempting the field, it doesn't mean that they are looking at the problem and trying to address it.

So there is a huge vacuum that will be created if this bill becomes law, and that is why I sought the time and I wanted to make this clarification.

Mr. Chairman, should I have any time left, I want to reserve the balance of it.

Mr. CARDOZA. Mr. Chairman, I would like to inquire of the Chairman how much time I have remaining.

The Acting CHAIRMAN. The gentleman from California (Mr. CARDOZA) has 7½ minutes remaining and the gentleman from California (Mr. WAXMAN) has 6 minutes remaining.

□ 1645

Mr. CARDOZA. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota (Mr. PETERSON).

Mr. PETERSON of Minnesota. Mr. Chairman, I rise today in support of the gentleman's amendment. Several of my colleagues have raised valid concerns about the importance of warning labels for specific serious health issues, including birth defects and cancer-causing agents. I believe the language in the gentleman's amendment improves the underlying bill by allowing for an expedited review process by the FDA.

If a State identifies a health issue fitting the critical categories listed in the amendment, then a warning is necessary, and this amendment allows FDA to enact the warning nationally, not just in the State that proposes it, granting greater consumer protection everywhere, and if the FDA approves a State's request for a warning, it is important for consumers not just in that State, but all States, to have that information.

As I said during the general debate on this bill, we have the world's safest food supply, the lowest cost to its consumers, and every American benefits from a system of national food safety standards. This amendment and the underlying bill builds on the record of success that we have had in this system by extending the same approach to food safety standards that is used by USDA and other agencies.

I strongly urge my colleagues to join me in supporting this important amendment and to oppose any amendments that would gut this bill.

Mr. CARDIN. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. RADANOVICH).

Mr. RADANOVICH. Mr. Chairman, I thank the gentleman for yielding me this time.

I am a cosponsor and will support final passage of the National Uniformity for Food Act today. This is because I believe that a national standard for food labeling under the authority of the FDA makes sense.

In addition, I support the Cardoza amendment to this bill, which would accelerate the consideration of warnings for food labels in certain cases, such as when dealing with the potential for birth defects and cancer-causing agents.

This amendment protects the most vulnerable in our society, particularly children. Expedited consideration by the FDA for these types of labels is the right thing to do to protect the health of our families. I urge my colleagues to support this amendment and urge a ''yes'' vote on final passage.

Mr. WAXMAN. Mr. Chairman, I reserve the balance of my time.

Mr. CARDOZA. Mr. Chairman, I yield 1 minute to the gentleman from Michigan (Mr. ROGERS), the author of the bill.

Mr. ROGERS of Michigan. Mr. Chairman, I rise to support the Cardoza amendment and thank the Member for working with us. This does improve the bill and makes very, very clear that we are going to have an expedited review for cancer-causing agents or reproductive effects or birth defects.

The reason we have an expedited review here, as we have said many times, those State laws in effect remain in effect until they get an affirmative ruling from the FDA, so those would remain in place until they get a scientific ruling from the FDA, and then we would have the benefit of that information shared with all 50 States, all 50 States' children, all 50 States' men and women who call America home.

I thank the gentleman for working with us and in supporting this fine bill.

Mr. WAXMAN. Mr. Chairman, I yield myself such time as I may consume.

I want to point out that there are two petitions. One is a petition by a State to allow its law to stay in effect. The second provision in the bill allows a State to petition to say the Federal Government should have one uniform law that ought to be the same as that State's.

Well, this provision that is before us will have an expedited review of the States' petitions. Pesticide spraying after harvest disclosure, that is a Maine law requiring disclosure; postharvest spraying of produce with pesticides. I have no idea what the reason was for that law, but Maine people thought it worthwhile because of pesticide spraying and, I guess, the residue of pesticides. I suppose that should have an expedited review.

We have disclosure of fish, whether it is farm-raised or wild. There is a law in Alaska dealing with salmon; in Arkansas, Louisiana and Mississippi dealing with catfish. Certain farm-raised fish may contain elevated levels of PCBs and other contaminants. Well, those State laws may not be allowed to continue. The FDA is going to have to decide that.

There are 50 State milk safety laws. They are different laws. Each State adopted the law it thinks is best. Each State would have to petition whether it can continue with the law that it adopted.

Now, an expedited review sounds like a good idea because we would like them to review them carefully so the States can have a decision, but you know an expedited review can also mean that expedite it, and the FDA will say ''no'' as quickly as possible in order to expedite that review.

I would rather have them have a thorough opportunity to review the

laws based on the science, but they do not have to make their decision based on science. They can just decide that any State law, if a business has to comply with a State law, it means that in one State they have to have different warning labels or different tolerance standards than in other States. That might interfere with interstate commerce, so they might just strike all of the laws. I do not want to push them on an expedited basis to strike all these laws because that could be what an agency, a bureaucracy, would think is the wisest thing to do in order to meet the expedited time frame.

So I think Members ought to be aware of the other side of the coin when they say we want these laws reviewed carefully.

The other point is the Barton amendment dealing with dietary supplements will not even have a State have to go to the Food and Drug Administration if the State wants to regulate more in the area of dietary supplements. It still is perplexing to me why that area ought to be singled out to be treated differently than other food products. Why should a warning label that a State wants to put on a food which may be a carcinogen or it may be a reproductive toxin, why a State law in that area, if it deals with a food product that is probably going to be used by far more people, should require a State to have to go and get a petition to the Food and Drug Administration to let that law stay in effect? But if they have a warning label that a dietary supplement can cause cancer, that warning label will not be reviewed by the FDA.

So we have these discrepancies that Members ought to understand are at stake in this legislation which has not been thoroughly reviewed. On that basis I think we ought to give it much more scrutiny than we are being allowed to do today.

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

Mr. CARDOZA. Mr. Chairman, I yield myself such time as I may consume.

This amendment will strengthen States rights, in my opinion, by forcing the FDA to review petitions expediently and quickly to make sure that their concerns are legitimately taken care of. I do not think anyone here believes that the FDA will purposely act in contravention to what is in the best interest of the people of the United States and their health.

I also agree with the gentleman's contention that the FDA needs to be strengthened and given increased funding. If they have additional work, they will need additional funding to do this work. But this amendment is only dealing with the underlying legislation. I would ask for the body's support of this amendment. I think it makes the bill stronger.

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

Mr. WAXMAN. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Chairman, I thank the distinguished gentleman for yielding some time to me.

I have a question to ask of my friend from California: What is the time frame when you say expeditious action on the part of the FDA? What does that constitute? Is it 100 days? Is it 180 days? Is it 30? The connotation is that it is going to be swift. If this passes, if the legislation actually moves, what are we looking at relative to the direction of this amendment?

Mr. CARDOZA. Mr. Chairman, will the gentlewoman yield?

Ms. ESHOO. I yield to the gentleman from California.

Mr. CARDOZA. In answer to the gentlewoman from California, it is my intention that there would be an expedited review. If there is 120 days, and a State requests a shortened period of time because they believe that a particular problem has, and let us just use an example, say there is a microorganism in seafood that has just occurred off the coast.

Ms. ESHOO. So maximum is 120 days?

Mr. CARDOZA. And this allows the FDA to act even quicker; in fact, mandates it.

Ms. ESHOO. But they have up to 4 months?

Mr. CARDOZA. In the underlying bill.

Ms. ESHOO. But that is your amendment, not the underlying bill.

Mr. CARDOZA. No, the underlying bill is 120 days.

Ms. ESHOO. And what does your amendment do?

Mr. CARDOZA. It says that it must be the quickest possible.

Ms. ESHOO. But without any specificity?

Mr. CARDOZA. Correct.

Ms. ESHOO. Mr. Chairman, thank you.

Mr. WAXMAN. Mr. Chairman, I yield back the balance of my time.

Mr. CARDOZA. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. SIMMONS). The question is on the amendment offered by the gentleman from California (Mr. CARDOZA).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. DEAL of Georgia. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California (Mr. CARDOZA) will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. ROGERS OF MICHIGAN

Mr. ROGERS of Michigan. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 printed in House Report 109–386 offered by Mr. ROGERS of Michigan:

At the end of the bill, add the following section:

SEC. 3. CONDITIONS.

The amendments made by this Act take effect only if the Secretary of Health and Human Services certifies to the Congress, after consultation with the Secretary of Homeland Security, that the implementation of such amendments will pose no additional risk to the public health or safety from terrorists attacks relating to the food supply.

