

Yesterday President Biden spoke with retailers and manufacturers—including the CEOs of Walmart, Target, Reckitt, and Gerber—and called on them to do more to help families purchase infant formula.

President Biden also announced additional steps to get infant formula onto store shelves as quickly as possible without compromising safety. These steps include:

Cutting red tape to get more infant formula to store shelves quicker by urging states to provide consumers flexibility on types of formula they can buy with WIC dollars

Calling on the FTC and state attorneys general to crack down on any price gouging or unfair market practices related to sales of infant formula, like third party sellers re-selling formula at steep prices

The Biden-Harris Administration will continue to monitor the situation and identify other ways it can support the safe and rapid increase in the production and distribution of baby formula.

As a result, more infant formula has been produced in the last four weeks than in the four weeks preceding the recall—despite one of the largest infant formula production facilities in the U.S. being offline.

The CDC has ended its investigation and directs consumers to the Abbott website to get information on the lots recalled and not recommended for use.

The baby formula shortage is not over and the Congress and the Administration must work together to find the solutions parents need to have access to baby formula to feed their infants.

This is not an issue that parents can easily solve at home.

I ask fellow members of the House to join me in voting in favor of H.R. 7791.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill, H.R. 7791.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mrs. STEEL. Madam Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Pursuant to section 3(s) of House Resolution 8, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, further proceedings on this motion are postponed.

#### INFANT FORMULA SUPPLEMENTAL APPROPRIATIONS ACT, 2022

Ms. DELAURO. Madam Speaker, pursuant to House Resolution 1124, I call up the bill (H.R. 7790) making emergency supplemental appropriations to address the shortage of infant formula in the United States for the fiscal year ending September 30, 2022, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 1124, the bill is considered read.

The text of the bill is as follows:

H.R. 7790

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

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2022, and for other purposes, namely:

#### RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION

##### DEPARTMENT OF HEALTH AND HUMAN SERVICES

##### FOOD AND DRUG ADMINISTRATION SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, \$28,000,000, to remain available until September 30, 2023, shall be available to address the current shortage of FDA-regulated infant formula and certain medical foods in the United States and to prevent future shortages, including such steps as may be necessary to prevent fraudulent products from entering the United States market: *Provided*, That the Commissioner of Food and Drugs shall report to the Committees on Appropriations of the House of Representatives and the Senate on a weekly basis on obligations of funding under this heading in this Act to address the shortage of infant formula and certain medical foods in the United States: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4001(a)(1) and section 4001(b) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022.

#### GENERAL PROVISIONS—THIS ACT

SEC. 101. Each amount appropriated or made available by this Act is in addition to amounts otherwise appropriated for the fiscal year involved.

SEC. 102. Unless otherwise provided for by this Act, the additional amounts appropriated by this Act to appropriations accounts shall be available under the authorities and conditions applicable to such appropriations accounts for fiscal year 2022.

This Act may be cited as the “Infant Formula Supplemental Appropriations Act, 2022”.

The SPEAKER pro tempore. The bill shall be debatable for 1 hour equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations or their respective designees.

The gentlewoman from Connecticut (Ms. DELAURO) and the gentlewoman from Texas (Ms. GRANGER) each will control 30 minutes.

The Chair recognizes the gentlewoman from Connecticut.

#### GENERAL LEAVE

Ms. DELAURO. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the measure under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Connecticut?

There was no objection.

Ms. DELAURO. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this funding legislation will work in tandem with President Biden's launch of Operation Fly Formula and the invocation of the De-

fense Production Act to help quickly and safely address the infant formula shortage in this country and help prevent this from happening again.

I am shocked by the infant formula crisis. The shortage we are seeing today is in large part caused by some who chose not to prioritize the health and the safety of our babies.

In September 2021, Food and Drug Administration, FDA inspectors conducted a routine inspection of the Abbott Nutrition facility in Sturgis, Michigan, where suspicions of wrongdoing were already present, as noted in a Bloomberg article published on May 12 from a reporter who obtained the FDA report through a Freedom of Information Act request.

On October 20, 2021, a whistleblower who worked at that Abbott facility submitted a report to the FDA unveiling a damning list of allegations of wrongdoing at the hands of Abbott. Recalls happen, but if the allegations are true, this company has lied, cut corners, falsified records to cover up their misdoings at the sake of infant health. This is plain wrong.

But this was in October. The FDA knew about what Abbott was doing in October and, yes, they dragged their feet. It was not until late December that the FDA interviewed the whistleblower. And then not until a month after that, in late January, was the plant inspected in person. Abbott then issued a recall in February, 4 months later.

