

## **Section-by-section for the Chairman's Mark on Biotech Labeling**

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Section 291 amends the Agricultural Marketing Act of 1946 by providing definitions for the national voluntary bioengineered food labeling standard.

Section 292 requires a broad and pervasive application of the scope of regulations promulgated under Section 293.

Section 293 authorizes the Secretary of Agriculture to promulgate regulations establishing a national voluntary bioengineered food labeling standard. The regulation must prohibit express or implied claims regarding safety or quality based on whether food is or is not bioengineered or produced or developed with the use of bioengineering and include a process to determine other factors and conditions for food to be labeled as bioengineered. Subsection (c) is comprehensive in nature, and does not provide any exception regarding the authorization of identical voluntary state food labeling standards. Here, the requirements regarding a national food standard further the purpose of national uniformity on bioengineering food labeling, including the choice by Congress regarding mandatory requirements within the use of a national standard.

Section 294 first directs USDA to provide science-based education, outreach and promotion in coordination with other Federal agencies. Secondly, the provision requires a mandatory report to Congress 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 food, including labels authorized under Federal and state authorities, as well as private voluntary programs.

Section 295 takes two actions. The section first defines food according to the Federal Food, Drug, and Cosmetic Act. Secondly, the provision preempts any state or political subdivision law relating to the labeling of whether food or seed is genetically engineered or developed or produced using genetic engineering. Here, preemption furthers the purpose of national uniformity on genetic engineering food labeling, including the prohibition of state laws that would certainly prevent uniformity on any label of this type.