The Acting CHAIRMAN. Pursuant to House Resolution 710, the gentleman from Michigan (Mr. ROGERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, one of the things that we have heard over the course of this debate, and we have had lots of it, almost as many hours of debate as there are pages in the bill, one of the things that we realized along the way is that there was concern about the bioterrorism. We firmly believe that the bill is adequate to deal with those issues. But to try to make sure everybody had a comfort level, we felt it was important to at least acknowledge that we were going to have the DHS and the HHS sign off on this legislation before it takes effect, that there would be no hindrance in defense of bioterrorism when it comes to our food supply. It is not a difficult thing, it is really a commonsense measure. We hope that alleviates some of the concerns we have heard mentioned, and I urge this body's support on this particular measure.

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

Mr. WAXMAN. Mr. Chairman, I ask unanimous consent to control the time in opposition, although I will speak in favor of this amendment.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. WAXMAN. Mr. Chairman, I yield myself such time as I may consume.

I think this is a good amendment. After this amendment is disposed of, and I hope favorably, I will be offering another amendment on the same subject of bioterrorism. I think any protections that we put into place at this time of threat of terrorism are wise. I will discuss my amendment at the appropriate time, but I join my colleague from Michigan in urging support for this amendment.

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

Mr. ROGERS of Michigan. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina (Mr. BROWN).

Mr. BROWN of South Carolina. Mr. Chairman, I rise in support of the Rogers amendment to H.R. 4167, the National Uniformity for Food Act.

Unfortunately, in this day and age we need to look at every piece of legislation that we consider through the eyes of those we ask to cope with the unthinkable, in this case a food emergency or bioterrorist situation. The

last thing we want to do is unnecessarily handcuff the local, State and Federal officials who respond quickly in times of crisis.

That is why I support this amendment. It would require the Secretary of Health and Human Services to certify to the Congress that the National Uniformity for Food Act would not in any way inhibit the ability of local, State or Federal authorities to respond to a food emergency or bioterrorist event.

□ 1700

The bill cannot take effect until that certification, in consultation with the Secretary of Homeland Security, is complete. H.R. 4167 as originally written would have had no effect on a State's ability to respond to a food emergency or bioterrorist threat. The FDA and the States would continue to work together to cope with that type of situation. I, for one, am comforted by Mr. ROGERS' amendment and ask my colleagues to support it unequivocally.

Mr. ROGERS of Michigan. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. PRICE of Georgia). The question is on the amendment offered by the gentleman from Michigan (Mr. ROGERS).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. WAXMAN

Mr. WAXMAN. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 printed in House Report 109–386 offered by Mr. WAXMAN:

At the end of the bill, add the following:

SEC. 3. PROTECTION AGAINST BIOTERRORISM.

Nothing in this Act or the amendments made by this Act shall have any effect upon a State law, regulation, action, or proposition if a Governor or State legislature certifies that such law, regulation, action, or proposition is useful in establishing or maintaining a food supply that is adequately protected from bioterrorism attack.

The Acting CHAIRMAN. Pursuant to House Resolution 710, the gentleman from California (Mr. WAXMAN) and the gentleman from Georgia (Mr. DEAL) each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Chairman, the previous amendment was a good amendment. It provided for a one-time certification. That was important to do. The only requirement is the Secretary of Health and Human Services consults with the Department of Homeland Security to certify that the bill will not pose additional risks from terrorist attacks before it goes into effect.

That is worthwhile. That is why I supported that amendment. It doesn't require them to consult with the States, look at different approaches the States may be using. What we are proposing to do is to go even further in the area of protection against bioterrorist threats.

My amendment allows the States to retain the authority to decide what is important in preparing for and responding to terrorism threats. If a Governor or State legislature certifies a State action in this regard, it is not going to be preempted. The States will be able to make those decisions on bioterrorism, should, God forbid, such a thing happen.

As the Nation's first responders to bioterrorist attacks, State and local governments have worked to have effective programs that can respond flexibly should a nightmare occur. These State food safety officials have stated repeatedly that they are deeply concerned that H.R. 4167 will undermine the States' ability to effectively prevent and respond to bioterrorist attacks.

The States learned from Hurricane Katrina that it is ill-advised to rely on Federal agencies to solve their problems when a disaster occurs. Under H.R. 4167, even with this last amendment, the States will be in exactly that position, because they will have to rely on the Federal Government.

Under the bill, H.R. 4167, States will be required to go through a bureaucratic Federal process merely to protect their citizens. Even in the case of an imminent hazard, States must make a series of findings, and even then are only authorized to establish a requirement which could be interpreted to require the passage of a new law or promulgation of new regulations.

In the face of a determined terrorist threat, this burdensome approach seems highly unwarranted and potentially disastrous. My amendment will go a long way to addressing these shortfalls. It is an amendment that State food officials think is merited, and they have warned us about any weakening of their ability to respond to any bioterrorist threat.

That is what has become the basis for this amendment. I strongly urge support for the Waxman amendment and hope that this amendment will supplement the Federal requirement that the Rogers amendment is putting into place. I urge support for the Waxman antiterrorism amendment.

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

Mr. DEAL of Georgia. Mr. Chairman, I would yield myself 1 minute.

Mr. Chairman, I must rise in opposition to the amendment. I believe that Mr. WAXMAN is well-intentioned in the amendment language that he has offered, and it is a matter of perspective as to whether or not this amendment would cure or would create more problems. It is my opinion that it would do the latter.

The last thing that any of us want, I think, is to create anything that will create more bureaucratic wrangling between the States and the Federal Government and pointing of fingers back and forth in a time of disaster, and especially in an event such as a terrorist attack or something that would contaminate our food supply.

I believe the language we have just adopted in the Rogers amendment, which requires that the Secretary of HHS consult with the Secretary of Homeland Security and certify that this bill does not in any way impinge on or interfere with the ability to deal with a threat to public health, is an adequate safeguard. I think this amendment is unnecessary.

Mr. Chairman, I yield 2 minutes to the gentleman from Nebraska (Mr. TERRY).

Mr. TERRY. Mr. Chairman, I rise in opposition to this amendment, my friend's amendment to the National Uniformity for Food Act. We have seen time and time again in recent years it takes swift and coordinated response from local, State and Federal officials to confront disasters of any kind, especially those caused by terrorists who seek to do us harm.

This amendment, however well-intentioned, will do little more than add to the bureaucratic wrangling that can hamper, not improve, our ability to launch a coordinated response in time of trouble. State officials have nothing to fear from this bill as originally written. It has no impact on the ability of local, State and Federal officials to respond to a food emergency or bioterrorist threat.

However, for those who, like me, like additional assurances that this legislation would in no way inhibit our ability to cope with a natural or terrorist-made disaster, I respectfully offer that the Rogers amendment that was agreed to would assuage those concerns. It would require the Secretary of Health and Human Services, in consultation with the Secretary of Homeland Security, to certify that the legislation poses no additional threat to public health or safety in time of crisis. Therefore, the law can take effect.

It should adequately assuage the concerns of Mr. WAXMAN and all others. I urge my colleagues to support the Rogers amendment and vote against the Waxman amendment.

Mr. DEAL of Georgia. Mr. Chairman, I would yield 1 minute to the gentleman from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Mr. Chairman, I just wanted to make clear, there has been a lot of misinformation on that bill. I was a former FBI agent. One thing I learned, we used to call it the brick agent, the guy that is out on the street. You don't want to have to ask permission to take an exigent circumstance under control. You don't want to do have to do that.

This bill protects State, local and Federal Government action in cases of bioterrorism. We would have not have drafted a bill that would have done otherwise. I think what you are misinterpreting is the fact that once they take an action, they have to tell the FDA.

Why that is a good idea is because if they find there is an area where there is adulteration or poisoning, let us say, in Oregon or someplace else, there

might be another place that they can go and short-circuit that problem somewhere else in the country. It is good policy to have that notification that there was food that was adulterated or poisoned or a victim of bioterrorism that needs to be addressed at that national level. Take the action, tell the Feds so they can get that information across the rest of the country.

This is the right thing to do. I would urge the rejection of the Waxman amendment, which I think makes it more confusing, not less.

Mr. WAXMAN. Mr. Chairman, I want to close on this amendment. This amendment is a supplement to the amendment that the gentleman from Michigan (Mr. ROGERS) adopted. This is what food and drug officials at the State levels have said. When you consider the local and State food safety programs, our first line of defense against acts of terrorism involve the food supply.