In March, I requested an HHS Office of Inspector General report to look into this tragedy, so that we can hold the bad actors accountable. And then I got ahold of and submitted for the record a whistleblower report with truly awful allegations against Abbott.

Their wrongdoings included the falsification of records, testing seals on empty cans, releasing untested infant formula, just to name a few. In essence, they put a product on the market, a contaminated product, which they knew was contaminated. We have lost—at least two infants died. Several were hospitalized.

Let's look back for a moment. Now, we are learning that in 2014, Abbott deliberately and successfully tried to weaken bacteria testing safety standards. At that time, the FDA issued a proposed rule that would have increased the regular safety inspections of infant formula manufacturing facilities to prevent the contamination of infant formula; the very crisis that we have today.

The Federal Government has an important role to play in addressing this painful issue. As I said, at least two babies died, and four more were hospitalized that we know of because of corporate greed, consolidation, and a disgraceful lack of proper oversight by the FDA.

This is infant formula we are talking about. Parents trust that this formula will be safe and healthy for their newborn babies. It should be the most regulated and protected of any product,

and here, we see Abbott putting production and profits before people.

I introduced this bill this week because 43 percent of infant formula is out of stock nationwide. There is an immediate need to bring infant formula to the babies and families facing such a dire necessity. In the wealthiest Nation in the world, babies should not be at risk of going hungry. Parents should not have to play a guessing game and wonder if the food that they are giving their babies is safe.

Earlier this evening, President Biden announced that he would invoke the Defense Production Act to increase domestic production of infant formula, launching Operation Fly Formula to use Federal planes to fly formula in from abroad.

I have been calling for the swift importation of safe infant formula from FDA-approved facilities overseas since the beginning of this crisis. These steps will achieve this goal, and I applaud the Biden administration for rising to this urgent challenge.

Now that we are ramping up production, preparing to purchase formula from abroad, we must ensure that it is safe. And I would repeat, this product needs to come from FDA-approved facilities so we make no mistake that they are adhering to a standard. The FDA needs the resources to do that.

The FDA plays a critical role in ensuring formula provides the full nutritional needs of infants and that it is manufactured in the safest way possible. We must ensure that a lack of funding is not a barrier to getting safe formula to parents and babies.

The bill before us does just that. It addresses this pressing need by providing \$28 million in new funding for the FDA. These funds will be used to prevent fraudulent products from entering the marketplace, to acquire better data of the situation in the marketplace, and to fund the balance of FDA activities. To prevent shortages from happening again, funds will strengthen the workforce focused on formula issues and increase the FDA's inspection staff.

The FDA needs resources to be able to get this work done quickly, and safely, and that includes building their workforce. Right now, they have only nine people on staff inspecting and reviewing the submissions that could increase the number of FDA-approved facilities developing infant formula. It is not enough.

Being able to have more staff who are doing this job will ensure FDA can increase the quality of submissions being reviewed without risking the quality of the review process. We also have their funds that will buttress their inspection teams so that we can get more FDA-approved facilities online.

I am proud that this bill meets this urgent need. People are looking for some relief, and I am proud that we are on the floor tonight to ensure that families get this help as soon as possible.

But we should not, and we will not be made to choose between the health and the safety of our babies and the supply that keeps them fed. I reject this dangerous and false dichotomy.

Let me be clear: The funding in this bill seeks to address the shortage now, but we must simultaneously find solutions that prevent this contamination and the shortage from happening again. Our work here is not done. We will introduce legislation in the next several days to address the root cause of the issue so that it does not happen again.

Madam Speaker, we all are heartbroken, both at the stories of the babies who died and their mourning families, and the millions of moms and dads today who are frantic and scrambling to find formula, and who, within their hearts, are scared that the product they may be giving their infant can potentially cause them grave harm.

That is not who we are. That is not who we are. Our babies are our most vulnerable, and we must work quickly and decisively to make safe formula available for every single baby in this country who needs it.

Madam Speaker, I urge my colleagues to support this absolutely critical piece of legislation, and I reserve the balance of my time.

Ms. GRANGER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in opposition to H.R. 7790, the Infant Formula Supplemental Appropriations Act.

American families are facing yet another crisis. Parents don't have the access to the formula their children need, and they are angry and they are frightened; and I understand why they are angry and they are frightened.

There are reports that more than 40 percent of baby formula is sold out across the United States. Some families are having to drive hours just so their children don't go to bed hungry.

At a time when Americans are paying record-high gas prices, no one can afford this.

We had the opportunity to work across the aisle on a bipartisan solution to this crisis. Unfortunately, the text we are considering today has not been agreed to by both sides.

