

103D CONGRESS  
1ST SESSION

# H. R. 1916

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IN THE SENATE OF THE UNITED STATES

JULY 14 (legislative day, JUNE 30), 1993

Received; read twice and referred to the Committee on Commerce, Science,  
and Transportation

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## AN ACT

To establish a marine biotechnology program within the  
National Sea Grant College Program.

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 “Marine Biotechnology  
5 Investment Act of 1993”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds that—

1           (1) the oceans have for millennia been a source  
2 of food, minerals and other natural products;

3           (2) molecular biology and biotechnology hold  
4 tremendous potential to expand the range and in-  
5 crease the utility of products from the oceans;

6           (3) marine biotechnology can improve the con-  
7 dition of marine ecosystems by developing substitute  
8 products that decrease the harvest pressure on living  
9 resources, improving the production of aquaculture,  
10 providing new tools for understanding ecological and  
11 evolutionary processes, and improving the techniques  
12 for remediation of environmental damage;

13           (4) the United States is currently preeminent in  
14 marine biotechnology but its competitive edge is  
15 threatened by inadequate public investment com-  
16 pared with other leaders in this field; and

17           (5) in order to support job creation, stimulate  
18 private sector investment, and maintain preeminence  
19 in marine biotechnology, the United States should  
20 establish a national program for marine bio-  
21 technology within the National Sea Grant College  
22 Program and greatly increase its investment in this  
23 promising new area of research and development.

1 **SEC. 3. MARINE BIOTECHNOLOGY PROGRAM.**

2 The National Sea Grant College Program Act (33  
3 U.S.C. 1121 et seq.) is amended by inserting after section  
4 205 the following:

5 **“SEC. 206A. MARINE BIOTECHNOLOGY PROGRAM.**

6 “(a) DEFINITION OF MARINE BIOTECHNOLOGY.—As  
7 used in this section and section 203(4), the term ‘marine  
8 biotechnology’ means the application of molecular and cel-  
9 lular biology to marine and fresh water organisms for the  
10 purpose of identifying, developing, and enhancing products  
11 derived from those organisms.

12 “(b) MARINE BIOTECHNOLOGY PROGRAM.—Subject  
13 to the availability of appropriations under section 212(c),  
14 the National Sea Grant College Program provided for  
15 under section 204 shall include a marine biotechnology  
16 program under which the Secretary, acting through the  
17 Director, shall—

18 “(1) make grants and enter into contracts in  
19 accordance with this section; and

20 “(2) engage in other activities authorized under  
21 this Act;

22 to further research, development, risk assessment, edu-  
23 cation and technology transfer in marine biotechnology.

24 “(c) ADMINISTRATION.—In carrying out the marine  
25 biotechnology program, the Secretary shall—

1           “(1) coordinate the relevant activities of the di-  
2           rectors of the sea grant colleges and the Marine Bio-  
3           technology Review Panel established under sub-  
4           section (f); and

5           “(2) provide general oversight of the review  
6           process under subsection (f)(1) to ensure that the  
7           marine biotechnology program produces the highest  
8           quality research, development, education, and tech-  
9           nology transfer.

10          “(d) GRANTS AND CONTRACTS.—

11           “(1) APPLICATIONS.—Applications for grants  
12           and contracts under this subsection shall be—

13                   “(A) made in such form and manner, and  
14                   include such content and submissions, as the  
15                   Secretary shall by regulation prescribe;

16                   “(B) forwarded through the appropriate  
17                   directors of sea grant colleges to the National  
18                   Sea Grant Office; and

19                   “(C) reviewed by the Marine Biotechnology  
20                   Review Panel in accordance with subsection (f).

21           “(2) TERMS AND CONDITIONS.—Any reference  
22           in subsection (d) of section 205 or in the last sen-  
23           tence of subsection (a) of section 205 to grants and  
24           contracts provided for under that section shall be  
25           treated, as the context requires, as including any

1 grant applied for or made, or contract applied for or  
2 entered into, under this section.

3 “(3) AWARDING OF GRANTS AND CONTRACTS.—

4 “(A) PANEL RECOMMENDATIONS.—Subject  
5 to subparagraph (B) and subsection (e), the  
6 Secretary shall award grants and contracts  
7 under this section on the basis of the rec-  
8 ommendations for award made by the Marine  
9 Biotechnology Review Panel under subsection  
10 (f).

11 “(B) GENERAL EXCEPTIONS.—The Sec-  
12 retary shall not award a grant or contract if the  
13 Secretary determines that the award—

14 “(i) is based on a recommendation  
15 from the Panel that may involve a conflict  
16 of interest;

17 “(ii) fails to meet the requirements of  
18 this section; or

19 “(iii) fails to comply with relevant  
20 governmental or institutional procedures  
21 for the management of external grant or  
22 contract programs.

23 “(C) EXCEPTION RELATING TO GENETI-  
24 CALLY MODIFIED ORGANISMS.—The Secretary  
25 shall not award a grant or contract involving

1 the release of genetically modified organisms, as  
2 defined in subsection (e)(1), unless the activi-  
3 ties proposed in the grant or contract that in-  
4 volve genetically modified organisms—

5 “(i) have been reviewed and approved  
6 under other applicable Federal law; or

7 “(ii) are found by the Secretary,  
8 based on a written assessment, to pose no  
9 significant environmental risk.

10 “(D) DOCUMENTATION.—The Secretary  
11 shall document, and promptly inform the Panel  
12 of, each recommended award that is rejected  
13 under subparagraph (B) or (C).

