

106TH CONGRESS
1ST SESSION

S. 1281

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 SENATE OF THE UNITED STATES

JUNE 24, 1999

Mr. DURBIN (for himself, Mr. TORRICELLI, Ms. MIKULSKI, and Mr. CLELAND) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Safe Food Act of 1999”.

6 (b) TABLE OF CONTENTS.—The table of contents of
7 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings and purposes.

Sec. 3. Definitions.

Sec. 4. Establishment of independent Food Safety Administration.

Sec. 5. Consolidation of separate food safety and inspection services and agencies.

Sec. 6. Additional authorities of the Administration.

Sec. 7. Limitation on authorization of appropriations.

Sec. 8. Effective date.

1 **SEC. 2. FINDINGS AND PURPOSES.**

2 (a) FINDINGS.—Congress finds the following:

3 (1) The safety and security of the food supply
4 of the United States requires efficient and effective
5 management of food safety regulations.

6 (2) The safety of the food supply of the United
7 States is facing tremendous pressures with regard to
8 the following issues:

9 (A) Emerging pathogens and the ability to
10 detect them.

11 (B) An aging population with a growing
12 number of people at high risk for foodborne ill-
13 nesses.

14 (C) An increasing volume of imported
15 foods, without adequate monitoring and inspec-
16 tion.

17 (D) Maintenance of adequate inspection of
18 the domestic food processing and food service
19 industry.

1 (3) Federal food safety inspection, enforcement,
2 and research efforts should be based on scientifically
3 supportable assessments of risks to public health.

4 (4) The Federal food safety system is frag-
5 mented, with at least 12 primary Federal agencies
6 governing food safety.

7 (b) PURPOSES.—It is the purpose of this Act—

8 (1) to establish a single agency, the Food Safe-
9 ty Administration, that will be responsible for the
10 regulation of food safety and labeling and for con-
11 ducting food safety inspections to ensure, with rea-
12 sonable certainty, that no harm will result from the
13 consumption of food, by preventing food-borne ill-
14 nesses due to microbial, natural, or chemical hazards
15 in food; and

16 (2) to transfer to the Food Safety Administra-
17 tion the food safety, labeling, and inspection func-
18 tions currently performed by other Federal agencies,
19 to achieve more efficient management and effective
20 application of Federal food safety laws for the pro-
21 tection and improvement of public health.

22 **SEC. 3. DEFINITIONS.**

23 For purposes of this Act:

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

4 (2) ADMINISTRATOR.—The term “Adminis-
5 trator” means the Administrator of Food Safety ap-
6 pointed under section 4.

7 (3) FOOD SAFETY LAWS.—The term “food safe-
8 ty laws” means the following:

9 (A) The Federal Meat Inspection Act (21
10 U.S.C. 601 et seq.).

11 (B) The Poultry Products Inspection Act
12 (21 U.S.C. 451 et seq.).

13 (C) The Egg Products Inspection Act (21
14 U.S.C. 1031 et seq.).

15 (D) The Federal Food, Drug, and Cos-
16 metic Act (21 U.S.C. 301 et seq.), with regard
17 to food safety, labeling, and inspection under
18 that Act.

19 (E) Such other laws and portions of laws
20 regarding food safety, labeling, and inspection
21 as the President may designate by Executive
22 order as appropriate to consolidate under the
23 administration of the Administration.

1 **SEC. 4. ESTABLISHMENT OF INDEPENDENT FOOD SAFETY**
2 **ADMINISTRATION.**

3 (a) ESTABLISHMENT OF ADMINISTRATION; ADMINIS-
4 TRATOR.—There is established in the executive branch an
5 agency to be known as the “Food Safety Administration”.
6 The Administration shall be an independent establish-
7 ment, as defined in section 104 of title 5, United States
8 Code. The Administration shall be headed by the Adminis-
9 trator of Food Safety, who shall be appointed by the Presi-
10 dent, by and with the advice and consent of the Senate.

11 (b) RESPONSIBILITIES.—The Administrator shall ad-
12 minister and enforce the food safety laws for the protec-
13 tion of the public health and shall oversee the following
14 functions of the Administration:

15 (1) Implementation of Federal food safety in-
16 spection, enforcement, and research efforts, based on
17 scientifically supportable assessments of risks to
18 public health.

19 (2) Development of consistent and science-
20 based standards for safe food.

21 (3) Coordination and prioritization of food safe-
22 ty research and education programs with other Fed-
23 eral agencies.

24 (4) Coordination of the Federal response to
25 foodborne illness outbreaks with other Federal agen-
26 cies and State agencies.

1 (5) Integration of Federal food safety activities
2 with State and local agencies.

