

119TH CONGRESS
2D SESSION

H. R. 7291

To direct the Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, to establish a board to review certain designations that a substance used in food is generally recognized as safe, with respect to the intended use of such substance, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 30, 2026

Mr. LAWLER introduced the following bill; which was referred to the
Committee on Energy and Commerce

A BILL

To direct the Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, to establish a board to review certain designations that a substance used in food is generally recognized as safe, with respect to the intended use of such substance, 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 “GRAS Oversight and
5 Transparency Act”.

1 **SEC. 2. GRAS REVIEW BOARD; REVOCATION OF CERTAIN**
2 **GRAS DESIGNATIONS.**

3 (a) ESTABLISHMENT.—The Secretary of Health and
4 Human Services, acting through the Commissioner of
5 Food and Drugs (in this section referred to as the “Sec-
6 retary”), shall establish a board (in this section referred
7 to as the “Board”) to review the validity of covered GRAS
8 designations.

9 (b) MEMBERSHIP.—

10 (1) IN GENERAL.—

11 (A) VOTING MEMBERS.—The Board shall
12 be composed of the following voting members:

13 (i) The Secretary of Health and
14 Human Services.

15 (ii) The Secretary of Agriculture.

16 (iii) Two representatives of the
17 Human Foods Program of the Food and
18 Drug Administration, to be appointed by
19 the Secretary.

20 (iv) One representative of each of the
21 following organizations, to be appointed by
22 the Secretary:

23 (I) The Office of the Chief Coun-
24 sel of the Food and Drug Administra-
25 tion.

1 (II) The Office of the Chief Sci-
2 entist of the Department of Agri-
3 culture.

4 (III) The Office of the General
5 Counsel of the Department of Agri-
6 culture.

7 (IV) The Food Safety and In-
8 spection Service of the Department of
9 Agriculture.

10 (V) The Center for Nutrition
11 Policy and Promotion of the Depart-
12 ment of Agriculture.

13 (VI) The Agricultural Research
14 Service of the Department of Agri-
15 culture.

16 (VII) The Public Health and In-
17 tegrated Toxicology Division of the
18 Environmental Protection Agency.

19 (B) NON-VOTING MEMBERS.—The Board
20 shall be composed of the following non-voting
21 members, to be appointed by the Secretary:

22 (i) An academic expert in food toxi-
23 cology.

24 (ii) A representative from the food
25 manufacturing industry.

1 (2) CHAIRPERSON.—The Secretary shall des-
2 ignate a chairperson of the Board from among the
3 voting members described in paragraph (1).

4 (3) TERMS.—Each voting and non-voting mem-
5 ber of the Board appointed by the Secretary shall be
6 appointed for a term of five years.

7 (4) COMPENSATION.—Each member of the
8 Board shall serve without compensation.

9 (c) DUTIES.—

10 (1) IN GENERAL.—The Board shall carry out a
11 review of each covered GRAS designation in accord-
12 ance with the requirements of this subsection.

13 (2) STAGES OF REVIEW.—In carrying out the
14 review, the Board shall—

15 (A) identify the scope of covered GRAS
16 designations by soliciting the participation of
17 food manufacturers under subsection (d);

18 (B) categorize each covered GRAS des-
19 ignation so identified into a tier 1, tier 2, or
20 tier 3 review category, with tier 1 indicating the
21 highest priority for review;

22 (C) carry out a review of the covered
23 GRAS designations in each review category to
24 determine the validity of each such designation;
25 and

1 (D) report the results of each such review
2 in accordance with subsection (f).

3 (3) NOTIFICATION RECOMMENDING REVOCATION OF GRAS DESIGNATION.—Not later than 90
4 days after the date on which the Board completes
5 the review of a covered GRAS designation under
6 paragraph (2)(C), the Board shall notify the Secretary and Congress of—
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8
9 (A) a determination that the substance
10 that is the subject of such designation has not
11 been shown to be safe; and

12 (B) a recommendation that the Secretary
13 revoke such designation under subsection (e).

