

ROBERTS) to the bill S. 764, *supra*; which was ordered to lie on the table.

SA 4961. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 4935 proposed by Mr. MCCONNELL (for Mr. ROBERTS) to the bill S. 764, *supra*; which was ordered to lie on the table.

SA 4962. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 4935 proposed by Mr. MCCONNELL (for Mr. ROBERTS) to the bill S. 764, *supra*; which was ordered to lie on the table.

SA 4963. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 4935 proposed by Mr. MCCONNELL (for Mr. ROBERTS) to the bill S. 764, *supra*; which was ordered to lie on the table.

SA 4964. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 4935 proposed by Mr. MCCONNELL (for Mr. ROBERTS) to the bill S. 764, *supra*; which was ordered to lie on the table.

SA 4965. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 4935 proposed by Mr. MCCONNELL (for Mr. ROBERTS) to the bill S. 764, *supra*; which was ordered to lie on the table.

SA 4966. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 4935 proposed by Mr. MCCONNELL (for Mr. ROBERTS) to the bill S. 764, *supra*; which was ordered to lie on the table.

SA 4967. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 4935 proposed by Mr. MCCONNELL (for Mr. ROBERTS) to the bill S. 764, *supra*; which was ordered to lie on the table.

SA 4968. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 4935 proposed by Mr. MCCONNELL (for Mr. ROBERTS) to the bill S. 764, *supra*; which was ordered to lie on the table.

SA 4969. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 4935 proposed by Mr. MCCONNELL (for Mr. ROBERTS) to the bill S. 764, *supra*; which was ordered to lie on the table.

SA 4970. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 4935 proposed by Mr. MCCONNELL (for Mr. ROBERTS) to the bill S. 764, *supra*; which was ordered to lie on the table.

SA 4971. Mr. TESTER (for himself and Mr. MERKLEY) submitted an amendment intended to be proposed to amendment SA 4935 proposed by Mr. MCCONNELL (for Mr. ROBERTS) to the bill S. 764, *supra*; which was ordered to lie on the table.

SA 4972. Mr. SASSE submitted an amendment intended to be proposed to amendment SA 4935 proposed by Mr. MCCONNELL (for Mr. ROBERTS) to the bill S. 764, *supra*; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4947. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 4935 proposed by Mr. MCCONNELL (for Mr. ROBERTS) to the bill S. 764, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 12, between lines 2 and 3, insert the following:

“(5) **CRIMINAL PENALTIES PROHIBITED.**—There shall be no Federal or State criminal penalty imposed against any person who violates this subtitle.”.

SA 4948. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 4935 proposed by Mr.

MCCONNELL (for Mr. ROBERTS) to the bill S. 764, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “GMO Labeling Act of 2016”.

SEC. 2. PURPOSES.

The purposes of this Act are to—

(1) establish a system by which people may make informed decisions about the food they purchase and consume and by which, if they choose, people may avoid food produced from genetic engineering;

(2) inform the purchasing decisions of consumers who are concerned about the potential environmental effects of the production of food from genetic engineering;

(3) reduce and prevent consumer confusion and deception by prohibiting the labeling of products produced from genetic engineering as “natural” and by promoting the disclosure of factual information on food labels to allow consumers to make informed decisions; and

(4) provide consumers with data from which they may make informed decisions for religious reasons.

SEC. 3. LABELING REQUIREMENTS.

(a) **IN GENERAL.**—Chapter IV of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341 et seq.) is amended by adding at the end the following:

“SEC. 424. LABELING OF FOOD PRODUCED WITH GENETIC ENGINEERING.

“(a) **IN GENERAL.**—Except as provided in subsection (d), any food that is entirely or partially produced with genetic engineering and offered for retail sale after January 1, 2017, shall be labeled or shall be displayed, as applicable, in accordance with subsection (b).

“(b) **LABELING REQUIREMENTS.**—In the case of a food described in subsection (a), the manufacturer or retailer shall ensure that such food is labeled or displayed in accordance with the following:

“(1) **MANUFACTURERS.**—

“(A) **RAW AGRICULTURAL COMMODITIES.**—In the case of a packaged raw agricultural commodity, the manufacturer shall label the package offered for retail sale, in a clear and conspicuous manner, with the words ‘produced with genetic engineering’.

