

109TH CONGRESS  
2D SESSION

# H. R. 5271

To assign liability for injury caused by genetically engineered organisms.

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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 the Judiciary, and in addition to the Committee on Energy and Commerce, 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 assign liability for injury caused by genetically engineered organisms.

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.**

4       This Act may be cited as the “Genetically Engineered  
5       Organism Liability Act of 2005”.

6       **SEC. 2. FINDINGS.**

7       The Congress finds the following:

8               (1) The negative consequences of genetically en-  
9       gineered crops may impact farmers who grow these

1 crops, neighbor farmers who do not grow these  
2 crops, and consumers.

3 (2) Biotech companies are selling a technology  
4 that is being commercialized ahead of the new and  
5 unknown science of genetic engineering.

6 (3) Farmers may suffer from crop failures,  
7 neighbor and nearby farmers may suffer from cross  
8 pollination, increased insect resistance, and un-  
9 wanted volunteer genetically engineered plants, and  
10 consumers may suffer from health and environ-  
11 mental impacts.

12 (4) Therefore, biotech companies should be  
13 found liable for the failures of genetically engineered  
14 crops when they arise.

15 **SEC. 3. LIABILITY.**

16 (a) CAUSE OF ACTION.—A biotech company is liable  
17 to any party injured by the release of a genetically engi-  
18 neered organism into the environment if that injury re-  
19 sults from that genetic engineering. The prevailing plain-  
20 tiff in an action under this subsection may recover reason-  
21 able attorney’s fees and other litigation expenses as a part  
22 of the costs.

23 (b) INDEMNITY.—For the purposes of subsection (a),  
24 the term “injury” includes any liability of a person who

1 uses that organism in accordance with applicable Federal  
2 and other law, if that liability arises from that use.

3 (c) NOT WAIVABLE.—The liability created by sub-  
4 section (a) may not be waived or otherwise avoided by con-  
5 tract.

6 (d) DEFINITION.—As used in this section, the term  
7 “biotech company” means a person—

8 (1) engaged in the business of genetically engi-  
9 neering an organism; or

10 (2) obtaining the patent rights to such an orga-  
11 nism for the purposes of commercial exploitation of  
12 that organism.

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