14 (d) PARTICIPATION OF FOOD MANUFACTURERS.—

15 (1) IN GENERAL.—The Secretary shall require
16 a food manufacturer to provide to the Board, not
17 later than 90 days after the date of enactment of
18 this Act, a notice that—

19 (A) identifies each covered GRAS designation attributable to such manufacturer; and

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21 (B) contains any other such information the Board determines to be appropriate.

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23 (2) FAILURE TO COMPLY.—If a food manufacturer does not comply with paragraph (1), the Secretary

retary may take actions to require such compliance,
including—

(A) imposing a civil penalty on such manufacturer in accordance with the amounts described in section 307(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 335b(a));
or

(B) with respect to a substance subject to a covered GRAS designation attributable to such manufacturer—

(i) treating such substance as an unapproved food additive under section 409 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348); and

(ii) deeming such substance to be unsafe under such section as appropriate.

(e) REVOCATION OF CERTAIN GRAS DESIGNATIONS.—

(1) IN GENERAL.—Upon receiving a notification under subsection (c)(3), the Secretary may, using evidence before the Secretary, revoke a covered GRAS designation in accordance with the requirements under paragraph (2).

1 (2) REQUIREMENTS FOR REVOCATION.—If the
2 Secretary decides to revoke a covered GRAS des-
3 ignation under paragraph (1), the Secretary shall—

4 (A) notify the food manufacturer that pro-
5 vided a notice identifying such designation
6 under subsection (d) of such decision, including
7 a description of the evidence used in making
8 such decision;

9 (B) provide 180 days for such manufac-
10 turer to provide sufficient scientific evidence
11 that the substance subject to such designation
12 is shown to be safe;

13 (C) review such decision using any such
14 evidence; and

15 (D) notify such manufacturer of the out-
16 come of such review, including a description of
17 how the Secretary carried out such review.

18 (3) COMPLIANCE WITH REVOCATION.—The Sec-
19 retary shall establish procedures to ensure a manu-
20 facturer complies with a revocation of a covered
21 GRAS designation under this subsection, including
22 an appropriate timeline for ceasing distribution of
23 any substance subject to such designation and recall-
24 ing such substance.

25 (f) REPORTS.—

1 (1) IN GENERAL.—The Board shall submit to
2 the Secretary and Congress, and make publicly
3 available on the website of the Food and Drug Ad-
4 ministration, a report containing—

5 (A) information related to the review car-
6 ried out under subsection (c); and

7 (B) any recommendation related to such
8 review, including whether the Board made a no-
9 tification under subsection (c)(3).

10 (2) TIMING OF REPORTS.—A report shall be
11 submitted under paragraph (1)—

12 (A) with respect to a covered GRAS des-
13 ignation the Board categorizes into tier 1, not
14 later than 2 years after the date of enactment
15 of this Act;

16 (B) with respect to a covered GRAS des-
17 ignation the Board categorizes into tier 2, not
18 later than 4 years after the date of enactment
19 of this Act; and

20 (C) with respect to a covered GRAS des-
21 ignation the Board categorizes into tier 3, not
22 later than 10 years after the date of enactment
23 of this Act.

24 (g) DEFINITIONS.—In this section:

1 (1) COVERED GRAS DESIGNATION.—The term
2 “covered GRAS designation” means a designation
3 made by a manufacturer prior to 2000 that a sub-
4 stance used in food is generally recognized as safe,
5 as described in section 201(s) of the Federal Food,
6 Drug, and Cosmetic Act (21 U.S.C. 321(s)), includ-
7 ing any such designation made in which such manu-
8 facturer has not filed a petition under section 409
9 of the Federal Food, Drug, and Cosmetic Act (21
10 U.S.C. 348) or otherwise notified the Secretary of
11 such designation.

12 (2) FOOD.—The term “food” has the meaning
13 given such term in section 201(f) of the Federal
14 Food, Drug, and Cosmetic Act (21 U.S.C. 321(f)).

15 (h) TERMINATION OF BOARD.—The Board shall ter-
16 minate, and this Act shall cease to be effective, 10 years
17 after the date of enactment of this Act.

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