

SENATE CONCURRENT RESOLUTION 33—EXPRESSING THE SENSE OF CONGRESS THAT THOSE WHO COMMIT OR SUPPORT ATROCITIES AGAINST CHRISTIANS AND OTHER ETHNIC AND RELIGIOUS MINORITIES, INCLUDING YEZIDIS, TURKMEN, SABEA-MANDEANS, KAKA'E, AND KURDS, AND WHO TARGET THEM SPECIFICALLY FOR ETHNIC OR RELIGIOUS REASONS, ARE COMMITTING, AND ARE HEREBY DECLARED TO BE COMMITTING, "WAR CRIMES", "CRIMES AGAINST HUMANITY", AND "GENOCIDE"

Mr. SASSE submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 33

Whereas those who commit or support atrocities against Christians and other ethnic and religious minorities, including Yezidis, Turkmen, Sabea-Mandeans, Kaka'e, and Kurds, and who target them specifically for ethnic or religious reasons, intend to exterminate or to force the migration or submersion of anyone who does not share their views concerning religion;

Whereas Christians and other ethnic and religious minorities have been an integral part of the cultural fabric of the Middle East for millennia;

Whereas Christians and other ethnic and religious minorities have been murdered, subjugated, forced to emigrate, and suffered grievous bodily and psychological harm, including sexual enslavement and abuse, inflicted in a deliberate and calculated manner in violation of the laws of their respective nations, the laws of war, laws and treaties forbidding crimes against humanity, and the United Nations Convention on the Prevention and Punishment of the Crime of Genocide, signed at Paris December 9, 1948 (in this concurrent resolution referred to as the "Convention");

Whereas these atrocities are undertaken with the specific intent to bring about the eradication and displacement of their communities and the destruction of their cultural heritage in violation of local laws, the laws of war, laws and treaties that punish crimes against humanity, and the Convention;

Whereas local, national, and international laws and treaties forbidding "war crimes" and "crimes against humanity" and the Convention condemn murder, massacre, forced migration, extrajudicial punishment, kidnapping, slavery, human trafficking, torture, rape, and persecution of individuals because of their religion and shall be punished, whether committed by "constitutionally responsible rulers, public officials or private individuals" as provided by local laws, international laws and agreements, and the Convention;

Whereas Article I of the Convention and international and local laws confirm that genocide and crimes against humanity, whether committed in time of peace or in time of war, are crimes that government authorities are obligated to prevent and to punish;

Whereas Article II of the Convention declares, "In the present Convention, genocide means any of the following acts committed with the intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) Killing members of the group; (b) Causing serious bodily or mental

harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group; (e) Forcibly transferring children of the group to another group."

Whereas Article III of the Convention affirms, "The following acts shall be punishable: (a) Genocide; (b) Conspiracy to commit genocide; (c) Direct and public incitement to commit genocide; (d) Attempt to commit genocide; (e) Complicity in genocide."

Whereas, on July 10, 2015, Pope Francis, Supreme Pontiff of the Roman Catholic Church, declared that Middle Eastern Christians are facing genocide, a reality that must be "denounced" and that "[i]n this third world war, waged piecemeal, which we are now experiencing, a form of genocide—and I stress the word genocide—is taking place, and it must end";

Whereas a March 13, 2015, report of the United Nations Committee on Human Rights prepared at the request of the Government of Iraq stated that "[e]thnic and religious groups targeted by ISIL include Yezidis, Christians, Turkmen, Sabea-Mandeans, Kaka'e, Kurds and Shi'a" and that "[i]t is reasonable to conclude that some of the incidents [in Iraq in 2014–2015] . . . may constitute genocide"; and

Whereas attacks on Yezidis included the mass killing of men and boys and enslavement and forcible transfer of women and children: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) the atrocities committed against Christians and other ethnic and religious minorities targeted specifically for religious reasons are, and are hereby declared to be, "crimes against humanity", and "genocide";

(2) each of the Contracting Parties to the United Nations Convention on the Prevention and Punishment of the Crime of Genocide, signed at Paris December 9, 1948, and other international agreements forbidding war crimes and crimes against humanity, particularly the governments of countries and their nationals who are in any way supporting these crimes, are reminded of their legal obligations under the Convention and these international agreements;

(3) every government and multinational body should call the atrocities being committed in the name of religion by their rightful names: "crimes against humanity", "war crimes", and "genocide";

(4) the United Nations and the United Nations Secretary-General are called upon to assert leadership by calling the atrocities being committed in these places by their rightful names: "war crimes", "crimes against humanity", and "genocide";