“(B) **PROCESSED FOOD.**—In the case of any processed food that contains a product or products of genetic engineering, the manufacturer shall label the package in which the processed food is offered for sale, in a clear and conspicuous manner, with the words: ‘Partially produced with genetic engineering’, ‘May be produced with genetic engineering’, or ‘Produced with genetic engineering’, as applicable.

“(2) **RETAILERS.**—In the case of any raw agricultural commodity that is not separately packaged, the retailer shall post a label appearing on the retail store shelf or bin in which the commodity is displayed for sale, in a clear and conspicuous manner, with the words ‘produced with genetic engineering’.

“(c) **PROHIBITED LABELING.**—Except as provided in subsection (d), a manufacturer or retailer of a food produced entirely or in part from genetic engineering shall not label the product on the package, in signage, or in advertising as ‘natural’, ‘naturally made’, ‘naturally grown’, ‘all natural’, or using any words of similar import that would have a tendency to mislead a consumer.

“(d) **EXEMPTIONS.**—The labeling requirements of subsection (b) shall not apply with respect to the following:

“(1) Food consisting entirely of, or derived entirely from, an animal that has not itself been produced with genetic engineering, regardless of whether the animal has been fed or injected with any food, drug, or other substance produced with genetic engineering.

“(2) A raw agricultural commodity or processed food derived from a raw agricultural commodity that has been grown, raised, or produced without the knowing or intentional use of food or seed produced with genetic engineering, except that the exception described in this paragraph shall apply only if the person otherwise responsible for complying with the requirements of subsection (b) with respect to a raw agricultural commodity or processed food obtains, from whomever sold the raw agricultural commodity or processed food to that person, a sworn statement that the raw agricultural commodity or processed food has not been knowingly or intentionally produced with genetic engineering and has been segregated from and has not been knowingly or intentionally commingled with food that may have been produced with genetic engineering at any time. In providing such a sworn statement, any person may rely on a sworn statement from a direct supplier that contains such an affirmation.

“(3) Animal feed.

“(4) A processed food that would be subject to such requirements solely because such food includes one or more processing aids or enzymes produced with genetic engineering.

“(5) Alcoholic beverages.

“(6) A processed food that would be subject to such requirements solely because such food includes one or more materials that have been produced with genetic engineering, provided that the genetically engineered materials in the aggregate do not account for more than 0.9 percent of the total weight of the processed food.

“(7) Food that an independent organization has verified has not been knowingly or intentionally produced from or commingled with food or seed produced with genetic engineering. The Secretary, shall approve, by regulation, any independent organizations from which verification shall be acceptable under this paragraph.

“(8) Food that is not packaged for retail sale and that is—

“(A) a processed food prepared and intended for immediate human consumption; or

“(B) served, sold, or otherwise provided in a restaurant or other establishment in which food is served for immediate human consumption.

“(9) Medical food, as that term is defined in section 5(b) of the Orphan Drug Act.

“(e) **DISCLAIMER.**—The Secretary may, through regulation, require that labeling required under this section include a disclaimer that the Food and Drug Administration does not consider foods produced from genetic engineering to be materially different from other foods.

“(f) **DEFINITIONS.**—In this section—

“(1) the term ‘enzyme’ means a protein that catalyzes chemical reactions of other substances without itself being destroyed or altered upon completion of the reactions;

“(2) the term ‘genetic engineering’ is a process by which a food is produced from an organism or organisms in which the genetic material has been changed through the application of—

“(A) *in vitro* nucleic acid techniques, including recombinant deoxyribonucleic acid (DNA) techniques and the direct injection of nucleic acid into cells or organelles; or

“(B) fusion of cells (including protoplast fusion) or hybridization techniques that overcome natural physiological, reproductive, or recombination barriers, where the

donor cells or protoplasts do not fall within the same taxonomic group, in a way that does not occur by natural multiplication or natural recombination;

“(3) the term ‘in vitro nucleic acid techniques’ means techniques, including recombinant DNA or ribonucleic acid techniques, that use vector systems and techniques involving the direct introduction into the organisms of hereditary materials prepared outside the organisms such as micro-injection, chemoporation, electroporation, micro-encapsulation, and liposome fusion;

“(4) the term ‘organism’ means any biological entity capable of replication, reproduction, or transferring of genetic material;

“(5) the term ‘processing aid’ means—

“(A) a substance that is added to a food during the processing of the food but that is removed in some manner from the food before the food is packaged in its finished form;

“(B) a substance that is added to a food during processing, is converted into constituents normally present in the food, and does not significantly increase the amount of the constituents naturally found in the food; or

“(C) a substance that is added to a food for its technical or functional effect in the processing but is present in the finished food at levels that do not have any technical or functional effect in that finished food.