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I have four concerns about the bill. First, the bill does nothing to force the FDA to come up with a plan to address the shortage. Second, it does nothing to address whether Federal agencies have excess formula that could be directed to American households. Third, it fails to leverage the Federal Government's existing capabilities to transport formula. Finally, the bill gives the FDA an additional \$28 million, when funds are already available to address this issue.

Two months ago, we increased the FDA's operating budget by \$102 million. This included an \$11 million increase specifically for maternal and in-

fant health and nutrition. There is also more than \$1 billion that the Department of Agriculture has available to address supply chain issues. My question is: Why can't these existing funds be spent?

Ultimately, I fear that H.R. 7790 will not put more formula on store shelves, and that is why I am opposing this bill. We should take the time to do it right.

Madam Speaker, I reserve the balance of my time.

Ms. DELAURO. Madam Speaker, I yield myself such time as I may consume.

I might just add, just a quick moment, to indicate to my colleague, who is my friend, that, in fact, we did check with other departments and agencies, and particularly with FEMA, to find out what they might have in stock. FEMA currently has on hand formula for 550 infants for one week. So, in fact, we don't have other Federal agencies that do have a stock of infant formula. What we have said in the legislation is that the FDA must report to House and Senate Appropriations Committees on a weekly basis of where the money is being used, how it is being used, so that we have accountability.

I am really honored to yield to my colleague who chairs the Appropriations Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies. This is coming through his subcommittee. He has been a tireless fighter on this issue, making sure that our kids are safe. To that end, he will be talking with the director of the Food and Drug Administration tomorrow morning. So he has been really at the center of this effort.

Madam Speaker, I yield 3½ minutes to the gentleman from Georgia (Mr. BISHOP).

Mr. BISHOP of Georgia. Madam Speaker, I thank the gentlewoman for yielding, and I thank her for her passion and compassion in confronting this issue.

As chairman of the House Appropriations Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, I am glad to support Chairwoman DELAURO as we address the infant formula crisis facing America. We are working toward ensuring that parents and other caregivers have access to safe and affordable nutrition for the babies in their care.

The emergency funds allocated by this bill will help safely expedite the inspection of the country's infant formula supply and quickly get it back on the shelves of stores across the country.

But we must also address how such a crisis came to pass in the first place. How did a manufacturer, a company responsible for over 40 percent of a Nation's infant formula supply, have an unclean facility? How was this situation left unchecked? How did it lead to hospitalization and the death of babies?

Congress will be scrutinizing this crisis with the FDA and manufacturers in the days ahead. I look forward to my subcommittee hosting the first hearing in this regard with FDA Commissioner Robert Califf tomorrow morning.

I have often stood on this very floor to tout the importance of the FDA and how it touches every single family and every life in America. Today is a stark reminder of that fact. The FDA is at the forefront of our system of checks to ensure that our food and our medicine, including infant formula, meet the nutritional standards, the nutritional needs, and that they are safe for our consumers.

We must ensure the safety of and re-establish Americans' confidence in the infant formula that they purchase. That means getting more inspectors out in the field to make sure that the drive for corporate profit does not compromise infant formula safety. It also means making sure families are not being sold fake formula or subjected to price gouging from bad actors and hoarders looking to take advantage of the crisis.

I have heard from families who are distraught at the news of this crisis. They want to know how a tainted product got to the market; how come there is not enough baby formula to replenish store shelves; and what we are doing to make sure they have access to safe baby formula quickly.

This bill provides the funds to improve the safety of, to reduce fraud in, and to better understand the pressures and vulnerabilities of the infant formula market. It helps address the shortage we face today while getting us the data we need to prevent this from happening again.

Families are willing to make tremendous sacrifices for and investments in the safety and well-being of their children. Making sure their children are fed is one of the most fundamental concerns parents face. By passing this bill, Congress is standing up for our families.

Madam Speaker, I urge my colleagues to pass this bill. Let's make sure that the infants in America have safe and available formula.

Ms. GRANGER. Madam Speaker, I yield 5 minutes to the gentleman from Maryland (Mr. HARRIS), the acting ranking member of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies.

Mr. HARRIS. Madam Speaker, I thank the gentlewoman from Texas for yielding me the time.

Madam Speaker, I rise in opposition tonight to H.R. 7790, the Infant Formula Supplemental Appropriations Act, a bill that just continues the majority's reckless spending spree without actually fixing the infant formula crisis this administration caused.

Like parents across America, I am frustrated by the Biden administration's lack of urgency to address this completely predictable crisis. In fact,

infant formula supply challenges started last fall and were exacerbated with the Abbott recall of infant formula and the facility closing in February.

At that time, the administration and the FDA should have made it a priority, back in February, to get this plant safely back online as quickly as possible. Instead, they allowed yet another crisis to occur. In fact, the facility remains idle 3 months later, with just a recent announcement by the FDA that they have now come to an agreement with Abbott on how to reopen the plant.

