

of title 18, United States Code, to broaden the scope of individuals subject to prosecution for war crimes.

S. 4398

At the request of Mr. WHITEHOUSE, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 4398, a bill to allow Juvenile Justice and Delinquency Prevention Program assistance be used to reduce racial and ethnic disparities, and for other purposes.

S. 4432

At the request of Mr. MARKEY, the names of the Senator from South Carolina (Mr. GRAHAM) and the Senator from Maryland (Mr. VAN HOLLEN) were added as cosponsors of S. 4432, a bill to require the Secretary of Commerce to establish the Sea Turtle Rescue Assistance Grant Program.

S. 4441

At the request of Mr. BOOZMAN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 4441, a bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to provide for peer support specialists for claimants who are survivors of military sexual trauma, and for other purposes.

S. 4466

At the request of Mr. MENENDEZ, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of S. 4466, a bill to amend the Peace Corps Act by reauthorizing the Peace Corps, providing better support for current, returning, and former volunteers, and for other purposes.

S. 4467

At the request of Ms. SMITH, the names of the Senator from California (Mr. PADILLA) and the Senator from Virginia (Mr. KAINEN) were added as cosponsors of S. 4467, a bill to preserve access to abortion medications.

S. 4499

At the request of Mrs. BLACKBURN, the names of the Senator from Idaho (Mr. RISCH) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 4499, a bill to prohibit any requirement that a member of the National Guard receive a vaccination against COVID-19.

S. 4504

At the request of Ms. CORTEZ MASTO, the names of the Senator from Delaware (Mr. CARPER) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of S. 4504, a bill to protect freedom of travel and reproductive rights.

S. 4510

At the request of Ms. DUCKWORTH, the names of the Senator from Delaware (Mr. CARPER), the Senator from Massachusetts (Mr. MARKEY), the Senator from New Jersey (Mr. BOOKER), the Senator from Illinois (Mr. DURBIN), the Senator from Massachusetts (Ms. WARREN) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. 4510, a bill to protect clean

air and public health by expanding fenceline and ambient air monitoring and access to air quality information for communities affected by air pollution, to require hazardous air pollutant monitoring at the fenceline of facilities whose emissions are linked to local health threats, to ensure the Environmental Protection Agency promulgates rules that require hazardous air pollutant data measurement and electronic submission at fencelines and stacks of industrial source categories, to expand and strengthen the national ambient air quality monitoring network, to deploy air sensors in communities affected by air pollution, and for other purposes.

S.J. RES. 25

At the request of Mrs. SHAHEEN, the name of the Senator from Hawaii (Mr. SCHATZ) was added as a cosponsor of S.J. Res. 25, a joint resolution proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections.

S. RES. 669

At the request of Mr. MERKLEY, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from Colorado (Mr. BENNET) were added as cosponsors of S. Res. 669, a resolution condemning the use of hunger as a weapon of war and recognizing the effect of conflict on global food security and famine.

S. RES. 697

At the request of Mr. MERKLEY, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. Res. 697, a resolution designating July 2022 as “Plastic Pollution Action Month”.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BENNET:

S. 4513. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide funding or innovations in community policing, mental health care, and community safety, and for other purposes; to the Committee on the Judiciary.

Mr. BENNET. Mr. President, a few years ago, a police officer in Pueblo, CO, was kind enough to let me join him in a squad car for a few hours to get a sense of what his daily beat was like. It was in the middle of the night. It didn't take very long to appreciate that our country asks law enforcement to do a lot more than simply enforce the law.

Washington has underinvested in the American people year after year after year in areas like housing, education, and mental health. It has left law enforcement to pick up the pieces. It has put them in a position wherein they are not only having to serve as law enforcement officers but also as social workers, as mental health professionals, and as responders for issues like homelessness or drug addiction, even though nobody has trained them for it necessarily.

That result has been really tough for officers on the ground in Colorado and across the country. It strains their resources, adds to the workload, and accelerates burnout. It has also been hard for communities. It diverts law enforcement from violent crime, and it means we are forcing officers to address mental health issues and problems instead of dealing with the underlying issues that produce many 9-1-1 calls in the first place.

