

## HR 2751

FDA Food Safety Modernization Act

**Congress:** 111 (2009–2011, Ended)

**Chamber:** House

**Policy Area:** Transportation and Public Works

**Introduced:** Jun 8, 2009

**Current Status:** Became Public Law No: 111-353.

**Latest Action:** Became Public Law No: 111-353. (Jan 4, 2011)

**Law:** 111-353 (Enacted Jan 4, 2011)

**Official Text:** <https://www.congress.gov/bill/111th-congress/house-bill/2751>

### Sponsor

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**Name:** Rep. Sutton, Betty [D-OH-13]

**Party:** Democratic • **State:** OH • **Chamber:** House

**Cosponsors** (59 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Arcuri, Michael A. [D-NY-24]	D · NY		Jun 8, 2009
Rep. Baldwin, Tammy [D-WI-2]	D · WI		Jun 8, 2009
Rep. Barton, Joe [R-TX-6]	R · TX		Jun 8, 2009
Rep. Bishop, Timothy H. [D-NY-1]	D · NY		Jun 8, 2009
Rep. Blumenauer, Earl [D-OR-3]	D · OR		Jun 8, 2009
Rep. Boccieri, John A. [D-OH-16]	D · OH		Jun 8, 2009
Rep. Braley, Bruce L. [D-IA-1]	D · IA		Jun 8, 2009
Rep. Camp, Dave [R-MI-4]	R · MI		Jun 8, 2009
Rep. Carnahan, Russ [D-MO-3]	D · MO		Jun 8, 2009
Rep. Cohen, Steve [D-TN-9]	D · TN		Jun 8, 2009
Rep. Connolly, Gerald E. [D-VA-11]	D · VA		Jun 8, 2009
Rep. Courtney, Joe [D-CT-2]	D · CT		Jun 8, 2009
Rep. DeGette, Diana [D-CO-1]	D · CO		Jun 8, 2009
Rep. Dingell, John D. [D-MI-15]	D · MI		Jun 8, 2009
Rep. Doyle, Michael F. [D-PA-14]	D · PA		Jun 8, 2009
Rep. Driehaus, Steve [D-OH-1]	D · OH		Jun 8, 2009
Rep. Fudge, Marcia L. [D-OH-11]	D · OH		Jun 8, 2009
Rep. Hall, John J. [D-NY-19]	D · NY		Jun 8, 2009
Rep. Hare, Phil [D-IL-17]	D · IL		Jun 8, 2009
Rep. Hastings, Alcee L. [D-FL-23]	D · FL		Jun 8, 2009
Rep. Hill, Baron P. [D-IN-9]	D · IN		Jun 8, 2009
Rep. Inslee, Jay [D-WA-1]	D · WA		Jun 8, 2009
Rep. Israel, Steve [D-NY-2]	D · NY		Jun 8, 2009
Rep. Kagen, Steve [D-WI-8]	D · WI		Jun 8, 2009
Rep. Kaptur, Marcy [D-OH-9]	D · OH		Jun 8, 2009
Rep. Kildee, Dale E. [D-MI-5]	D · MI		Jun 8, 2009
Rep. Kilpatrick, Carolyn C. [D-MI-13]	D · MI		Jun 8, 2009
Rep. Kilroy, Mary Jo [D-OH-15]	D · OH		Jun 8, 2009
Rep. LaTourette, Steven C. [R-OH-14]	R · OH		Jun 8, 2009
Rep. Levin, Sander M. [D-MI-12]	D · MI		Jun 8, 2009
Rep. Loebsack, David [D-IA-2]	D · IA		Jun 8, 2009
Rep. Markey, Edward J. [D-MA-7]	D · MA		Jun 8, 2009
Rep. McCotter, Thaddeus G. [R-MI-11]	R · MI		Jun 8, 2009
Rep. McNerney, Jerry [D-CA-11]	D · CA		Jun 8, 2009
Rep. Michaud, Michael H. [D-ME-2]	D · ME		Jun 8, 2009
Rep. Miller, Candice S. [R-MI-10]	R · MI		Jun 8, 2009
Rep. Perlmutter, Ed [D-CO-7]	D · CO		Jun 8, 2009
Rep. Peters, Gary C. [D-MI-9]	D · MI		Jun 8, 2009
Rep. Rogers, Mike J. [R-MI-8]	R · MI		Jun 8, 2009
Rep. Ryan, Tim [D-OH-17]	D · OH		Jun 8, 2009
Rep. Sarbanes, John P. [D-MD-3]	D · MD		Jun 8, 2009

