

114TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

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.

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IN THE SENATE OF THE UNITED STATES

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\_\_\_\_\_ introduced the following bill; which was read twice  
and referred to the Committee on \_\_\_\_\_

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## **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,*

3 **SECTION 1. NATIONAL VOLUNTARY BIOENGINEERED FOOD**

4                                   **LABELING STANDARD.**

5       The Agricultural Marketing Act of 1946 (7 U.S.C.

6 1621 et seq.) is amended by adding at the end the fol-

7 lowing:

1 **“Subtitle E—National Voluntary**  
2 **Bioengineered Food Labeling**  
3 **Standard**

4 **“SEC. 291. DEFINITIONS.**

5 “In this subtitle:

6 “(1) BIOENGINEERING.—The term ‘bio-  
7 engineering’, and any similar term, as determined by  
8 the Secretary, with respect to a food, refers to a  
9 food—

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

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

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

19 “(3) SECRETARY.—The term ‘Secretary’ means  
20 the Secretary of Agriculture.

21 **“SEC. 292. APPLICABILITY.**

22 “This subtitle shall apply to any claim in the labeling  
23 of food that indicates, directly or indirectly, that the food  
24 is a bioengineered food or bioengineering was used in the  
25 development or production of the food, including a claim

1 that a food is or contains an ingredient that was developed  
2 or produced using bioengineering.

3 **“SEC. 293. ESTABLISHMENT OF NATIONAL VOLUNTARY BIO-**  
4 **ENGINEERED FOOD LABELING STANDARD.**

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

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

10 “(A) any bioengineered food; and

11 “(B) any food that may be bioengineered  
12 or may have been produced or developed using  
13 bioengineering; and

14 “(2) establish such requirements and proce-  
15 dures as the Secretary determines necessary to carry  
16 out the standard.

17 “(b) REGULATIONS.—

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

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

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

5                       “(i) bioengineered; or

6                       “(ii) produced or developed with the  
7           use of bioengineering;

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

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

17          “(c) STATE FOOD LABELING STANDARDS.—Notwith-  
18          standing section 295, no State or political subdivision of  
19          a State may directly or indirectly establish under any au-  
20          thority or continue in effect as to any food in interstate  
21          commerce any requirement for a food that is the subject  
22          of the bioengineered food labeling standard under this sec-  
23          tion that is not identical to that voluntary standard.

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

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

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

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

18                       “(A) any relevant labeling requirements  
19                       under—

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

22                               “(ii) the Egg Products Inspection Act  
23                               (21 U.S.C. 1031 et seq.);

24                               “(iii) the Federal Meat Inspection Act  
25                               (21 U.S.C. 601 et seq.);

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

3 “(v) other relevant Federal authori-  
4 ties;

5 “(B) process verified programs; and

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

9 “(2) make the report publicly available.

10 **“Subtitle F—Labeling of Certain**  
11 **Food**

12 **“SEC. 295. FEDERAL PREEMPTION.**

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

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

1 cluding any requirement for claims that a food or seed  
2 is or contains an ingredient that was developed or pro-  
3 duced using genetic engineering.”.