

119TH CONGRESS  
2D SESSION

# H. R. 8431

To amend the Federal Food, Drug, and Cosmetic Act to expand a program under which third-parties are accredited to conduct food safety audits, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 22, 2026

Mr. RULLI introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To amend the Federal Food, Drug, and Cosmetic Act to expand a program under which third-parties are accredited to conduct food safety audits, 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 “Third-Party Certifi-  
5 cation and Inspection Modernization Act of 2026”.

1 **SEC. 2. EXPANSION OF THE ACCREDITED THIRD-PARTY**  
2 **CERTIFICATION PROGRAM.**

3 (a) REVISED DEFINITIONS.—Section 808 of the Fed-  
4 eral Food, Drug, and Cosmetic Act (21 U.S.C. 384d) is  
5 amended—

6 (1) by amending subsection (a)(6) to read as  
7 follows:

8 “(6) ELIGIBLE ENTITY.—The term ‘eligible en-  
9 tity’ means a foreign or domestic entity, including a  
10 foreign or domestic facility subject to registration  
11 under section 415, in the food supply chain that  
12 chooses to be audited by an accredited third-party  
13 auditor or the audit agent of such accredited third-  
14 party auditor.”; and

15 (2) by amending subsection (a)(7) to read as  
16 follows:

17 “(7) REGULATORY AUDIT.—The term ‘regu-  
18 latory audit’ means an audit of an eligible entity—

19 “(A) to determine whether such entity is in  
20 compliance with the provisions of this Act; and

21 “(B) the results of which determine—

22 “(i) whether an article of food manu-  
23 factured, processed, packed, or held by  
24 such entity is eligible to receive a food cer-  
25 tification under section 801(q);

1 “(ii) whether a facility is eligible to  
 2 receive a facility certification under section  
 3 806 for purposes of participating in the  
 4 program under section 806; or

5 “(iii) whether a facility is eligible to  
 6 receive a food or facility certification for  
 7 other purposes described in subsection  
 8 (c)(2)(B)(iii).”.

9 (b) REMOVING LIMITATIONS ON THE USE OF CER-  
 10 TIFICATIONS.—Section 808(c)(2) of the Federal Food,  
 11 Drug, and Cosmetic Act (21 U.S.C. 384d(c)(2)) is amend-  
 12 ed—

13 (1) in subparagraph (A), by striking “food cer-  
 14 tification, described in section 801(q), or facility cer-  
 15 tification under section 806(a), as appropriate, to  
 16 accompany each food shipment for import into the  
 17 United States from an eligible entity,” and inserting  
 18 “food certification or facility certification for pur-  
 19 poses described in subparagraph (B), as appro-  
 20 priate,”; and

21 (2) by amending subparagraph (B) to read as  
 22 follows:

23 “(B) PURPOSE OF CERTIFICATION.—

24 “(i) CERTIFICATIONS CONCERNING  
 25 IMPORTED FOODS.—The Secretary shall

1 use certification provided by accredited  
2 third-party auditors to determine, in con-  
3 junction with any other assurances the  
4 Secretary may require under section  
5 801(q), whether a food satisfies the re-  
6 quirements of such section.

7 “(ii) VOLUNTARY QUALIFIED IM-  
8 PORTER PROGRAM.—The Secretary shall  
9 use certification provided by accredited  
10 third-party auditors to determine whether  
11 a facility is eligible to be a facility from  
12 which food may be offered for import  
13 under the voluntary qualified importer pro-  
14 gram under section 806.

15 “(iii) ANALYZING RISKS AND  
16 PRIORITIZING INSPECTIONS AND OTHER  
17 REGULATORY ACTIVITIES.—The Secretary  
18 may consider the results of regulatory au-  
19 dits and food or facility certifications pro-  
20 vided by accredited third-party auditors  
21 under this section in analyzing risks and  
22 prioritizing inspections and other regu-  
23 latory activities as appropriate for the pro-  
24 tection of public health.”.

25 (c) TECHNICAL AND CONFORMING AMENDMENTS.—

1           (1) Section 808(b)(1)(A) of the Federal Food,  
2           Drug, and Cosmetic Act (21 U.S.C. 384d(b)(1)(A))  
3           is amended to read as follows:

4                   “(A) RECOGNITION OF ACCREDITATION  
5           BODIES.—Not later than 2 years after the date  
6           of enactment of the Third-Party Certification  
7           and Inspection Modernization Act of 2026, the  
8           Secretary shall establish a system for the rec-  
9           ognition of accreditation bodies that accredit  
10          third-party auditors to certify that eligible enti-  
11          ties meet the applicable requirements of this  
12          section.”.

13          (2) Section 808(c) of the Federal Food, Drug,  
14          and Cosmetic Act (21 U.S.C. 384d(c)) is amended—

15                  (A) in paragraphs (1)(B) and (2)(A), by  
16                  striking “(or, in the case of direct accreditation  
17                  under subsection (b)(1)(A)(ii), the Secretary)”;

18                  (B) in paragraph (2)(C)(i), by striking  
19                  “food certification under section 801(q) or a fa-  
20                  cility certification described under subpara-  
21                  graph (B)” and inserting “food certification or  
22                  a facility certification described under this sec-  
23                  tion”;

24                  (C) in paragraph (6)—

1 (i) in subparagraph(A)(i), by striking  
2 “food certified under section 801(q) or  
3 from a facility certified under paragraph  
4 (2)(B)” and inserting “food or facility cer-  
5 tified under this section”; and

6 (ii) in subparagraph (C)(ii), by strik-  
7 ing “requirements under section 801(q) of  
8 certifying the food, or the requirements  
9 under paragraph (2)(B) of certifying the  
10 entity” and inserting “requirements for  
11 certifying the food or facility under this  
12 section”; and

13 (D) in paragraph (7)(B)(i), by striking  
14 “through direct accreditation under subsection  
15 (b)(1)(A)(ii) or”.

16 (3) Section 808(d) of the Federal Food, Drug,  
17 and Cosmetic Act (21 U.S.C. 384d(d)) is amend-  
18 ed—

19 (A) in paragraph (1), by striking “or” at  
20 the end;

21 (B) in paragraph (2), by striking the pe-  
22 riod at the end and inserting “; or”; and

23 (C) by adding the following; and

24 “(3) otherwise seeks certification for purposes  
25 of subsection (c)(2)(B)(iii).”.

1       (d) IDENTIFICATION AND INSPECTION OF FACILI-  
2 TIES.—Section 421(a)(1) of the Federal Food, Drug, and  
3 Cosmetic Act (21 U.S.C. 350j(a)(1)) is amended—

4           (1) by redesignating subparagraph (F) as sub-  
5 paragraph (G); and

6           (2) by inserting after subparagraph (E) the fol-  
7 lowing:

8           “(F) Whether the facility that manufac-  
9 tured, processed, packed, or held such food  
10 holds a certification demonstrating compliance  
11 with a third-party food safety standard that has  
12 been determined by the Secretary to be aligned  
13 with regulations issued by the Food and Drug  
14 Administration relating to preventive controls to  
15 ensure the safety of human food.”.

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