(5) the member states of the United Nations, with an urgent appeal to the Arab States that wish to uphold religious freedom, tolerance, and justice—

(A) should join in this concurrent resolution;

(B) should collaborate on measures to prevent further war crimes, crimes against humanity, and genocide; and

(C) should collaborate on the establishment and operation of domestic, regional and international tribunals to punish those responsible for the ongoing crimes;

(6) the governments of the Kurdistan Region of Iraq, the Hashemite Kingdom of Jordan, the Lebanese Republic, and other countries are commended for having undertaken to shelter and protect those fleeing the violence of the Islamic State in Iraq and Syria ("ISIS" or "Da'esh") and other extremists until they can safely return to their homes in Iraq and Syria; and

(7) all those who force the migration of religious communities from their ancestral homelands, where they have lived and practiced their faith in safety and stability for hundreds of years—including specifically in the Nineveh Plain, a historic heartland of Christianity in Iraq and Mount Sinjar, the historic home of the Yezidis—should be tracked, sanctioned, arrested, prosecuted, and punished in accordance with the laws of the place where their crimes were committed and under applicable international criminal statutes and conventions.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3450. Mr. MCCONNELL (for Mr. ROBERTS) proposed an amendment to the bill S. 764, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes.

TEXT OF AMENDMENTS

SA 3450. Mr. MCCONNELL (for Mr. ROBERTS) proposed an amendment to the bill S. 764, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; as follows:

Strike all after the enacting clause and insert the following.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NATIONAL VOLUNTARY BIOENGINEERED FOOD LABELING STANDARD.

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

"Subtitle E—National Voluntary Bioengineered Food Labeling Standard

"SEC. 291. DEFINITIONS.

"In this subtitle:

"(1) BIOENGINEERING.—The term 'bioengineering', and any similar term, as determined by the Secretary, with respect to a food, refers to a food—

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

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

"(2) 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).

"(3) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture.

"SEC. 292. APPLICABILITY.

"This subtitle shall apply to any claim in the labeling of food that indicates, directly or indirectly, that the food is a bioengineered food or bioengineering was used in the development or production of the food, including a claim that a food is or contains an ingredient that was developed or produced using bioengineering.

"SEC. 293. ESTABLISHMENT OF NATIONAL VOLUNTARY BIOENGINEERED FOOD LABELING STANDARD.

"(a) ESTABLISHMENT OF STANDARD.—Not later than 1 year after the date of enactment of this subtitle, the Secretary shall—

"(1) establish a national voluntary bioengineered food labeling standard with respect to—

"(A) any bioengineered food; and

"(B) any food that may be bioengineered or may have been produced or developed using bioengineering; and

“(2) establish such requirements and procedures as the Secretary determines necessary to carry out the standard.

“(b) REGULATIONS.—

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

“(2) REQUIREMENTS.—A regulation promulgated by the Secretary in carrying out this subtitle shall—

“(A) prohibit any express or implied claim that a food is or is not safer or of higher quality solely based on whether the food is or is not—

“(i) bioengineered; or

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

“(B) determine the amounts of a bioengineered substance that may be present in food, as appropriate, in order for the food to be labeled as a bioengineered food;

“(C) establish a process for requesting and granting a determination by the Secretary regarding other factors and conditions under which a food may be labeled as a bioengineered food; and

“(D) require that, if a food is voluntarily labeled under this section through means of scannable images or codes or other similar technologies—

“(i) the label clearly indicates to consumers that more information is available about the ingredients of the food; and

“(ii) the scannable image, code, or similar technology provides direct access to information regarding whether the food is bioengineered or whether bioengineering was used in the development or production of the food.

“(c) STATE FOOD LABELING STANDARDS.—Notwithstanding section 295, no State or 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 or disclosure of whether a food is bioengineered or was developed or produced using bioengineering for a food that is the subject of the bioengineered food labeling standard under this section that is not identical to that voluntary standard.

“(d) CONSISTENCY WITH CERTAIN LAWS.—To the maximum extent practicable, the Secretary shall establish consistency between—

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

“(2) the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.).

“SEC. 294. RULEMAKING ON SUBSTANTIAL PARTICIPATION.

“(a) DEFINITION OF LABELED FOOD.—In this section, the term ‘labeled food’ means food that bears, or to which is attached, any written, printed, or graphic matter, including on the immediate container or on the package of the food.

“(b) RULEMAKING.—Not later than 1 year after the date of enactment of this subtitle, the Secretary shall promulgate regulations defining the circumstances that constitute substantial participation by labeled foods with voluntary disclosures of whether a food is, is not, or may be bioengineered or whether bioengineering was, was not, or may have been used in the development or production of the food.