“(g) RULES OF CONSTRUCTION.—This section shall not be construed to require—

“(1) the listing or identification of any ingredient or ingredients that were genetically engineered; or

“(2) the placement of the term ‘genetically engineered’ immediately preceding any common name or primary product descriptor of a food.”

(b) PENALTIES.—Section 303 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333) is amended by adding at the end the following:

“(h)(1) A manufacturer who introduces or delivers for introduction into interstate commerce any food, the labeling of which is not in compliance with the applicable requirements of section 424, or a retailer who sells or offers for retail sale a food, the display for which is not in compliance with the applicable requirements of section 424, shall be liable for a civil penalty of not more than \$1,000 per day, for each uniquely named, designated, or marketed food with respect to which such manufacturer or retailer is not in compliance. Calculation of the civil penalty shall not be made or multiplied by the number of individual packages of the same product introduced or delivered for introduction into interstate commerce, or displayed or offered for retail sale.

“(2) A person who knowingly provides a false statement under section 424(d)(4) that a raw agricultural commodity or processed food has not been knowingly or intentionally produced with genetic engineering and has been segregated from and has not been knowingly or intentionally commingled with food that may have been produced with genetic engineering at any time shall be liable for a civil penalty of not more than \$100,000.”

SA 4949. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 4935 proposed by Mr. MCCONNELL (for Mr. ROBERTS) to the bill S. 764, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 5, strike lines 1 through 4 and insert the following:

“(B) establish that any food that contains a bioengineered substance in an amount that

is at least 0.9 percent of the food shall be considered a bioengineered food;”.

SA 4950. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 4935 proposed by Mr. MCCONNELL (for Mr. ROBERTS) to the bill S. 764, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 9, line 17, insert “, and any company manufacturing or marketing a product with a quick response code may not coordinate with a company selling a product with a quick response code in order to track consumers or better market to consumers” after “consumers”.

On page 9, line 21, after the semicolon, insert the following: “and

“(C) information described in subparagraph (A) may be collected and kept only with respect to consumers who opt in to that collection, and a consumer’s decision to not opt in to such collection shall not be the basis for a company to withhold information such company is otherwise required to disclose under this subtitle.”.

On page 10, between lines 3 and 4, insert the following:

“(e) PERSONALLY IDENTIFIABLE INFORMATION.—For purposes of subsection (d)(3), the term ‘personally identifiable information’ means—

“(1) any representation of information that allows the identity of an individual to whom the information applies to be reasonably inferred by either direct or indirect means; or

“(2) information—

“(A) that directly identifies an individual (such as a name, address, social security number, or other identifying number or code, telephone number, or email address), including through metadata; or

“(B) that indirectly identifies specific individuals in conjunction with other data elements (which may include a combination of name, address, gender, race, birth date, physical location, geographic indicator, and other descriptors); or

“(C) through which a specific individual may be contacted physically or electronically, which may be maintained in paper, electronic, or other means.”.

SA 4951. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 4935 proposed by Mr. MCCONNELL (for Mr. ROBERTS) to the bill S. 764, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 13, between lines 19 and 20, insert the following:

“(C) EXCEPTION TO FEDERAL PREEMPTION.—Notwithstanding the Federal preemption provisions of subsection (b) and section 293(e), a State may continue in effect as to any food in interstate commerce that is the subject of the national bioengineered food disclosure standard under section 293 any requirement relating to the labeling or disclosure of whether a food or seed is bioengineered or genetically engineered or was developed or produced using bioengineering or genetic engineering for a food, including any requirement for claims that a food or seed is or contains an ingredient that was developed or produced using bioengineering or genetic engineering, even if such State requirement is not identical to the mandatory disclosure requirement under the standard under section

293, provided that such State requirement takes effect on or before July 1, 2016.”.

