

118TH CONGRESS
2D SESSION

H. R. 7563

To strengthen compliance with the FDA Food Traceability Rule, to enhance the FDA foodborne illness outbreak investigation process, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 6, 2024

Mr. SCOTT FRANKLIN of Florida (for himself, Mr. BISHOP of Georgia, and Mr. PANETTA) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To strengthen compliance with the FDA Food Traceability Rule, to enhance the FDA foodborne illness outbreak investigation process, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Food Traceability En-
5 hancement Act”.

6 **SEC. 2. EASING RECORDKEEPING AND TRACEABILITY LOT**

7 **CODE REQUIREMENTS.**

8 Section 204(d) of the FDA Food Safety Moderniza-
9 tion Act (21 U.S.C. 2223(d)) is amended—

1 (1) in paragraph (5), by striking “not more
2 than 2 years” and inserting “not more than 1 year”;
3 and

4 (2) in paragraph (6), by adding at the end the
5 following:

6 “(J) TRACEABILITY LOT CODES AT RETAIL
7 FOOD ESTABLISHMENTS, RESTAURANTS, AND
8 WAREHOUSES.—

9 “(i) IN GENERAL.—The requirements
10 under this subsection shall not require res-
11 taurants, retail food establishments, and
12 warehouses to maintain traceability lot
13 code information or provide traceability lot
14 code information to the Secretary or other
15 entities in the supply chain.

16 “(ii) WAREHOUSE DEFINED.—In this
17 subparagraph, the term ‘warehouse’ means
18 any facility primarily engaged in the stor-
19 age of food to be shipped to retail food es-
20 tablishments or restaurants.”.

21 **SEC. 3. PILOT PROJECTS ON FOOD TRACING.**

22 (a) IN GENERAL.—Not later than 180 days after the
23 date of enactment of this Act, the Secretary of Health and
24 Human Services (in this section referred to as the “Sec-
25 retary”) shall conduct at least 9 pilot projects, in coordi-

1 nation with food industry members operating restaurants,
2 retail food establishments, and warehouses distributing to
3 retail food establishments and restaurants, to—

4 (1) measure the effectiveness of foodborne ill-
5 ness outbreak investigations conducted without the
6 use of traceability lot code information; and

7 (2) identify and evaluate the feasibility and ef-
8 fectiveness of low-cost food tracing technologies.

9 (b) DIVERSITY.—In conducting the pilot projects re-
10 quired by subsection (a), the Secretary shall—

11 (1) conduct—

12 (A) at least 3 pilot projects in coordination
13 with restaurants;

14 (B) at least 3 pilot projects in coordination
15 with retail food establishments; and

16 (C) at least 3 pilot projects in coordination
17 with warehouses distributing to retail food es-
18 tablishments and restaurants; and

19 (2) ensure that each pilot project uses at least
20 1 commodity—

21 (A) included in the Food Traceability List
22 published by the Food and Drug Administra-
23 tion on November 21, 2022 (87 Fed. Reg.
24 70916); and

25 (B) not used in another such pilot project.

1 (c) REPORT.—Not later than 18 months after the
2 date of enactment of this Act, the Secretary shall submit
3 to Congress a report on the findings of the pilot projects
4 required by subsection (a), including—

5 (1) recommendations to minimize disruptions
6 across the food supply chain;

7 (2) recommendations to ensure product avail-
8 ability and diversity are not negatively impacted;

9 (3) recommendations to reduce the compliance
10 burden for small businesses covered by the final rule
11 titled “Requirements for Additional Traceability
12 Records for Certain Foods”, published on November
13 21, 2022 (87 Fed. Reg. 70910);

14 (4) a list of low-cost food tracing technologies
15 that are commercially available and an evaluation of
16 the effectiveness of each technology; and

17 (5) a list of all revisions that, as a result of
18 such pilot projects, will be made to such final rule.

19 **SEC. 4. COMPLIANCE DATE OF FINAL RULE ON FOOD**
20 **TRACEABILITY.**

21 The compliance date for the final rule titled “Re-
22 quirements for Additional Traceability Records for Cer-
23 tain Foods”, published on November 21, 2022 (87 Fed.
24 Reg. 70910), or any other rule promulgated in accordance
25 with section 204 of the FDA Food Safety Modernization

1 Act (21 U.S.C. 2223), shall be no earlier than the date
2 that is 2 years after the date on which the pilot projects
3 required by section 3(a) are completed.

4 **SEC. 5. REPORT ON BARRIERS TO INFORMATION SHARING**
5 **BETWEEN FDA AND FOOD ESTABLISHMENTS.**

6 Not later than 90 days after the date of enactment
7 of this Act, the Secretary of Health and Human Services
8 shall submit to Congress a report, which shall include a
9 list of all barriers, legal or otherwise, that prevent the
10 Food and Drug Administration from sharing with retail
11 food establishments and restaurants pertinent information
12 regarding foodborne illness outbreak investigations, in-
13 cluding—

- 14 (1) information surrounding early warning sig-
15 nals of foodborne illnesses;
- 16 (2) reported consumer illnesses; and
- 17 (3) suspected transmission vehicles of a
18 foodborne illness.

○