

109TH CONGRESS  
2D 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.

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## 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

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## 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—

3           (1) the genetically engineered animal, genetically engineered plant, or genetically engineered seed—

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

9                   (B) was the subject of an application for such a Federal approval that was withdrawn; or

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

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

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

tainable agriculture techniques may not derive any genetic engineered material.

(b) USE OF GRANT FUNDS.—A grant recipient shall use the funds provided under this section only in a manner consistent with the purpose for which the grant is awarded.

(c) DESIGNATED INSTITUTIONS.—The Secretary of Health and Human Services shall designate the international research institutions eligible to apply for a grant under this section. The designated institutions shall include the United Nations Food and Agriculture Organization and the Consultative Group on International Agricultural Research.

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

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

**SEC. 5. POSITION OF THE UNITED STATES IN THE INTERNATIONAL FINANCIAL INSTITUTIONS REGARDING GENETICALLY ENGINEERED ANIMALS, PLANTS, AND SEEDS.**

The Secretary of the Treasury shall instruct the 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”.