The answer to the formula shortage is the families need more formula, and we need to get one of the largest domestic producers of formula safely operating again.

But this is not a money problem. This is a leadership problem. It is another example of this administration's disregard for hardworking American families who are already struggling with record-high gas prices, food prices, and inflation soaring to a 40-year high.

All of us have constituents impacted by this formula shortage, and this is one issue we should have been able to address in a bipartisan manner.

I thank Ranking Member GRANGER for her leadership on this issue, offering commonsense solutions that wouldn't have added to our national debt and would have held the FDA accountable for its foot dragging.

Unfortunately, Republican input was dismissed, and this bill just continues the Democrats' strategy of throwing money at the same bureaucrats who caused the crisis and who have not made its solution a priority so that that failed agency can hire even more bureaucrats.

This is yet another missed opportunity to allow Republicans and Democrats to work together for the benefit of American families. Instead, the majority is going it alone, having caused this problem just like they caused the high gas prices, crime in our streets, and rising food prices. They are not solving it with this bill; they are just spending money and adding to the debt our children and grandchildren have to repay.

Madam Speaker, I urge my colleagues to oppose this bill, come back to the table, work with Republicans, and let's have a bipartisan solution.

Ms. DELAURO. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I just say to my colleague that, in fact, one would suspect from listening to our colleague that Abbott Nutrition was ready to really move forward and to deal with reopening. The fact of the matter is, I have said that the Food and Drug Administration dragged their feet by not looking at what they were doing in October, et cetera.

But the FDA had to go to court to get an agreement with Abbott about how to open. This wasn't a company

that was taking on their culpability in knowingly selling a contaminated product that puts our babies at risk. Going to court, that is just a part of the delay with moving, is having to have to go to court to do this.

Congressman PALLONE has spent so much of his professional career focused on food safety issues and, in fact, as the Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies is doing hearings, the Energy and Commerce Committee will be doing hearings on this issue as well.

Madam Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. PALLONE), the chairman of the Committee on Energy and Commerce.

Mr. PALLONE. Madam Speaker, I rise today in strong support of the Infant Formula Supplemental Appropriations Act.

I particularly thank Appropriations Committee Chairwoman ROSA DELAURO for all she has done to shed light on the contamination of infant formula and the problems with FDA enforcement. She talks about me, but I will talk about her, because she has really taken this issue to heart for such a long period of time.

I have to say that I am extremely upset listening to the Members on the other side, the Republicans, talk about this crisis and how it could have been avoided. I have been on the Energy and Commerce Committee for over 30 years. FDA's policies of food safety, unlike that for drugs and medical devices, are not based on fees paid by the manufacturers. This is because Republicans in the past have not been willing to impose those fees on the manufacturers.

I can tell you from personal experience, when I tried to include a fee structure in food safety initiatives in the past before my committee, the Energy and Commerce Committee, every time, it was opposed by the Republicans because they were listening to the manufacturers who didn't want that fee schedule imposed on them. We have it for drugs. We have it for medical devices. We don't have it for food safety, and that is right in the hands of the Republican leadership.

I am not particularly blaming the appropriators today, because this was not an appropriations issue. This was an Energy and Commerce issue. But to suggest in some way that this is the Democrats, I will tell you, it is the Republicans. If that money had been in place, we would have had the inspectors, and we would have had the ability, in my opinion, to do a lot more on the issue of food safety. So this crisis, to some extent, is based on the Republicans' unwillingness to adopt a fee schedule and provide that regular source of funding for the FDA.

Now, let me also say that in addition to the emergency funding, the House is also voting tonight to grant flexibility to the WIC program. I thank the Committee on Education and Labor for that.

The Biden administration has taken a number of important actions to respond to this shortage, including working with manufacturers to increase production and encouraging importation of safe infant formula. Today, as the chairwoman of Appropriations said, the operation the White House has announced, including the use of the Defense Production Act, shows that this administration has continued to commit to end this crisis.

The Energy and Commerce Committee also today unanimously passed a measure to allow the FDA to streamline processes for hiring highly skilled professionals and retain them with competitive salaries. This will help to ensure our infant formula supply is safe and inspectors are on the job.

Now, I just want to say, Madam Speaker, manufacturers have to do a better job in the future to alert the FDA of potential shortages so we can shift production quickly. The FDA must be empowered to move more quickly to set limits on contamination, which is currently bogged down in long and cumbersome regulatory processes.

We understand that more needs to be done, but this bill needs to be passed today.

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Ms. GRANGER. Mr. Speaker, I yield 5 minutes to the gentlewoman from Iowa (Mrs. HINSON).

