

House Passes FY27 Agriculture/FDA Spending Bill, Senate Postpones Markup

The House of Representatives voted 213 to 210 to approve the fiscal year 2027 Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act (H.R. 8646) on June 4, 2026. A summary, bill text and bill report can be found [here](#). The bill funds Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) at \$8 billion (a \$200 million decrease from FY26 levels) while reducing the WIC Cash Value Voucher by 10%. The Supplemental Nutrition Assistance Program (SNAP) receives \$101.2 billion in mandatory funding, which is \$6.2 billion below the FY26 enacted level as requested by the President.

Of note for CDA members, the bill text stipulates the U.S. Food and Drug Administration (FDA) Commissioner submit a report updating the FDA document titled “Enforcement Priorities for Electronic Nicotine Delivery Systems (ENDS) and Other Deemed Products on the Market Without Premarket Authorization,” as well as submit a detailed report on funding and activities planned for enforcement activities within 60 days of enactment of the bill, and shall continue to submit a semi-annual written report to the Committees on Appropriations of both Houses of Congress on the progress that the Center for Tobacco Products (CTP) is making in preventing all mis-declared ENDS products from entering the U.S. The bill also instructs \$200,000,000 from tobacco user fees shall be used by the Commissioner for enforcement activities related to e-cigarettes, vapes, and other ENDS; with \$20,000,000 going toward funding the ENDS multi-agency task force.

The Ag-FDA bill [report](#) includes SNAP program language, including preventing fraud, the FDA’s Food Traceability Rule, streamlining the PMTA process, preventing import of illicit nicotine products and preventing youth e-cigarette use by completing pre-market reviews and enforcing action against companies that failed to file a premarket application. Language on several of those provisions are below.

- **Food Traceability Rule Implementation.** —*The Committee appreciates FDA guidance released in February 2026 in response to Congressional direction included in section 780 of P.L. 119–37 regarding implementation of the traceability rule. The Committee encourages the agency to continue working with stakeholders to ensure feasibility of traceability lot code requirements, interoperability of traceability and successful implementation of the rule across the food supply chain.*
- **Fast Track Pathway.** —*The Committee supports the pilot program introduced by FDA in September 2025 to increase efficiency and streamline the review process for certain premarket tobacco product applications (PMTA) and encourages FDA to expand the program to include additional tobacco product PMTAs and supplemental PMTAs as appropriate. This effort will provide adult consumers with multiple choices that are lower on the continuum of risk, and along with increased enforcement activities, ensure that marketplace is populated with legal, regulated products. The Committee recognizes the substantial volume of premarket tobacco product applications currently under review by the Food and Drug Administration (FDA) and the importance of timely, science-based determinations that protect the public health, as required under the Federal Food, Drug, and Cosmetic Act. The Committee further acknowledges the role of domestic manufacturing in supporting U.S. jobs, supply chain resilience, and regulatory accountability. The Committee encourages FDA, to the extent consistent with applicable law, to consider efficiencies in the review process that may be achieved for applicants with established domestic manufacturing operations subject to U.S. inspection and oversight.*

- **Illicit Nicotine Products.**—The Committee remains deeply concerned with the enormous surge of flavored disposable e-cigarettes and nicotine pouch products being illegally imported into the U.S. (primarily from China) that are openly evading FDA’s regulatory requirements. The Committee believes these illegal imports constitute an unusual and extraordinary threat to public health. The Committee directs FDA to prioritize the use of resources to ensure these illegal products are expeditiously removed from the market and that those illegally importing and distributing such products are subject to significant compliance and enforcement actions. Further, the Committee directs FDA to increase its coordination with DOJ and DHS to address the ongoing importation and distribution of illegally imported flavored disposable e-cigarettes and nicotine pouches.
- **Premarket Tobacco Applications (PMTAs).**—The Committee is concerned that many timely filed tobacco products still await review by FDA, and this delay in the review of filed applications is confusing consumers, distributors, and manufacturers. The Committee urges FDA to publish and regularly update guidance to communicate to manufacturers, distributors, and retailers an enforcement discretion policy for products with timely-filed and pending PMTAs and to prioritize any enforcement actions against products without pending PMTAs or that did not file timely applications.
- **Youth E-Cigarette Use.**—The Committee remains deeply concerned about data from the National Youth Tobacco Survey showing more than 1.6 million youth use e-cigarettes and urges FDA to use its full authority to address this serious public health problem. The Committee urges FDA to promptly complete its required pre-market review of e-cigarettes and other deemed tobacco products that remain on the market. The Committee also urges FDA to take enforcement action against all companies that failed to file a premarket tobacco product application or received a marketing denial order.

The Senate Committee on Appropriations was scheduled to markup their version of the Agriculture-FDA appropriations bill along with the Commerce-Justice-Science spending bill on June 4, 2026. The markup has been [postponed](#) and a new date has not been released. Chairwoman Susan Collins (R-ME) and Ranking Member Patty Murray (D-WA) are in conversations to set the topline funding numbers which have not been determined.