

“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

for the southeast United States, are damaging the economic relationship between the United States and Mexico, disrupting North American supply chains, and threatening to undermine the confidence of United States businesses in Mexico as a viable and predictable marketplace and destination for investment;

Whereas United States law enforcement encountered over 1,700,000 migrants attempting to enter the United States illegally through the southern border with Mexico in 2021, and have encountered over 1,500,000 in the first months of 2022, reaching an all-time high of 239,416 encounters in May 2022;

Whereas United States law enforcement is seeing increasing numbers of criminals trying to enter the United States illegally, arresting nearly 6,000 in the first few months of 2022, compared to 10,763 in 2021 and 2,438 in 2020;

Whereas, in May 2022, Secretary of Homeland Security Alejandro Mayorkas declared with regards to encounters of illegal immigrants at the United States southern border, “We’re seeing about a seven-day average of over 7,500 people, so we have not seen a significant decrease in the flows.”;

Whereas U.S. Customs and Border Protection operational statistics showed fentanyl seizures at the United States southern border increased 56 percent in March 2022 compared to March 2021, with over a 300 percent increase from March 2020;

Whereas U.S. Customs and Border Protection noted a 1,066-percent increase in fentanyl seizures at 8 South Texas ports of entry during Fiscal Year 2021, and Texas law enforcement seized enough fentanyl to comprise over 36,200,000 lethal doses during the same time period;

Whereas the Centers for Disease Control and Prevention (CDC) reported a record of 106,000 overdose deaths in the United States, with more than 70,000 of those attributed to synthetic opioids, a substantial amount of which are illicitly produced in Mexico using precursor chemicals imported from the People’s Republic of China and mixed or reshipped by Mexican drug cartels;

Whereas reports from the United States Northern Command indicate that Mexican cartels now control 30 to 35 percent of Mexican territory, with Mexico’s midterm elections in June 2021 being the most violent on record driven by cartel violence and attempts to thwart the democratic process;

Whereas more than 80 politicians were killed prior to the June 2021 midterm elections in Mexico, with the Mexican cartels claiming responsibility for the killings of at least 35 candidates, according to several reports;

Whereas, according to the Initiative on Nonstate Armed Actors of the Brookings Institution, Mexico registered almost 35,000 murders in 2021 near an all-time high, representing 27 murders per 100,000 and primarily attributable to ties related to transnational criminal organizations, while the effective prosecution rate for homicides remains around 2 percent;

Whereas, according to the Initiative on Nonstate Armed Actors, the rivalry between the Sinaloa Cartel and Cartel Jalisco Nueva Generación (CJNG) has violently spread to Colombia, one of the United States’ closest allies in the Western Hemisphere, with CJNG deploying drone-mounted bombs to seize territory and Sinaloa taking over both the legal and illegal economies of the territories in dispute;

Whereas, in 2021, the government of President Obrador disbanded a select Mexican anti-narcotics unit that, for a quarter of a century, worked hand-in-hand with the United States Drug Enforcement Administration (DEA) to tackle organized crime;

Whereas President Obrador has spearheaded legal and regulatory measures to reduce or eliminate the independence of Mexican autonomous institutions and regulators, including the Federal Economic Competition Commission, the Federal Institute for Telecommunications, the Energy Regulatory Commission, and the National Electoral Institute;

Whereas, at a March 2022 hearing of the Committee on Armed Services of the Senate, United States Northern Command Commander, General Glen D. VanHerck, testified that “the largest portion of [Russian intelligence personnel] in the world is in Mexico right now” and “they keep an eye very closely on their opportunities to have influence on U.S. opportunities and access”;

Whereas Mexico voted in the United Nations General Assembly to condemn the Russian invasion of Ukraine, while abstaining from suspending Russia as a permanent observer of the Organization of American States and from expelling Russia from the United Nations Human Rights Council;

Whereas President Obrador has increasingly turned to the People’s Republic of China to finance controversial infrastructure projects, including the Dos Bocas Refinery and the Maya Train, while the People’s Republic of China’s State Power Investment Corporation (SPIC) acquired Mexican renewables power company Zuma Energy during a time when private corporations were fleeing the sector; and

Whereas Mexico remains one of the world’s most dangerous countries for journalists and media workers, including the deaths of 12 journalists to date in 2021 alone; Now, therefore, be it