Mrs. HINSON. Mr. Speaker, I thank the gentlewoman from Texas for yielding on this very important topic.

Mr. Speaker, families across this country are desperate for help. Babies are going hungry. Mothers and fathers are faced with empty shelves, and there is no formula to be found.

As a mother, this is heartbreaking. As a Congresswoman, this is unacceptable. That is why I will be offering a motion to recommit this bill in just a few moments.

According to the U.S. Food and Drug Administration, the FDA, 67 percent of children rely on infant formula for some portion of their nutrition by the time they are 3 months old. One of my children had to have formula. That is 2.7 million babies that need formula their parents cannot find on the shelves in their local supermarket or anywhere, for that matter.

We need to address this supply chain crisis right now. Our families deserve solutions. The Biden administration ignored the warning signs that a formula shortage was imminent, sitting on their hands until the shelves were bare. Their incompetence underscores the need for funding to come with guardrails and accountability for the FDA's failures.

Throwing additional money at a problem is the wrong approach. American families need a plan to fix this crisis and to get that baby formula back on store shelves, and they don't need us spending more of their hard-earned money to do it.

My amendment would redirect a targeted amount of unused pandemic

funds to address the baby formula shortage. It would use \$5.75 million of existing Federal funds to respond to this crisis immediately, right now.

My amendment would also require the FDA to report to Congress on the shortage, ensuring that the American people know exactly what the administration is doing or is not doing to get formula back on the shelves.

We would also immediately require an assessment of all baby formula stockpiled by the Federal Government. Can this formula be redirected to the marketplace for families? Can we do that right now?

This amendment ensures the FDA Commissioner can't travel anywhere unless it is related to the baby formula crisis until this crisis is addressed.

Mr. Speaker, we have seen the impact this baby formula crisis is having across our country—the mom whose baby can tolerate only a certain kind of formula, the dad who is scouring Facebook groups tonight trying to see if he can find what his baby needs, or the grandparents who have gone to three grocery stores, driven miles, and are still empty-handed.

We have an opportunity here to really work together and enact meaningful legislation that will get baby formula back on store shelves as soon as possible and ensure that our families are not ever left in a lurch like this again.

Mr. Speaker, I ask my colleagues tonight to join me, join us, in fighting for families, for babies, and for taxpayers. We can do it all together. Vote “yes” tonight on the motion to recommit. Adopt my amendment, and let's get this baby formula crisis under control.

Mr. Speaker, I ask unanimous consent to insert the text of my amendment in the RECORD immediately prior to the vote tonight on the motion to recommit.

The SPEAKER pro tempore (Mr. KILDEE). Is there objection to the request of the gentlewoman from Iowa?

There was no objection.

Ms. DELAURO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will say to my colleague who just spoke that, in fact, I just talked about what FEMA has in terms of stocks, which would take care of infants for about 1 week, but I would call her attention to the article that appeared on May 10, “Military stores scrambling to get baby formula: What new parents need to know.”

Military families are dealing with the same shortage of baby formula. Now, they would have a supply. I take it from what my colleague said that we should take the product from military families, who are serving in the service of this country, take their formula and move it around.

We know where the product is, and we know we do not have enough. We know that we need to move. As to what we are doing and suggesting that we move to import from FDA facilities that are overseas, there are seven of them where we can get product on the shelves as quickly as possible.

Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Mrs. CAROLYN B. MALONEY), the chairwoman of the Committee on Oversight and Reform. Oversight and reform is Congresswoman MALONEY's stock-in-trade, and she is all over this issue as well.

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I thank the gentlewoman for yielding and for her extraordinary leadership in responding to this crisis so comprehensively and quickly and also for her leadership as the chair of the Appropriations Committee.

Mr. Speaker, I rise in support of the emergency spending that builds on the Biden administration's progress in addressing the nationwide infant formula shortage by providing the FDA with resources to increase supply and prevent future shortages.

The national formula shortage threatens the health and economic security of America's infants and families, especially those who experience health inequities, including food insecurity.

In recent weeks, parents across the country have been forced to ration food or travel for hours to obtain formula. For parents of infants with special health needs, the nationwide formula shortage has been especially dire. Some parents have considered going to the emergency room just so that they can feed their babies. This is unacceptable.

We cannot sit by while families struggle to feed their babies. That is why the Committee on Oversight and Reform has started an investigation to support the work of the legislative committees—the Energy and Commerce and Appropriations Committees—that are putting forward legislation to address this.

We sent letters to the CEOs of the four largest baby formula manufacturers, pressing them on their plans to boost supply. When are they going to have the formula back on the shelves in the stores? What caused this? What are they doing to prevent future shortages?