This amendment would allow them to act without having to go to the Federal Government to ask for permission. The bill says even if there is an imminent hazard, the State has to go to the Federal Government to get permission. That is absurd.

The New York Agriculture Department said that New York would be left without any means to stop contaminated food from entering the Nation's food supply. Florida stated this legislation would make it more difficult to mitigate the effects of an intentional bioterrorist agent food adulteration.

I think those who are imposing this amendment are very much misguided. Listen to what the States have had to say about this. These are the ones that are going to have to deal with any bioterrorist attack at the front lines. Especially after what we saw with Hurricane Katrina, let us empower the local people to act and not make them have to go hat in hand to seek a bureaucratic solution, which may take time from the Federal Government to allow them to act.

My amendment would allow the States to act, especially if it is an imminent problem. That should not be taken away, which would happen if we don't pass this amendment. I ask for an ''aye'' vote.

Mr. DEAL of Georgia. Mr. Chairman, I yield back the balance of our time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. WAXMAN).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. DEAL of Georgia. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California (Mr. WAXMAN) will be postponed.

AMENDMENT NO. 5 OFFERED BY MRS. CAPPS

Mrs. CAPPS. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 printed in House Report 109–386 offered by Mrs. CAPPS:

Page 4, beginning on line 1, strike ''Except as provided in subsections (c) and (d),'' and insert ''Except as provided in paragraphs (4) through (6) and subsections (c) and (d),''.

Page 5, after line 16, insert the following:

''(4) NOTIFICATIONS REGARDING CANCER.—Paragraph (1) does not apply to a notification described in such paragraph if the notification warns that the food involved may cause cancer.

''(5) NOTIFICATIONS REGARDING BIRTH DEFECTS OR REPRODUCTIVE HEALTH PROBLEMS.—Paragraph (1) does not apply to a notification described in such paragraph if the notification warns that the food involved may cause birth defects, or warns that the food may cause reproductive health problems, or both.

''(6) NOTIFICATIONS REGARDING ALLERGENIC SULFITING AGENTS.—Paragraph (1) does not apply to a notification described in such paragraph if the notification warns that the food involved contains a sulfiting agent that may cause an allergic reaction.''.

At the end of the bill, add the following:

SECTION 3. ENSURING ADEQUATE PROTECTION FOR KIDS.

Nothing in this Act or the amendments made by this Act shall have any effect upon a State law, regulation, proposition or other action that—

(1) establishes a notification requirement that will allow parents or guardians to understand, monitor, or limit a child's exposure to cancer-causing agents, reproductive or developmental toxins, or food-borne pathogens; or

(2) offers protection to children from foods bearing or containing cancer-causing agents, reproductive or developmental toxins, or food-borne pathogens.

The Acting CHAIRMAN. Pursuant to House Resolution 710, the gentlewoman from California (Mrs. CAPPS) and a Member of the opposition each will control 10 minutes.

The Chair recognizes the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Chairman, I yield myself 3 minutes. Mr. Chairman, I am offering this amendment with colleagues, Representative ESHOO, Representative STUPAK and Representative WAXMAN. Our amendment is fairly straightforward. It would ensure that this bill would not preempt State laws that require proper warning on foods that do contain carcinogens, that do contain chemicals that could cause birth defects or other reproductive defects or could cause allergic reactions with sulfiting agents.

The bill as currently written would effectively wipe out important existing State food safety warning laws in these very areas. It is unconscionable that Congress could create a system that essentially conceals from consumers known possible risks to their health. This is especially troubling considering how successful these State laws have been at better informing the public about potential problems in their foods. Perhaps most importantly, some of these State laws would be wiped out by H.R. 4167 which have led manufacturers to remove harmful contents from food products altogether.

For example, food warning laws in California have resulted in the decrease of arsenic in bottled water everywhere; a reduction of lead and calcium supplements and also a removal of the potassium bromate from bread wherever it is sold in the United States.

□ 1715

It was under such a State law that warnings about pregnant women and alcohol first came about, a State law. However, this bill would end that process.

Mr. Chairman, public health experts everywhere recognize the importance of providing the best available information to consumers regarding possible health risks in food products, and that is why the Association of Food and Drug Officials, as well as a bipartisan coalition of 39 State attorneys general are on record opposing this.

Supporters of this bill will argue that this legislation establishes an appeals process for States seeking to establish their own food safety measures. This process would be burdensome and costly. The CBO estimates it could cost taxpayers as much as $100 million in the first years for States to apply for waivers for their State laws and for the FDA to process these appeals.

Our amendment would dramatically reduce those costs by keeping intact some of the most critical State laws already on the books which do ensure consumer protections. It would protect State laws that mandate consumer notifications for products that we know can cause cancer, can cause birth defects and may cause allergic reactions associated with sulfiting agents.

Mr. Chairman, we are fortunate to have made great advancements in recognizing potential health risks posed by certain substances. We want to ensure that this knowledge reaches the public, where the forces of the market can determine the need for arsenic in bottled water or of potassium bromate in bread.

Let us not keep consumers in the dark about what is in the foods they eat. I urge my colleagues to support this amendment.

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

Mr. DEAL of Georgia. Mr. Chairman, I claim the time in opposition.

The Acting CHAIRMAN (Mr. PRICE of Georgia). The gentleman from Georgia is recognized for 10 minutes in opposition.

Mr. DEAL of Georgia. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, this amendment would exempt three categories of warnings and standards from a national uniformity standard: those relating to risks of cancer; those relating to reproductive or developmental toxins; and, third, those sulfiting agents in bulk foods.

Warnings on food should apply in all 50 States. If a warning is justified, consumers in all States should get the information. If food is not safe in 49 States, then it should also not be safe in the other, or vice versa. If a warning is not justified, then consumers should not be confused by different warnings in different States.

If a State has reliable scientific information that demonstrates that a warning is needed for a particular food, then in the interest of public health, it should share that information with the FDA and petition for a new national standard. Under the bill, a State can petition to establish a new national standard or a specific exemption to uniformity where local circumstances warrant. The petition process will ensure that States collaborate with the FDA and will help foster greater food safety throughout the country.

Just a few minutes ago, by voice vote, we adopted Mr. CARDOZA's amendment, which, for the first time, will put an assurance that there will be an expedited review in all of the three categories that this amendment addresses.

Under the legislation, no existing State requirement would be preempted without the opportunity of the State to petition the FDA to exempt the State requirement from the uniform standard. Once a petition is received, the State requirement will remain in effect until the Secretary either accepts or rejects the petition.

I believe we have adequate protections, especially with the Cardoza language that was just adopted by voice a few minutes ago.

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

Mrs. CAPPS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I just want to submit we all agree uniformity, national uniformity is ideal. The word ''expedited'' without sufficient resources makes it really risky to entrust the Food and Drug Administration to do what States have already accomplished. States do have the resources to do that.

Mr. Chairman, I am pleased to yield 4 minutes to my colleague the gentlewoman from California (Ms. ESHOO)

Ms. ESHOO. Mr. Chairman, I thank my colleague for yielding me time.

Mr. Chairman, I am really pleased to cosponsor this amendment. I think it is a very important one, and I think it is important also for people that are listening in across the country who support this amendment. Every leading environmental organization in the country supports this amendment, and consumer groups support this amendment.

I think it is important for people across the country to know who is for the bill, and it will say something about the effort that is here on the floor today. The feed industry is for the bill. The frozen food people are for the bill. The Plastics Council is for the bill. Soft drink people, food processors, food additives.

The food additives people are for the bill. Doesn't that say something about what is going into our food and lessens the standards in our country for what we consume? That just gives you, excuse the expression, a taste of who is for the bill.

Now, this amendment allows States to retain and establish their own food safety warnings or standards to protect consumers in four key areas. It is against the risk of birth defects, it is against reproductive health problems, cancer and allergic reactions. Those are four major areas that every single person in this country cares about because they are so serious.

Without this amendment, States are going to have to come to the Federal Government and say, mother, may I?

My friends, nothing is broken. Nothing is broken. Were it not for these special interests that have lobbied so hard for this, which is what is wrong with Washington, D.C. today, we would not have to be on the floor fighting to protect what local governments and State governments have, the laws they have placed on the books.

Now, here is an example. Here is an example of what we have in California. This is the warning. This is the warning that is in the grocery stores and the appropriate places for pregnant women and others to warn them: ''Pregnant and nursing women, women who may become pregnant, and young children should not eat the following fish,'' and it names them.

