

S 764

National Sea Grant College Program Amendments Act of 2015

Congress: 114 (2015–2017, Ended)

Chamber: Senate

Policy Area: Agriculture and Food

Introduced: Mar 17, 2015

Current Status: Became Public Law No: 114-216.

Latest Action: Became Public Law No: 114-216. (Jul 29, 2016)

Law: 114-216 (Enacted Jul 29, 2016)

Official Text: <https://www.congress.gov/bill/114th-congress/senate-bill/764>

Sponsor

Name: Sen. Wicker, Roger F. [R-MS]

Party: Republican • **State:** MS • **Chamber:** Senate

Cosponsors (3 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Cantwell, Maria [D-WA]	D · WA		Mar 17, 2015
Sen. Schatz, Brian [D-HI]	D · HI		Mar 17, 2015
Sen. Sullivan, Dan [R-AK]	R · AK		Mar 17, 2015

Committee Activity

Committee	Chamber	Activity	Date
Commerce, Science, and Transportation Committee	Senate	Reported By	Jul 23, 2015
Natural Resources Committee	House	Referred to	Aug 31, 2015

Subjects & Policy Tags

Policy Area:

Agriculture and Food

Related Bills

Bill	Relationship	Last Action
114 S 2609	Related bill	Dec 9, 2016: By Senator Roberts from Committee on Agriculture, Nutrition, and Forestry filed written report. Report No. 114-403. Additional views filed.
114 S 3282	Related bill	Jul 19, 2016: Referred to the Subcommittee on Water, Power and Oceans.
114 HRES 822	Procedurally related	Jul 13, 2016: Motion to reconsider laid on the table Agreed to without objection.
114 S 2328	Related bill	Jun 30, 2016: Became Public Law No: 114-187.
114 HR 4394	Related bill	Jan 29, 2016: Referred to the Subcommittee on Water, Power and Oceans.
114 HCONRES 79	Related bill	Oct 2, 2015: Referred to the Subcommittee on Health.
114 HR 3134	Related bill	Sep 22, 2015: Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 235.
114 HRES 421	Related bill	Sep 17, 2015: On agreeing to the resolution Agreed to by recorded vote: 246 - 179 (Roll no. 503). (text: CR H6096)
114 S 1836	Related bill	Jul 22, 2015: Read twice and referred to the Committee on Health, Education, Labor, and Pensions.
114 HR 1900	Identical bill	May 7, 2015: Referred to the Subcommittee on Water, Power and Oceans.

(This measure has not been amended since the Senate agreed to the House amendment with an amendment on July 7, 2016. The summary of that version is repeated here.)

This bill amends the Agricultural Marketing Act of 1946 to establish a national mandatory bioengineered food disclosure standard. (Bioengineered food is commonly referred to as a genetically modified organism or GMO food.)

(Sec. 1) Bioengineered food is food that that has been genetically modified in a way that could not be obtained through conventional breeding or found in nature.

The standard applies to any claim in a disclosure a food bears indicating that the food is bioengineered and to any food subject to the labeling requirements under the Federal Food, Drug, and Cosmetic Act (FFDCA).

It applies to foods subject to labeling requirements under the Federal Meat Inspection Act, the Poultry Products Inspection Act, or the Egg Products Inspection Act if: (1) the most predominant ingredient would independently be subject to the FFDCA labeling requirements; or (2) the most predominant ingredient is broth, stock, water, or a similar solution and the second-most predominant ingredient would independently be subject to the FFDCA labeling requirements.

Within two years of enactment of this bill, USDA must establish: (1) a national mandatory bioengineered food disclosure standard for any bioengineered food and any food that may be bioengineered, and (2) requirements and procedures to carry out the standard.

Regulations prescribing the labeling of bioengineered food must:

- prohibit a food derived from an animal from being considered bioengineered solely because the animal consumed feed produced from, containing, or consisting of a bioengineered substance;
- determine the amounts of a bioengineered substance that may be present for a food to be bioengineered;
- establish a process for requesting and granting a USDA determination regarding other factors and conditions under which a food is considered bioengineered;
- require the form of disclosure to be a text, symbol, or electronic or digital link (excluding Internet website Uniform Resource Locators not embedded in the link) with the disclosure option to be selected by the food manufacturer; and
- provide alternative reasonable disclosure options for food contained in small or very small packages.

For small food manufacturers, the regulations must provide: (1) an implementation date that is no earlier than one year after the implementation date of the regulations; and (2) additional on-package disclosure options to be selected by the manufacturer that consist of: a telephone number with language indicating that it provides access to additional information, and an Internet website maintained by the manufacturer.

The regulations must exclude: (1) food served in a restaurant or similar retail food establishment, and (2) very small food manufacturers.

A bioengineered food that has successfully completed the pre-market federal regulatory review process shall not be treated as safer than, or not as safe as, a non-bioengineered counterpart solely because the food is bioengineered or produced or developed with bioengineering.