I am proud to support, with my Democratic and, hopefully, Republican colleagues, today's bill, which will appropriate \$28 million for FDA to safely increase our supply of infant formula and prevent future shortages so that this will never happen again.

I thank Chair DELAURO for her leadership.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Ms. DELAURO. Mr. Speaker, I yield an additional 30 seconds to the gentlewoman.

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I thank the Biden administration for invoking the Defense Production Act to act on this. They are also moving to import safe products from other countries. I applaud the President's leadership, but I especially applaud the leadership in this Congress, Speaker PELOSI, Leader HOYER, Chair DELAURO, Chair PALONE, all the people who have been involved in helping America's infants.

I urge a “yes” vote on this important bill. We should be unified for our children in this country.

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

Ms. DELAURO. Mr. Speaker, we all share the view that the infant formula shortage is a crisis. The stories that we have all heard—mothers and fathers struggling to find formula, the images of empty store shelves—are heart-breaking. We have all heard from constituents all over this country that parents are scared. They can’t find the product, and they are scared that they are going to have a product that may put their child in danger.

Mr. Speaker, we need to address two areas. We need to address the immediate crisis to get product on the shelves as soon as we can, which is what this bill does tonight, along with other measures that the administration is taking.

There are some very serious underlying issues that we face. The question arises, how did we get here? How did this happen?

One of the biggest issues and concerns is the whole issue of the consolidation of the industry. There are only four manufacturers of infant formula in the United States, and when one of the four has produced a contaminated product, knowingly putting our babies at risk, yes, and they fought the FDA on really calling for a recall. The FDA, again, had to go to district court to be able to move to a consent decree to talk about cleaning up the mess in Sturgis, Michigan.

When that product came off the shelf, 43 percent of the product was gone because that is the piece that Abbott has. They have cornered the market. We need to address that root problem of sole-source contracting. This is prevalent in the meatpacking industry as well.

We cannot just rely on four producers of infant formula. We have to take a look at that, and that will be investigated.

There is an inspector general investigation going on that will take a look at the issues of the contamination and that underlying cause. We will investigate why it took so long for the FDA—4 months—to look at addressing this issue when they had knowledge that this company was selling a contaminated product, with some very courageous whistleblower coming forward to tell the story.

Those pieces are going to be investigated. In my view, we will follow the investigation to where the difficulties are, and we will hold people accountable for that.

In the meantime, we have a responsibility. That responsibility is to make sure that there is infant formula on the shelves that parents can get access to, and that is what this bill is about. That is what our efforts are all about, giving the Food and Drug Administration resources to deal with the supply chain, to be able to go to the seven producers

overseas. There are seven countries that are FDA approved: France, Germany, the Netherlands, Switzerland, Denmark, and Ireland are FDA approved.

Again, I will state my view. We only need to go to FDA-approved facilities, not open the door to facilities where we cannot deal with what their standards are in short order.

That is what the resources here can help the FDA do. It would increase their inspection force. It would increase their ability to look at infant formula submissions so they can move quickly to approve facilities and give that approval and, in the meantime, move to get the product back here.

As the President announced today, we will be able to use our airplanes. We can get product here rapidly.

Again, it should come from FDA-approved facilities. That is what we are about tonight. That is what it is. It is not about politics. We are going to investigate what happened here.

Let’s come together. Let’s move together to address a nationwide challenge and a problem that we face. Let’s not continue to put mothers and fathers and babies at risk. We have the responsibility to do something tonight, to make it happen, and I urge my colleagues, we cannot let any baby be at risk of going to sleep hungry in this country. We must act quickly. There is no room for error.

I urge my colleagues to support this bill, and I yield back the balance of my time.

Ms. JACKSON LEE. Mr. Speaker, I rise in strong support of H.R. 7790, the Infant Formula Supplemental Appropriations Act which would provide \$28 million in emergency supplemental appropriations to address the shortage of infant formula in the United States.

I thank my good friend and colleague, Chairwoman Rosa DeLauro, for introducing this important bill that addresses the ongoing national crisis in shortages of infant baby formula.

The bill provides appropriations for the Food and Drug Administration (FDA) to:

address the current shortage of FDA-regulated infant formula and certain medical foods in the United States; and

prevent future shortages by taking necessary steps to block fraudulent products from entering the U.S. market.

This is the first time in recorded memory that our Nation has had a substantial shortage of infant formula.

Babies are in need and parents and caregivers are desperate to find formula to feed their children.

As the founder and Chair of the Congressional Children’s Caucus, I have worked to address the needs of women, families, and children.

On Saturday, May 14, 2022, I hosted a baby formula giveaway and was joined by the National Association of Christian Churches (NACC), a 501(c)(3) organization to provide free baby formula to eight hundred families in need of formula for the babies.