SA 4952. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 4935 proposed by Mr. MCCONNELL (for Mr. ROBERTS) to the bill S. 764, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 5, line 11, strike “, symbol, or” and all that follows through “link” on line 14 and insert “or symbol, and, in the case of a symbol, be a circle with the letters ‘GMO’ in the center”.

Strike line 16 on page 5 and all that follows through line 12 on page 6.

Strike line 16 on page 6.

SA 4953. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 4935 proposed by Mr. MCCONNELL (for Mr. ROBERTS) to the bill S. 764, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, strike lines 1 through 10 and insert the following:

“(1) BIOENGINEERING.—The term ‘bioengineering’, and any similar term, as determined by the Secretary, with respect to a food, refers to a food or food ingredient that is produced with—

“(A) in vitro nucleic acid techniques, including recombinant deoxyribonucleic acid (DNA) and direct injection of nucleic acid into cells or organelles; or

“(B) fusion of cells beyond the taxonomic family, that overcome natural physiological reproductive or recombinant barriers and that are not techniques used in traditional breeding and selection.”.

SA 4954. Ms. MURKOWSKI (for herself, Ms. CANTWELL, Mrs. MURRAY, Mr. SULLIVAN, and Mr. MERKLEY) submitted an amendment intended to be proposed to amendment SA 4935 proposed by Mr. MCCONNELL (for Mr. ROBERTS) to the bill S. 764, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. __. MARKET NAME FOR GENETICALLY ENGINEERED SALMON.

(a) IN GENERAL.—Notwithstanding any other provision of law, including the amendments made by section 1, for purposes of applying the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), the acceptable market name of any salmon that is genetically engineered shall include the words “Genetically Engineered” or “GE” prior to the existing acceptable market name.

(b) DEFINITION.—For purposes of this section, salmon is genetically engineered if it has been modified by recombinant DNA (rDNA) techniques, including the entire lineage of salmon that contain the rDNA modification.

(c) SAVINGS CLAUSE.—Nothing in this Act, including the amendments made by this Act, affects the authority of the Food and Drug Administration to establish market names for foods.

SA 4955. Mr. SANDERS submitted an amendment intended to be proposed to

amendment SA 4935 proposed by Mr. MCCONNELL (for Mr. ROBERTS) to the bill S. 764, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 12, between lines 2 and 3, insert the following:

“(5) PENALTIES.—

“(A) CIVIL PENALTIES; IN GENERAL.—Any person who fails to make a disclosure as described in paragraph (1) or who knowingly provides a false statement in the course of an examination or audit under paragraph (3) shall be subject to a civil penalty in an amount of not more than \$1,000 per day, per food related to such failure to disclose or such false statement.

“(B) CLARIFICATIONS.—Calculation of the civil penalty under subparagraph (A) shall not be made or multiplied by the number of individual packages of the same food displayed or offered for retail sale. Civil penalties assessed under subparagraph (A) shall accrue and be assessed per each uniquely named, designated, or marketed food.

“(C) CITIZEN SUITS.—An individual whose interests are adversely affected by a violation described in subparagraph (A) may collect damages in an amount of not more than \$100,000 per violation.”.

SA 4956. Mrs. ERNST (for herself, Mr. GRASSLEY, Mr. SASSE, and Mrs. FISCHER) submitted an amendment intended to be proposed by her to the bill S. 2193, to amend the Immigration and Nationality Act to increase penalties for individuals who illegally reenter the United States after being removed and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

SEC. 3. MANDATORY DETENTION OF CERTAIN ALIENS CHARGED WITH A CRIME RESULTING IN DEATH OR SERIOUS BODILY INJURY.

(a) SHORT TITLE.—This section may be cited as “Sarah’s Law”.

(b) IN GENERAL.—Section 236(c) of the Immigration and Nationality Act (8 U.S.C. 1226(c)) is amended—

(1) in paragraph (1)—

(A) in subparagraphs (A) and (B), by striking the comma at the end of each subparagraph and inserting a semicolon;

(B) in subparagraph (C)—

(i) by striking “sentence” and inserting “sentenced”; and

(ii) by striking “, or” and inserting a semicolon;

(C) in subparagraph (D), by striking the comma at the end and inserting “; or”; and

(D) by inserting after subparagraph (D) the following:

“(E)(i)(I) was not inspected and admitted into the United States;

“(II) held a nonimmigrant visa (or other documentation authorizing admission into the United States as a nonimmigrant) that has been revoked under section 221(i); or