I am sad to say that all of these underlying issues that everybody is familiar with have gotten worse during the pandemic. It is one reason there has been a spike in crime that started in 2020, before the current administration, and it has continued ever since. In 2020, murders rose nearly 30 percent. Aggravated assault was up 12 percent. Motor vehicle theft was up 12 percent. Again, this was in 2020, before the current administration, but, sadly, many of these trends have continued. In a survey of small businesses, 54 percent of American small businesses reported an increase in shoplifting last year.

To deal with this rise in crime, we need to increase funding for the COPS Program, which I strongly support, so we can hire more officers and strengthen community police. I think we should pass a bill that I am introducing today, called the SMART Community Policing Act. The bill is based on 28 highly successful programs across Colorado, in places like Denver and Grand Junction.

As I mentioned, you know, a lot of 9-1-1 calls involve lower risk situations that don't always require a police officer, but some combination of an EMT, a mental health specialist, or a social worker can get the job done, allowing law enforcement to focus on violent crime, but in most of the country, law enforcement has to answer every one of those 9-1-1 calls.

The SMART Community Policing Act creates resources for law enforcement to partner with local organizations and service providers so they send the right responder depending on what the problem actually is. That lets law enforcement focus on violent crime and lets other responders with the right training deal with lower risk situations, like when someone is experiencing a mental health crisis or a severe drug withdrawal. These trained professionals can deescalate the situation. They can connect people with the right resources and do the comprehensive followup to keep them from requiring emergency services again and again and again.

Grand Junction's Co-Responder Unit has answered over 3,200 calls since the program began in 2018. Denver's STAR Program has responded to almost 4,600 calls since 2020.

I had a chance to hear about the STAR Program from Denver's police chief, Paul Pazen, 2 years ago. He told me about a mom who had called 9-1-1 because she was having a lot of trouble with her child. You don't need a police

officer for that, so they sent responders from STAR, who deescalated the situation and saved law enforcement precious time.

If you add it all up, those are thousands of hours that officers in Denver and Grand Junction and across Colorado could spend focusing on violent crime instead of on issues that other people might have greater expertise to deal with, people with the right training in nonviolent situations. It allows us to reduce the strain on the system.

None of this is speculation. When Stanford University studied Denver's program, they found that in neighborhoods patrolled by STAR, reports of less serious crimes dropped by more than a third and that the program saved a lot of money, a ton of money. It cost about \$150 when STAR responded to an offense compared to nearly \$650 when the Denver PD responded on their own.

I can appreciate what these savings would mean for a local police department. My colleagues may remember that before I was in the Senate, one of my jobs was serving as chief of staff to JOHN HICKENLOOPER, who was then the mayor of Denver. I don't know what became of him, but he was a very good mayor for the city and county of Denver. In that job, I heard all the time from community leaders as to how they wished there were resources beyond law enforcement for situations that were better suited for a social worker or a mental health expert.

I would have loved to have had the STAR Program when I was working for the city and county of Denver, and I would have loved it when I was the superintendent of the Denver Public Schools, where a lot of my job was working with the Denver Police Department to keep our schools safe and to reduce the ticketing of kids so they weren't cycling through the criminal justice system prematurely.

All of this experience led me to write this bill, and I view this as one more area wherein Colorado offers a model for the country to take on the rise in crime in a smart and thoughtful way.

Americans have a reasonable expectation—a reasonable expectation—that Washington cares as much about their safety as they do, and they expect the people they send to Washington to actually come up with useful solutions. I think this bill meets that test. It responds to the needs of law enforcement and to the needs of communities. I don't know how anybody here could object to it.

If you want to reduce violent crime, you should support this bill. If you want trained experts responding to nonviolent 9-1-1 calls instead of police officers, you should support this bill. If you want to save taxpayers money, you should support this bill. So I hope my colleagues on both sides of the aisle will take a look at this proposal, and I gladly welcome their support.

By Mr. DURBIN (for himself and Mr. BLUMENTHAL):

S. 4520. A bill to establish the Food Safety Administration to protect the public health by ensuring the safety of food, preventing foodborne illness, maintaining safety reviews and reassessments of food additives, enforcing pesticide residue tolerances, improving the surveillance of foodborne pathogens, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There begin no objection, the text of the bill was ordered to be printed in the RECORD as follows:

S. 4520

*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 "Food Safety Administration Act of 2022".

