

105TH CONGRESS  
1ST SESSION

# S. 1465

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.

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## IN THE SENATE OF THE UNITED STATES

NOVEMBER 8, 1997

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

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## 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”.

6       **SEC. 2. PURPOSES.**

7       It is the purpose of this Act—

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

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

11 **SEC. 3. DEFINITIONS.**

12 For purposes of this Act:

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

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

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

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

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

24 (D) the Federal Food, Drug, and Cosmetic  
25 Act (21 U.S.C. 301 et seq.), with regard to

1 food safety, labeling, and inspection under that  
2 Act;

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

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

11 **SEC. 4. ESTABLISHMENT OF INDEPENDENT FOOD SAFETY**  
12 **ADMINISTRATION.**

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

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

21 **SEC. 5. CONSOLIDATION OF SEPARATE FOOD SAFETY AND**  
22 **INSPECTION SERVICES AND AGENCIES.**

23 (a) TERMINATION.—As soon as possible after the ef-  
24 fective date of this Act, the President shall terminate the  
25 Federal agencies specified in subsection (b) to the extent

1 that the activities of such agencies relate to the adminis-  
2 tration or enforcement of the food safety laws.

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

5 (1) The Food Safety and Inspection Service of  
6 the Department of Agriculture.

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

9 (3) The Center for Veterinary Medicine of the  
10 Food and Drug Administration.

11 (4) The National Marine Fisheries Service of  
12 the National Oceanic and Atmospheric Administra-  
13 tion of the Department of Commerce.

14 (5) The Office of Pesticide Programs under the  
15 Assistant Administrator of the Environmental Pro-  
16 tection Agency for Prevention, Pesticides, and Toxic  
17 Substances.

18 (6) Such other offices, services, or agencies as  
19 the President may designate to further the purposes  
20 of this Act.

21 (c) TRANSFER OF ASSETS AND FUNDS.—Consistent  
22 with section 1531 of title 31, United States Code, the per-  
23 sonnel, assets, liabilities, contracts, property, records, and  
24 unexpended balances of appropriations, authorizations, al-  
25 locations, and other funds of a Federal agency terminated

1 in whole or in part under subsection (a) that are used in  
2 connection with the administration or enforcement of the  
3 food safety laws shall be transferred to the Administration  
4 upon the termination of the Federal agency. Unexpended  
5 funds transferred pursuant to this subsection shall be used  
6 by the Administration only for the purposes for which the  
7 funds were originally authorized and appropriated.

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

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

17 (1) an order, determination, rule, regulation,  
18 permit, agreement, grant, contract, certificate, li-  
19 cense, registration, privilege, or other administrative  
20 action issued, made, granted, or otherwise in effect  
21 with respect to that agency before the termination  
22 date regarding functions transferred to the Adminis-  
23 tration under this Act; and

24 (2) any suit commenced before the termination  
25 of that agency, any other proceeding (including a

1 notice of proposed rulemaking), or any application  
2 for any license, permit, certificate, or financial as-  
3 sistance pending before that agency with respect to  
4 functions transferred to the Administration under  
5 this Act.

6 **SEC. 6. LIMITATION ON AUTHORIZATION OF APPROPRIA-**  
7 **TIONS.**

8 For the first fiscal year beginning after the date of  
9 enactment of this Act, the amount authorized to be appro-  
10 priated to carry out this Act shall not exceed the amount  
11 appropriated for fiscal year 1998 for the Federal agencies  
12 to be terminated under section 5(a) to administer the food  
13 safety laws.

14 **SEC. 7. EFFECTIVE DATE.**

15 This Act shall take effect on the earlier of—

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

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

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