“(III) is described in section 237(a)(1)(C)(i); and

“(ii) has been charged by a prosecuting authority in the United States with any crime that resulted in the death or serious bodily injury (as defined in section 1365(h)(3) of title 18, United States Code) of another person.”; and

(2) by adding at the end the following:

“(3) NOTIFICATION REQUIREMENT.—Upon encountering or gaining knowledge of an alien described in paragraph (1), the Assistant Secretary of Homeland Security for Immigra-

tion and Customs Enforcement shall make reasonable efforts—

“(A) to obtain information from law enforcement agencies and from other available sources regarding the identity of any victims of the crimes for which such alien was charged or convicted; and

“(B) to provide the victim or, if the victim is deceased, a parent, guardian, spouse, or closest living relative of such victim, with information, on a timely and ongoing basis, including—

“(i) the alien’s full name, aliases, date of birth, and country of nationality;

“(ii) the alien’s immigration status and criminal history;

“(iii) the alien’s custody status and any changes related to the alien’s custody; and

“(iv) a description of any efforts by the United States Government to remove the alien from the United States.”.

(c) SAVINGS PROVISION.—Nothing in this section, or the amendments made by this section, may be construed to limit the rights of crime victims under any other provision of law, including section 3771 of title 18, United States Code.

SA 4957. Mrs. ERNST (for herself, Mr. GRASSLEY, Mr. SASSE, and Mrs. FISCHER) submitted an amendment intended to be proposed by her to the bill S. 3100, to ensure that State and local law enforcement may cooperate with Federal officials to protect our communities from violent criminals and suspected terrorists who are illegally present in the United States; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

SEC. 5. MANDATORY DETENTION OF CERTAIN ALIENS CHARGED WITH A CRIME RESULTING IN DEATH OR SERIOUS BODILY INJURY.

(a) SHORT TITLE.—This section may be cited as “Sarah’s Law”.

(b) IN GENERAL.—Section 236(c) of the Immigration and Nationality Act (8 U.S.C. 1226(c)) is amended—

(1) in paragraph (1)—

(A) in subparagraphs (A) and (B), by striking the comma at the end of each subparagraph and inserting a semicolon;

(B) in subparagraph (C)—

(i) by striking “sentence” and inserting “sentenced”; and

(ii) by striking “, or” and inserting a semicolon;

(C) in subparagraph (D), by striking the comma at the end and inserting “; or”; and

(D) by inserting after subparagraph (D) the following:

“(E)(i)(I) was not inspected and admitted into the United States;

“(II) held a nonimmigrant visa (or other documentation authorizing admission into the United States as a nonimmigrant) that has been revoked under section 221(i); or

“(III) is described in section 237(a)(1)(C)(i); and

“(ii) has been charged by a prosecuting authority in the United States with any crime that resulted in the death or serious bodily injury (as defined in section 1365(h)(3) of title 18, United States Code) of another person.”; and

(2) by adding at the end the following:

“(3) NOTIFICATION REQUIREMENT.—Upon encountering or gaining knowledge of an alien described in paragraph (1), the Assistant Secretary of Homeland Security for Immigration and Customs Enforcement shall make reasonable efforts—

“(A) to obtain information from law enforcement agencies and from other available sources regarding the identity of any victims

of the crimes for which such alien was charged or convicted; and

“(B) to provide the victim or, if the victim is deceased, a parent, guardian, spouse, or closest living relative of such victim, with information, on a timely and ongoing basis, including—

“(i) the alien’s full name, aliases, date of birth, and country of nationality;

“(ii) the alien’s immigration status and criminal history;

“(iii) the alien’s custody status and any changes related to the alien’s custody; and

“(iv) a description of any efforts by the United States Government to remove the alien from the United States.”.

(c) SAVINGS PROVISION.—Nothing in this section, or the amendments made by this section, may be construed to limit the rights of crime victims under any other provision of law, including section 3771 of title 18, United States Code.

SA 4958. Mr. FRANKEN submitted an amendment intended to be proposed to amendment SA 4935 proposed by Mr. MCCONNELL (for Mr. ROBERTS) to the bill S. 764, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 3. BIOENGINEERED FOOD HEALTH STUDIES.

