

114TH CONGRESS, 2D SESSION

Calendar No. 379

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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

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

The Agricultural Marketing Act of 1946 ([7 U.S.C. 1621 et seq.](#)) is amended by adding at the end the following:

"Subtitle E—National Voluntary Bioengineered Food Labeling Standard

"SEC. 291. DEFINITIONS.

"In this subtitle:

"(1) **BIOENGINEERING.**—The term ‘bioengineering’, and any similar term, as determined by the Secretary, with respect to a food, refers to a food—

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

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

"(2) **FOOD.**—The term ‘food’ has the meaning given the term in section 201 [sic: 321] of the Federal Food, Drug, and Cosmetic Act ([21 U.S.C. 321](#)).

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

"SEC. 292. APPLICABILITY.

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

"SEC. 293. ESTABLISHMENT OF NATIONAL VOLUNTARY BIOENGINEERED FOOD LABELING STANDARD.

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

"(1) establish a national voluntary bioengineered food labeling standard with respect to—

"(A) any bioengineered food; and

"(B) any food that may be bioengineered or may have been produced or developed using bioengineering; and

"(2) establish such requirements and procedures as the Secretary determines necessary to carry out the standard.

"(b) REGULATIONS.—

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

"(2) REQUIREMENTS.—A regulation promulgated by the Secretary in carrying out this subtitle shall—

"(A) prohibit any express or implied claim that a food is or is not safer or of higher quality solely based on whether the food is or is not—

"(i) bioengineered; or

"(ii) produced or developed with the use of bioengineering;

"(B) determine the amounts of a bioengineered substance that may be present in food, as appropriate, in order for the food to be labeled as a bioengineered food; and

"(C) establish a process for requesting and granting a determination by the Secretary regarding other factors and conditions under which a food may be labeled as a bioengineered food.

"(c) STATE FOOD LABELING STANDARDS.—Notwithstanding section 295, no State or political subdivision of a State may directly or indirectly establish under any authority or continue in effect as to any food in interstate commerce any requirement for a food that is the subject of the bioengineered food labeling standard under this section that is not identical to that voluntary standard.

"SEC. 294. INFORMATION FOR CONSUMERS.

"(a) EDUCATION.—The Secretary, in coordination with other Federal agencies as appropriate, shall provide science-based information, including any information on the environmental, nutritional, economic, and humanitarian benefits of agricultural biotechnology, through education, outreach, and promotion to address consumer acceptance of agricultural biotechnology.

"(b) MANDATORY REPORT; PUBLICATION.—Not later than 4 years after the date of enactment of this subtitle, the Secretary and the Secretary of Health and Human Services shall—

"(1) submit to Congress a report on the availability of information regarding whether food is or is not bioengineered or whether bioengineering was or was not used in the development or production of the food, including information provided through—

"(A) any relevant labeling requirements under—

"(i) the Organic Foods Production Act of 1990 ([7 U.S.C. 6501](#) et seq.);

"(ii) the Egg Products Inspection Act ([21 U.S.C. 1031](#) et seq.);

"(iii) the Federal Meat Inspection Act ([21 U.S.C. 601](#) et seq.);

"(iv) the Poultry Products Inspection Act ([21 U.S.C. 451](#) et seq.); and

"(v) other relevant Federal authorities;

"(B) process verified programs; and

"(C) other voluntary programs or claims relating to a food that are not required by Federal law or approved by a Federal program; and

"(2) make the report publicly available.

"Subtitle F—Labeling of Certain Food

"SEC. 295. FEDERAL PREEMPTION.

"(a) DEFINITION OF FOOD.—In this subtitle, the term ‘food’ has the meaning given the term in section 201 [sic: 321] of the Federal Food, Drug, and Cosmetic Act ([21 U.S.C. 321](#)).

"(b) FEDERAL PREEMPTION.—No State or a political subdivision of a State may directly or indirectly establish under any authority or continue in effect as to any food or seed in interstate commerce any requirement relating to the labeling of whether a food (including food served in a restaurant or similar establishment) or seed is genetically engineered (which shall include such other similar terms as determined by the Secretary of Agriculture) or was developed or produced using genetic engineering, including any requirement for claims that a food or seed is or contains an ingredient that was developed or produced using genetic engineering."

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