The formula provided would only last a few days, but it was important because it gave families a few more days to find more formula for their children.

I am in strong support of this bill and H.R. 7791, a bill to amend the Child Nutrition Act of 1966 to establish waiver authority to address certain emergencies, disasters, and supply chain disruptions, which includes providing relief during this baby formula crisis.

I serve on the House Committees on the Budget and Homeland Security, both of which have oversight or funding responsibilities for addressing this current crisis.

As many parents know, there has been a short supply of baby formula nationwide for months, due to pandemic-related supply chain issues.

That shortage is now a crisis after four children became sick, and two died, after suspected bacterial contamination of formula which originated from Abbott Nutrition’s formula plant in Sturgis, Michigan.

The FDA’s Coordinated Outbreak Response and Evaluation (CORE) Network, along with the CDC and state and local partners investigated the issue.

According to the FDA, CORE is no longer investigating the incident, but the FDA established an Incident Management Group (IMG) on April 1, to continue to work on supply chain and food safety issues.

Although the source of the contamination has been determined and the investigation has ended, the baby formula shortage problems continue to remain around the country, and the recall is still in effect.

Currently, the nationwide out-of-stock rate for baby formula has reached a high of 43 percent.

Over fifty percent of the infant formula produced in the United States goes to the Special Supplemental Nutrition Program for Women, Infants, and Children (commonly known as the WIC program).

WIC serves to safeguard the health of low-income women, infants, and children younger than 5 who are at nutritional risk.

Infants must eat every three to four hours and their formula or breast milk must have certain nutrients in order to provide them with essential nutrition for their growth and development.

Oftentimes, formula feeding exists on a continuum with breast feeding.

There is no substitute for formula feeding because only 1 in 4 infants breastfeed exclusively.

For parents who depend on baby formula either out of choice or necessity, this crisis has the potential of impacting an entire generation of infants for the rest of their lives.

Desperation is overwhelming parents, and some are turning to making their own baby formula at home.

Pediatricians caution against homemade baby formula as it runs the risk of not providing the right amount of nutrients necessary for healthy development.

Not having the correct formula can put a child’s physical and mental development at risk due to malnourishment that could occur if the formula is not correct.

This is not an issue that parents can easily solve at home.

This places the onus on the manufacturers of baby formula and the Congress to handle the supply chain issues to deliver formula to parents and caregivers as quickly as possible.

This bill would give money to ensure that already existing formula brands are safe and can return to shelves as soon as possible.

According to CBS News, more than half of all baby formula products available in Texas are completely sold out, with an out-of-stock rate at 52.5 percent in Houston.

The baby formula shortage is hitting poorer communities disproportionately hard.

According to an article from CNN, about half of WIC beneficiaries lost access to baby formula when their major supplier, Abbott Nutrition, recalled their products.

The shortage has left all parents with less choices and is adding further pressure to already existing economic disparities.

Recently, I partnered with the National Association of Christian Churches to distribute baby formula at Jack Yates High School to my constituents in Houston.

Ovie and Mikayla Cade are just two of the many parents that have been struggling to feed their baby and looked to the drive for much needed support.

A drive like this provides short-term relief for an issue that requires institutional action to create long-term changes.

That is why for the time being I plan to reach out to national disaster organizations to pull together resources to provide immediate support for these families.

This shortage transcends state lines and requires a joint effort on all fronts to get these infants the nutrition they need as quickly as possible.

I urge all my colleagues to support H.R. 7790 for the Infant Formula Supplemental Appropriations Act.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 1124, the previous question is ordered on the bill.

The question is on the engrossment and 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

Mrs. HINSON. Mr. Speaker, I have a motion to recommit at the desk.

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

The Clerk read as follows:

Mrs. Hinson of Iowa moves to recommit the bill H.R. 7790 to the Committee on Appropriations.

The material previously referred to by Mrs. HINSON is as follows:

Strike all text and insert the following:

#### GENERAL PROVISION

##### (INCLUDING TRANSFER OF FUNDS)

SEC. 101. Of the amounts made available under section 1001(a) of the American Rescue Plan Act of 2021 (Public Law 117-2), funds shall be available to address the current shortage of Federally-regulated infant formula in the United States: *Provided*, That up to \$5,750,000 of such funds may be transferred to the Food and Drug Administration for necessary activities to address the shortage, including such steps as may be necessary to prevent fraudulent products from entering the United States market: *Provided further*, That the Commissioner of Food and Drugs shall report to the Committees on Appropriations of the House of Representatives and the Senate on a weekly basis on obligations of funding under this heading in this Act to address the shortage of infant formula in the United States: *Provided further*, That

the Director of the Office of Management and Budget shall provide a report to the Committees on Appropriations of the House of Representatives and the Senate three days after enactment of this Act on the infant formula stock available at Federal agencies, whether excess Federal stock can be redirected to address the shortage of infant formula in the commercial market, and the distribution and transportation capabilities of Federal agencies to help deliver infant formula to communities in need, including rural areas: *Provided further*, That none of the funds appropriated or made available in this or any other Act may be obligated or expended for the travel expenses of the Commissioner unless such travel is directly related to addressing the infant formula shortage or the Commissioner submits to the Committees on Appropriations of the House of Representatives and the Senate a plan to address the infant formula crisis.