Resolved, That the Senate—

(1) reaffirms the interest of the United States in mutually beneficial relations with Mexico based on shared interests on security, economic prosperity, and democratic values;

(2) reaffirms support for stronger economic relations with Mexico, including to strengthen the resiliency of critical supply chains in North America and the Western Hemisphere in general;

(3) expresses deep concerns about the worsening investment climate in Mexico, and calls on the President to take meaningful actions to defend United States economic interests in Mexico and uphold the integrity of the United States-Mexico-Canada Agreement (USMCA);

(4) urges the President to address the humanitarian and security crisis at the border with Mexico by—

(A) establishing effective immigration controls in the United States;

(B) targeting United States foreign assistance efforts to strengthen border security and migration management capacities in the region; and

(C) leveraging existing bilateral extradition treaties and the Palermo Protocols to prosecute transnational criminal actors facilitating illegal migration to the United States;

(5) is deeply concerned about the growing sophistication and territorial control of transnational criminal organizations in Mexico, and reaffirms the urgent need to prioritize a detailed and well-resourced plan to reduce the production and trafficking of illicit narcotics in Mexico, including the illicit traffic of precursor chemicals imported from the People’s Republic of China for the manufacture of synthetic opioids, such as fentanyl, and that such efforts do not result in a breakdown in the rule of law or respect for internationally-recognized human rights in Mexico; and

(6) urges the Government of Mexico to meaningfully reduce the threat of deadly

synthetic opioids, uphold its domestic and international commitments to legal, safe, and orderly immigration, uphold its obligations under the USMCA, respect the independence of autonomous regulatory institutions, and guard against the negative influence of the People’s Republic of China and the Russian Federation in North America and the Western Hemisphere in general.

SENATE RESOLUTION 705—CONGRATULATING THE PRO-LIFE MOVEMENT ON ITS HISTORIC VICTORY IN *DOBBS V. JACKSON WOMEN’S HEALTH ORGANIZATION*

Mrs. BLACKBURN (for herself, Mr. LEE, Mr. HAGERTY, Mr. RISCH, Mr. CRAPO, Mr. INHOFE, Mr. BRAUN, Mr. WICKER, Ms. ERNST, Mr. YOUNG, Mr. RUBIO, Mr. SCOTT of Florida, Mr. CRUZ, Mr. THUNE, Mr. CRAMER, Mrs. HYDE-SMITH, and Mr. MARSHALL) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 705

Whereas the decision of the Supreme Court of the United States (referred to in this preamble as the “Supreme Court”) in *Roe v. Wade*, 410 U.S. 113 (1973), was a blatant act of judicial activism that invented a constitutional right to abortion out of whole cloth, with no grounding in the text of the Constitution of the United States;

Whereas more than 63,000,000 babies have been aborted in the United States since the decision of the Supreme Court in *Roe v. Wade*;

Whereas the decision in *Roe v. Wade* caused great damage to the democratic system of the United States by preventing citizens of the United States from making decisions about the legality of abortion and instead putting these decisions in the hands of unelected Federal judges;

Whereas, far from settling the issue of abortion in the United States, the decision of the Supreme Court in *Roe v. Wade* has exacerbated social tensions, inflamed the politics of the United States, disrupted the democratic processes of the United States, and divided the people of the United States;

Whereas, in the aftermath of the decision of the Supreme Court in *Roe v. Wade*, millions of volunteers, nonpartisan organizations, and lawmakers came together with a shared voice to stand up for the rights of the unborn, who are the most vulnerable among us;

Whereas these supporters of the pro-life movement come from diverse backgrounds, with the shared goal of building a society that celebrates, protects, and cherishes life at all stages;

Whereas the pro-life movement has worked tirelessly over the last 5 decades to reverse the legally unsound and destructive ruling in *Roe v. Wade* and to ensure that the human dignity of every person is protected by law, regardless of age, background, or belief;

Whereas the work of the pro-life movement has been more than simply advocating for the Supreme Court to overturn *Roe v. Wade* and often occurs behind the scenes, with little recognition of the time and talent that countless individuals have invested in the effort to protect life;

Whereas millions of people in the United States have contributed to the cultivation of a culture of life in the United States by marching for life on the streets of cities in the United States, engaging in sidewalk