USDA must: (1) conduct a study to identify potential technological challenges that may impact whether consumers would

have access to the bioengineering disclosure through electronic or digital disclosure methods, and (2) provide additional disclosure options if it determines that consumers will not have sufficient access to disclosures through electronic or digital methods.

USDA must ensure that specified on-package language accompanies electronic or digital link disclosures and telephone number disclosures.

USDA must also ensure that an electronic or digital link disclosure:

- provides access to the disclosure located in a consistent and conspicuous manner on the first product information page that appears, excluding marketing and promotional information;
- may not collect, analyze, or sell personally identifiable information about consumers or their devices unless the information is necessary to carry out the bill and is deleted immediately after it is used;
- includes a telephone number that provides access to the disclosure; and
- is of sufficient size to be easily and effectively scanned or read by a digital device.

The bill prohibits states or political subdivisions of states from establishing or continuing requirements for labeling or disclosure of bioengineered or genetically engineered food that are not identical to the mandatory disclosure standard established by this bill.

This bill prohibits a person from knowingly failing to make a disclosure required by the standard. Each person subject to the mandatory disclosure requirement must maintain records necessary to establish compliance and provide the records to USDA upon request. USDA may conduct examinations and audits related to compliance, subject to requirements for notice, a public hearing, and the publication of the results. USDA may not recall any food on the basis of whether the food includes the disclosure.

A food may not include claims related to the absence of bioengineering solely based on whether or not a disclosure is required by the standard. A certification under the national organic program is sufficient to make a claim regarding the absence of bioengineering in a food.

Actions Timeline

- **Jul 29, 2016:** Signed by President.
- **Jul 29, 2016:** Became Public Law No: 114-216.
- **Jul 19, 2016:** Presented to President.
- **Jul 14, 2016:** ORDER OF PROCEDURE - Mr. Conaway asked unanimous consent that the question on adoption of the motion to concur in the Senate amendment to the House amendment to S. 764 be subject to postponement as though under clause 8 of rule 20. Agreed to without objection. (consideration: CR H4932-4939, H4964-4965)
- **Jul 14, 2016:** Pursuant to the provisions of H. Res. 822, Mr. Conaway moved that the House concur in the Senate amendment to the House amendment. (consideration: CR H4933; text: CR H4933)
- **Jul 14, 2016:** DEBATE - The House proceeded with 1 hour of debate on the motion to concur in the Senate amendment to the House amendment to S. 764.
- **Jul 14, 2016:** The previous question was ordered pursuant to the rule. (consideration: CR H4939)
- **Jul 14, 2016:** POSTPONED PROCEEDINGS - At the conclusion of debate on the motion to concur in the Senate amendment to the House amendment to S. 764, the Chair put the question on passage of the bill and by voice vote announced that the ayes had prevailed. Mr. Welch demanded the yeas and nays, and the Chair postponed further proceedings on the motion pursuant to a previous order until later in the legislative day.
- **Jul 14, 2016:** Resolving differences -- House actions: On motion that the House agree to the Senate amendment to the House amendment Agreed to by the Yeas and Nays: 306 - 117 (Roll no. 466).(text: CR H4932-4933)
- **Jul 14, 2016:** On motion that the House agree to the Senate amendment to the House amendment Agreed to by the Yeas and Nays: 306 - 117 (Roll no. 466). (text: CR H4932-4933)
- **Jul 14, 2016:** Motion to reconsider laid on the table Agreed to without objection.
- **Jul 12, 2016:** Rules Committee Resolution H. Res. 822 Reported to House. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Provides for consideration of the Senate amendment to the House amendment to S. 764. The resolution makes in order a motion that the House agree to the Senate amendment to the House amendment to S. 764.
- **Jul 8, 2016:** Message on Senate action sent to the House.
- **Jul 7, 2016:** Considered by Senate (Message from the House considered). (consideration: CR S4841-4910)
- **Jul 7, 2016:** Resolving differences -- Senate actions: Senate concurred in the House amendment to S. 764 with an amendment (SA 4935) by Yea-Nay Vote. 63 - 30. Record Vote Number: 123.(consideration: CR S4910)
- **Jul 7, 2016:** Senate concurred in the House amendment to S. 764 with an amendment (SA 4935) by Yea-Nay Vote. 63 - 30. Record Vote Number: 123. (consideration: CR S4910)
- **Jul 6, 2016:** Cloture on the motion to concur in the House amendment to S. 764 with an amendment SA 4935 invoked in Senate by Yea-Nay Vote. 65 - 32. Record Vote Number: 121. (consideration: CR S4800-4814; text: CR S4800)
- **Jul 6, 2016:** Considered by Senate (Message from the House considered). (consideration: CR S4800)
- **Jul 6, 2016:** Motion by Senator McConnell to refer to Senate Committee on Agriculture, Nutrition, and Forestry the House message to accompany S. 764 with instructions to report back forthwith with amendment SA 4937 fell when cloture invoked on the motion to concur in the House amendment to S. 764 with an amendment SA 4935 in Senate. (consideration: CR S4800)
- **Jun 29, 2016:** Motion to lay before the Senate a Message from the House to accompany S. 764 agreed to by Yea-Nay Vote. 68 - 29. Record Vote Number: 117. (consideration: CR S4703)
- **Jun 29, 2016:** Considered by Senate (Message from the House considered). (consideration: CR S4703-4705)
- **Jun 29, 2016:** Motion by Senator McConnell to refer to Senate Committee on Commerce, Science, and Transportation the House message to accompany S. 764 withdrawn in Senate. (consideration: CR S4704)
- **Jun 29, 2016:** Motion by Senator McConnell to concur in the House amendment to S. 764 with an amendment SA 3450 withdrawn in Senate. (consideration: CR S4704)
- **Jun 29, 2016:** Motion by Senator McConnell to reconsider the vote by which cloture was not invoked on the motion to concur in the House amendment to S. 764 with an amendment SA 3450 rendered moot in Senate. (consideration: CR S4704)
- **Jun 29, 2016:** Motion by Senator McConnell to concur in the House amendment to S. 764 with an amendment SA 4935 made in Senate. (consideration: CR S4704)
- **Jun 29, 2016:** Cloture motion on the motion to concur in the House amendment to S. 764 with an amendment SA 4935 presented in Senate. (consideration: CR S4704-4705; text: CR S4704-4705)
- **Jun 29, 2016:** Motion by Senator McConnell to refer to Senate Committee on Agriculture, Nutrition, and Forestry the