(a) DEFINITIONS.—In this section—

(1) the term “bioengineering” has the meaning given such term in section 291 of the Agriculture Marketing Act of 1946 (as added by section 1);

(2) the term “Director of NIH” means the Director of the National Institutes of Health; and

(3) the term “food” has the meaning given such term in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(b) ESTABLISHMENT.—The Director of NIH shall establish a program under which the Director of NIH shall provide grants to eligible entities to study—

(1) the potential human health benefits and risks of bioengineered food; and

(2) the potential human health benefits and risks associated with the use of herbicides and pesticides in growing bioengineered crops.

(c) LONG-TERM STUDIES.—In selecting entities to receive grants under this section, the Director of NIH shall give priority to entities that propose to conduct long-term studies or other innovative studies, at the discretion of the Director of NIH.

(d) ELIGIBLE ENTITIES.—Entities eligible for grants under this section include academic institutions, national laboratories, Federal research agencies, State and tribal research agencies, public-private partnerships, and consortiums of 2 or more such entities.

(e) REPORTS.—The Director of NIH shall submit to the Committee on Agriculture, Nutrition, and Forestry and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Agriculture and the Committee on Energy and Commerce of House of Representative periodic reports describing—

(1) each study for which a grant has been provided under this section;

(2) any preliminary findings as a result of each such study; and

(3) a summary of topics that remain uncertain with respect to the potential human health benefits and risks of bioengineered food, and where additional research is still needed.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to

carry out this section \$50,000,000, to remain available until expended.

SA 4959. Mr. BLUMENTHAL (for himself and Mr. MURPHY) submitted an amendment intended to be proposed to amendment SA 4935 proposed by Mr. MCCONNELL (for Mr. ROBERTS) to the bill S. 764, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 10, strike line 4 and all that follows through page 13, line 25 and insert the following:

“(e) STATE FOOD LABELING STANDARDS.—

“(1) LABELING STANDARDS.—Notwithstanding subsection (b)(1), subject to paragraph (2), a State or political subdivision of a State may establish or continue in effect any requirement relating to the labeling of whether a food, food ingredient, or seed is bioengineered or was developed or produced using bioengineering.

“(2) REQUIREMENTS.—A requirement described in paragraph (1) shall be identical to, or impose a higher standard than, the national bioengineered food disclosure standard under this section, such as by—

“(A) the coverage of a food not covered under the standard;

“(B) the requirement of the disclosure of information that is not required to be disclosed under the standard;

“(C) the requirement of an on-package disclosure;

“(D) the establishment of a standard relating to the size, prominence, or design of an on-package disclosure;

“(E) the requirement of increased accessibility to the electronic or digital disclosure; or

“(F) the requirement that a person subject to disclosure requirements establish more stringent procedures or practices for record-keeping than are required under the standard.

“(f) CONSISTENCY WITH CERTAIN LAWS.—The Secretary shall consider establishing consistency between—

“(1) the national bioengineered food disclosure standard established under this section; and

“(2) the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.) and any rules or regulations implementing that Act.

“(g) ENFORCEMENT.—

“(1) PROHIBITED ACT.—It shall be a prohibited act for a person to knowingly fail to make a disclosure as required under this section.

“(2) RECORDKEEPING.—Each person subject to the mandatory disclosure requirement under this section shall maintain, and make available to the Secretary, on request, such records as the Secretary determines to be customary or reasonable in the food industry, by regulation, to establish compliance with this section.

“(3) EXAMINATION AND AUDIT.—

“(A) IN GENERAL.—The Secretary may conduct an examination, audit, or similar activity with respect to any records required under paragraph (2).

“(B) NOTICE AND HEARING.—A person subject to an examination, audit, or similar activity under subparagraph (A) shall be provided notice and opportunity for a hearing on the results of any examination, audit, or similar activity.

“(C) AUDIT RESULTS.—After the notice and opportunity for a hearing under subparagraph (B), the Secretary shall make public the summary of any examination, audit, or similar activity under subparagraph (A).

“(4) RECALL AUTHORITY.—The Secretary shall have no authority to recall any food subject to this subtitle on the basis of whether the food bears a disclosure that the food is bioengineered.

“SEC. 294. SAVINGS PROVISIONS.

“(a) TRADE.—This subtitle shall be applied in a manner consistent with United States obligations under international agreements.