Cosponsor	Party / State	Role	Date Joined
Rep. Schakowsky, Janice D. [D-IL-9]	D · IL		Jun 8, 2009
Rep. Schauer, Mark H. [D-MI-7]	D · MI		Jun 8, 2009
Rep. Scott, Robert C. "Bobby" [D-VA-3]	D · VA		Jun 8, 2009
Rep. Shea-Porter, Carol [D-NH-1]	D · NH		Jun 8, 2009
Rep. Stupak, Bart [D-MI-1]	D · MI		Jun 8, 2009
Rep. Titus, Dina [D-NV-3]	D · NV		Jun 8, 2009
Rep. Upton, Fred [R-MI-6]	R · MI		Jun 8, 2009
Rep. Watt, Melvin L. [D-NC-12]	D · NC		Jun 8, 2009
Rep. Waxman, Henry A. [D-CA-30]	D · CA		Jun 8, 2009
Rep. Yarmuth, John A. [D-KY-3]	D · KY		Jun 8, 2009
Rep. Capps, Lois [D-CA-23]	D · CA		Jun 9, 2009
Rep. Donnelly, Joe [D-IN-2]	D · IN		Jun 9, 2009
Rep. Griffith, Parker [D-AL-5]	D · AL		Jun 9, 2009
Rep. Kosmas, Suzanne M. [D-FL-24]	D · FL		Jun 9, 2009
Rep. Maffei, Daniel B. [D-NY-25]	D · NY		Jun 9, 2009
Rep. Moore, Gwen [D-WI-4]	D · WI		Jun 9, 2009
Rep. Turner, Michael R. [R-OH-3]	R · OH		Jun 9, 2009
Rep. Welch, Peter [D-VT-At Large]	D · VT		Jun 9, 2009

### Committee Activity

Committee	Chamber	Activity	Date
Energy and Commerce Committee	House	Referred to	Jun 9, 2009
Ways and Means Committee	House	Referred To	Jun 8, 2009

### Subjects & Policy Tags

#### Policy Area:

Transportation and Public Works

## Related Bills

Bill	Relationship	Last Action
<a href="#">111 HRES 1781</a>	Related bill	<b>Dec 21, 2010:</b> Motion to reconsider laid on the table Agreed to without objection.
<a href="#">111 S 510</a>	Related bill	<b>Nov 30, 2010:</b> Passed Senate with an amendment by Yea-Nay Vote. 73 - 25. Record Vote Number: 257.
<a href="#">111 S 1248</a>	Related bill	<b>Jun 11, 2009:</b> Read twice and referred to the Committee on Finance. (text of measure as introduced: CR S6554-6556)
<a href="#">111 S 1200</a>	Related bill	<b>Jun 8, 2009:</b> Read twice and referred to the Committee on the Budget. (text of measure as introduced: CR S6262-6265)
<a href="#">111 HR 2640</a>	Related bill	<b>Jun 2, 2009:</b> Referred to the Subcommittee on Energy and Environment.
<a href="#">111 S 1135</a>	Related bill	<b>May 21, 2009:</b> Read twice and referred to the Committee on Commerce, Science, and Transportation. (text of measure as introduced: CR S5841-5843)
<a href="#">111 HR 1606</a>	Related bill	<b>Mar 23, 2009:</b> Referred to the Subcommittee on Commerce, Trade and Consumer Protection.
<a href="#">111 HR 1550</a>	Related bill	<b>Mar 18, 2009:</b> Referred to the Subcommittee on Highways and Transit.
<a href="#">111 HR 520</a>	Related bill	<b>Jan 15, 2009:</b> Referred to the Subcommittee on Highways and Transit.
<a href="#">111 S 247</a>	Related bill	<b>Jan 14, 2009:</b> Read twice and referred to the Committee on Energy and Natural Resources. (text of measure as introduced: CR S396-397)

