



H.R. 1599— Safe and Accurate Food Labeling Act of 2015 (Rep. Pompeo, R-KS)

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FLOOR SCHEDULE: SCHEDULED FOR CONSIDERATION ON JULY 23, 2015, SUBJECT TO A [RULE](#)

TOPLINE SUMMARY: [H.R. 1599](#) would create a federal labeling standard to certify genetically engineered food. The program would be administered by the U.S. Department of Agriculture (USDA), and would codify Food and Drug Administration (FDA) current practice regarding for labeling requirements of genetically engineered plant ingredients in food.

CONSERVATIVE CONCERNS: There are no substantive concerns.

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS: H.R. 1599 would authorize the Secretary of Agriculture to require that the labeling of a food produced from a genetically engineered plant contain a statement to adequately inform consumers of a difference between the produced food and its comparable food if there is a material difference in the functional, nutritional, or compositional characteristics, between both foods, and if the disclosure of such material difference would be necessary to protect public health and safety or to prevent the labeling of the food from being false or misleading.

The bill would additionally prohibit the introduction into interstate commerce of a nonregulated genetically engineered plant for use in food unless the Secretary of Health and Human Services provides no objection regarding the genetically engineered plant or derived food product is safe for use by humans or animals.

The Secretary of Agriculture would be required to publish on the Internet website of the Department of Agriculture, a registry that includes a list of each nonregulated genetically engineered plant intended food that may be introduced in interstate commerce, the petitions and determinations made by the

COST: The Congressional Budget Office (CBO) [estimates](#) that H.R. 1599 would cost a total of \$4 million over the 2016-2020 period. This bill would increase both revenues and direct spending by about \$1 million annually, and pay-as-you-go procedures apply. CBO estimates that the net effect on the deficit of those changes in revenues and direct spending over the 2015-2025 period would be insignificant.

Secretary of Agriculture with respect to such a plant, and the notifications of findings issued by the Secretary of Health and Human Services regarding the modified plant's applications in food.

The Secretary of Agriculture would be required to promulgate interim final regulations to carry out the bill's provisions not later than one year after the bill's enactment. The bill would additionally prohibit a state or political subdivision of a state from directly or indirectly establishing any requirement with respect to genetically engineered plants for food usage, under any authority.

Title II of the bill would authorize the Secretary of Agriculture to establish a voluntary genetically engineered food certification program for covered products with respect to the use of genetic engineering in food production, implemented by certifying agents, officials responsible solely for the administration of the state's agricultural operations. The section would additionally set labeling standards for a product produced without the use of genetic engineering, as well as genetically engineered food.

The bill would authorize \$2,000,000 to be appropriated to establish the genetically engineered food program set forth in H.R. 1599. The Secretary of Agriculture would be authorized to collect fees to cover the estimated costs of carrying out the bill. The legislation would further prohibit any state from establishing any requirement for the labeling of a covered product indicating the product as having been produced from a genetically engineered plant, including any requirements for claims that a covered product contains an ingredient that was produced from a genetically engineered plant unless the state establishes a voluntary program and accredited by the Department of Agriculture, or establishes identical standards established in the [Agricultural Marketing Act of 1946](#). Title III of the bill would set standards for the labeling of natural foods.

The House reports (H. Rept. 114-208) accompanying H.R. 1599 can be found [here](#) (Part 1) and [here](#) (Part 2). A House Committee on Energy and Commerce fact sheet on the bill can be found [here](#). A fact sheet from the bill's sponsor can be found [here](#). A March 29, 2015 Washington Post editorial on GMO labeling can be found [here](#) and a Q&A from the Heritage Foundation on the Mandatory Labeling of Genetically Engineered Foods can be found [here](#).

AMENDMENTS MADE IN ORDER:

- [#1 Pompeo \(R-KS\)](#) (Manager's Amendment): would make technical and conforming changes to the bill text and would clarify that certain provisions of the bill would only deal with the sale or offering for sale in genetically engineered plants. The amendment would also clarify that in the case of a covered product derived from livestock marketed in the United States for human consumption, the covered product would not be considered to be genetically engineered solely because the livestock consumed feed produced from a genetically engineered plant.
- [#10 DeFazio \(D-OR\)](#): would require the Secretary of Agriculture to mandate that food produced from a genetically engineered plant and intended for sale in interstate commerce be labeled as such if the person producing or manufacturing the food produces an equivalent food intended for consumption in a foreign country. The amendment would require labeling if the person is mandated by such foreign country to indicate in the labeling that it is produced from a genetically engineered plant.

- [#14 Huffman \(D-CA\)](#): would clarify that nothing in the bill would be construed to limit the authority of a state or tribe to prohibit or restrict the cultivation of genetically engineered plants on or near tribal lands.
- [#2 DeLauro \(D-CT\)](#): would only allow a claim that a food item is natural if the food is not produced using, does not contain, and does not consist of a genetically engineered plant.
- [#7 Pingree \(D-ME\)](#) (Substitute): would strike the entire bill and would establish a voluntary certification program for food produced without the use of genetic engineering to be known as the Non-GMO Food Certification Program. The Secretary of Agriculture would be required to establish a seal to identify products that were not produced with the use of genetic engineering or a genetically engineered plant in interstate commerce using terminology the secretary considers appropriate, including terminology commonly used in interstate commerce or established by the Secretary in regulations.

OUTSIDE GROUPS IN SUPPORT:

- [Coalition for Safe Affordable Food](#) (composed of 475 producer groups like ConAgra, General Mills, the National Restaurant Association, the National Association of Manufacturers, and the US Chamber of Commerce)
- [American Bakers Association](#)
- [American Feed Industry Association](#)
- [American Soybean Association](#)
- [Aurora Organic Dairy](#)
- [Beet Sugar Industry](#)
- [Colorado Corn](#)
- [Grocery Manufacturers Association](#)
- [Illinois Agriculture Legislative Roundtable](#)
- [National Association of State Departments of Agriculture](#)
- [National Confectioners Association](#)
- [National Corn Growers Association](#)
- [National Cotton Council](#)
- [National Council of Farmer Cooperatives](#)
- [Pet Food Institute](#)
- [Snack Food Association](#)
- [Texas Farm Bureau](#)

COMMITTEE ACTION: This bill was introduced on March 25, 2015 and was referred to the House Committee on Energy and Commerce and the House Committee on Agriculture. The bill was then ordered to be reported (amended) by the Committee on Agriculture on July 16, 2015.

ADMINISTRATION POSITION: No statement of administration policy is available.

CONSTITUTIONAL AUTHORITY: Congress has the power to enact this legislation pursuant to the following: Article 1, Section 8, Clause 3 of the Constitution of the United States.

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