

where a person gained weight as a result of the food industry breaking a State or Federal law. I remember in 2002, when individuals filed a lawsuit against McDonald's alleging that the fast food chain had made them overweight and unhealthy.

I remember thinking that people should take responsibility for their own eating habits. But it is no longer just one suit against one company. Now there are suits against all types of the 900,000 restaurants in the food industry from small local eateries to giant fast food chains.

We must set a limit as to what litigation is allowed. A nonfrivolous claim should proceed, but a suit dictating the food choices of Americans should be stopped before it is even filed.

The reality is that restaurant meals will change according to what people prefer to eat. In recent years we have seen fast food chains add more healthy choices, like salad and fruit, to their menus, but people should have the freedom to eat what they want.

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Mr. Chairman, we should encourage personal responsibility and healthy eating in our society, but we should not encourage lawsuits that blame others for our own choices and that could bankrupt entire industries. Because Americans should have the freedom to eat what they want and because we should take responsibility for our own actions, I support the passage of the Personal Responsibility in Food Consumption Act.

Mr. CANNON. Mr. Chairman, how much time remains?

The Acting CHAIRMAN (Mr. PUTNAM). The gentleman from Utah has 2 minutes remaining.

Mr. CANNON. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I simply ask the question, in this bill consumers are left vulnerable, and I would ask the gentleman would he not work with me in this amendment to ensure that they are not left vulnerable as we are protecting our fast-food industry?

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

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Utah.

Mr. CANNON. I am not sure when we would work together on the amendment. I suppose perhaps in conference we could work on the issue, but I am loath to commit the chairman to that process.

Ms. JACKSON-LEE of Texas. I thank the gentleman. I just want to acknowledge that the bill does not protect consumers, and I ask Members to support my amendment.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

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

Ms. JACKSON-LEE of Texas. 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 Texas (Ms. JACKSON-LEE) will be postponed.

The Acting CHAIRMAN. The Committee will rise informally.

The SPEAKER pro tempore (Mr. TERRY) assumed the Chair.

MESSAGE FROM THE SENATE

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

S. 1886. An act to authorize the transfer of naval vessels to certain foreign recipients.

The SPEAKER pro tempore. The Committee will resume its sitting.

PERSONAL RESPONSIBILITY IN FOOD CONSUMPTION ACT OF 2005

The Committee resumed its sitting.

The Acting CHAIRMAN (Mr. PUTNAM). It is now in order to consider amendment No. 3 printed in House Report 109-249.

AMENDMENT NO. 3 OFFERED BY MR. FILNER

Mr. FILNER. 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 offered by Mr. FILNER:

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

SEC. __. LIMITATION.

Notwithstanding any other provision of this Act, this Act does not apply to an action brought by, or on behalf of, a person injured at or before the age of 8, against a seller that, as part of a chain of outlets at least 20 of which do business under the same trade name (regardless of form of ownership of any outlet), markets qualified products to minors at or under the age of 8.

The Acting CHAIRMAN. Pursuant to House Resolution 494, the gentleman from California (Mr. FILNER) and the gentleman from Utah (Mr. CANNON) each will control 5 minutes.

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

Mr. FILNER. Mr. Chairman, the purpose of this amendment today is twofold: one, to protect young children and, two, to force better accountability from the fast food industry.

My amendment exempts those 8 years of age and under from the provisions of this bill as it relates to fast food restaurants.

Mr. Chairman, in 2001 the U.S. Surgeon General proclaimed childhood obesity a health issue rivaling cigarette smoking. The Surgeon General further stated that the rate of overweight children in America doubled in the past 20 years and tripled among its

adolescents. But apparently few here in Washington seem to have taken notice or cared, and predictably rates have continued to rise across the country.

Today, one in three children is overweight. Yes, Mr. Chairman, I said one in three, almost 35 percent. And what has been Congress's response to the growing epidemic? Has it provided more funding for obesity awareness or tried to implement programs to improve nutrition in schools? No. Instead, Congress brings forwards a bill to immunize fast food companies. Where is the logic?

Those supporting the bill talk about choice, the freedom to eat. Well, we are talking about young children and, of course, we want them to eat correctly, healthy, and that is not the primary responsibility of the fast food industry. Childhood obesity is best tackled at home through improved parental involvement, increased physical exercise, better diet and restraint from eating.

However, as a parent, as a grandparent, as a former educator, I know that these practices alone when we are dealing with young children are insufficient. We will never control this rising epidemic without greater accountability from the food industry.

Congress is headed in the wrong direction with this bill which removes any and all incentives from the food industry to improve their products for children. Congress has allowed the greed of big corporations to come before the need of our children. Today, the younger generation faces a litany of health issues that generations before just never did. Heart disease, high blood pressure, hypertension, joint problems, asthma, diabetes and cancer are on the increase with these young children; and a steady diet of fast food is the last thing they need. Unfortunately, fast food restaurants are bombarding our children with advertisements that encourage overconsumption of unhealthy eating choices.

The average child views 20,000 television commercials every year. That is about 55 a day. More disturbingly, the commercials for candy, snacks, sugared cereals and other food with poor nutritional content far out-number commercials for more healthy food choices. So it is not just a matter of individual responsibility, of individual choice when we are talking about young children under 8.

Studies indicate that these children are more susceptible to advertising and even less likely to understand the purpose of this advertising. So why is so much advertising at home done during the cartoon hours? It is no coincidence that major fast food chains routinely run their advertisements during this time. Experts in this field unequivocally state that the fear of litigation and regulation prompts the industry to rethink how it markets and sells food to children. This has been evidenced by some of the recent changes made within the industry.

Unfortunately, the bill as presently written forecloses the opportunity to