“(b) OTHER AUTHORITIES.—Nothing in this subtitle—

“(1) affects the authority of the Secretary of Health and Human Services or creates any rights or obligations for any person under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.); or

“(2) affects the authority of the Secretary of the Treasury or creates any rights or obligations for any person under the Federal Alcohol Administration Act (27 U.S.C. 201 et seq.).

“(c) OTHER.—A food may not be considered to be ‘not bioengineered’, ‘non-GMO’, or any other similar claim describing the absence of bioengineering in the food solely because the food is not required to bear a disclosure that the food is bioengineered under this subtitle.

“(d) REMEDIES.—Nothing in this subtitle preempts any remedy created by a State or Federal statutory or common law right.”.

SA 4960. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 4935 proposed by Mr. MCCONNELL (for Mr. ROBERTS) to the bill S. 764, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 13, strike lines 8 through 19 and insert the following:

“(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 in interstate commerce any requirement relating to the labeling of whether a food (including food served in a restaurant or similar establishment) 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 is or contains an ingredient that was developed or produced using genetic engineering.

SA 4961. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 4935 proposed by Mr. MCCONNELL (for Mr. ROBERTS) to the bill S. 764, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, strike lines 1 through 10 and insert the following:

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

“(A) that is produced with genetic engineering techniques, including—

“(i) recombinant deoxyribonucleic acid (DNA);

“(ii) cell fusion;

“(iii) micro and macro injection;

“(iv) encapsulation; and

“(v) gene deletion and doubling; and

“(B) for which the genetic material has been altered in a way that does not occur naturally by mating, natural recombination, or conventional breeding.

SA 4962. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 4935 proposed by Mr. MCCONNELL (for Mr. ROBERTS) to the bill S. 764, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 8, strike lines 8 through 16 and insert the following:

“(4) ON-PACKAGE DISCLOSURE.—If the Secretary determines in the study conducted under paragraph (1) that consumers, while shopping, would not have sufficient access to the bioengineering disclosure through electronic or digital disclosure methods, the Secretary shall require in regulations promulgated under this section that the form of a food disclosure under this section be a text or symbol.

SA 4963. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 4935 proposed by Mr. MCCONNELL (for Mr. ROBERTS) to the bill S. 764, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 7, strike lines 5 through 9 and insert the following:

shall submit to Congress a report describing the results of a study conducted by the Secretary that shall—

“(A) identify potential technological challenges that may impact whether consumers would have access to the bioengineering disclosure through electronic or digital disclosure methods; and

“(B) evaluate consumer awareness of how to access the bioengineering disclosure through electronic or digital disclosure methods.

On page 8, between lines 7 and 8 insert the following:

“(F) Whether a consumer has sufficient awareness of how to access the bioengineering disclosure.

“(G) The age of a consumer.

“(H) The socioeconomic status of a consumer.

SA 4964. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 4935 proposed by Mr. MCCONNELL (for Mr. ROBERTS) to the bill S. 764, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 8, line 24, strike “food” and insert “GE”.

On page 9, line 6, strike “food” and insert “GE”.

SA 4965. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 4935 proposed by Mr. MCCONNELL (for Mr. ROBERTS) to the bill S. 764, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 5, strike lines 9 through 15 and insert the following:

“(D) require that the form of a food disclosure under this section be a text or symbol;

On page 5, line 22, strike “earlier” and insert “later”.

On page 6, strike lines 1 through 12 and insert the following:

“(ii) on-package disclosure options, in addition to those available under subparagraph (D), that may be selected by the small food manufacturer, that consist of—

“(I) a telephone number accompanied by the following language to indicate that the phone number provides access to additional bioengineered food information: ‘Call for more GE information’; and

“(II) an Internet website maintained by the small food manufacturer; and

On page 7, strike line 1 and all that follows through page 10, line 3.

On page 10, line 4, strike “(e)” and insert “(c)”.

On page 10, line 14, strike “(f)” and insert “(d)”.

On page 10, line 21, strike “(g)” and insert “(e)”.

SA 4966. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 4935 proposed by Mr. MCCONNELL (for Mr. ROBERTS) to the bill S. 764, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 13, strike line 20 and insert the following:

“SEC. 296. PRESERVATION OF CERTAIN STATE LAWS.