3 **SEC. 5. CONSOLIDATION OF SEPARATE FOOD SAFETY AND**
4 **INSPECTION SERVICES AND AGENCIES.**

5 (a) TRANSFER OF FUNCTIONS.—For each Federal
6 agency specified in subsection (b), there are transferred
7 to the Administration all functions that the head of the
8 Federal agency exercised on the day before the effective
9 date specified in section 8 (including all related functions
10 of any officer or employee of the Federal agency) that re-
11 late to administration or enforcement of the food safety
12 laws, as determined by the President.

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

15 (1) The Food Safety and Inspection Service of
16 the Department of Agriculture.

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

19 (3) The Center for Veterinary Medicine of the
20 Food and Drug Administration.

21 (4) The National Marine Fisheries Service of
22 the National Oceanic and Atmospheric Administra-
23 tion of the Department of Commerce as it relates to
24 the Seafood Inspection Program.

1 (5) Such other offices, services, or agencies as
2 the President may designate by Executive order to
3 further the purposes of this Act.

4 (c) TRANSFER OF ASSETS AND FUNDS.—Consistent
5 with section 1531 of title 31, United States Code, the per-
6 sonnel, assets, liabilities, contracts, property, records, and
7 unexpended balances of appropriations, authorizations, al-
8 locations, and other funds that relate to the functions
9 transferred under subsection (a) from a Federal agency
10 shall be transferred to the Administration. Unexpended
11 funds transferred pursuant to this subsection shall be used
12 by the Administration only for the purposes for which the
13 funds were originally authorized and appropriated.

14 (d) REFERENCES.—After the transfer of functions
15 from a Federal agency under subsection (a), any reference
16 in any other Federal law, Executive order, rule, regulation,
17 document, or other material to that Federal agency or the
18 head of that agency in connection with the administration
19 or enforcement of the food safety laws shall be deemed
20 to be a reference to the Administration or the Adminis-
21 trator, respectively.

22 (e) SAVINGS PROVISIONS.—The transfer of functions
23 from a Federal agency under subsection (a) shall not
24 affect—

1 (1) an order, determination, rule, regulation,
2 permit, agreement, grant, contract, certificate, li-
3 cense, registration, privilege, or other administrative
4 action issued, made, granted, or otherwise in effect
5 or final with respect to that agency on the day be-
6 fore the transfer date with respect to the transferred
7 functions; or

8 (2) any suit commenced with regard to that
9 agency, and any other proceeding (including a notice
10 of proposed rulemaking), or any application for any
11 license, permit, certificate, or financial assistance
12 pending before that agency on the day before the
13 transfer date with respect to the transferred func-
14 tions.

15 **SEC. 6. ADDITIONAL AUTHORITIES OF THE ADMINISTRA-**
16 **TION.**

17 (a) OFFICERS AND EMPLOYEES.—The Administrator
18 may appoint officers and employees for the Administration
19 in accordance with the provisions of title 5, United States
20 Code, relating to appointment in the competitive service,
21 and fix the compensation of the officers and employees
22 in accordance with chapter 51 and with subchapter III of
23 chapter 53 of such title, relating to classification and Gen-
24 eral Schedule pay rates.

1 (b) EXPERTS AND CONSULTANTS.—The Adminis-
2 trator may procure the services of experts and consultants
3 as authorized by section 3109 of title 5, United States
4 Code, and pay in connection with the services travel ex-
5 penses of individuals, including transportation and per
6 diem in lieu of subsistence while away from the homes or
7 regular places of business of the individuals, as authorized
8 by section 5703 of such title.

9 (c) BUREAUS, OFFICES, AND DIVISIONS.—The Ad-
10 ministrator may establish within the Administration such
11 bureaus, offices, and divisions as the Administrator may
12 determine to be necessary to discharge the responsibilities
13 of the Administration.

14 (d) RULES.—The Administrator may prescribe, in ac-
15 cordance with chapters 5 and 6 of title 5, United States
16 Code, such rules as the Administrator determines to be
17 necessary or appropriate to administer and manage the
18 functions of the Administrator.

19 **SEC. 7. LIMITATION ON AUTHORIZATION OF APPROPRIA-**
20 **TIONS.**

21 For the fiscal year that includes the effective date
22 of this Act, the amount authorized to be appropriated to
23 carry out this Act shall not exceed—

24 (1) the amount appropriated for that fiscal year
25 for the Federal agencies described in section 5(b) for

1 the purpose of administering or enforcing the food
2 safety laws; or

3 (2) the amount appropriated for these agencies
4 for such purpose for the preceding fiscal year, if, as
5 of the effective date of this Act, appropriations for
6 these agencies for the fiscal year that includes the
7 effective date have not yet been made.

8 **SEC. 8. EFFECTIVE DATE.**

9 This Act shall take effect on the earlier of—

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

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

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