

118TH CONGRESS
2D SESSION

S. 5103

To require the Secretary of Health and Human Services to develop a strategic plan for the Human Foods Program of the Food and Drug Administration and the food functions of the Office of Inspections and Investigations, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 19, 2024

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

A BILL

To require the Secretary of Health and Human Services to develop a strategic plan for the Human Foods Program of the Food and Drug Administration and the food functions of the Office of Inspections and Investigations, and for other purposes.

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 “Food and Drug Ad-
5 ministration Foods Accountability Act”.

1 **SEC. 2. FOOD AND DRUG ADMINISTRATION FOODS AC-**
2 **COUNTABILITY ACT.**

3 (a) FDA HUMAN FOODS PROGRAM STRATEGIC
4 PLAN.—

5 (1) IN GENERAL.—Not later than September
6 30, 2025, and at least every 4 years thereafter, the
7 Secretary of Health and Human Services (referred
8 to in this section as the “Secretary”) shall develop
9 and submit to the appropriate committees of Con-
10 gress and post on the website of the Food and Drug
11 Administration a strategic plan for the Human
12 Foods Program of the Food and Drug Administra-
13 tion and the food functions of the Office of Inspec-
14 tions and Investigations (or any successor programs
15 of the Food and Drug Administration responsible for
16 the regulation of human foods).

17 (2) CONTENT OF STRATEGIC PLAN.—The stra-
18 tegic plan under paragraph (1) shall include—

19 (A) strategic goals and priorities related
20 to—

21 (i) food safety, including implementa-
22 tion of the FDA Food Safety Moderniza-
23 tion Act (Public Law 111–353) and coordi-
24 nation and engagement across the Food
25 and Drug Administration with Federal,
26 State, local, and Tribal entities and private

1 sector entities, to improve food safety over-
2 sight;

3 (ii) food safety inspections, including
4 coordination and engagement across the
5 Food and Drug Administration to meet in-
6 spection goals and coordination with Fed-
7 eral agencies, including the Centers for
8 Disease Control and Prevention and the
9 Department of Agriculture, and State,
10 local, and Tribal entities to oversee food
11 safety and conduct related inspections;

12 (iii) administration of the Office of
13 Critical Foods and related activities of the
14 food functions of the Office of Inspections
15 and Investigations and other offices or di-
16 visions of the Food and Drug Administra-
17 tion, including identification of any poten-
18 tial interruption in the supply of critical
19 foods and what steps such Office would
20 take in response, incorporating lessons
21 from previous similar scenarios;

22 (iv) initiatives to support nutritional
23 health, including initiatives and activities
24 of the Center for Excellence in Nutrition
25 designated by the Secretary under the

1 Human Foods Program, evidence-based
2 initiatives to address chronic diet-related
3 diseases, and administration of food label-
4 ing requirements, engagement with the Di-
5 etary Guidelines Advisory Committee in
6 years when the Committee is reviewing up-
7 dates to the Dietary Guidelines, and any
8 other programs related to nutrition;

9 (v) activities and programs to support
10 recruiting, hiring, training, developing, and
11 retaining a qualified workforce within the
12 Human Foods Program and the food func-
13 tions of the Office of Inspections and In-
14 vestigations, including any cooperative pro-
15 grams with other entities to support re-
16 cruitment and training of food safety in-
17 spectors, and reviewers to support review
18 of regulatory submissions for food prod-
19 ucts;

20 (vi) in the first such plan, specific
21 metrics and other information identifying
22 improvements made as a result of the reor-
23 ganization of the Center for Food Safety
24 and Applied Nutrition and establishment
25 of the Human Foods Program and the

1 food functions of the Office of Inspections
2 and Investigations, including how any full-
3 time equivalent positions within the Food
4 and Drug Administration have been reallo-
5 cated under the reorganization, and bench-
6 marks against which to assess the perform-
7 ance of the Human Foods Program and
8 the food functions of the Office of Inspec-
9 tions and Investigations; and

10 (vii) other priorities identified by the
11 Secretary;

12 (B) specific activities and strategies for
13 achieving the goals and priorities identified
14 under subparagraph (A), and progress towards
15 achieving such goals and priorities;

16 (C) specific activities and strategies for im-
17 proving and streamlining internal coordination
18 and communication within the Food and Drug
19 Administration, including for activities and
20 communications related to signals of potential
21 public health concerns, as well as other agencies
22 and offices of the Department of Health and
23 Human Services and other Federal departments
24 and agencies, as appropriate;

1 (D) specific activities and strategies for
2 improving and streamlining coordination and
3 communication with non-Federal stakeholders,
4 including steps to improve outreach regarding
5 rulemaking activities; and

6 (E) challenges and risks the Human Foods
7 Program is expected to face in meeting its stra-
8 tegic goals and priorities, and the activities the
9 Human Foods Program will undertake to over-
10 come those challenges and mitigate those risks.

11 (3) EVALUATION OF PROGRESS.—Not later
12 than September 30, 2027, and every 2 years there-
13 after, the Secretary shall submit to the appropriate
14 committees of Congress and post on the website of
15 the Food and Drug Administration a progress report
16 that includes—

17 (A) a description of the progress the Sec-
18 retary has made toward the goals and priorities
19 identified under paragraph (2)(A) in the most
20 recent strategic report submitted under para-
21 graph (1); and

22 (B) whether actions taken in response to
23 the most recently submitted strategic plan im-
24 proved the capacity of the Food and Drug Ad-

1 ministration to achieve the strategic goals and
2 priorities set forth in previous strategic plans.

3 (4) UPDATES.—The Secretary shall, as appro-
4 priate, update the strategic plan to account for sig-
5 nificant changes in the production and regulation of
6 foods or the scientific evidence related to nutrition
7 and food production, or other significant changes, as
8 the Secretary determines appropriate.

9 (b) GAO REPORT.—

10 (1) IN GENERAL.—Not later than September
11 30, 2028, the Comptroller General of the United
12 States shall submit to the Committee on Health,
13 Education, Labor, and Pensions of the Senate and
14 the Committee on Energy and Commerce of the
15 House of Representatives a report assessing the ini-
16 tial strategic plan submitted under subsection (a).

17 (2) CONTENTS OF REPORT.—The report re-
18 quired under paragraph (1) shall include an assess-
19 ment of—

20 (A) the development and implementation of
21 the strategic plan, including the sufficiency of
22 the plan, progress of the Human Foods Pro-
23 gram in meeting the results-oriented goals and
24 priorities identified in such plan, and any gaps
25 in such implementation;

1 (B) how the Human Foods Program ap-
2 plies hiring authorities under section 714A of
3 the Federal Food, Drug, and Cosmetic Act (21
4 U.S.C. 379d-3a); and

5 (C) recommendations for the Human
6 Foods Program to address the identified chal-
7 lenges, improve its implementation of the
8 Human Foods Program strategic plan, and to
9 otherwise improve the public health mandate of
10 the Food and Drug Administration.

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