You know what is going to happen when this thing becomes law? It is going to be buried on a Web site at the FDA. Who the heck is going to go on a Web site at the FDA to read the fine print to find out if they have a warning? That warning is not enforceable. That is why we are offering this amendment in the most key health areas. I would urge my colleagues to support the amendment.

Mr. Chairman, I want to add one more comment to this: Whose constituent has come up to them and said, ''Get rid of these good laws in our respective States and local governments''? Not one of my constituents has.

This march to folly, and that is why attorneys general across the United States are opposed to it, it is why food and agriculture heads from States are opposed to it. This is not about consumers, this is about special interests.

Mr. DEAL of Georgia. Mr. Chairman, I yield 4 minutes to the gentleman from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Mr. Chairman, this debate has certainly turned some interesting corners in the last few weeks, and again we are fast approaching as many hours debating as there are pages in the bill; 226 cosponsors and 59 Democrats joined in a bipartisan effort for national food safety labeling, a pretty powerful thing.

I commend Mr. WAXMAN for standing up and saying that we need national nutrition labels across the country. Why? Because the periodic tables in California are not any different than the periodic tables in Michigan or Maine or Florida, thank goodness. Science is science is science.

If we are going to protect pregnant women, if we are going to protect children, if we are going to protect mothers and fathers, if we are going to be for apple pie and Chevrolets, then we ought to do it in all 50 States, because a chicken grown in Louisiana is going to end up on a plate in Michigan; peas grown in Florida are going to end up in Louisiana; crawfish is going to come north and west and south, and we are going to send navy beans south, and we grow some good ones up there in Michigan. We have cherries that are going to go all across the country. This is an interstate matter.

I can't think of anything more important than our food safety. I have heard so much misinformation, even today. ''It is going to wipe out the laws to protect consumers.'' Wrong. This bill will not do that. ''The AGs are all for this bill for the right reason.'' Two of the issues that they talked about, preempted in their letter, were factually incorrect. It wasn't right. They were making the wrong argument. They were wrong.

Sulfites in Michigan, I happen to agree with you. And I will tell you what; if they are bad for Michigan citizens, I think they are bad for all of the other 49 States. If you are traveling to see your mother and you have a sulfite problem, if you are in Michigan today, you are fine. If you are in Ohio, you are not going to do so well. That is wrong. We can do better. This bill says we can do better.

I appreciate your passion for these issues. I don't think we are all that far apart about wanting food safety. I don't. I think how we get there is the problem.

So to have personal attacks and charges of backroom deals and those things is wrong. I think you know it is wrong. I think we have come to the point in the bill where you run out of facts and you start going in a different direction.

This bill is about protecting the food safety of every American in this great country. I think we ought to set aside maybe some of those differences that we have and acknowledge this is the right thing to do, like we did on nutritional labeling, like we did when we set the standards of what food gets to be called organic, a Federal standard. Why? Because we felt it was important enough to have a Federal standard for the protection of every American, not just California, not just Florida, not just Michigan.

Mr. Chairman, I have been a little disappointed with the tenor of debate at times in this particular engagement on something I think is so important and so critical to our safety, our food safety. I would urge this body to reject this amendment. It tries to carve something out to confuse consumers,

which is exactly where we don't want to go. That is just not a place that we want to go.

Mr. Chairman, I think we know at the end of the day this is the right thing to do. As a matter of fact, even in the letters sent in from State bureaucrats and the trial lawyers who oppose this bill they are saying, well, national labeling is okay, but we have some other concerns. Why? Because you can't make a good argument about why uniform labeling across the country for the protection of citizens and what they put in their body is a good idea. What do we hear? Adulterated food or poisoned food, you usurp our ability. No, that is protected in this bill.

If we are going to argue about what we are doing, let's argue on the facts, the correct facts. I think we all probably at the end of the day know this is the right thing to do.

I am going to ask you to step aside from what you think you need to do, step off your talking points, and say let us do something that is good for America. Don't worry about politics and all the other people that get involved sometimes outside of this building. Worry about what is right for the people of America. You will come to the right conclusion.

If you look at the facts that are wrong consistently in your arguments, you are going to be with us. I appreciate your care and concern. I know you are going to be with us at the end of the day.

I urge Members to vote in support of the bill and against the Capps amendment.

Mrs. CAPPS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would submit the consumers are united in opposing this legislation and that the States have had a track record for consumer protection. I would love to see the Federal Government establish such a record.

Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Chairman, if the people who are supporting this law were sincere, they would go to the Food and Drug Administration under current law and ask them to adapt standards all across the country on all of these issues. They don't have to wait until the State petitions them. The Food and Drug Administration can look at a problem now and say California has a law, Michigan has a law, those are good ideas. We are going to survey what the States are doing and make them apply all across the country. They could do that now. But this bill puts at risk all the State laws, and that is what is really behind this legislation, putting at risk all the State laws.

Now, the Capps amendment is a combination of amendments that were offered in the Commerce Committee that had bipartisan support, very close to a majority, but not quite.

□ 1730

If we had a hearing, maybe the others would been convinced. And what this amendment seeks to do is to say, all right, if this law goes into effect at least where the States have adopted warning labels on carcinogens, on reproductive toxins, on allergic reactions to sulfites, leave those State laws alone, do not wipe them out, because you would like to argue that there ought to be 50 laws, 50 States to have one law, which can be done now. Leave those laws alone.

And it also says that when it comes to standards protecting children, let the States decide that issue. There are many children who suffer from cancer, and more and more we are learning that cancer is caused by environmental exposures. And one of the major environmental exposures is in food.

If a parent, and all parents want to know this, having petitioned their State and have convinced their legislators to have a warning label that there is a carcinogen in the food, why should the Federal Government prevent that from happening, or have a standard that says they will not be allowed to have carcinogens or certain toxins in food that can harm children.

Why should States be precluded from doing that? I find it disingenuous when the proponents of this bill say, I want the same thing as what these States are providing. I just want everybody to have it. The States do not have to act if the Federal Government has acted. If the Federal Government has acted for everyone, then there is no need for State laws; but if the Federal Government has not acted, the States ought to be able to act on their own in this area.

So the Capps amendment that is sponsored by many of us is narrow, and it simply says it will allow the warning labels if the States determine them for carcinogens, reproductive toxins and allergic reactions. Let the States act where they are trying to protect children from harmful substances in food.

I urge support for the Capps amendment.

Mr. DEAL of Georgia. Mr. Chairman, I have difficulty understanding why any State that feels that it has the good science and the research to justify putting labels of warning on their products would be unwilling to share that information with the agency at the Federal level that is charged with that responsibility.

Now, unfortunately there is a more elemental argument that has not really been addressed in this discussion here. And I do not question anybody's motives. I regret that the last speaker maybe sort of questioned the motives of some who are advocating this bill.

But let me harken back to days that predate even this institution and this building in which we are now sitting. One of the fundamental debates that engaged our original forefathers and colonists, the debate between the old Constitutional Convention in Philadelphia and the Articles of Confederation that proceeded that, one of the critical issues was the right to regulate interstate commerce.

Now, in those days, you could say, prior to our Constitution that gave the authority to the Federal Government to regulate interstate commerce, you could say, well, you are not going to be able to bring your peanuts from Georgia or your peaches from South Carolina or your apples from Vermont into my State unless you put my label on it. And our Founding fathers decided that one of the reasons the articles did not work was because you could not have a Nation that allowed these barriers to be erected at the State lines.

Now, if the issue is the safety of the people of this country, how do you justify not wanting those same protections for everybody?

Now, I think there has been a misstatement that has been repeated here. If a State has a warning, and that warning is in place now, a label, and they petition the Federal Government and the FDA, and they say, we wish you to consider this, and the Federal Government just does not take a position on it, then their State regulation remains in effect.

If, however, the Federal Government looks at the issue, and the FDA decides that the science does not justify impediment, then under those circumstances, there would not be uniformity, and, therefore, the State requirement would not be allowed to pertain.

So if the States are so sure of their position, I see no reason why they would not want to share that information with the FDA so that the other States can have equal protection, and not just reerect some of the very barriers that created the impediments under the Articles of Confederation and led to the right of this body, under this type of deliberation, to consider under the interstate commerce jurisdiction the right of uniformity in things that do have an effect about articles moving in our interstate commerce.

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

Mrs. CAPPS. Mr. Chairman, I would submit to my chairman that I do not know any State that would not be willing to share its information with the Federal Government. On the other hand, the Food and Drug Administration has had top scientists quit of recent time over political pressures.

