119TH CONGRESS
1ST SESSION

S. 355

AN ACT

To require the Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, to publish a final rule relating to nonclinical testing methods.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''FDA Modernization Act 3.0''.

SEC. 2. REGULATIONS ON NONCLINICAL TESTING METHODS.

(a) INTERIM FINAL RULE.—

(1) IN GENERAL.—In order to ensure implementation of the amendments to section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)) made by section 3209(a) of the Consolidated Appropriations Act, 2023 (Public Law 117–328; 136 Stat. 5821), not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, shall publish an interim final rule—

(A) to amend the sections of title 21, Code of Federal Regulations, described in paragraph (2) to replace any references to ''animal'' tests, data, studies, models, and research with a reference to nonclinical tests, data, studies, models, and research; and

(B) to add the definition of ''nonclinical test'' in section 505(z) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(z)) to

sections 312.3, 314.3, 315.2, and 601.31 of title 21, Code of Federal Regulations.

(2) CFR SECTIONS DESCRIBED.—The sections of title 21, Code of Federal Regulations, described in this paragraph are the following:

(A) Section 312.22(c).

(B) Section 312.23(a)(3)(iv).

(C) Section 312.23(a)(5)(ii).

(D) Section 312.23(a)(5)(iii).

(E) Section 312.23(a)(8).

(F) Section 312.23(a)(8)(i).

(G) Section 312.23(a)(8)(ii).

(H) Section 312.23(a)(10)(i).

(I) Section 312.23(a)(10)(ii).

(J) Section 312.33(b)(6).

(K) Section 312.82(a).

(L) Section 312.88.

(M) Section 314.50(d)(2).

(N) Section 314.50(d)(2)(iv).

(O) Section 314.50(d)(5)(i).

(P) Section 314.50(d)(5)(vi)(a).

(Q) Section 314.50(d)(5)(vi)(b).

(R) Section 314.93(e)(2).

(S) Section 315.6(d).

(T) Section 330.10(a)(2).

(U) Section 601.35(d).

(V) Any other section necessary to ensure regulatory consistency with the amendments to section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)) made by section 3209(a) of the Consolidated Appropriations Act, 2023 (Public Law 117–328; 136 Stat. 5821).

(3) EFFECTIVENESS OF INTERIM FINAL RULE.—Notwithstanding subparagraph (B) of section 553(b) of title 5, United States Code, the interim final rule issued by the Secretary of Health and Human Services under paragraph (1) shall become immediately effective as an interim final rule without requiring the Secretary of Health and Human Services to demonstrate good cause therefor.

(b) TECHNICAL AMENDMENT.—Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) is amended by designating the second subsection (z) (relating to clinical trial diversity action plans), as added by section 3601(a) of the Health Extenders, Improving

Access to Medicare, Medicaid, and CHIP, and Strengthening Public Health Act of 2022 (division FF of Public Law 117–328), as subsection (aa).

Passed the Senate December 16, 2025.

Attest:

Secretary.

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