

Calendar No. 379

114TH CONGRESS
2D SESSION

S. 2609

To amend the Agricultural Marketing Act of 1946 to require the Secretary of Agriculture to establish a national voluntary labeling standard for bioengineered foods, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 1, 2016

Mr. ROBERTS, from the Committee on Agriculture, Nutrition, and Forestry, reported the following original bill; which was read twice and placed on the calendar

A BILL

To amend the Agricultural Marketing Act of 1946 to require the Secretary of Agriculture to establish a national voluntary labeling standard for bioengineered foods, 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,*

1 **SECTION 1. NATIONAL VOLUNTARY BIOENGINEERED FOOD**
2 **LABELING STANDARD.**

3 The Agricultural Marketing Act of 1946 (7 U.S.C.
4 1621 et seq.) is amended by adding at the end the fol-
5 lowing:

6 **“Subtitle E—National Voluntary**
7 **Bioengineered Food Labeling**
8 **Standard**

9 **“SEC. 291. DEFINITIONS.**

10 “In this subtitle:

11 “(1) **BIOENGINEERING.**—The term ‘bio-
12 engineering’, and any similar term, as determined by
13 the Secretary, with respect to a food, refers to a
14 food—

15 “(A) that contains genetic material that
16 has been modified through in vitro recombinant
17 deoxyribonucleic acid (DNA) techniques; and

18 “(B) for which the modification could not
19 otherwise be obtained through conventional
20 breeding or found in nature.

21 “(2) **FOOD.**—The term ‘food’ has the meaning
22 given the term in section 201 of the Federal Food,
23 Drug, and Cosmetic Act (21 U.S.C. 321).

24 “(3) **SECRETARY.**—The term ‘Secretary’ means
25 the Secretary of Agriculture.

1 **“SEC. 292. APPLICABILITY.**

2 “This subtitle shall apply to any claim in the labeling
3 of food that indicates, directly or indirectly, that the food
4 is a bioengineered food or bioengineering was used in the
5 development or production of the food, including a claim
6 that a food is or contains an ingredient that was developed
7 or produced using bioengineering.

8 **“SEC. 293. ESTABLISHMENT OF NATIONAL VOLUNTARY BIO-**
9 **ENGINEERED FOOD LABELING STANDARD.**

10 “(a) ESTABLISHMENT OF STANDARD.—Not later
11 than 2 years after the date of enactment of this subtitle,
12 the Secretary shall—

13 “(1) establish a national voluntary bioengi-
14 neered food labeling standard with respect to—

15 “(A) any bioengineered food; and

16 “(B) any food that may be bioengineered
17 or may have been produced or developed using
18 bioengineering; and

19 “(2) establish such requirements and proce-
20 dures as the Secretary determines necessary to carry
21 out the standard.

22 “(b) REGULATIONS.—

23 “(1) IN GENERAL.—A food may be labeled as
24 bioengineered only in accordance with regulations
25 promulgated by the Secretary in accordance with
26 this subtitle.

1 “(2) REQUIREMENTS.—A regulation promul-
2 gated by the Secretary in carrying out this subtitle
3 shall—

4 “(A) prohibit any express or implied claim
5 that a food is or is not safer or of higher qual-
6 ity solely based on whether the food is or is
7 not—

8 “(i) bioengineered; or

9 “(ii) produced or developed with the
10 use of bioengineering;

11 “(B) determine the amounts of a bioengi-
12 neered substance that may be present in food,
13 as appropriate, in order for the food to be la-
14 beled as a bioengineered food; and

15 “(C) establish a process for requesting and
16 granting a determination by the Secretary re-
17 garding other factors and conditions under
18 which a food may be labeled as a bioengineered
19 food.

20 “(c) STATE FOOD LABELING STANDARDS.—Notwith-
21 standing section 295, no State or political subdivision of
22 a State may directly or indirectly establish under any au-
23 thority or continue in effect as to any food in interstate
24 commerce any requirement for a food that is the subject

1 of the bioengineered food labeling standard under this sec-
2 tion that is not identical to that voluntary standard.

3 **“SEC. 294. INFORMATION FOR CONSUMERS.**

4 “(a) EDUCATION.—The Secretary, in coordination
5 with other Federal agencies as appropriate, shall provide
6 science-based information, including any information on
7 the environmental, nutritional, economic, and humani-
8 tarian benefits of agricultural biotechnology, through edu-
9 cation, outreach, and promotion to address consumer ac-
10 ceptance of agricultural biotechnology.

11 “(b) MANDATORY REPORT; PUBLICATION.—Not
12 later than 4 years after the date of enactment of this sub-
13 title, the Secretary and the Secretary of Health and
14 Human Services shall—

15 “(1) submit to Congress a report on the avail-
16 ability of information regarding whether food is or
17 is not bioengineered or whether bioengineering was
18 or was not used in the development or production of
19 the food, including information provided through—

20 “(A) any relevant labeling requirements
21 under—

22 “(i) the Organic Foods Production
23 Act of 1990 (7 U.S.C. 6501 et seq.);

24 “(ii) the Egg Products Inspection Act
25 (21 U.S.C. 1031 et seq.);

1 “(iii) the Federal Meat Inspection Act
2 (21 U.S.C. 601 et seq.);

3 “(iv) the Poultry Products Inspection
4 Act (21 U.S.C. 451 et seq.); and

5 “(v) other relevant Federal authori-
6 ties;

7 “(B) process verified programs; and

8 “(C) other voluntary programs or claims
9 relating to a food that are not required by Fed-
10 eral law or approved by a Federal program; and

11 “(2) make the report publicly available.

12 **“Subtitle F—Labeling of Certain** 13 **Food**

14 **“SEC. 295. FEDERAL PREEMPTION.**

15 “(a) DEFINITION OF FOOD.—In this subtitle, the
16 term ‘food’ has the meaning given the term in section 201
17 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C.
18 321).

19 “(b) FEDERAL PREEMPTION.—No State or a polit-
20 ical subdivision of a State may directly or indirectly estab-
21 lish under any authority or continue in effect as to any
22 food or seed in interstate commerce any requirement relat-
23 ing to the labeling of whether a food (including food served
24 in a restaurant or similar establishment) or seed is geneti-
25 cally engineered (which shall include such other similar

1 terms as determined by the Secretary of Agriculture) or
2 was developed or produced using genetic engineering, in-
3 cluding any requirement for claims that a food or seed
4 is or contains an ingredient that was developed or pro-
5 duced using genetic engineering.”.

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