And the truth is that this bill would conceal information from consumers about known risks for cancer, birth defects and allergic reactions due to sulfiting agents. This bill guts important existing warning laws. How are we going to live with this on our conscience, that today help consumers make informed choices, have encouraged manufacturers to remove harmful substances from their products?

I urge my colleagues to support this amendment.

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

The Acting CHAIRMAN (Mr. PRICE of Georgia). The question is on the amendment offered by the gentlewoman from California (Mrs. CAPPS).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mrs. CAPPS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California (Mrs. CAPPS) will be postponed.

AMENDMENT NO. 6 OFFERED BY MS. WASSERMAN SCHULTZ

Ms. WASSERMAN SCHULTZ. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 printed in House Report 109–386 offered by Ms. WASSERMAN SCHULTZ:

At the end of the bill, add the following section:

SEC. 3. ENSURING ADEQUATE INFORMATION FOR INFANTS, CHILDREN, AND WOMEN OF CHILD-BEARING AGE.

Nothing in this Act or the amendments made by this Act shall have any effect upon a State law, regulation, proposition or other action that establishes a notification requirement regarding the presence or potential effects of mercury in fish and shellfish.

The Acting CHAIRMAN. Pursuant to House Resolution 710, the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) and the gentleman from Georgia (Mr. DEAL) each will control 5 minutes.

The Chair recognizes the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ).

Ms. WASSERMAN SCHULTZ. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, Members, I ask your support of my amendment, which will add State fish and shellfish methylmercury notification laws to this act's current list of exemptions.

The gentleman from Georgia outlined that if there is a problem with any food, that we should have national notification so that everyone in America may be notified regarding those concerns. The problem in particular when you are talking about fish and shellfish is that much of the problem deals with recreational fishing. So, for example, in Georgia, you might have a different level of mercury in the lakes and rivers there as opposed to the level of mercury in the lakes and rivers in Michigan. So it is imperative that we have the ability to notify, under a State's discretion the level of mercury poisoning and the caution and concern that those residents should have in that particular State.

Methylmercury poisoning is a growing crisis in our country. The FDA recommends that pregnant women completely stop eating larger predatory fish, because the average methylmercury content per serving is so high that just one male is unhealthy.

The American Academy of Pediatrics reports that children and pregnant women can have significant exposure if they consume excess amounts of fish. Several States have begun to address current mercury levels. In fact, 44 States have issued some form of a methylmercury advisory.

Members, I know you all share my concern for our children's health and well-being. This amendment will not undermine the sponsor's intent. There are other exemptions in this bill. If there is any substance that we exempt and ensure that there can be differing levels of advisories across the country, it is methylmercury poisoning.

Mr. Chairman, I urge the Members support the amendment.

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

Mr. DEAL of Georgia. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Mr. Chairman, I appreciate the gentlewoman's intention here. But, again, the facts of the case are this: The toxicity level of those fish, if it is higher or lower in any particular place, the threshold that makes it toxic is the same.

It is the same for people in California. It is the same for people in Texas. It is the same for people in Michigan. So what we are saying is, yes, this is a very important issue, and we need to make sure that we understand what that toxicity level is. And if there are unique challenges to any particular State, that State can apply through the FDA for that particular area. We have even built provisions into the bill to take into consideration.

Ms. WASSERMAN SCHULTZ. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Michigan. I yield to the gentlewoman from Florida.

Ms. WASSERMAN SCHULTZ. Mr. Chairman, a woman who does not have access to prenatal care, who does not know that she is pregnant, who already has a high level of mercury poisoning in her bloodstream, as many, many women across this country do, and then becomes pregnant and continues to consume high levels of oil-based fish, how is that woman supposed to be advised that she should not continue to eat tuna, mackerel, salmon without going to the doctor? Is she likely to have access to a computer and the FDA's Website to get that warning? I really doubt it.

Mr. ROGERS of Michigan. Well, again, the State can apply for those warning labels. There is nothing in here that prevents that from happening. And, again, if it is good for a woman in Texas or Missouri, or fill in the blank, it is good for all 50 States. The toxicity level will not change. The danger of that toxicity level will not change.

Let me tell you what else happens, and we need to be real careful about this, because we need to blend all science and remove emotion, because this is what we found happened. It was an interesting study, and I would encourage the gentlewoman to read it. It is the Tufts Health and Nutrition Letter that recently reported on several studies that documents some of the government warnings about mercury in fish can do more harm than good. It is interesting why.

They reported that the Harvard Center for Risk Analysis conducted this study, which concluded that if Americans cut their consumption of fish by one-sixth, as they did after the mercury-focused 2001 warning, an additional 8,000 deaths per year will occur annually from heart disease and stroke.

What we have found is that you have to got to blend good science, remove the emotion, because in some cases it would be appropriate to consume fish because it is healthy. There are some of those fish oils that are very good for you.

And what they found is, listen, you guys are doing more harm than good. You are killing 8,000 more people a year because we have an obesity problem in America, we have a health consumption problem in America. This is causing more harm than good. So we have got to find that balance.

I argue that good science is good science. Again, if we apply the periodic tables in all 50 States uniformly as we should, with scientific lenses, we are going to come to the right conclusion to protect every pregnant woman in America.

Ms. WASSERMAN SCHULTZ. Mr. Chairman, I yield 1½ minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Chairman, I think the gentleman from Michigan (Mr. ROGERS) misunderstands this proposal, and it is different than the previous ones, because the State laws that we are talking about here are, for example, the State of Connecticut's legislature is currently considering a law to say that a grocery store will post information. I am not talking about warning labels, but they can put up a sign in the grocery store that certain fish ought not to be used by pregnant women. There have been an estimated 300,000 newborns who are exposed to those dangerously high maternal mercury blood levels from, among other things, fish.

So, one, I do not think it is constitutional for the Federal Government to say a State cannot ask grocery stores in that State to put up a warning sign. But the State, to say that we want all 50 States to put up warning signs in the grocery stores, I do not think the Federal Government, Food and Drug Administration has ever passed that kind of requirement. They deal with labels on food. This is not a label on food issue. This is simply an internal State advisory, and those State laws ought not to be put at risk.

As far as the risk/benefit of eating fish, and you are healthier even if you eat fish with more mercury and PCBs, that talks about adults. We are talking about, in this amendment, pregnant

women. And we ought to let them have that information, especially if the States adopt the kind of law that Connecticut is looking at. And we should not block that from happening.

Mr. Chairman, I urge support for the amendment.

Ms. WASSERMAN SCHULTZ. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Chairman, I rise in support of the amendment of the gentlewoman from Florida. As cochair of the Children's Environmental Health Caucus, I have tried to raise awareness here in the Congress about public health risks for children caused by environmental contaminants.

It is well known that certain fish and shellfish contain high levels of mercury that can harm babies, unborn babies, the nervous systems of young children, and these levels of mercury in different States vary. That is the key point. Many States have enacted shellfish safety laws. Many of the environmental and consumer protection laws that we now take for granted around the country first appeared in individual States.

So there are variations of contaminants in individual States. There is also a different willingness in different States to protect their consumers. This bill, I am afraid, without amendments like Ms. WASSERMAN SCHULTZ's will result in the lowest common denominator applying, for, in other words, the weakest standards.

□ 1745

Currently some States have shellfish safety laws, but not all. Some States have fish consumption/methylmercury advisories, but not all New Jersey does. By preempting these State laws, we hurt the consumer and the health of children.

Mr. DEAL of Georgia. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, we have already seen evidence of action at the Federal level in March of 2004. In fact, the FDA and the EPA issued a joint guidance to consumers about the issue of mercury in fish. And that guidance was designed to try to strike a careful balance that would demonstrate both the benefits of eating fish as well as the potential dangers associated with exposure to mercury.

If the bill passes as presented, and this is an issue with regard to warning on fish, there are several things that would be authorized: A State, if it feels it has a peculiar situation, could petition for a waiver so that they could apply a nonFederal standard to their warning. There is absolutely nothing in the bill that would prohibit a State from issuing warnings. It just cannot require that the manufacturer or distributor be the one that be required to place warnings on the product. But the State could issue whatever warnings it saw fit to do so.

I think, as Mr. ROGERS related earlier, the Tufts Health and Nutrition Letter, indicating that you have to be careful that you do not do more harm than good sometimes by issuing warnings that are blanket in nature, I think that clearly indicates we could go in the wrong direction.