**(This measure has not been amended since it was passed by the Senate on November 30, 2010. The summary of that version is repeated here.)**

**FDA Food Safety Modernization Act - Title I: Improving Capacity to Prevent Food Safety Problems** - Amends the Federal Food, Drug, and Cosmetic Act (FFDCA) to expand the food safety activities of the Secretary of Health and Human Services (HHS), including to authorize the Secretary to inspect records related to food.

Exempts certain establishments that sell food directly to consumers, such as roadside stands, farmers markets or participants in a community supported agriculture program, from specified requirements of this Act.

Requires each owner, operator, or agent in charge of a food facility to identify and implement preventive controls to significantly minimize or prevent hazards that could affect food manufactured, processed, packed, or held by such facility. Sets forth provisions governing exemptions from such requirements for certain facilities.

Requires the Secretary to: (1) issue guidance documents to reduce the risk from the most significant foodborne contaminants; and (2) establish minimum standards for the safe production and harvesting of fruits and vegetables based on known safety risks. Authorizes the Secretary to issue exemptions and variances from such standards.

Directs the Secretary to assess and collect fees related to: (1) food facility reinspection; (2) food recalls; (3) the voluntary qualified importer program; and (4) importer reinspection.

Directs the Secretary to develop voluntary food allergy and anaphylaxis management guidelines for schools and early childhood education programs.

**Title II: Improving Capacity to Detect and Respond to Food Safety Problems** - Requires the Secretary to: (1) allocate resources to inspect facilities and imported food according to the known safety risks of the facilities or food; and (2) establish a product tracing system to track and trace food that is in the United States or offered for import into the United States.

Requires the Secretary, acting through the Director of the Centers for Disease Control and Prevention (CDC), to enhance foodborne illness surveillance systems to improve the collection, analysis, reporting, and usefulness of data on foodborne illnesses.

Gives the Secretary the authority to order a recall of an article of food.

**Title III: Improving the Safety of Imported Food** - Requires U.S. importers to perform risk-based foreign supplier verification activities to verify that imported food is produced in compliance with applicable requirements related to hazard analysis and standards for produce safety and is not adulterated or misbranded.

Requires the Secretary to establish a program to expedite review and importation of food offered for importation by U.S. importers who have voluntarily agreed to participate in such program.

Authorizes the Secretary to: (1) require a certification that an article of food imported or offered for import complies with applicable requirements of this Act; and (2) enter into arrangements and agreements with foreign governments to facilitate the inspection of registered foreign facilities. Requires food to be refused admission into the United States if permission to inspect the food facility is denied by the facility owner, operator, or agent or the foreign country.

Sets forth provisions governing the establishment of a system to recognize bodies that accredit third-party auditors and audit agents to certify that foreign entities meet applicable FFDCA requirements for importation of food into the United States.

**Title IV: Miscellaneous Provisions** - Authorizes appropriations for FY2011-FY2015 for the activities of the Center for Food Safety and Applied Nutrition, the Center for Veterinary Medicine, and related field activities in the Office of Regulatory Affairs of the Food and Drug Administration (FDA). Directs the Secretary to increase the field staff of such Centers and Office.

Establishes whistleblower's protections for employees of entities involved in the manufacturing, processing, packing, transporting, distribution, reception, holding, or importation of food who provide information relating to any FFDCA violation.