“(c) CONSIDERATION.—In promulgating regulations under subsection (b), the Secretary shall consider—

“(1) the percentage of the labeled foods consumed by consumers that disclose whether the food is, is not, or may be bioengineered or whether bioengineering was, was not, or may have been used in the development or production of the food; and

“(2) the extent to which there is clear indication in a usual and customary form that

information is available for the most frequently consumed labeled foods or direct access to disclosures for the most frequently consumed labeled foods, including through means that are clear and direct other than the label or labeling, such as responses to consumer inquiries through call centers, the Internet, websites, social media, scannable images or codes or other similar technologies that would allow consumers to access the information, or any other means the Secretary considers appropriate for disclosing the bioengineered content of food.

“(d) REQUIREMENT.—In promulgating regulations under subsection (b), the Secretary shall define the term ‘most frequently consumed labeled foods’.

“SEC. 294A. NATIONAL MANDATORY BIOENGINEERED FOOD LABELING STANDARD.

“(a) REQUIREMENT FOR ESTABLISHMENT OF MANDATORY STANDARD.—

“(1) IN GENERAL.—The mandatory standard under subsection (b) shall be established only if the Secretary determines there is not substantial participation as determined in accordance with section 294(b).

“(2) DEADLINE.—The Secretary shall make the determination as described in paragraph (1) not earlier than the date that is 2 years after the date on which the Secretary has promulgated regulations under each of sections 293 and 294(b).

“(3) INITIATION.—If the Secretary determines that there is not at least 70 percent substantial participation as determined in accordance with section 294(b), the Secretary shall promulgate regulations to establish a mandatory standard in accordance with this section.

“(b) ESTABLISHMENT OF MANDATORY STANDARD.—If the Secretary determines that there is not substantial participation as described in subsection (a), the Secretary shall—

“(1) establish a national mandatory bioengineered food labeling standard with respect to—

“(A) bioengineered food; and

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

“(2) establish such requirements and procedures as the Secretary determines necessary to carry out the standard.

“(c) REGULATIONS.—

“(1) IN GENERAL.—If the Secretary establishes a mandatory standard under subsection (b), a food may be labeled as bioengineered only in accordance with regulations promulgated by the Secretary in accordance with this section.

“(2) REQUIREMENTS.—A regulation promulgated by the Secretary in carrying out this section shall—

“(A) prohibit any express or implied claim that a food is or is not safer or of higher quality solely based on whether the food is or is not—

“(i) bioengineered; or

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

“(B) determine the amounts of a bioengineered substance that may be present in food, as appropriate, in order for the food to be labeled as a bioengineered food;

“(C) establish a process for requesting and granting a determination by the Secretary regarding other factors and conditions under which a food may be labeled as a bioengineered food;

“(D) exclude food served in a restaurant or similar establishment; and

“(E) require an appropriate person (as determined by the Secretary) to disclose food that is subject to the mandatory standard either through—

“(i) a statement made on the food label or labeling; or

“(ii) means other than the label or labeling, including responses to consumer inquiries through call centers, the Internet, websites, social media, scannable images or codes or other similar technologies that would allow consumers to access the information, or any other means the Secretary considers appropriate for disclosing the bioengineered content of food.

“(3) IMPLEMENTATION.—The implementation date for regulations promulgated in accordance with this section shall be not earlier than 2 years after the later of—

“(A) the date on which the Secretary promulgates the final regulations under this section; or

“(B) the date on which the Secretary makes a determination under subsection (a)(1).

“(d) STATE FOOD LABELING STANDARDS.—Notwithstanding section 295, no State or 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 or disclosure of whether a food is bioengineered or was developed or produced using bioengineering for a food that is the subject of the bioengineered food labeling standard under this section that is not identical to the mandatory labeling requirement under this section.

“(e) 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 labeling 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 before an administrative law judge 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 is labeled as bioengineered or developed or produced using bioengineering.

“SEC. 294B. SAVINGS PROVISIONS.

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

“(b) OTHER.—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.).

“Subtitle F—Labeling of Certain Food

“SEC. 295. FEDERAL PREEMPTION.

“(a) DEFINITION OF FOOD.—In this subtitle, 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).

“(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 (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 or seed is or contains an ingredient that was developed or produced using genetic engineering.”.

NATIONAL SPEECH AND DEBATE EDUCATION DAY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 398, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 398) designating March 15, 2016, as “National Speech and Debate Education Day”.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 398) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today’s RECORD under “Submitted Resolutions.”)

