

107<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4815

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 22, 2002

Mr. KUCINICH (for himself, Mr. SANDERS, Ms. MCKINNEY, Ms. RIVERS, Mr. PALLONE, Mrs. MINK of Hawaii, Ms. CARSON of Indiana, Mr. DEFAZIO, Mr. GUTIERREZ, Mr. NADLER, Mr. OLVER, Mr. UDALL of New Mexico, Ms. VELÁZQUEZ, Ms. WATERS, Ms. WOOLSEY, Mr. JACKSON of Illinois, Ms. WATSON of California, Mr. RODRIGUEZ, Ms. BERKLEY, Mr. OWENS, Ms. SOLIS, and Ms. LEE) 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,*

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

2 (a) **SHORT TITLE.**—This Act may be cited as the  
3 “Real Solutions to World Hunger Act of 2002”.

4 (b) **TABLE OF CONTENTS.**—The table of contents of  
5 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.

6 (c) **FINDINGS.**—Congress finds the following:

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

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

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

19 (4) Most genetically engineered food products  
20 and almost all research funding for the development  
21 of genetically engineered food target developed na-

1       tion agriculture and consumers. Developing coun-  
2       tries cannot afford this technology and therefore are  
3       vastly ignored.

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

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

14 **SEC. 2. DEFINITIONS.**

15      In this Act:

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

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

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

1 (4) GENETICALLY ENGINEERED MATERIAL.—

2 The term “genetically engineered material” means  
3 material that has been altered at the molecular or  
4 cellular level by means that are not possible under  
5 natural conditions or processes (including recom-  
6 binant DNA and RNA techniques, cell fusion, micro-  
7 encapsulation, macroencapsulation, gene deletion  
8 and doubling, introducing a foreign gene, and chang-  
9 ing the positions of genes), other than a means con-  
10 sisting exclusively of breeding, conjugation, fer-  
11 mentation, hybridization, in vitro fertilization or tis-  
12 sue culture or mutagenesis.

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

20 **SEC. 3. ENSURING SAFETY AND MITIGATING ECOLOGICAL**  
21 **IMPACTS OF UNITED STATES EXPORTS OF**  
22 **GENETICALLY ENGINEERED ANIMALS,**  
23 **PLANTS, AND SEEDS.**

24 It shall be unlawful for any person to ship or offer  
25 for shipment, or for any carrier or other person to trans-

1 port or receive for transportation, to any foreign country,  
2 any genetically engineered animal, genetically engineered  
3 plant, or genetically engineered seed that the person  
4 knows, or has reason to believe, will be used by the ulti-  
5 mate purchaser to produce an agricultural commodity if—

6 (1) the genetically engineered animal, geneti-  
7 cally engineered plant, or genetically engineered  
8 seed—

9 (A) was denied a Federal approval nec-  
10 essary as a condition for commercial marketing  
11 in the United States; or

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

14 (2) the government of the foreign country has  
15 not certified that ecological impacts related to the  
16 importation of the genetically engineered animal, ge-  
17 netically engineered plant, or genetically engineered  
18 seed have been mitigated to the satisfaction of the  
19 foreign government.

20 **SEC. 4. PROMOTION OF INTERNATIONAL RESEARCH RE-**  
21 **GARDING SUSTAINABLE AGRICULTURE TO**  
22 **ASSIST DEVELOPING COUNTRIES.**

23 (a) GRANTS FOR INTERNATIONAL RESEARCH.—The  
24 Secretary of Agriculture may make grants to designated  
25 international research institutions for the purpose of pro-

1 moting the development of sustainable agriculture tech-  
2 niques that rely on minimum artificial inputs to meet the  
3 food and fiber needs of developing countries. Eligible sus-  
4 tainable agriculture techniques may not derive any genetic  
5 engineered material.

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

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

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

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

1 **SEC. 5. POSITION OF THE UNITED STATES IN THE INTER-**  
2 **NATIONAL FINANCIAL INSTITUTIONS RE-**  
3 **GARDING GENETICALLY ENGINEERED ANI-**  
4 **MALS, PLANTS, AND SEEDS.**

5 The Secretary of the Treasury shall instruct the  
6 United States Executive Director at each international fi-  
7 nancial institution (as defined in section 1701(c)(2) of the  
8 International Financial Institutions Act) to make no effort  
9 to encourage the institution to prohibit any country eligi-  
10 ble for assistance under the Heavily Indebted Poor Coun-  
11 tries (HIPC) Initiative of the International Bank for Re-  
12 construction and Development from requiring compulsory  
13 licensing with respect to any genetically engineered ani-  
14 mal, genetically engineered plant, or genetically engi-  
15 neered seed.

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

18 (a) SPECIAL TAX.—

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

22 **“PART VIII—TAX ON GENETIC ENGINEERING**  
23 **BUSINESSES**

“Sec. 59B. Imposition of tax.



1 **“SEC. 59B. IMPOSITION OF TAX.**

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

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

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

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

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

24 “(2) an organism made through sexual or asex-  
25 ual reproduction (or both) involving an organism de-  
26 scribed in subparagraph (A), if possessing any of the

1 altered molecular or cellular characteristics of the  
2 organism so described.”

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

“Part VIII. Tax on genetic engineering businesses.”

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

9 (b) SUSTAINABLE AGRICULTURE TRUST FUND.—

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

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

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

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

1       “(c) EXPENDITURES FROM TRUST FUND.—Amounts  
2 in the Sustainable Agriculture Trust Fund shall be avail-  
3 able, as provided in appropriation Acts, only for grants  
4 under sections 3 and 4 of the Real Solutions to World  
5 Hunger Act of 2002.”.

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

“Sec. 9511. Sustainable Agriculture Trust Fund.”

○