


REPORT OF THE CHIEF LEGISLATIVE ANALYST

DATE: April 12, 2013

TO: Honorable Members of the Rules, Elections and Intergovernmental Relations Committee

FROM: Gerry F. Miller 
Chief Legislative Analyst

Council File: 13-0002-S41
Assignment No.: 13-03-0223

SUBJECT: Resolution (Koretz-Huizar) to oppose Section 735 of H.R. 933, which would strip the federal courts of their authority to halt the sale and planting of illegal and potentially hazardous genetically modified crops.

CLA RECOMMENDATION: Adopt Resolution (Koretz-Huizar) to include in the City's 2013-2014 Federal Legislative Program OPPOSITION to Section 735 H.R. 933, the Department of Defense, Military Construction, and Veterans Affairs, and Full Year Continuing Appropriations Act, 2013, also known as the Farmer Assurance Provision, or Monsanto Protection Act, and any similar legislation which would strip federal courts of their authority to halt the sale and planting of illegal and potentially hazardous genetically modified crops.

SUMMARY

Resolution (Koretz-Huizar), introduced March 22, 2013, proposes that the City of Los Angeles oppose Section 735 of H.R. 933, the Department of Defense, Military Construction, and Veterans Affairs, and Full Year Continuing Appropriations Act, 2013, also known as the Farmer Assurance Provision, or Monsanto Protection Act, and any similar legislation which would strip federal courts of their authority to halt the sale and planting of illegal and potentially hazardous genetically modified crops. The Monsanto Protection Act mandates the United States Department of Agriculture (USDA) to allow continued planting of potentially hazardous genetically modified (GMO) crops currently under court review.

BACKGROUND

H.R. 933, the Department of Defense, Military Construction, and Veterans Affairs, and Full Year Continuing Appropriations Act, 2013 was introduced by United States Representative Harold Rogers (KY) on March, 4, 2013. H.R. 933 was passed in the House of Representatives on March 6, 2013, passed in the Senate on March 21, 2013, and signed into law by the President on March 26, 2013. Media reports suggest that Section 735 of H.R. 933, also known as the Farmer Assurance Provision, or Monsanto Protection Act was drafted in response to a series of recent successful lawsuits filed by various groups of farmers. These lawsuits were filed in effort to prevent the sale, distribution and cultivation of GMO sugar beets and GMO alfalfa, and resulted in a court mandate which prevented further planting of GMO sugar beets and GMO alfalfa while the USDA finalized its environmental reviews. As enacted the Monsanto Protection Act mandates the United States Department of Agriculture (USDA) to allow continued planting of potentially hazardous genetically modified (GMO) crops currently under court review. In the opinion of various legal experts, the Monsanto Protection Act compromises fundamental judicial

safeguards and creates a precedent setting limitation on judicial review. The Monsanto Protection Act effectively eliminates the federal agency oversight that protects farmers, consumers and the environment from the hazards of genetically modified crops.

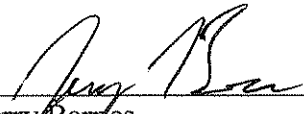
Since the passage of H.R. 933, various media reports have argued foul play suggesting that Section 735, or the Monsanto Protection Act, was snuck into the larger emergency budget bill by legislators under the pressure of the biotech lobby. As enacted the provision essentially exempts large biotech firms such as the Monsanto Company from the judicial review process. In 2010, a federal judge ordered a halt on all planting of GMO sugar beets until the completion of an ongoing environmental study. The USDA ignored the court order however, arguing that any interruption in the planting of GMO sugar beets would result in a sugar shortage. According to various media reports, Monsanto Company currently controls approximately 95% of the sugar beet market.

DEPARTMENTS NOTIFIED

None

BILL STATUS

03/04/2013	Bill introduced
03/04/2013	Referred to Committee
03/06/2013	Passed House
03/19/2013	On House Schedule
03/20/2013	Passed Senate with Changes
03/21/2013	Passed Senate
03/26/2013	Signed by President



Jerry Barnes
Analyst

GFM:jb

Attachment: Resolution (Koretz-Huizar)

RESOLUTION

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, currently pending before the United States Senate is the Senate Continuing Resolution spending bill, which contains a "Farmer Assurance Provision" (Sec. 735), also known as the "Monsanto Protection Act," which would strip federal courts of their authority to halt the sale and planting of illegal and potentially hazardous genetically modified (GMO) crops; and

WHEREAS, if passed, the "Monsanto Protection Act" would mandate the United States Department of Agriculture (USDA) to allow continued planting of any GMO crop currently under court review for their potentially hazardous effects to human and environmental health; and

WHEREAS, according to various legal experts the "Monsanto Protection Act" would create a precedent-setting limitation on judicial review and is a dangerous assault on fundamental federal and judicial safeguards; and

WHEREAS, it is widely believed that the "Monsanto Protection Act" is a response to recent successful lawsuits filed by various farmers to prevent the sale, distribution and cultivation of GMO sugarbeets and GMO alfalfa, which led to a court mandate that prevented further planting while the USDA finalized full environment reviews; and

WHEREAS, if passed, the Monsanto Protection Act would eliminate federal agency oversight to protect farmers, consumers and the environment from potential harms caused by unapproved biotech crops;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that upon the adoption of this Resolution, the City of Los Angeles hereby includes in its 2013-2014 Federal Legislative Program OPPOSITION to Section 735 of HR 933, the Department of Defense, Military Construction, and Veterans Affairs, and Full Year Continuing Appropriations Act, 2013, also known as the Farmer Assurance Provision or the Monsanto Protection Act, and any similar legislation which would strip federal courts of their authority to halt the sale and planting of illegal and potentially hazardous genetically modified crops.

PRESENTED BY Paul Koretz
 PAUL KORETZ
 Councilmember, 5th District

SECONDED BY Joe Huizar