

109TH CONGRESS
2^D SESSION

H. R. 5270

To ensure that efforts to address world hunger through the use of genetically engineered animals and crops actually help developing countries and peoples while protecting human health and the environment, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 2, 2006

Mr. KUCINICH (for himself, Mr. CONYERS, Ms. LEE, Mr. SANDERS, Ms. WATERS, and Mr. OLVER) introduced the following bill; which was referred to the Committee on International Relations, and in addition to the Committees on Ways and Means, Financial Services, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To ensure that efforts to address world hunger through the use of genetically engineered animals and crops actually help developing countries and peoples while protecting human health and the environment, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS; FINDINGS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Real Solutions to World Hunger Act of 2005”.

1 (b) TABLE OF CONTENTS.—The table of contents of
2 this Act is as follows:

Sec. 1. Short title; table of contents; findings.

Sec. 2. Definitions.

Sec. 3. Ensuring safety and mitigating ecological impacts of United States ex-
ports of genetically engineered animals, plants, and seeds.

Sec. 4. Promotion of international research regarding sustainable agriculture to
assist developing countries.

Sec. 5. Position of the United States in the international financial institutions
regarding genetically engineered animals, plants, and seeds.

Sec. 6. Tax on biotech companies to help fund sustainable agriculture research.

3 (c) FINDINGS.—Congress finds the following:

4 (1) The need for mandatory labeling, safety
5 testing, and environmental reviews of genetically en-
6 gineered foods do not constitute obstacles to the ces-
7 sation of world hunger.

8 (2) The dominant causes of world hunger are
9 not technological in nature, but rooted in basic so-
10 cial-economic failures.

11 (3) Technologies, like genetically engineered
12 food, may have a limited role, but economics remain
13 the significant barrier to a consistent food supply,
14 and the development of expensive genetically engi-
15 neered foods may only exacerbate this trend.

16 (4) Most genetically engineered food products
17 and almost all research funding for the development
18 of genetically engineered food target developed na-
19 tion agriculture and consumers. Developing coun-
20 tries cannot afford this technology and therefore are
21 vastly ignored.

1 (5) Agroecological interventions have had sig-
2 nificant success in helping developing nations feed
3 themselves with higher yields and improved environ-
4 mental practices, all within reasonable costs for de-
5 veloping countries.

6 (6) If the biotech industry believes they can
7 help mitigate hunger concerns, domestic or foreign,
8 then requiring biotech companies to make available
9 the necessary resources for this purpose is appro-
10 prium.

11 **SEC. 2. DEFINITIONS.**

12 In this Act:

13 (1) GENETICALLY ENGINEERED ANIMAL.—The
14 term “genetically engineered animal” means an ani-
15 mal that contains a genetically engineered material
16 or was produced with a genetically engineered mate-
17 rial. An animal shall be considered to contain a ge-
18 netically engineered material or to have been pro-
19 duced with a genetically engineered material if the
20 animal has been injected or otherwise treated with
21 a genetically engineered material or is the offspring
22 of an animal that has been so injected or treated.

23 (2) GENETICALLY ENGINEERED PLANT.—The
24 term “genetically engineered plant” means a plant
25 that contains a genetically engineered material or

1 was produced from a genetically engineered seed. A
2 plant shall be considered to contain a genetically en-
3 gineered material if the plant has been injected or
4 otherwise treated with a genetically engineered mate-
5 rial (except that the use of manure as a fertilizer for
6 the plant may not be construed to mean that the
7 plant is produced with a genetically engineered ma-
8 terial).

9 (3) GENETICALLY ENGINEERED SEED.—The
10 term “genetically engineered seed” means a seed
11 that contains a genetically engineered material or
12 was produced with a genetically engineered material.
13 A seed shall be considered to contain a genetically
14 engineered material or to have been produced with
15 a genetically engineered material if the seed (or the
16 plant from which the seed is derived) has been in-
17 jected or otherwise treated with a genetically engi-
18 neered material (except that the use of manure as
19 a fertilizer for the plant may not be construed to
20 mean that any resulting seeds are produced with a
21 genetically engineered material).