We believe the bill strikes a careful balance. It does allow States that have peculiar situations to ask that they be allowed to put additional warnings on products in their State if they think that is justified. We believe that the current Federal policy on mercury, however, in fish is an appropriate and adequate one, and I would urge the defeat of this amendment.

Ms. WASSERMAN SCHULTZ. Mr. Chairman, I yield for the purposes of making a unanimous consent request to the gentleman from Ohio (Mr. KUCINICH).

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

Mr. KUCINICH. Mr. Chairman, I rise in support of the Wasserman Schultz amendment.

It is widely known that mercury is a highly toxic chemical, especially to our children. It causes entire clusters of cells in the developing brain to die. It causes loss of fine motor skills, learning disabilities, and seizures. Later in life, it can translate into kidney diseases, and immune system disorders.

One of the primary ways children are exposed to mercury is through consumption of fish—either they eat it or their mother does. At the same time, eating fish that is not contaminated has been shown to be important to childrens' health.

The best way to deal with the problem is to stop mercury from getting into our environment in the first place. Of course, this administration and Congress have repeatedly refused to take substantive action to require coal burning power plants to take responsibility for their toxic mercury releases that end up in our fish. But because mercury pollution is allowed to persist, people are forced to take on the coal plants' responsibility by trying to avoid fish that are contaminated.

In recognition of this, some States are considering laws that will label fish that are high in mercury. It is a critical consumer empowerment tool that is the last line of defense for those who do not want their children or themselves to be exposed to this toxic substance.

But the Food Uniformity Act would undercut States' ability to even provide that basic level of protection through labeling. So not only does the bill undercut States rights, but it also undercuts personal responsibility.

The Wasserman Shultz amendment makes an exemption for labeling laws that apply to mercury and fish and shellfish. It is a commonsense amendment. Please join me in supporting it.

Ms. WASSERMAN SCHULTZ. Mr. Chairman, I yield myself the balance of my time.

One of the things I want to point out that I think is important to note is that the petition process that the gentleman from Georgia (Mr. DEAL) pointed out, that whole process has been scored by the GPO. They have estimated that it would cost $400,000 per petition.

Should we be creating the obstacles to information that women need? I will give you an example. I have a 2½-year-old baby girl, and I first found out about the dangers of methylmercury when I was pregnant with her and my OB–GYN told me, do not consume tuna. Do not consume any oily-based fish.

Think about someone who does not have the access to prenatal care that I had. We have absolutely got to make sure that depending on the levels of mercury poisoning in a particular body of water in different States, that each State be able to decide the type and method of information that they provide, and that we not leave only the ability to notify women and parents of young children about the dangers of methylmercury on a Web site put out by the FDA. That would be inappropriate.

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

The Acting CHAIRMAN (Mr. PRICE of Georgia). The question is on the amendment offered by the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. DEAL of Georgia. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 109–386 on which further proceedings were postponed, in the following order:

Amendment No. 2 by Mr. CARDOZA of California.

Amendment No. 4 by Mr. WAXMAN of California.

Amendment No. 5 by Mrs. CAPPS of California.

Amendment No. 6 by Ms. WASSERMAN SCHULTZ of Florida.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

AMENDMENT NO. 2 OFFERED BY MR. CARDOZA

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. CARDOZA) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 417, noes 0, not voting 15, as follows:

[Roll No. 27]

AYES—417

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costello
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weller
Westmoreland
Wexler
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—15

Burton (IN)
Costa
Cubin
Cummings
Diaz-Balart, L.
Diaz-Balart, M.
Evans
Gonzalez
Norwood
Nussle
Ros-Lehtinen
Salazar
Sweeney
Weldon (PA)
Whitfield

□ 1814

Mr. GARRETT of New Jersey changed his vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 4 OFFERED BY MR. WAXMAN

The Acting CHAIRMAN (Mr. PRICE of Georgia). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. WAXMAN) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 164, noes 255, not voting 13, as follows:

[Roll No. 28]

AYES—164

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Boehlert
Bono
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carnahan
Carson
Case
Cleaver
Clyburn
Conyers
Cooper
Cummings
Davis (CA)
Davis (FL)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Edwards
Emanuel
Engel
Eshoo
Farr
Filner
Fitzpatrick (PA)
Foley
Frank (MA)
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Hinchey
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jones (NC)
Jones (OH)
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Myrick
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (PA)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (VA)
Serrano
Sherman
Slaughter
Smith (NJ)
Smith (WA)
Solis
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wolf
Woolsey
Wu

NOES—255

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardoza
Carter
Castle
Chabot
Chandler
Chocola
Clay
Coble
Cole (OK)
Conaway
Costello
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Davis (AL)
Davis (IL)
Davis (KY)
Davis (TN)
Deal (GA)
DeLay
Doolittle
Doyle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Etheridge
Everett
Fattah
Feeney
Ferguson
Flake
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Kanjorski
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham

LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Murtha
Musgrave
Neugebauer
Ney
Northup
Nunes
Nussle
Ortiz
Osborne
Otter
Oxley
Pearce
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (TX)
Snyder
Sodrel
Souder
Spratt
Stearns
Sullivan
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wynn
Young (AK)
Young (FL)

NOT VOTING—13

Burton (IN)
Costa
Cubin
Diaz-Balart, L.
Diaz-Balart, M.
Evans
Gonzalez
Meek (FL)
Millender-McDonald
Norwood
Ros-Lehtinen
Salazar
Sweeney

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (Mr. PRICE of Georgia) (during the vote). Members are advised there are 2 minutes remaining.

□ 1824

Mr. MARCHANT and Mr. CRENSHAW changed their vote from ''aye'' to ''no.''

Ms. WATERS changed her vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 5 OFFERED BY MRS. CAPPS

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Mrs. CAPPS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 161, noes 259, not voting 12, as follows:

[Roll No. 29]

AYES—161

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Bean
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Boehlert
Bono
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carnahan
Carson
Case
Cleaver
Conyers
Cooper
Cummings
Davis (CA)
Davis (FL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Emanuel
Engel
Eshoo
Farr
Fattah
Filner
Fitzpatrick (PA)
Foley
Frank (MA)
Gerlach
Gilchrest
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Hinchey
Holt
Honda
Hoyer
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larson (CT)
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Miller, George
Mollohan
Moore (WI)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Stark
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Wolf
Woolsey
Wu

NOES—259

Aderholt
Akin
Alexander
Bachus
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Boozman
Boren
Boswell
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardoza
Carter
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole (OK)
Conaway
Costello
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Davis (AL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Etheridge
Everett
Feeney
Ferguson
Flake
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Istook
Jefferson
Jenkins
Jindal
Johnson (IL)
Johnson, Sam
Kanjorski
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Larsen (WA)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lucas
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moore (KS)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Nunes
Nussle
Ortiz
Osborne
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Schmidt
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (TX)
Sodrel
Souder
Spratt
Stearns
Strickland
Sullivan
Tancredo
Tanner
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wynn
Young (AK)
Young (FL)

NOT VOTING—12

Burton (IN)
Costa
Cubin
Diaz-Balart, L.
Diaz-Balart, M.
Evans
Gonzalez
Millender-McDonald
Norwood
Ros-Lehtinen
Salazar
Sweeney

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (Mr. PRICE of Georgia) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1831

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 6 OFFERED BY MS. WASSERMAN SCHULTZ

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 253, noes 168, not voting 11, as follows:

[Roll No. 30]

AYES—253

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Bilirakis
Bishop (GA)

Bishop (NY)
Blumenauer
Boehlert
Bonner
Bono
Boswell
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Camp (MI)
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chabot
Chandler
Cleaver
Clyburn
Conyers
Cooper
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Duncan
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Foley
Ford
Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Gerlach
Gilchrest
Gingrey
Goode
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Harris
Hart
Hastings (FL)
Hefley
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kirk
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
LoBiondo
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Mack
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Myrick
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Platts
Pomeroy
Price (GA)
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Regula
Reyes
Ross
Rothman
Roybal-Allard
Rush
Ryan (OH)
Ryan (WI)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOES—168

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barton (TX)
Bass
Beauprez
Berry
Biggert
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Boozman
Boren
Boucher
Boustany
Boyd
Brady (TX)
Brown (SC)
Burgess
Buyer
Calvert
Campbell (CA)
Cannon
Cantor
Carter
Chocola
Clay
Coble
Cole (OK)
Conaway
Costello
Cramer
Crenshaw
Davis (KY)
Davis, Tom
Deal (GA)
DeLay
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Everett
Feeney
Flake
Forbes
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gillmor
Gohmert
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Istook
Jenkins
Jindal
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
Larsen (WA)
Latham
Lewis (KY)
Linder
Lipinski
Lucas
Manzullo
Marchant
McCaul (TX)
McCrery
McHenry
McKeon
McMorris
Mica
Miller (FL)
Miller, Gary
Moore (KS)
Moran (KS)
Murphy
Murtha
Musgrave
Neugebauer
Ney
Northup
Nunes
Nussle
Ortiz
Osborne
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Poe
Pombo
Porter
Pryce (OH)
Radanovich
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ruppersberger
Ryun (KS)
Schmidt
Sessions
Shadegg
Sherwood
Shimkus
Shuster
Simpson
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Tancredo
Tanner
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Walden (OR)
Westmoreland
Wicker
Wilson (SC)
Young (AK)

NOT VOTING—11

Burton (IN)
Costa
Cubin
Diaz-Balart, L.
Diaz-Balart, M.
Evans
Gonzalez
Norwood
Ros-Lehtinen
Salazar
Sweeney

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised 2 minutes remain in this vote.

