

Union Calendar No. 94

103D CONGRESS
1ST SESSION

H. R. 1916

[Report No. 103-170]

A BILL

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

JULY 13, 1993

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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IN THE HOUSE OF REPRESENTATIVES

APRIL 28, 1993

Mr. STUDDS (for himself, Mr. HOCHBRUECKNER, Mr. HOYER, Ms. SCHENK, Mr. JOHNSON of Georgia, Mr. KOPETSKI, Mr. MANTON, Mr. KREIDLER, Mrs. UNSOELD, Mr. MCDERMOTT, Mr. FIELDS of Texas, Mr. YOUNG of Alaska, Mr. SWIFT, Mrs. MORELLA, Mr. RAVENEL, Ms. CANTWELL, Mr. LIPINSKI, and Mr. SAXTON) introduced the following bill; which was referred to the Committee on Merchant Marine and Fisheries

JULY 13, 1993

Additional sponsors: Mr. WELDON, Ms. FURSE, Mr. GENE GREEN of Texas, Mr. HASTINGS, Mr. DEFazio, Mr. BATEMAN, Mr. DEUTSCH, Mr. GEJDENSON, Mr. HUGHES, Mr. BACCHUS of Florida, Mr. JOHNSTON of Florida, Mr. TOWNS, Mr. REED, Mrs. THURMAN, Mr. FRANK of Massachusetts, Mr. OLVER, Mr. MOAKLEY, Mr. ACKERMAN, Mr. HINCHEY, Mr. TORKILDSEN, Mr. KINGSTON, Mr. CLYBURN, Mr. MARKEY, Mr. KENNEDY, Mr. LAUGHLIN, Mr. FILNER, Mr. THOMPSON of Mississippi, Mr. LEWIS of Florida, Mr. BLUTE, Mr. MACHTLEY, Mrs. MINK, Mr. ROMERO-BARCELÓ, Mr. MONTGOMERY, Mr. BROWN of California, Mr. PALLONE, and Mr. CUNNINGHAM

JULY 13, 1993

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on April 28, 1993]

A BILL

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—*

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

10 *(2) molecular biology and biotechnology hold tre-*
11 *mendous potential to expand the range and increase*
12 *the utility of products from the oceans;*

13 *(3) marine biotechnology can improve the condi-*
14 *tion of marine ecosystems by developing substitute*
15 *products that decrease the harvest pressure on living*
16 *resources, improving the production of aquaculture,*
17 *providing new tools for understanding ecological and*
18 *evolutionary processes, and improving the techniques*
19 *for remediation of environmental damage;*

20 *(4) the United States is currently preeminent in*
21 *marine biotechnology but its competitive edge is*

1 *threatened by inadequate public investment compared*
2 *with other leaders in this field; and*

3 *(5) in order to support job creation, stimulate*
4 *private sector investment, and maintain preeminence*
5 *in marine biotechnology, the United States should es-*
6 *tablish a national program for marine biotechnology*
7 *within the National Sea Grant College Program and*
8 *greatly increase its investment in this promising new*
9 *area of research and development.*

10 **SEC. 3. MARINE BIOTECHNOLOGY PROGRAM.**

11 *The National Sea Grant College Program Act (33*
12 *U.S.C. 1121 et seq.) is amended by inserting after section*
13 *205 the following:*

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

15 *“(a) DEFINITION OF MARINE BIOTECHNOLOGY.—As*
16 *used in this section and section 203(4), the term ‘marine*
17 *biotechnology’ means the application of molecular and cel-*
18 *lular biology to marine and fresh water organisms for the*
19 *purpose of identifying, developing, and enhancing products*
20 *derived from those organisms.*

21 *“(b) MARINE BIOTECHNOLOGY PROGRAM.—Subject to*
22 *the availability of appropriations under section 212(c), the*
23 *National Sea Grant College Program provided for under*
24 *section 204 shall include a marine biotechnology program*

1 *under which the Secretary, acting through the Director,*
2 *shall—*

3 “(1) *make grants and enter into contracts in ac-*
4 *cordance with this section; and*

5 “(2) *engage in other activities authorized under*
6 *this Act;*

7 *to further research, development, education and technology*
8 *transfer in marine biotechnology.*

9 “(c) *ADMINISTRATION.—In carrying out the marine*
10 *biotechnology program, the Secretary shall—*

11 “(1) *coordinate the relevant activities of the di-*
12 *rectors of the sea grant colleges and the Marine Bio-*
13 *technology Review Panel established under subsection*
14 *(f); and*

15 “(2) *provide general oversight of the review proc-*
16 *ess under subsection (f)(1) to ensure that the marine*
17 *biotechnology program produces the highest quality*
18 *research, development, education, and technology*
19 *transfer.*

20 “(d) *GRANTS AND CONTRACTS.—*

21 “(1) *APPLICATIONS.—Applications for grants*
22 *and contracts under this subsection shall be—*

23 “(A) *made in such form and manner, and*
24 *include such content and submissions, as the*
25 *Secretary shall by regulation prescribe;*

1 “(B) forwarded through the appropriate di-
2 rectors of sea grant colleges to the National Sea
3 Grant Office; and

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

6 “(2) *TERMS AND CONDITIONS.*—Any reference in
7 subsection (d) of section 205 or in the last sentence
8 of subsection (a) of section 205 to grants and con-
9 tracts provided for under that section shall be treated,
10 as the context requires, as including any grant ap-
11 plied for or made, or contract applied for or entered
12 into, under this section.