“Notwithstanding section 293(e) and section 295(b), nothing in this subtitle or subtitle E shall affect the authority of a State or political subdivision of a State to enforce any State or local law (including any action taken or requirement imposed pursuant to the authority of the State or local law) relating to food labeling or seed labeling that was enacted before January 1, 2016.

“SEC. 297. EXCLUSION FROM FEDERAL PREEMPTION.

SA 4967. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 4935 proposed by Mr. MCCONNELL (for Mr. ROBERTS) to the bill S. 764, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 5, strike lines 1 through 4 and insert the following:

“(B) require that a food that contains bioengineered substances in an amount greater than $\frac{1}{2}$ percent of the total weight of the food shall be a bioengineered food;

SA 4968. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 4935 proposed by Mr. MCCONNELL (for Mr. ROBERTS) to the bill S. 764, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 9, line 17, insert “, including unique identifiers that are linked, or linkable, to consumers or the devices of consumers” before “; but”.

SA 4969. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 4935 proposed by Mr. MCCONNELL (for Mr. ROBERTS) to the bill S. 764, to reauthorize and amend the National Sea Grant College Pro-

gram Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 8, line 24, strike “more” and insert “GMO and other”.

On page 9, line 6, strike “more” and insert “GMO and other”.

SA 4970. Mr. MERKLEY submitted an amendment intended to be proposed to amendment SA 4935 proposed by Mr. MCCONNELL (for Mr. ROBERTS) to the bill S. 764, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 10, strike lines 22 through 24 and insert the following:

“(1) IN GENERAL.—

“(A) WARNINGS.—If the Secretary determines that a person is in violation of the national bioengineered food disclosure standard under this subtitle, the Secretary shall—

“(i) notify the person of the determination of the Secretary; and

“(ii) provide the person a 30-day period, beginning on the date on which the person receives the notice under clause (i) from the Secretary, during which the person may take necessary steps to comply with the standard.

“(B) FINES.—On completion of the 30-day period described in subparagraph (A)(ii) and after providing notice and an opportunity for a hearing before the Secretary, the Secretary may fine the person in an amount of not more than \$1,000 for each violation if the Secretary determines that the person—

“(i) has not made a good faith effort to comply with the national bioengineered food disclosure standard under this subtitle; and

“(ii) continues to willfully violate the standard with respect to the violation about which the person received notification under subparagraph (A)(i).

SA 4971. Mr. TESTER (for himself and Mr. MERKLEY) submitted an amendment intended to be proposed to amendment SA 4935 proposed by Mr. MCCONNELL (for Mr. ROBERTS) to the bill S. 764, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, strike lines 6 through 15 and insert the following:

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

“(A) that is produced with genetic engineering techniques; and

“(B) for which the genetic material has been altered in a manner that does not occur naturally by mating or conventional breeding.

SA 4972. Mr. SASSE submitted an amendment intended to be proposed to amendment SA 4935 proposed by Mr. MCCONNELL (for Mr. ROBERTS) to the bill S. 764, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. LABELING OF CERTAIN FOOD.

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

“Subtitle E—Labeling of Certain Food

“SEC. 291. FEDERAL PREEMPTION.

“(a) DEFINITIONS.—In this subtitle:

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

“(2) GENETICALLY ENGINEERED.—The term ‘genetically engineered’ has the meaning given the term in the Coordinated Framework for the Regulation of Biotechnology, published June 26, 1986, and February 27, 1992 (51 Fed. Reg. 23302; 57 Fed. Reg. 6753).

“(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 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.”.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. SASSE. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on July 6, 2016, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. SASSE. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on July 6, 2016, at 2 p.m., to conduct a hearing entitled, “ISIS Online: Countering Terrorist Radicalization and Recruitment on the Internet and Social Media.”

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. MERKLEY. Mr. President, I ask unanimous consent that my intern, Olivia Woods, be granted privileges of the floor for the balance of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE: REGISTRATION OF MASS MAILINGS

The filing date for the 2016 second quarter Mass Mailing report is Monday, July 25, 2016. An electronic option is available on Webster that will allow forms to be submitted via a fillable pdf document. If your office did no mass mailings during this period, please submit a form that states “none.”

Mass mailing registrations or negative reports can be submitted electronically or delivered to the Senate Office of Public Records, 232 Hart Building, Washington, D.C. 20510-7116.

The Senate Office of Public Records is open from 9:00 a.m. to 6:00 p.m. For