#### SEC. 2. DEFINITIONS.

In this Act:

(1) ADMINISTRATION.—The term "Administration" means the Food Safety Administration established under section 101(a)(1).

(2) ADMINISTRATOR.—The term "Administrator" means the Administrator of Food Safety appointed under section 101(a)(2).

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

#### SEC. 3. EFFECTIVE DATE.

This Act, including the amendments made by this Act, shall take effect 180 days after the date of enactment of this Act.

#### SEC. 4. FUNDING.

(a) TRANSFER OF FUNDS.—The appropriations, allocations, and other funds that relate to the authorities, functions and agencies transferred under section 102 shall be transferred to the Administration.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, such sums as may be necessary for fiscal year 2023 and each fiscal year thereafter.

#### TITLE I—ESTABLISHMENT OF FOOD SAFETY ADMINISTRATION

##### SEC. 101. ESTABLISHMENT OF FOOD SAFETY ADMINISTRATION.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established within the Department of Health and Human Services an agency to be known as the "Food Safety Administration".

(2) HEAD OF ADMINISTRATION.—The Administration shall be headed by the Administrator of Food Safety, who shall have food safety expertise, and be appointed by the President, by and with the advice and consent of the Senate.

(3) EFFECT.—The Federal Food and Drug Administration shall be renamed "Federal Drug Administration" and retain responsibility for carrying out its responsibilities related to drugs, cosmetics, devices, biological products, color additives, and tobacco. The Commissioner of Food and Drugs shall be renamed the "Commissioner of Drugs", and shall retain the responsibilities of the Commissioner of Food and Drugs, except such responsibilities that relate to food, which shall be assumed by the Administrator of Food Safety. Each reference in statute to the "Food and Drug Administration" shall be deemed a reference to the "Federal Drug Administration", and each reference in statute to the "Commissioner of Food and Drugs"

shall be deemed a reference to the "Commissioner of Drugs".

(b) DUTIES OF THE ADMINISTRATOR.—The Administrator shall—

(1) administer and enforce all authorities under chapter IV of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341 et seq.);

(2) serve as a representative to international food safety bodies and discussions;

(3) promulgate and enforce regulations to ensure the security of the food supply from all forms of contamination, including intentional contamination; and

(4) oversee—

(A) implementation of Federal food safety;

(B) inspection, labeling, enforcement, and research efforts to protect the public health;

(C) development of consistent and science-based standards for safe food;

(D) safety reviews and reassessments of food additives;

(E) establishment and enforcement of tolerances for poisonous or deleterious substances;

(F) monitoring and enforcement of pesticide residue tolerances in or on foods;

(G) coordination and prioritization of food safety research and education programs with other Federal agencies;

(H) prioritization of Federal food safety efforts and deployment of Federal food safety resources to achieve the greatest benefit in reducing foodborne illness;

(I) coordination of the Federal response to foodborne illness outbreaks with other Federal and State agencies;

(J) integration of Federal food safety activities with State and local agencies; and

(K) assignment of tolerances for animal drugs used in food-producing animals.

#### SEC. 102. TRANSFER OF AUTHORITY, FUNCTIONS AND AGENCIES.

(a) TRANSFER OF AUTHORITY.—The Agency shall assume responsibility for carrying out chapter IV of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341 et seq.) and maintain all enforcement authorities with respect to food held by the Food and Drug Administration on the date of enactment of this Act.

(b) TRANSFER OF FUNCTIONS.—For each Federal agency, office, and center specified in subsection (c), there are transferred to the Administration all functions that the head of the Federal agency exercised on the day before the date of enactment of this Act (including all related functions of any officer or employee of the Federal agency) that relate to administration or enforcement of the food safety law, as determined by the President.

