

119TH CONGRESS
1ST SESSION

S. 3422

To establish the Federal Food Administration within the Department of Health and Human Services.

IN THE SENATE OF THE UNITED STATES

DECEMBER 10, 2025

Mr. DURBIN (for himself and Mr. BLUMENTHAL) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To establish the Federal Food Administration within the Department of Health and Human Services.

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 “Federal Food Adminis-
5 tration Act of 2025”.

6 **SEC. 2. ESTABLISHMENT OF FEDERAL FOOD ADMINISTRA-**
7 **TION.**

8 (a) ESTABLISHMENT.—As soon as practicable, but
9 not later than 1 year after the date of enactment of this
10 Act, the Secretary of Health and Human Services shall

1 establish within the Department of Health and Human
2 Services an agency to be known as the “Federal Food Ad-
3 ministration”.

4 (b) MISSION.—The Federal Food Administration
5 shall—

6 (1) promote the public health by promptly and
7 efficiently reviewing food and nutrition research and
8 taking appropriate action on the marketing of regu-
9 lated products in a timely manner;

10 (2) with respect to such products, protect the
11 public health by ensuring that foods are safe, whole-
12 some, sanitary, and properly labeled;

13 (3) participate through appropriate processes
14 with representatives of other countries to protect
15 public health and promote fair trade practices in
16 food; and

17 (4) as determined to be appropriate by the Sec-
18 retary, carry out paragraphs (1) through (3) in con-
19 sultation with experts in science, medicine, and pub-
20 lic health, and in cooperation with consumers, users,
21 manufacturers, importers, packers, distributors, and
22 retailers of regulated products.

23 (c) INTERAGENCY COLLABORATION.—The Secretary
24 shall implement programs and policies that will foster col-
25 laboration between the Federal Food Administration, the

1 Department of Agriculture, the Centers for Disease Con-
2 trol and Prevention, the National Institutes of Health, and
3 other science-based Federal agencies, to enhance the sci-
4 entific and technical expertise available to the Secretary
5 in the conduct of the duties of the Secretary with respect
6 to the development, investigation, evaluation, and
7 postmarket monitoring of food.

8 (d) COMMISSIONER OF FOODS.—

9 (1) IN GENERAL.—The Federal Food Adminis-
10 tration shall be headed by the Commissioner of
11 Foods, who shall be appointed by the President, by
12 and with the advice and consent of the Senate.

13 (2) GENERAL POWERS.—The Secretary, acting
14 through the Commissioner of Foods, shall be respon-
15 sible for—

16 (A) providing overall direction to the Fed-
17 eral Food Administration and establishing and
18 implementing general policies respecting the
19 management and operation of programs and ac-
20 tivities of the Federal Food Administration;

21 (B) coordinating and overseeing the oper-
22 ation of all administrative entities within the
23 Federal Food Administration;

1 (C) research relating to foods in carrying
2 out the Federal Food, Drug, and Cosmetic Act
3 (21 U.S.C. 301 et seq.);

4 (D) conducting educational and public in-
5 formation programs relating to the responsibil-
6 ities of the Federal Food Administration; and

7 (E) performing such other functions as the
8 Secretary may prescribe.

9 (e) TECHNICAL AND SCIENTIFIC REVIEW GROUPS.—
10 The Secretary, acting through the Commissioner of Foods,
11 may, without regard to the provisions of title 5, United
12 States Code, governing appointments in the competitive
13 service and without regard to the provisions of chapter 51
14 and subchapter III of chapter 53 of such title relating to
15 classification and General Schedule pay rates, establish
16 such technical and scientific review groups as are needed
17 to carry out the functions of the Federal Food Administra-
18 tion, including functions under the Federal Food, Drug,
19 and Cosmetic Act (21 U.S.C. 301 et seq.) relating to food,
20 and appoint and pay the members of such groups, except
21 that officers and employees of the United States shall not
22 receive additional compensation for service as members of
23 such groups.

24 **SEC. 3. INSPECTION OF FOOD FACILITIES.**

25 (a) ESTABLISHMENT OF INSPECTION PROGRAM.—

1 (1) IN GENERAL.—The Commissioner of Foods
2 shall establish an inspection program, which shall in-
3 clude inspections of food facilities in accordance with
4 subsection (b), subject to the facility category deter-
5 mined in accordance with the guidance issued under
6 paragraph (2).

7 (2) FACILITY CATEGORIES.—As soon as prac-
8 ticable, but not later than 1 year after the date of
9 enactment of this Act, the Commissioner of Foods
10 shall issue formal guidance defining the criteria by
11 which food facilities will be divided into “high-risk,”
12 “intermediate risk,” and “low-risk” facilities.

13 (b) INSPECTIONS OF FOOD FACILITIES.—

14 (1) FREQUENCY OF INSPECTIONS.—

15 (A) HIGH-RISK FACILITIES.—The Commis-
16 sioner of Foods shall inspect high-risk facilities
17 not less frequently than annually.

18 (B) INTERMEDIATE-RISK FACILITIES.—
19 The Commissioner of Foods shall inspect inter-
20 mediate-risk facilities not less frequently than
21 once every 2 years.