22 (4) GENETICALLY ENGINEERED MATERIAL.—
23 The term “genetically engineered material” means
24 material that has been altered at the molecular or
25 cellular level by means that are not possible under

1 natural conditions or processes (including recom-
2 binant DNA and RNA techniques, cell fusion, micro-
3 encapsulation, macroencapsulation, gene deletion
4 and doubling, introducing a foreign gene, and chang-
5 ing the positions of genes), other than a means con-
6 sisting exclusively of breeding, conjugation, fer-
7 mentation, hybridization, in vitro fertilization or tis-
8 sue culture or mutagenesis.

9 (5) BIOTECH COMPANY.—The term “biotech
10 company” means a person engaged in the business
11 of creating genetically engineered material and ob-
12 taining the patent rights to that material for the
13 purposes of commercial exploitation of that material.
14 The term does not include the employees of such
15 person.

16 **SEC. 3. ENSURING SAFETY AND MITIGATING ECOLOGICAL**
17 **IMPACTS OF UNITED STATES EXPORTS OF**
18 **GENETICALLY ENGINEERED ANIMALS,**
19 **PLANTS, AND SEEDS.**

20 It shall be unlawful for any person to ship or offer
21 for shipment, or for any carrier or other person to trans-
22 port or receive for transportation, to any foreign country,
23 any genetically engineered animal, genetically engineered
24 plant, or genetically engineered seed that the person

1 knows, or has reason to believe, will be used by the ultimate purchaser to produce an agricultural commodity if—

2
3 (1) the genetically engineered animal, genetically
4 cally engineered plant, or genetically engineered
5 seed—

6 (A) was denied a Federal approval necessary as a condition for commercial marketing
7 in the United States; or
8

9 (B) was the subject of an application for
10 such a Federal approval that was withdrawn; or

11 (2) the government of the foreign country has
12 not certified that ecological impacts related to the
13 importation of the genetically engineered animal, genetically
14 engineered plant, or genetically engineered
15 seed have been mitigated to the satisfaction of the
16 foreign government.

17 **SEC. 4. PROMOTION OF INTERNATIONAL RESEARCH REGARDING SUSTAINABLE AGRICULTURE TO ASSIST DEVELOPING COUNTRIES.**

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19
20 (a) GRANTS FOR INTERNATIONAL RESEARCH.—The
21 Secretary of Agriculture may make grants to designated
22 international research institutions for the purpose of promoting the development of sustainable agriculture techniques that rely on minimum artificial inputs to meet the
23 food and fiber needs of developing countries. Eligible sus-

1 tainable agriculture techniques may not derive any genetic
2 engineered material.

3 (b) USE OF GRANT FUNDS.—A grant recipient shall
4 use the funds provided under this section only in a manner
5 consistent with the purpose for which the grant is award-
6 ed.

7 (c) DESIGNATED INSTITUTIONS.—The Secretary of
8 Health and Human Services shall designate the inter-
9 national research institutions eligible to apply for a grant
10 under this section. The designated institutions shall in-
11 clude the United Nations Food and Agriculture Organiza-
12 tion and the Consultative Group on International Agricul-
13 tural Research.

14 (d) COMPETITIVE BASIS.—Grants under this section
15 shall be made on a competitive basis.

16 (e) FUNDING SOURCE.—The Secretary of Agriculture
17 shall use the Sustainable Agriculture Trust Fund, in such
18 amounts as provided in advance in appropriation Acts, to
19 make grants under this section.

20 **SEC. 5. POSITION OF THE UNITED STATES IN THE INTER-**
21 **NATIONAL FINANCIAL INSTITUTIONS RE-**
22 **GARDING GENETICALLY ENGINEERED ANI-**
23 **MALS, PLANTS, AND SEEDS.**

24 The Secretary of the Treasury shall instruct the
25 United States Executive Director at each international fi-

1 nancial institution (as defined in section 1701(c)(2) of the
 2 International Financial Institutions Act) to make no effort
 3 to encourage the institution to prohibit any country eligi-
 4 ble for assistance under the Heavily Indebted Poor Coun-
 5 tries (HIPC) Initiative of the International Bank for Re-
 6 construction and Development from requiring compulsory
 7 licensing with respect to any genetically engineered ani-
 8 mal, genetically engineered plant, or genetically engi-
 9 neered seed.