14 “(E) FUNDING.—Grants made, and con-  
15 tracts entered into, under this section shall be  
16 funded with moneys available from appropria-  
17 tions made pursuant to the authorization pro-  
18 vided for under section 212(c).

19 “(e) RESEARCH ON GENETICALLY MODIFIED ORGA-  
20 NISMS.—

21 “(1) DEFINITION.—As used in this subsection,  
22 the term ‘genetically modified organism’ means a liv-  
23 ing marine or freshwater organism in which the ge-  
24 netic material has been purposely altered at the mo-  
25 lecular or cellular level in a way that could not result

1 from the natural reproductive process of that spe-  
2 cies.

3 “(2) SAFE CONDUCT OF CERTAIN RESEARCH.—  
4 The Secretary shall ensure that any activity funded  
5 by the National Sea Grant College Program involv-  
6 ing genetically modified organisms complies with—

7 “(A) the guidelines for research involving  
8 recombinant DNA molecules published in the  
9 Federal Register on May 7, 1986 (51 F.R.  
10 16958 et seq.); and

11 “(B) when promulgated (unless paragraph  
12 (3) applies), the performance standards for  
13 safely conducting research involving genetically  
14 modified finfish and shellfish developed by the  
15 Agricultural Biotechnology Research Advisory  
16 Committee.

17 “(3) SEA GRANT PROGRAM PERFORMANCE  
18 STANDARDS.—The performance standards referred  
19 to in subparagraph 2(B) shall not apply if the Sec-  
20 retary publishes in the Federal Register performance  
21 standards for the National Sea Grant College Pro-  
22 gram for safely conducting research involving geneti-  
23 cally modified finfish and shellfish.

24 “(4) TERMINATION OF AWARD.—The Secretary  
25 shall promptly withdraw any award of the National

1 Sea Grant College Program for activities involving  
2 genetically modified organisms if the Secretary de-  
3 termines that the grantee or contractee in question  
4 has failed to abide by the guidelines and applicable  
5 performance standards referred to in this subsection.

6 “(f) MARINE BIOTECHNOLOGY REVIEW PANEL.—

7 “(1) ESTABLISHMENT AND DUTIES.—Subject  
8 to the availability of appropriations under section  
9 212(c), the Director, in consultation with the direc-  
10 tors of the sea grant colleges, shall convene a panel,  
11 to be known as the Marine Biotechnology Review  
12 Panel, that shall—

13 “(A) review, on a competitive basis, the ap-  
14 plications made under this section for grants  
15 and contracts to determine their respective sci-  
16 entific, technical, educational, and commercial  
17 merits and likely contributions toward achieving  
18 the purposes of this section; and

19 “(B) on the basis of the review under sub-  
20 paragraph (A), and with due regard for the  
21 overall balance and coordination of the marine  
22 biotechnology program, make recommendations  
23 to the Secretary regarding the awarding of  
24 grants and contracts under this section.

1           “(2) COMPOSITION.—The Marine Biotechnology  
2 Review Panel shall—

3           “(A) consist of not more than 15 individ-  
4 uals with scientific or technical expertise in ma-  
5 rine biotechnology or relevant related fields, in-  
6 cluding at least 1 qualified individual with ex-  
7 pertise in marine or freshwater ecological risk  
8 assessment;

9           “(B) reflect a balance among areas of ex-  
10 pertise consistent with the purposes of this sec-  
11 tion;

12           “(C) not include Federal employees or di-  
13 rectors of sea grant colleges; and

14           “(D) reflect geographic balance, consistent  
15 with the primary objectives of a high level ex-  
16 pertise and balance among areas of expertise.

17           “(3) ALLOWANCES.—Each member of the Ma-  
18 rine Biotechnology Review Panel shall receive travel  
19 expenses, including per diem in lieu of subsistence,  
20 in accordance with sections 5702 and 5703 of title  
21 5, United States Code.

22           “(4) FACA NOT APPLICABLE.—The Federal  
23 Advisory Committee Act does not apply to the Ma-  
24 rine Biotechnology Review Panel.”.

1 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

2 Section 212 of the National Sea Grant College Pro-  
3 gram Act (33 U.S.C. 1131) is amended—

4 (1) by striking out “209,” in subsection (b) and  
5 inserting “209 but not including section 206A,”;

6 (2) by redesignating subsections (c), (d), and  
7 (e) as subsection (d), (e), and (f), respectively; and

8 (3) by inserting after subsection (b) the follow-  
9 ing:

10 “(c) MARINE BIOTECHNOLOGY PROGRAM.—

11 “(1) GRANTS AND CONTRACTS.—There is au-  
12 thorized to be appropriated to carry out the provi-  
13 sions of section 206A (other than for administra-  
14 tion) an amount—

15 “(A) for each of fiscal years 1994 and  
16 1995, not to exceed \$20,000,000; and

17 “(B) for each of fiscal year 1996 and  
18 1997, not to exceed \$25,000,000.

19 “(2) ADMINISTRATION.—There is authorized to  
20 be appropriated for the administration of section  
21 206A, an amount—

22 “(A) for each of fiscal years 1994 and  
23 1995, not to exceed \$200,000; and

24 “(B) for each of fiscal years 1996 and  
25 1997, not to exceed \$250,000.”.

1 **SEC. 5. DEFINITION.**

2 Section 203(4) of the National Sea Grant College  
3 Program Act (33 U.S.C. 1122(4)) is amended by inserting  
4 “marine biotechnology,” after “marine technology,”.

Passed the House of Representatives July 13, 1993.

Attest: DONNALD K. ANDERSON,  
*Clerk.*