□ 1839

Mr. PRICE of Georgia and Mr. OTTER changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN. There being no further amendments in order under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. DAVIS of Kentucky) having assumed the chair, Mr. PRICE of Georgia, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4167) to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes, pursuant to House Resolution 710, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and the third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. STUPAK

Mr. STUPAK. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. STUPAK. Yes.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Stupak moves to recommit the bill, H.R. 4167, to the Committee on Energy and Commerce with instructions to report the same back to the House forthwith with the following amendments:

Page 4, beginning on line 1, strike ''Except as provided in subsections (c) and (d),'' and insert ''Except as provided in paragraph (4) and subsections (c) and (c),''.

Page 5, after line 16, insert the following:

''(4) NOTIFICATION REGARDING TREATMENT OF MEAT, POULTRY, OR FISH WITH CARBON MONOXIDE.—Paragraph (1) does not apply to a notification described in such paragraph if the notification concerns meat, poultry, or fish and warns that such food has been treated with carbon monoxide.''.

Mr. STUPAK (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. STUPAK) is recognized for 5 minutes in support of his motion.

Mr. STUPAK. Mr. Speaker, I am pleased to offer this motion to recommit. My motion protects the rights of States to notify consumers about carbon monoxide treated meat, poultry and fish.

Mr. Speaker, I would like to direct your attention to these pictures. Which meat do you think is older? The red meat on top, or the brown meat on the bottom?

Both are the same age. Both have been sitting in a refrigerator, side by side, for 5 months.

Mr. Speaker, the meat on the top has been packaged in carbon monoxide which causes the meat to look red and fresh long into the future. The meat on the bottom has not, and it is brown and slimy. Like I said, the meat on the top is 5 months old and looks as good as new, but it is not. If you consume it, you could become severely ill from a food-borne pathogen like E. coli, and possibly die.

Packing meat in carbon monoxide without labeling is consumer deception at best; and at worse, it could become a major health threat. The FDA, without looking at any independent studies, has determined it has no objection to allowing meat to be packaged in carbon monoxide. The FDA merely reviewed the meat industry's carbon monoxide proposal. By allowing the injection of carbon monoxide in meat

and seafood packaging, the meat industry stands to gain $1 billion a year because as meat begins to turn brown, consumers reject it.

Color is the most important factor the public uses to determine what meat they buy, according to studies dating back to 1972. Yet the FDA, in making its decision, only looked at information provided to it by the meat industry.

□ 1845

It did not do its own independent research or studies. It did not solicit any public comments. Currently States may pass their own laws to notify consumers that their meat may be packaged with carbon monoxide and may not be as fresh as it appears. But those laws will about be overturned if this bill becomes law.

My motion to recommit is simple. It allows States to act regarding consumer notification of carbon monoxide-treated meat, poultry and fish. Is this really the standard we want for our country for the public health and safety of food, which have been primarily left to the States? We should not tie the hands of the States who want to protect the health of their citizens from this deceptive practice.

The National Farmers Union, Consumer Federation of America, the Center for Science in the Public Interest all agree on the State's right to label this food should be protected.

One more prop. Take a look at this Coke can. Differing States have different deposit amounts on it. States like Michigan has 10 cents; States like Massachusetts, Maine, Hawaii, 5 cents.

According to this rule, there is no uniformity, every State does it a little differently. It will still exist, but underneath the Rogers amendment, we can't protect our meat from carbon monoxide. Why do we have to have one standard here, but when it comes to returning the deposit, we would have standards and we don't worry about uniformity? Let's pass the motion to recommit.

I yield 1 minute to the Democratic leader.

Ms. PELOSI. I thank the gentleman for his leadership on this important motion to recommit.

Mr. Speaker, I am absolutely certain that every woman who served in this body is asked the same question I am as I travel across the country as House Democratic leader. Why did you get involved in politics?

I always respond in the same way. As the mother of five children, and now the grandmother of five grandchildren, I view my work in politics as an extension of my role as mother. All of us as parents want the best for our children. We want to do everything we can to keep them safe. But there are some things that are not in our power. For that we look to government, for clean air, for clean water and for food safety.

Today Republicans in Congress are shredding the food safety net that we have built in our country, and this bill puts our children and future generations at risk. This bill, and the words in it, should be fighting words for moms across the country about the safety of their children.

The debate on this bill gives new meaning to the words ''food fight.'' Mr. Speaker, that is why I am opposing this legislation. The effects of this bill are breathtaking. It undermines the lifesaving laws in place throughout our country, voiding approximately 200 State laws on food safety and labeling. The bill will do away with shellfish safety standards, laws in at least 16 States, milk safety laws in 50 States and restaurant and food service establishments, again in all 50 States. That is why 39 attorneys general, Republicans and Democrats, are opposing this bill, because it increases risks and undermines consumer protections. That is why I urge my colleagues to support the Stupak amendment motion to recommitment.

You be the judge. When you shop for meat or fish, do you want to know how long it has been on the shelf? The motion to recommit would ensure States whether companies could treat packaged meat and fish with carbon monoxide to make them look better.

Mr. Speaker, they say that a picture is worth 1,000 words. With that thought, I will yield back my time, submit the rest of my words for the RECORD, and urge my colleagues to observe this picture and decide if you want to eat any of that meat. Vote for the Stupak amendment and oppose the underlying bill. Vote for the children of America.

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

Mr. BARTON of Texas. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore (Mr. PRICE of Georgia). The gentleman is recognized for 5 minutes.

Mr. BARTON of Texas. Mr. Speaker, I want to thank you and thank my friend from Michigan for offering the motion to recommit.

Let me say right up front that I don't want to eat anything that has been sitting in the refrigerator for 5 months that hasn't been cooked. Nobody is for that. I don't believe anybody is. I would point out, though, that nothing in this bill prohibits a State from establishing a freshness dating State provision. It is on page 14, and it starts in line 11, and it goes through line 16. Nothing in this section or section 403(a) relating to food shall be construed within a State or political or subdivision of the State from establishing or enforcing or continuing in effect a requirement relating to freshness dating.

The gentleman from Michigan's underlying motion to commit doesn't really deal with the dating aspect, as in dating the food, trying to go out on a date with some food, you know. It relates to the fact that it would prevent carbon monoxide, CO, from being used as a preservative in the packaging. The United States Department of Agriculture and the Food and Drug Administration have, for the last 4 years, permitted that. Right now there is a proceeding at the FDA on a citizen's petition that is directly related to Mr. STUPAK's motion to recommit.

There is absolutely no need to legislate in this area. If, in fact, there is something wrong, and there is nothing wrong, there is no scientific basis at all to say that using carbon monoxide as a preservative, when you package the food, is a health hazard or a scientific problem at all. But if it were to be, the FDA has a proceeding right now. Plain and simple, this is more of a marketing, competitive issue. There is a company that is at a competitive disadvantage, and they would like to see carbon monoxide not be allowed to be used.