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, upon the recommendation of the majority leader, pursuant to Public Law 105–292, as amended by Public Law 106–55, Public Law 107–228, and Public Law 112–75, appoints the following individual to the United States Commission on International Religious Freedom: Ambassador Jackie Wolcott of Virginia.

ORDERS FOR TUESDAY, MARCH 15, 2016

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Tuesday, March 15; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; further, that following

leader remarks, the Senate be in a period of morning business until 12:30 p.m., with Senators permitted to speak therein for up to 10 minutes each; further, that the Senate stand in recess from 12:30 p.m. until 2:15 p.m. to allow for the weekly conference meetings; finally, at 2:15 p.m., the Senate then resume consideration of the message to accompany S. 764.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order, following the remarks of Senator MERKLEY.

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

The Senator from Oregon.

GENETICALLY MODIFIED FOOD

Mr. MERKLEY. Mr. President, I rise to address the motion that is on the floor right now, which is a motion to adopt an amendment that is essentially a new version of the Monsanto DARK Act. Now, DARK is an acronym that stands for “Denying Americans the Right to Know.” This is, by the way, an amendment that has not been seen in any committee in the Senate ever.

We heard a lot of discussion about how we were going to have a process in this Chamber where things would be in the ordinary fashion—go through the committee so it could be digested and analyzed—but instead this amendment is to an underlying bill that has been ping-ponging back and forth between the House and Senate. This legislation has never been heard in committee. It was crafted over the last few hours. Here we are with a fundamental issue of citizens’ right to know, and the majority leader of this Chamber has decided to bypass any ordinary consideration to jam this through on behalf of Monsanto.

What is at stake here? What is citizens’ right to know about? It is about genetically modified or genetically engineered ingredients that are in their food. Across the country 90 percent of Americans want to have some indication of what is in their food and whether there are GE ingredients. They feel this is relevant to what they would like to buy. Even if they don’t personally look it up when they buy a product, they feel citizens should have a right to know. I rounded it off and said 90 percent, but it is actually 89 percent. The survey took place last fall. I believe it took place in November of 2015. This fundamental notion about the right to know what is in your food transcends every ideology in our country.

The Presidential primary season is going on right now, and we are seeing

a huge range of ideologies from the left to the right on display, but when we talk to citizens about this right to know, it doesn’t matter if they are Democrats, Independents, Republicans, rightwing Republicans or leftwing Democrats, they all come out essentially the same. Let’s break it down by each party. Democrats are at 9 to 1, or 92 percent; Republicans are at 84 percent, which rounds out to about 8½ Republicans to 1 Republican. It is a huge ratio. Independents are 9 to 1, or 89 percent. When asked if they feel strongly about this, they say, yes, they do feel strongly about this. That just goes to the fundamental notion that here in America citizens believe they have the right to make up their own minds and not have the overreach of the Federal Government telling them what to believe or the government saying: You can’t have the information you want in order to make your decision as a consumer. Citizens resent that. Citizens get angry about that. Yet right now the majority party in this Chamber is trying to push through just such a repression of a citizen’s right to know.

This has been triggered by a law in Vermont. Citizens in Vermont voted and decided they want to know if their food has GE, genetically engineered, ingredients, and that law goes into effect on July 1 of this year. Our big food industry—Monsanto and friends—said: No, we can’t let the citizens of Vermont have the information they want. We must pass a Federal law to stop them. By the way, we need to stop every other State in the United States of America and every other subdivision of any State in the United States of America from providing this information, which 9 out of 10 Americans want to have listed on their food.

We are all acquainted with labels on food. That is not something new. Some citizens look at it to determine how many calories are in the food. Others look at what vitamins may be in the food or if it meets the daily recommended dose of vitamins. Some go to see if it has a form of cornstarch, corn sugar, or high fructose corn syrup that maybe they like or don’t like.

We also have labeling laws about other things consumers care about on their food. If you sell fish in a grocery store in America, you have to tell the consumer whether that fish has been caught in the wild or whether it has been raised on a farm. Why? Because citizens wanted that information. They considered that relevant to their decision about their purchase of foods for themselves and their families.

Let’s consider the fact that here in America if you put juice in a store, you have to say whether it is made from concentrate or whether it is fresh. Why? Because consumers thought that was relevant to how they would like to exercise their judgment. Well, 9 out of 10 Americans say they want the information on whether there are GE ingredients, but now we have this bill on the floor—this Monsanto DARK Act addition 2.0—that says, no, we are going to