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

(1) the resources and facilities of the Center for Food Safety and Applied Nutrition of the Food and Drug Administration that administer chapter IV of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341 et seq.);

(2) the resources and facilities of the Office of Regulatory Affairs of the Food and Drug Administration that administer and conduct inspections of food and feed facilities and imports;

(3) the resources and facilities of the Center for Veterinary Medicine of the Food and Drug Administration that administer chapter IV of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341 et seq.);

(4) the Office of Food Policy and Response of the Food and Drug Administration; and

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

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

**“SEC. 703. REGULATION OF FOOD.**

“Notwithstanding any other provision of this Act, beginning on the date that is 180 days after the date of enactment of the Food Safety Administration Act of 2022, any authority under this Act that relates to food shall be under the authority of the Food Safety Administration, and shall be carried out by the Administrator of Food Safety. Any reference in this Act to authorities related to food held by the Secretary shall be deemed to be references to authorities held by the Administrator of Food Safety.”.

**SEC. 103. ADDITIONAL DUTIES OF THE ADMINISTRATION.**

(a) OFFICERS AND EMPLOYEES.—The Administrator may—

(1) appoint officers and employees for the Administration in accordance with the provisions of title 5, United States Code, relating to appointment in the competitive service; and

(2) fix the compensation of those officers and employees in accordance with chapter 51 and with subchapter III of chapter 53 of that title, relating to classification and General Schedule pay rates.

(b) EXPERTS AND CONSULTANTS.—The Administration may—

(1) procure the services of temporary or intermittent experts and consultants as authorized by section 3109 of title 5, United States Code; and

(2) pay in connection with those services the travel expenses of the experts and consultants, including transportation and per diem in lieu of subsistence while away from the homes or regular places of business of the individuals, as authorized by section 5703 of that title.

(c) BUREAUS, OFFICES, AND DIVISIONS.—The Administrator may establish within the Administration such bureaus, offices, and divisions as the Administrator determines are necessary to perform the duties of the Administrator.

## (d) ADVISORY COMMITTEES.—

(1) IN GENERAL.—The Administrator shall establish advisory committees that consist of representative of scientific expert bodies, academics, industry specialists, and consumers.

(2) DUTIES.—The duties of an advisory committee established under paragraph (1) may include developing recommendations with respect to the development of regulatory science and processes, research, communications, performance standards, and inspection.

**TITLE II—ADMINISTRATION OF FOOD SAFETY PROGRAM****SEC. 201. ESTABLISHMENT OF INSPECTION PROGRAM.**

(a) IN GENERAL.—The Administrator shall establish an inspection program, which shall include inspections of food facilities subject to subsection (b) and in accordance with section 202.

(b) FACILITY CATEGORIES.—Not later than 6 months after the date of enactment of this Act, the Administrator shall issue formal guidance defining the criteria by which food facilities will be divided into “high-risk,” “intermediate risk,” and “low-risk” facilities.

(c) INSPECTION FREQUENCIES.—Frequency of inspections of food facilities under this Act shall be based on the categories defined pursuant to subsection (b) and in accordance with section 202.

**SEC. 202. INSPECTIONS OF FOOD FACILITIES.**

## (a) FREQUENCY OF INSPECTIONS.—

(1) HIGH-RISK FACILITIES.—The Administrator shall inspect high-risk facilities not less than once per a year.

(2) “INTERMEDIATE-RISK FACILITIES .—The Administrator shall inspect intermediate-

risk facilities not less than once every 2 years.

(3) “LOW-RISK FACILITIES.—The Administrator shall inspect low risk facilities, which shall include warehouses or similar facilities that engage in packaging or distribution, and pose very minimal public health risk, not less than once every 3 years.

(b) INFANT FORMULA MANUFACTURING FACILITIES.—The Administrator shall inspect the facilities of each manufacturer of infant formula not less than every 6 months.

(c) FEDERAL AND STATE COOPERATION.—The Administrator shall contract with State officials to carry out half of the safety inspections required under this section.

**SEC. 203. COMPLIANCE CHECKS.**

Not later than 30 days after issuing a form that is equivalent to an FDA Form 483 to a facility, pursuant to an inspection under section 704 of Federal Food, Drug, and Cosmetic Act (21 U.S.C. 374), the Administrator shall conduct a follow-up compliance check with the facility.

**SEC. 204. TRACEABILITY RULE.**

Not later than November 7, 2022, the Administrator shall promulgate a final rule that is based on the proposed rule issued by the Food and Drug Administration titled, “Requirements for Additional Traceability Records for Certain Foods” (85 Fed. Reg. 59984 (Sept. 23, 2021)).

