

the FDA Food Safety Modernization Act, a bipartisan bill that gives the FDA the new authorities and resources it needs to stop food safety problems before they start.

For the first time in history, our bill gives the FDA a mandate to inspect: to increase the inspections at all food facilities, including annual inspections of high risk facilities. It requires the food industry to have in place plans that address identified hazards with the right preventive measures. It requires all testing and sampling for regulatory purposes to be done by labs accredited by the FDA, and requires those results to be sent to the agency. It also enables the FDA to more effectively respond to an outbreak by giving the agency new authorities to order recalls, shut down tainted facilities, and access records.

This bill is proof that food safety is not a Democratic issue or a Republican one. Everyone eats. All Americans have a right to know that the food we buy for our families and our pets is safe. We should not have to worry about getting sick, or worse. If there's a problem, our Government should be able to catch it and fix it before people die.

I thank Senators KENNEDY, DODD, KLOBUCHAR, BURR, ALEXANDER, and CHAMBLISS for joining me in this effort. I also want to thank the consumer, public health, and industry groups who have helped us craft a strong bill for their support: Consumer Federation of America, Center for Science in the Public Interest, Consumers Union, Trust for America's Health, Grocery Manufacturers of America, American Feed Industry Association, American Frozen Food Institute, Food Marketing Institute, National Fisheries Institute, and American Spice Trade Association.

This bill is a comprehensive, bipartisan effort that improves the FDA's ability to prevent, detect, and respond to food safety problems, whether this means Salmonella-tainted peanut butter from Georgia or melamine-spiked candy from China. It's the first step towards building a food safety system that is science and risk-based, accountable to consumers, more transparent, and focused on prevention. I urge my colleagues to support this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 510

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “FDA Food Safety Modernization Act”.

(b) **REFERENCES.**—Except as otherwise specified, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

(c) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; references; table of contents.

TITLE I—IMPROVING CAPACITY TO PREVENT FOOD SAFETY PROBLEMS

- Sec. 101. Inspections of records.
- Sec. 102. Registration of food facilities.
- Sec. 103. Hazard analysis and risk-based preventive controls.
- Sec. 104. Performance standards.
- Sec. 105. Standards for produce safety.
- Sec. 106. Protection against intentional adulteration.
- Sec. 107. Authority to collect fees.
- Sec. 108. National agriculture and food defense strategy.
- Sec. 109. Food and Agriculture Coordinating Councils.
- Sec. 110. Building domestic capacity.
- Sec. 111. Final rule for prevention of Salmonella Enteritidis in shell eggs during production.
- Sec. 112. Sanitary transportation of food.
- Sec. 113. Food allergy and anaphylaxis management.

TITLE II—IMPROVING CAPACITY TO DETECT AND RESPOND TO FOOD SAFETY PROBLEMS

- Sec. 201. Targeting of inspection resources for domestic facilities, foreign facilities, and ports of entry; annual report.
- Sec. 202. Recognition of laboratory accreditation for analyses of foods.
- Sec. 203. Integrated consortium of laboratory networks.
- Sec. 204. Enhancing traceback and record-keeping.
- Sec. 205. Surveillance.
- Sec. 206. Mandatory recall authority.
- Sec. 207. Administrative detention of food.
- Sec. 208. Decontamination and disposal standards and plans.

TITLE III—IMPROVING THE SAFETY OF IMPORTED FOOD

- Sec. 301. Foreign supplier verification program.
- Sec. 302. Voluntary qualified importer program.
- Sec. 303. Authority to require import certifications for food.
- Sec. 304. Prior notice of imported food shipments.
- Sec. 305. Review of a regulatory authority of a foreign country.
- Sec. 306. Building capacity of foreign governments with respect to food.
- Sec. 307. Inspection of foreign food facilities.
- Sec. 308. Accreditation of qualified third-party auditors and audit agents.
- Sec. 309. Foreign offices of the Food and Drug Administration.

TITLE IV—MISCELLANEOUS PROVISIONS

- Sec. 401. Funding for food safety.
- Sec. 402. Jurisdiction; authorities.

TITLE I—IMPROVING CAPACITY TO PREVENT FOOD SAFETY PROBLEMS

SEC. 101. INSPECTIONS OF RECORDS.

(a) **IN GENERAL.**—Section 414(a) (21 U.S.C. 350c(a)) is amended—

(1) by striking the heading and all follows through “of food is” and inserting the following: “RECORDS INSPECTION.—

“(1) **ADULTERATED FOOD.**—If the Secretary has a reasonable belief that an article of food, and any other article of food that the Secretary reasonably believes is likely to be affected in a similar manner, is”;

(2) by inserting “, and to any other article of food that the Secretary reasonably believes is likely to be affected in a similar manner,” after “relating to such article”;

(3) by striking the last sentence; and

(4) by inserting at the end the following:

“(2) **USE OF OR EXPOSURE TO FOOD OF CONCERN.**—If the Secretary believes that there is a reasonable probability that the use of or exposure to an article of food, and any other article of food that the Secretary reasonably believes is likely to be affected in a similar manner, will cause serious adverse health consequences or death to humans or animals, each person (excluding farms and restaurants) who manufactures, processes, packs, distributes, receives, holds, or imports such article shall, at the request of an officer or employee duly designated by the Secretary, permit such officer or employee, upon presentation of appropriate credentials and a written notice to such person, at reasonable times and within reasonable limits and in a reasonable manner, to have access to and copy all records relating to such article and to any other article of food that the Secretary reasonably believes is likely to be affected in a similar manner, that are needed to assist the Secretary in determining whether there is a reasonable probability that the use of or exposure to the food will cause serious adverse health consequences or death to humans or animals.

“(3) **APPLICATION.**—The requirement under paragraphs (1) and (2) applies to all records relating to the manufacture, processing, packing, distribution, receipt, holding, or importation of such article maintained by or on behalf of such person in any format (including paper and electronic formats) and at any location.”.

(b) **CONFORMING AMENDMENT.**—Section 704(a)(1)(B) (21 U.S.C. 374(a)(1)(B)) is amended by striking “section 414 when” and all that follows through “subject to” and inserting “section 414, when the standard for record inspection under paragraph (1) or (2) of section 414(a) applies, subject to”.

SEC. 102. REGISTRATION OF FOOD FACILITIES.

(a) **UPDATING OF FOOD CATEGORY REGULATIONS; BIENNIAL REGISTRATION RENEWAL.**—Section 415(a) (21 U.S.C. 350d(a)) is amended—

(1) in paragraph (2), by—

(A) striking “conducts business and” and inserting “conducts business, the e-mail address for the contact person of the facility or, in the case of a foreign facility, the United States agent for the facility, and”;

(B) inserting “, or any other food categories as determined appropriate by the Secretary, including by guidance)” after “Code of Federal Regulations”;

(2) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(3) by inserting after paragraph (2) the following:

“(3) **BIENNIAL REGISTRATION RENEWAL.**—During the period beginning on October 1 and ending on December 31 of each even-numbered year, a registrant that has submitted a registration under paragraph (1) shall submit to the Secretary a renewal registration containing the information described in paragraph (2). The Secretary shall provide for an abbreviated registration renewal process for any registrant that has not had any changes to such information since the registrant submitted the preceding registration or registration renewal for the facility involved.”.

(b) **SUSPENSION OF REGISTRATION.**—

(1) **IN GENERAL.**—Section 415 (21 U.S.C. 350d) is amended—

(A) in subsection (a)(2), by inserting after the first sentence the following: “The registration shall contain an assurance that the Secretary will be permitted to inspect such facility at the times and in the manner permitted by this Act.”;

(B) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and