

105TH CONGRESS
1ST SESSION

H. R. 2801

To consolidate in a single independent agency in the executive branch the responsibilities regarding food safety, labeling, and inspection currently divided among several Federal agencies.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 4, 1997

Mr. FAZIO of California (for himself, Ms. KAPTUR, Mr. SERRANO, Ms. DELAURO, Mr. PALLONE, and Mrs. LOWEY) introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To consolidate in a single independent agency in the executive branch the responsibilities regarding food safety, labeling, and inspection currently divided among several Federal agencies.

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 “Safe Food Act of
5 1997”.

1 **SEC. 2. PURPOSES.**

2 It is the purpose of this Act—

3 (1) to establish a single agency, the Food Safe-
4 ty Administration, to regulate food safety and label-
5 ing and to conduct food safety inspections to ensure,
6 with reasonable certainty, that no harm will result
7 from the consumption of food by preventing food-
8 borne illnesses due to microbial, natural, or chemical
9 hazards in food; and

10 (2) to transfer to the Food Safety Administra-
11 tion the food safety, labeling, and inspection func-
12 tions currently performed by other Federal agencies.

13 **SEC. 3. DEFINITIONS.**

14 For purposes of this title:

15 (1) ADMINISTRATION.—The term “Administra-
16 tion” means the Food Safety Administration estab-
17 lished under section 4.

18 (2) FOOD SAFETY LAWS.—The term “food safe-
19 ty laws” means—

20 (A) the Federal Meat Inspection Act (21
21 U.S.C. 601 et seq.);

22 (B) the Poultry Products Inspection Act
23 (21 U.S.C. 451 et seq.);

24 (C) the Egg Products Inspection Act (21
25 U.S.C. 1031 et seq.);

1 (D) the Federal Food, Drug, and Cosmetic
2 Act (21 U.S.C. 301 et seq.), with regard to
3 food safety, labeling, and inspection under that
4 Act;

5 (E) the food safety responsibilities under
6 the Federal Insecticide, Fungicide, and
7 Rodenticide Act (7 U.S.C. 136 et seq.);

8 (F) such other laws and portions of laws
9 regarding food safety, labeling, and inspection
10 that the President considers appropriate to con-
11 solidate under the administration of the Admin-
12 istration.

13 **SEC. 4. ESTABLISHMENT OF INDEPENDENT FOOD SAFETY**
14 **ADMINISTRATION.**

15 (a) ESTABLISHMENT OF ADMINISTRATION.—There is
16 established in the executive branch an agency to be known
17 as the “Food Safety Administration”. The Administration
18 shall be an independent establishment, as defined in sec-
19 tion 104 of title 5, United States Code.

20 (b) RESPONSIBILITIES OF ADMINISTRATION.—The
21 Administration shall be responsible for the administration
22 and enforcement of the food safety laws.

1 **SEC. 5. CONSOLIDATION OF SEPARATE FOOD SAFETY AND**
2 **INSPECTION SERVICES AND AGENCIES.**

3 (a) TERMINATION.—As soon as possible after the ef-
4 fective date of this Act, the President shall terminate the
5 Federal agencies specified in subsection (b) to the extent
6 that the activities of such agencies relate to the adminis-
7 tration or enforcement of the food safety laws.

8 (b) COVERED AGENCIES.—The Federal agencies re-
9 ferred to in subsection (a) are the following:

10 (1) The Food Safety and Inspection Service of
11 the Department of Agriculture.

12 (2) The Center for Food Safety and Applied
13 Nutrition of the Food and Drug Administration.

14 (3) The Center for Veterinary Medicine of the
15 Food and Drug Administration.

16 (4) The National Marine Fisheries Service of
17 the National Oceanic and Atmospheric Administra-
18 tion of the Department of Commerce.

19 (5) The Office of Pesticide Programs under the
20 Assistant Administrator of the Environmental Pro-
21 tection Agency for Prevention, Pesticides, and Toxic
22 Substances.

23 (6) Such other offices, services, or agencies as
24 the President may designate to further the purposes
25 of this Act.

1 (c) TRANSFER OF ASSETS AND FUNDS.—Consistent
2 with section 1531 of title 31, United States Code, the per-
3 sonnel, assets, liabilities, contracts, property, records, and
4 unexpended balances of appropriations, authorizations, al-
5 locations, and other funds of a Federal agency terminated
6 in whole or in part under subsection (a) that are used in
7 connection with the administration or enforcement of the
8 food safety laws shall be transferred to the Administration
9 upon the termination of the Federal agency. Unexpended
10 funds transferred pursuant to this subsection shall be used
11 by the Administration only for the purposes for which the
12 funds were originally authorized and appropriated.

13 (d) REFERENCES.—After the termination of a Fed-
14 eral agency under subsection (a), any reference in any
15 other Federal law, Executive order, rule, regulation, docu-
16 ment, or other material to that Federal agency or the head
17 of that agency in connection with the administration or
18 enforcement of the food safety laws shall be deemed to
19 be a reference to the Administration.

20 (e) SAVINGS PROVISIONS.—The termination of a
21 Federal agency under subsection (a) shall not affect—

22 (1) an order, determination, rule, regulation,
23 permit, agreement, grant, contract, certificate, li-
24 cense, registration, privilege, or other administrative
25 action issued, made, granted, or otherwise in effect

1 with respect to that agency before the termination
2 date regarding functions transferred to the Adminis-
3 tration under this Act;

4 (2) any suit commenced before the termination
5 of that agency, any other proceeding (including a
6 notice of proposed rulemaking), or any application
7 for any license, permit, certificate, or financial as-
8 sistance pending before that agency with respect to
9 functions transferred to the Administration under
10 this Act.

11 **SEC. 6. LIMITATION ON AUTHORIZATION OF APPROPRIA-**
12 **TIONS.**

13 For the first fiscal year beginning after the date of
14 the enactment of this Act, the amount authorized to be
15 appropriated to carry out this Act shall not exceed the
16 amount appropriated for fiscal year 1998 for the Federal
17 agencies to be terminated under section 5(a) to administer
18 the food safety laws.

19 **SEC. 7. EFFECTIVE DATE.**

20 This Act shall take effect on the earlier of—

21 (1) the date that is 180 days after the date of
22 the enactment of this Act; and

23 (2) such date during that 180-day period as the
24 President may direct in an Executive order.

○