## Actions Timeline

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- **Jan 4, 2011:** Signed by President.
- **Jan 4, 2011:** Became Public Law No: 111-353.
- **Dec 29, 2010:** Presented to President.
- **Dec 21, 2010:** Rules Committee Resolution H. Res. 1781 Reported to House. Rule provides for consideration of H.R. 5116, H.R. 2751 and H.R. 5142. Providing for consideration of the Senate amendment to H.R. 5116, consideration of the Senate amendments to H.R. 2751, and consideration of the Senate amendment H.R. 2142
- **Dec 21, 2010:** Pursuant to the provisions of H.Res. 1781, the Chair recognized Mr. Dingell for a motion.
- **Dec 21, 2010:** Mr. Dingell moved that the House agree to the Senate amendments. (consideration: CR H8861-8890)
- **Dec 21, 2010:** DEBATE - The House proceeded with one hour of debate on motion to agree to the Senate amendments to H.R. 2751.
- **Dec 21, 2010:** The previous question was ordered pursuant to the rule. (consideration: CR H8890)
- **Dec 21, 2010:** POSTPONED PROCEEDINGS - At the conclusion of debate on the motion to agree to the Senate amendments to H.R. 2751, the Chair announced that pursuant to the order of the House of December 21, 2010, further proceedings on the motion would be postponed until a time to be announced.
- **Dec 21, 2010:** Considered as unfinished business. (consideration: CR H8892)
- **Dec 21, 2010:** Resolving differences -- House actions: On motion that the House agree to the Senate amendments Agreed to by the Yeas and Nays: 215 - 144 (Roll no. 661).(text as House agreed to Senate amendment: CR H8861-8884)
- **Dec 21, 2010:** On motion that the House agree to the Senate amendments Agreed to by the Yeas and Nays: 215 - 144 (Roll no. 661). (text as House agreed to Senate amendment: CR H8861-8884)
- **Dec 21, 2010:** Motion to reconsider laid on the table Agreed to without objection.
- **Dec 21, 2010:** Cleared for White House.
- **Dec 20, 2010:** Message on Senate action sent to the House.
- **Dec 19, 2010:** Measure laid before Senate by unanimous consent. (consideration: CR S10770)
- **Dec 19, 2010:** Passed/agreed to in Senate: Passed Senate with an amendment and an amendment to the Title by Voice Vote.(text: CR 12/20/2010 S10824-10847)
- **Dec 19, 2010:** Passed Senate with an amendment and an amendment to the Title by Voice Vote. (text: CR 12/20/2010 S10824-10847)
- **Jun 11, 2009:** Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 74.
- **Jun 10, 2009:** Received in the Senate. Read the first time. Placed on Senate Legislative Calendar under Read the First Time.
- **Jun 9, 2009:** Referred to the Subcommittee on Energy and Environment.
- **Jun 9, 2009:** Ms. Sutton moved to suspend the rules and pass the bill.
- **Jun 9, 2009:** Considered under suspension of the rules. (consideration: CR H6345-6357)
- **Jun 9, 2009:** DEBATE - The House proceeded with forty minutes of debate on H.R. 2751.
- **Jun 9, 2009:** Passed/agreed to in House: On motion to suspend the rules and pass the bill Agreed to by the Yeas and Nays: (2/3 required): 298 - 119, 2 Present (Roll no. 314).(text: CR H6345-6347)
- **Jun 9, 2009:** On motion to suspend the rules and pass the bill Agreed to by the Yeas and Nays: (2/3 required): 298 - 119, 2 Present (Roll no. 314). (text: CR H6345-6347)
- **Jun 9, 2009:** Motion to reconsider laid on the table Agreed to without objection.
- **Jun 8, 2009:** Introduced in House
- **Jun 8, 2009:** Referred to House Energy and Commerce
- **Jun 8, 2009:** Referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.
- **Jun 8, 2009:** Referred to House Ways and Means