That is a whole different market-based issue. That is not a legislative issue. I would oppose the motion to recommit and support the underlying bill.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. STUPAK. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 170, noes 254, not voting 8, as follows:

[Roll No. 31]

AYES—170

Abercrombie	Cuellar	Holden
Ackerman	Cummings	Holt
Allen	Davis (CA)	Honda
Andrews	Davis (FL)	Hooley
Baca	DeFazio	Hoyer
Baird	DeGette	Inslee
Baldwin	Delahunt	Israel
Barrow	DeLauro	Jackson (IL)
Bean	Dicks	Jackson-Lee (TX)
Becerra	Dingell	Jefferson
Berkley	Doggett	Johnson, E. B.
Berman	Doyle	Jones (OH)
Bishop (NY)	Emanuel	Kanjorski
Blumenauer	Engel	Kaptur
Brady (PA)	Eshoo	Kennedy (RI)
Brown (OH)	Etheridge	Kildee
Brown, Corrine	Farr	Kilpatrick (MI)
Butterfield	Fattah	Kind
Capps	Filner	Kucinich
Capuano	Ford	Langevin
Cardin	Frank (MA)	Lantos
Carnahan	Green, Al	Larsen (WA)
Carson	Green, Gene	Larson (CT)
Case	Grijalva	Lee
Cleaver	Gutierrez	Levin
Clyburn	Harman	Lewis (GA)
Conyers	Hastings (FL)	Lipinski
Cooper	Higgins	Lofgren, Zoe
Crowley	Hinchey	

Lowey
Lynch
Maloney
Markey
Marshall
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu

NOES—254

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardoza
Carter
Castle
Chabot
Chandler
Chocola
Clay
Coble
Cole (OK)
Conaway
Costello
Cramer
Crenshaw
Culberson
Davis (AL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hinojosa
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Nunes
Nussle
Ortiz
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Tancredo
Tanner
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NOT VOTING—8

Burton (IN)
Costa
Cubin
Evans
Gonzalez
Norwood
Salazar
Sweeney

□ 1910

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. DAVIS of Kentucky). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MARKEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 283, noes 139, not voting 10, as follows:

[Roll No. 32]

AYES—283

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardoza
Carter
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Coble
Cole (OK)
Conaway
Costello
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Davis (AL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Delahunt
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
English (PA)
Etheridge
Everett
Feeney
Ferguson
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Israel
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Larsen (WA)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moore (KS)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Nunes
Nussle
Ortiz
Osborne
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (TX)
Sodrel
Souder
Spratt
Stearns
Strickland
Sullivan
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Towns
Turner
Upton
Velázquez
Walden (OR)
Walsh
Wamp
Watt
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wynn
Young (AK)

NOES—139

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Bono
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carnahan
Carson
Case
Clyburn
Conyers
Cooper
Cummings
Davis (CA)
Davis (FL)
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Engel
Eshoo
Farr
Fattah
Filner
Fitzpatrick (PA)
Flake
Foley
Ford
Frank (MA)
Garrett (NJ)
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Hinchey
Holt
Honda
Hoyer
Inslee
Jackson (IL)
Jones (NC)
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Lee
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Miller, George
Mollohan
Moore (WI)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pomeroy
Rahall
Rangel
Rothman
Roybal-Allard
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (VA)
Serrano
Shays
Sherman
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Stark
Stupak
Tauscher
Thompson (CA)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Visclosky
Wasserman Schultz
Waters
Watson
Waxman

Weiner	Wolf	Wu
Wexler	Woolsey	Young (FL)

NOT VOTING—10

Burton (IN)	Gonzalez	Sweeney
Costa	Larson (CT)	Thomas
Cubin	Norwood	
Evans	Salazar	

□ 1925

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. NORWOOD. I was absent on Wednesday, March 8, 2006, for personal reasons. My intended votes are as follows: Rollcall vote 27 on the Cardoza Amendment to H.R. 4167—''aye''; rollcall vote 28 on the Waxman Amendment to H.R. 4167—''no''; rollcall vote 29 on the Capps, Stupak, Waxman, Eshoo Amendment to H.R. 4167—''no''; rollcall vote 30 on the Wasserman Schultz Amendment to H.R. 4167—''no''; rollcall vote 31 on the Motion to Recommit on H.R. 4167—''no''; rollcall vote 32 on the Final Passage of H.R. 4167—''aye.''

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2829, OFFICE OF NATIONAL DRUG CONTROL POLICY REAUTHORIZATION ACT OF 2005

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 109–387) on the resolution (H. Res. 713) providing for consideration of the bill (H.R. 2829) to reauthorize the Office of National Drug Control Policy Act, which was referred to the House Calendar and ordered to be printed.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 683. An act to amend the Trademark Act of 1946 with respect to dilution by blurring or tarnishment.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. DAVIS of Kentucky). Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

JUST SAY NO TO FOREIGN CONTROL OF OUR PORTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, I rise tonight to talk about foreign ownership of critical United States infrastructure assets. A number of people have followed the controversy regarding the UAE control over a number of critical American ports.

Now, there is certainly some room for concern there, as many of us have spoken previously. The UAE was very closely tied to the perpetrators of the 9/11 attacks. They were one of three governments in the world that recognized the Taliban.

They have recently been useful and helpful to the United States of America, but the history is not great, and people may have been embedded years ago in their government who would control it, it is not a private entity, who would be not friendly towards the interests of the United States. So there is concern there.

And the concern is even compounded by the fact that we do not know who owns the ships. The U.S. has bound itself through international agreements that allow secret ownership of ships under flags of convenience, countries that barely exist or do not exist, Liberia, Malta, who is very happy to make money on this, but turns a blind eye. Osama bin Laden could own a fleet of ships. We are not allowed to know. But they can dock here in United States.

We have done nothing about that. We do not know who crews the ships. They can buy papers in the Philippines and in International Maritime Organization School that the U.S. has been forced to recognize by being part of this agreement. And, again, we do not know who these people are.

So we do not know who crews the ships, we do not know who owns the ships, we do not know what is on the ships. They have to send us a manifest and tell us what might be on the ship. It is an electronic transmission or a piece of paper. That does not mean that is what is really on the ship.

We do not track the ships from port to port, so they could have stopped somewhere. Even if they do not have a nuclear bomb on board when they left Singapore, they could have picked one up on the way. And then we do not have the equipment that we need on this side of the ocean.

So that is a tremendous concern. If you add on the concern of the ownership of Dubai, it reaches even higher proportions.

But I also rise to talk about something else the Bush administration is trying to do. For them commerce is everything. National security is second or tertiary in terms of their concerns. They are trying to reinterpret the meaning of the word ''control.''

They said, when Congress said foreigners cannot control United States airlines, Congress did not mean control. In fact, in their world they are saying, well, foreigners could control U.S. airlines, they could only just control them commercially, but they could not safety and security.

If you have foreign management, foreign ownership, how do you wall off safety and security? So they are proposing, by administrative rule, sometime later this month or early next month, to defy the dictionary and legal interpretations of control and say Congress did not mean what it said.

□ 1930

Now, if you think there is an outcry about the ports, wait until we are sending U.S. troops overseas on what is called part of the Civilian Reserve Air Fleet. The large planes that our airlines fly are actually part of our Reserves, and we fly our troops with these planes over to the Mideast and other trouble spots around the world. Wait until we are asking U.S. troops to get onboard a plane being flown by a pilot from Dubai or from Indonesia or somewhere else around the world. This would be an extraordinary national security problem, in addition to losing domestic air service. Because what is happening here is airlines like United, who have been managed into the ground by overpaid CEOs, and others are looking to sell themselves out to foreign airlines. Their first choice is Lufthansa, but they may well go with the UAE, and then to cut off most of their domestic service, shed the widebody planes and bring in foreign pilots to do the overseas routes and provide minimal domestic service.

So not only are we putting at threat our national security and the Civilian Reserve Air Fleet, we are also putting at risk the American public and we are certainly degrading the capability of providing the service we need to have a system of universal air transport which serves our economy and the businesses in the United States of America.

This is a colossally bad idea with the Bush administration trying to do it in back rooms by pretending that when Congress said foreigners cannot control our airlines that we did not really mean it.

If the Bush administration persists in this, 6 months or a year from today, we will be here on the floor of the House if this Congress does not preempt this, which they have thus far refused to do. If they do not preempt this, we will be back here arguing about the UAE or Indonesia or some other country taking over a major U.S. airline and the assets of our Civilian Reserve Air Fleet. We should preclude that.

Next week when we bring up prohibition of ownership of critical infrastructure assets, airlines should be part of that bill. There is big resistance from the administration and some of the leadership. The membership has to overcome that and do what is right for the American people and national and economic security.

UNFAIR CHINESE AUTOMOTIVE TARIFF EQUALIZATION ACT

The SPEAKER pro tempore (Mr. DAVIS of Kentucky). Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, the United States national