House message to accompany S. 764 with instructions to report back forthwith with amendment SA 4937 made in Senate. (consideration: CR S4705; text: CR S4705)

- **Mar 16, 2016:** Considered by Senate (Message from the House considered). (consideration: CR S1516-1538)
- **Mar 16, 2016:** Cloture on the motion to concur in the House amendment to S. 764 with an amendment SA 3450 not invoked in Senate by Yea-Nay Vote. 48 - 49. Record Vote Number: 37. (consideration: CR S1516, S1524)
- **Mar 16, 2016:** Motion by Senator McConnell to reconsider the vote by which cloture was not invoked on the motion to concur in the House amendment to S. 764 with an amendment SA 3450 entered in Senate. (consideration: CR S1516, S1524)
- **Mar 15, 2016:** Considered by Senate (Message from the House considered). (consideration: CR S1482-1494, S1496-1501)
- **Mar 14, 2016:** Measure laid before Senate by unanimous consent. (consideration: CR S1458)
- **Mar 14, 2016:** Motion by Senator McConnell to concur in the House amendment to S. 764 with an amendment SA 3450 made in Senate. (consideration: CR S1458; text: CR S1458)
- **Mar 14, 2016:** Cloture motion on the motion to concur in the House amendment to S. 764 with an amendment SA 3450 presented in Senate. (consideration: CR S1458; text: CR S1458)
- **Mar 14, 2016:** Motion by Senator McConnell to refer to Senate Committee on Commerce, Science, and Transportation the House message to accompany S. 764 made in Senate. (consideration: CR S1458; text: CR S1458)
- **Sep 21, 2015:** Message on House action received in Senate and at desk: House amendment to Senate bill.
- **Sep 18, 2015:** Passed/agreed to in House: Passed House with amendment pursuant to H. Res. 421.
- **Sep 18, 2015:** Passed House with amendment pursuant to H. Res. 421.
- **Aug 31, 2015:** Referred to the Subcommittee on Water, Power and Oceans.
- **Jul 29, 2015:** Received in the House.
- **Jul 29, 2015:** Message on Senate action sent to the House.
- **Jul 29, 2015:** Referred to the House Committee on Natural Resources.
- **Jul 28, 2015:** Passed/agreed to in Senate: Passed Senate with an amendment by Unanimous Consent.(consideration: CR S6085-6086; text as passed Senate: CR S6085-6086)
- **Jul 28, 2015:** Passed Senate with an amendment by Unanimous Consent. (consideration: CR S6085-6086; text as passed Senate: CR S6085-6086)
- **Jul 23, 2015:** Committee on Commerce, Science, and Transportation. Reported by Senator Thune with an amendment in the nature of a substitute. With written report No. 114-90.
- **Jul 23, 2015:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 161.
- **Mar 25, 2015:** Committee on Commerce, Science, and Transportation. Ordered to be reported with an amendment in the nature of a substitute favorably.
- **Mar 17, 2015:** Introduced in Senate
- **Mar 17, 2015:** Read twice and referred to the Committee on Commerce, Science, and Transportation.