**SEC. 205. NOTICE OF CIRCUMSTANCES THAT COULD LEAD TO A SHORTAGE.**

Chapter IV of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341 et seq.) is amended by adding at the end the following:

**“SEC. 424. NOTICE OF CIRCUMSTANCES THAT COULD LEAD TO A SHORTAGE.**

“(a) NOTICE REQUIREMENT.—Not later than 5 business days after a manufacturer of infant formula or essential medical food becomes aware of circumstances that could lead to a shortage of infant formula or essential medical food in the United States, such manufacturer shall give written notice of such circumstances to the Administrator.

“(b) FINES.—If the Administrator finds that a manufacturer of infant formula or essential medical food is in violation of the requirement of this section to give written notice, such violation shall be treated as an infraction for purposes of imposing a fine in accordance with title 18, United States Code.

## (c) DEFINITIONS.—In this section:

“(1) The term ‘Administrator’ means the Administrator of Food Safety.

“(2) The term ‘essential medical food’ means a food that—

“(A) is formulated to be consumed or administered enterally under the supervision of a physician;

“(B) is intended for the specific dietary management of a disease or condition for which distinctive nutritional requirements, based on recognized scientific principles, are established by medical evaluation; and

“(C) is identified by the Administrator as being essential for any urgent medical condition.”.

**SUBMITTED RESOLUTIONS**

**SENATE RESOLUTION 704—EXPRESSING CONCERN ABOUT ECONOMIC AND SECURITY CONDITIONS IN MEXICO AND REAFFIRMING THE INTEREST OF THE UNITED STATES IN MUTUALLY BENEFICIAL RELATIONS WITH MEXICO BASED ON SHARED INTERESTS ON SECURITY, ECONOMIC PROSPERITY, AND DEMOCRATIC VALUES, AND FOR OTHER PURPOSES**

Mr. RISCH (for himself, Mr. RUBIO, Mr. CRUZ, Mr. HAGERTY, Mr. CASSIDY, and Mr. BARRASSO) submitted the following resolution; which was referred to the Committee on Foreign Relations:

**S. RES. 704**

Whereas December 12, 2022, marks the 200th anniversary of the establishment of diplomatic relations between the United States and Mexico;

Whereas, over the course of 200 years, the Governments and people of the United States and Mexico have developed deep cultural, economic, and diplomatic relations that have been instrumental in creating prosperity in both countries and throughout the hemisphere;

Whereas, according to the United States Trade Representative and the Department of Commerce, United States goods and services trade with Mexico totaled an estimated \$677,300,000,000 in 2019, and United States exports of goods and services to Mexico supported an estimated 1,200,000 jobs in 2015;

Whereas, according to the United States Bureau of Economic Analysis, the United States is Mexico’s top source of foreign direct investment in 2019 with \$100,900,000,000, or 39.1 percent of all inflows (stock) to Mexico, according to Mexico’s Secretariat of Economy;

Whereas the United States exports roughly \$20,000,000,000 in agricultural products to Mexico annually, nearly \$6,000,000,000 of which are biotech crops and derived products;

Whereas the government of President Lopez Obrador has pursued major legal and regulatory measures that pose significant risks and uncertainty to cross-border trade, including denying 14 biotechnology applications since May 2018, front-of-packing labeling requirements imposed in November 2020, unilateral certification requirements on all United States organic exports to Mexico imposed in December 2020, the December 31, 2020, Presidential Decree to phase out the use of glyphosate and genetically modified corn for human consumption, the February 2021 Electricity Industry Law, and the May 2021 Hydrocarbons Law;

Whereas the government of President Lopez Obrador has suspended import permits for more than 80 energy companies, has ended permits for energy import facilities, which puts United States investment at risk, and is advancing a constitutional reform bill that would dissolve the power market in Mexico, eliminate independent regulators, and cancel contracts and permits granted to private companies;

Whereas arbitrary and punitive actions against United States businesses operating in Mexico by the government of President Lopez Obrador, such as the recent shutdown of a limestone quarry owned by a United States company that is a critical component of the construction aggregates supply chain