22 (C) LOW-RISK FACILITIES.—The Commis-
23 sioner of Foods shall inspect low-risk facilities,
24 which shall include warehouses or similar facili-
25 ties that engage in packaging or distribution,

1 and pose very minimal public health risk, not
2 less frequently than once every 3 years.

3 (2) INFANT FORMULA MANUFACTURING FACILI-
4 TIES.—The Commissioner of Foods shall inspect the
5 facilities of each manufacturer of infant formula not
6 less frequently than every 6 months.

7 (c) FEDERAL AND STATE COOPERATION.—The Com-
8 missioner of Foods shall contract with State officials to
9 carry out not less than half of the inspections required
10 under this section.

11 (d) COMPLIANCE CHECKS.—Not later than 30 days
12 after issuing to a facility a form that is equivalent to FDA
13 Form 483, pursuant to an inspection conducted under sec-
14 tion 704 of Federal Food, Drug, and Cosmetic Act (21
15 U.S.C. 374), the Commissioner of Foods shall conduct a
16 follow-up compliance check of the facility.

17 **SEC. 4. TRANSFER OF AUTHORITY, FUNCTIONS AND AGEN-**
18 **CIES.**

19 (a) TRANSFER OF AUTHORITY.—The Federal Food
20 Administration shall assume responsibility for carrying
21 out the Federal Food, Drug, and Cosmetic Act (21 U.S.C.
22 301 et seq.), as related to food, and shall assume and
23 maintain all regulatory, administrative, and enforcement
24 authorities with respect to food held by the Food and
25 Drug Administration on the date of enactment of this Act.

1 (b) TRANSFER OF FUNCTIONS.—For each Federal
2 agency, office, and center specified in subsection (c), there
3 are transferred to the Federal Food Administration all
4 functions that the head of the Federal agency exercised
5 on the day before the date of enactment of this Act (in-
6 cluding all related functions of any officer or employee of
7 the Federal agency) that relate to the regulation of food
8 or the administration or enforcement of food law, as deter-
9 mined by the President.

10 (c) TRANSFERRED AGENCIES.—The Federal agencies
11 referred to in subsection (b) are—

12 (1) the resources and facilities of the Human
13 Foods Program of the Food and Drug Administra-
14 tion for purposes of administering the Federal Food,
15 Drug, and Cosmetic Act (21 U.S.C. 301 et seq.)
16 with respect to food;

17 (2) the resources and facilities of the Office of
18 Inspections and Investigations of the Food and Drug
19 Administration for purposes of administering the
20 Federal Food, Drug, and Cosmetic Act (21 U.S.C.
21 301 et seq.) with respect to food;

22 (3) the resources and facilities of the Center for
23 Veterinary Medicine of the Food and Drug Adminis-
24 tration for purposes of administering the Federal

1 Food, Drug, and Cosmetic Act (21 U.S.C. 301 et
2 seq.) with respect to food; and

3 (4) such other offices, services, or agencies as
4 the President designates by executive order to carry
5 out this Act.

6 (d) CONFORMING AMENDMENT.—Subchapter A of
7 chapter VII of the Federal Food, Drug, and Cosmetic Act
8 (21 U.S.C. 371 et seq.) is amended by adding at the end
9 the following:

10 **“SEC. 716. REGULATION OF FOOD.**

11 “Notwithstanding any other provision of this Act, be-
12 ginning as soon as practicable but not later than the date
13 that is 1 year after the date of enactment of the Federal
14 Food Administration Act of 2025—

15 “(1) any authority under this Act that relates
16 to food shall be under the authority of the Federal
17 Food Administration, and shall be carried out by the
18 Commissioner of Foods described in section 2(d) of
19 the Federal Food Administration Act of 2025; and

20 “(2) any reference in this Act to authorities re-
21 lated to food held by the Commissioner of Food and
22 Drugs, including any reference in this Act to such
23 authorities held by the Secretary, acting through the
24 Commissioner of Food and Drugs, shall be deemed
25 to be a reference to authorities held by the Commis-

1 sioner of Foods, or by the Secretary, acting through
2 the Commissioner of Foods, as appropriate.”.

3 **SEC. 5. FUNDING.**

4 (a) TRANSFER OF FUNDS.—The appropriations, allo-
5 cations, and other funds that relate to the authorities,
6 functions and agencies transferred under section 4 shall
7 be transferred to the Federal Food Administration.

8 (b) AUTHORIZATION OF APPROPRIATIONS.—There
9 are authorized to be appropriated to carry out this section,
10 such sums as may be necessary for fiscal year 2026 and
11 each fiscal year thereafter.

12 **SEC. 6. DEFINITIONS.**

13 In this Act:

14 (1) COMMISSIONER OF FOODS.—The term
15 “Commissioner of Foods” means the Commissioner
16 described in section 2(d).

17 (2) FACILITY.—The term “facility” means any
18 factory, warehouse, or establishment that is subject
19 to the requirements of section 415 or 419 of the
20 Federal Food, Drug, and Cosmetic Act (21 U.S.C.
21 350d; 350h).

22 (3) SECRETARY.—The term “Secretary” means
23 the Secretary of Health and Human Services.

○