10 **SEC. 6. TAX ON BIOTECH COMPANIES TO HELP FUND SUS-**
 11 **TAINABLE AGRICULTURE RESEARCH.**

12 (a) SPECIAL TAX.—

13 (1) TAX IMPOSED.—Subchapter A of chapter 1
 14 of the Internal Revenue Code of 1986 is amended by
 15 adding at the end the following new part:

16 **“PART VIII—TAX ON GENETIC ENGINEERING**
 17 **BUSINESSES**

“Sec. 59B. Imposition of tax.

18 **“SEC. 59B. IMPOSITION OF TAX.**

19 “(a) TAX IMPOSED.—In the case of a corporation,
 20 there is hereby imposed (in addition to any other tax im-
 21 posed by this subtitle) a tax equal to 1 percent of the gross
 22 income of such business for the taxable year which is at-
 23 tributable (directly or indirectly) to—

1 “(1) the marketing in the United States of any
2 genetically engineered organism, or

3 “(2) the holding of a patent on any such an or-
4 ganism.

5 “(b) DEFINITION.—In this section, the term ‘geneti-
6 cally engineered organism’ means—

7 “(1) an organism that has been altered at the
8 molecular or cellular level by means that are not
9 possible under natural conditions or processes (in-
10 cluding but not limited to recombinant DNA and
11 RNA techniques, cell fusion, microencapsulation,
12 macroencapsulation, gene deletion and doubling, in-
13 troducing a foreign gene, and changing the positions
14 of genes), other than a means consisting exclusively
15 of breeding, conjugation, fermentation, hybridiza-
16 tion, in vitro fertilization, tissue culture, or
17 mutagenesis; and

18 “(2) an organism made through sexual or asex-
19 ual reproduction (or both) involving an organism de-
20 scribed in subparagraph (A), if possessing any of the
21 altered molecular or cellular characteristics of the
22 organism so described.”.

23 (2) CLERICAL AMENDMENT.—The table of
24 parts for such subchapter A is amended by adding
25 at the end the following new item:

 “PART VIII. TAX ON GENETIC ENGINEERING BUSINESSES”.

1 (3) EFFECTIVE DATE.—The amendments made
2 by this subsection shall apply to taxable years begin-
3 ning after the date of the enactment of this Act.

4 (b) SUSTAINABLE AGRICULTURE TRUST FUND.—

5 (1) CREATION AND FUNDING SOURCE.—Sub-
6 chapter A of chapter 98 of the Internal Revenue
7 Code of 1986 (relating to trust fund code) is amend-
8 ed by adding at the end the following new section:

9 **“SEC. 9511. SUSTAINABLE AGRICULTURE TRUST FUND.**

10 “(a) CREATION OF TRUST FUND.—There is estab-
11 lished in the Treasury of the United States a trust fund
12 to be known as the ‘Sustainable Agriculture Trust Fund’,
13 consisting of such amounts as may be appropriated or
14 credited to the Sustainable Agriculture Trust Fund as
15 provided in this section or section 9602(b).

16 “(b) TRANSFER TO TRUST FUND OF CERTAIN
17 TAXES.—There is hereby appropriated to the Sustainable
18 Agriculture Trust Fund amounts equivalent to the taxes
19 received in the Treasury under section 59B.

20 “(c) EXPENDITURES FROM TRUST FUND.—Amounts
21 in the Sustainable Agriculture Trust Fund shall be avail-
22 able, as provided in appropriation Acts, only for grants
23 under sections 3 and 4 of the Real Solutions to World
24 Hunger Act of 2005.”.

1 (2) CLERICAL AMENDMENT.—The table of sec-
2 tions for such subchapter A is amended by adding
3 at the end the following new item:

“Sec. 9511. Sustainable Agriculture Trust Fund”.