The SPEAKER pro tempore. Pursuant to clause 2(b) of rule XIX, the previous question is ordered on the motion to recommit.

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.

Mrs. HINSON. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Pursuant to section 3(s) of House Resolution 8, the yeas and nays are ordered.

Pursuant to section 8 of rule XX, further proceedings on this question are postponed.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess for a period of less than 15 minutes.

Accordingly (at 8 o'clock and 16 minutes p.m.), the House stood in recess.

□ 2030

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. KILDEE) at 8 o'clock and 30 minutes p.m.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

Motion to suspend the rules and pass H.R. 7791;

Motion to recommit on H.R. 7790;

Passage of H.R. 7790, if ordered;

Passage of H.R. 350; and

Motions to suspend the rules with respect to the following:

H.R. 2992;

H.R. 6943;

H.R. 2724;

S. 4089;

H.R. 6052;

S. 2533; and

S. 2102.

The first electronic vote will be conducted as a 15-minute vote. Pursuant to clause 9 of rule XX, remaining electronic votes will be conducted as 5-minute votes.

#### ACCESS TO BABY FORMULA ACT OF 2022

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 7791) to amend the Child Nutrition Act of 1966 to establish waiver authority to address certain emergencies, disasters, and supply chain disruptions, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill.

This is a 15-minute vote.

The vote was taken by electronic device, and there were—yeas 414, nays 9, not voting 6, as follows:

[Roll No. 218]

YEAS—414

Adams	Cartwright	Escobar
Aderholt	Case	Eshoo
Aguilar	Casten	Espallat
Allen	Castor (FL)	Estes
Allred	Castro (TX)	Evans
Amodel	Cawthorn	Fallon
Armstrong	Chabot	Feenstra
Auchincloss	Cheney	Ferguson
Axne	Cherfilus-	Fischbach
Babin	McCormick	Fitzgerald
Bacon	Chu	Fitzpatrick
Baird	Ciциlline	Fleischmann
Balderson	Clark (MA)	Fletcher
Banks	Clarke (NY)	Foster
Barr	Cleaver	Frankel, Lois
Barragán	Cline	Franklin, C.
Bass	Cloud	Scott
Beatty	Clyburn	Fulcher
Bentz	Clyde	Gallagher
Bera	Cohen	Gallego
Bergman	Cole	Garamendi
Beyer	Comer	Garbarino
Bice (OK)	Connolly	Garcia (CA)
Bilirakis	Cooper	Garcia (IL)
Bishop (GA)	Correa	Garcia (TX)
Bishop (NC)	Costa	Gibbs
Blumenauer	Courtney	Gimenez
Blunt Rochester	Craig	Golden
Bonamici	Crawford	Gomez
Bost	Crenshaw	Gonzales, Tony
Bourdeaux	Crist	Gonzalez (OH)
Bowman	Crow	Good (VA)
Boyle, Brendan	Cuellar	Gooden (TX)
F.	Curtis	Gottheimer
Brady	Davidson	Granger
Brooks	Davis, Danny K.	Graves (LA)
Brown (MD)	Davis, Rodney	Graves (MO)
Brown (OH)	Dean	Green (TN)
Brownley	DeFazio	Green, Al (TX)
Buchanan	DeGette	Griffith
Buck	DeLauro	Grijalva
Bucshon	DelBene	Grothman
Budd	Delgado	Guest
Burchett	Demings	Guthrie
Burgess	DeSaulnier	Harder (CA)
Bush	DesJarlais	Harris
Bustos	Deutch	Harshbarger
Butterfield	Diaz-Balart	Hartzler
Calvert	Dingell	Hayes
Cammack	Doggett	Hern
Carbajal	Donalds	Herrell
Cárdenas	Doyle, Michael	Herrera Beutler
Carey	F.	Hice (GA)
Carl	Duncan	Higgins (NY)
Carson	Dunn	Hill
Carter (GA)	Ellzey	Himes
Carter (LA)	Emmer	Hinson
Carter (TX)		Hollingsworth