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

14 “(A) *PANEL RECOMMENDATIONS.*—Subject
15 to subparagraph (B) and subsection (e), the Sec-
16 retary shall award grants and contracts under
17 this section on the basis of the recommendations
18 for award made by the Marine Biotechnology
19 Review Panel under subsection (f).

20 “(B) *EXCEPTIONS.*—The Secretary shall not
21 award a grant or contract if the Secretary deter-
22 mines that the award—

23 “(i) is based on a recommendation
24 from the Panel that may involve a conflict
25 of interest;

1 “(ii) would result in a significant en-
2 vironmental risk from the release of geneti-
3 cally modified organisms, as defined in sub-
4 section (e), or other unacceptable environ-
5 mental risk;

6 “(iii) fails to meet the requirements of
7 this section; or

8 “(iv) fails to comply with relevant gov-
9 ernmental or institutional procedures for
10 the management of external grant or con-
11 tract programs.

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

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

21 “(e) RESEARCH ON GENETICALLY MODIFIED ORGA-
22 NISMS.—

23 “(1) DEFINITION.—As used in this subsection,
24 the term ‘genetically modified organism’ means a liv-
25 ing marine or freshwater organism in which the ge-

1 *netic material has been purposely altered at the mo-*
2 *lecular or cellular level in a way that could not result*
3 *from the natural reproductive process of that species.*

4 “(2) *SAFE CONDUCT OF RESEARCH.*—*The Sec-*
5 *retary shall ensure that any activities funded by the*
6 *National Sea Grant College Program involving ge-*
7 *netically modified organisms comply with—*

8 “(A) *the performance standards developed*
9 *for safely conducting research with genetically*
10 *modified finfish and shellfish promulgated by the*
11 *Agricultural Biotechnology Research Advisory*
12 *Committee; and*

13 “(B) *the guidelines for research involving*
14 *recombinant DNA molecules published in the*
15 *Federal Register on May 7, 1986 (51 F.R. 16958*
16 *et seq.).*

17 “(3) *TERMINATION OF AWARD.*—*The Secretary*
18 *shall promptly withdraw any award of the National*
19 *Sea Grant College Program for activities involving*
20 *genetically modified organisms if the Secretary deter-*
21 *mines that the grantee or contractee in question has*
22 *failed to abide by the performance standards and*
23 *guidelines referred to in paragraph (2).*

24 “(f) *MARINE BIOTECHNOLOGY REVIEW PANEL.*—

1 “(1) *ESTABLISHMENT AND DUTIES.*—Subject to
2 the availability of appropriations under section
3 212(c), the Director, in consultation with the directors
4 of the sea grant colleges, shall convene a panel, to be
5 known as the Marine Biotechnology Review Panel,
6 that shall—

7 “(A) review, on a competitive basis, the ap-
8 plications made under this section for grants
9 and contracts to determine their respective sci-
10 entific, technical, educational, and commercial
11 merits and likely contributions toward achieving
12 the purposes of this section; and

13 “(B) on the basis of the review under sub-
14 paragraph (A), and with due regard for the over-
15 all balance and coordination of the marine bio-
16 technology program, make recommendations to
17 the Secretary regarding the awarding of grants
18 and contracts under this section.

19 “(2) *COMPOSITION.*—The Marine Biotechnology
20 Review Panel shall—

21 “(A) consist of not more than 15 individ-
22 uals with scientific or technical expertise in ma-
23 rine biotechnology or relevant related fields, in-
24 cluding at least 1 qualified representative of a
25 national environmental organization;

1 “(B) reflect a balance among areas of exper-
2 tise consistent with the purposes of this section;

3 “(C) not include Federal employees or direc-
4 tors of sea grant colleges; and

5 “(D) reflect geographic balance, consistent
6 with the primary objectives of a high level exper-
7 tise and balance among areas of expertise.

8 “(3) ALLOWANCES.—Each member of the Marine
9 Biotechnology Review Panel shall receive travel ex-
10 penses, including per diem in lieu of subsistence, in
11 accordance with sections 5702 and 5703 of title 5,
12 United States Code.

13 “(4) FACA NOT APPLICABLE.—The Federal Ad-
14 visory Committee Act does not apply to the Marine
15 Biotechnology Review Panel.”.

16 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

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

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

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

23 (3) by inserting after subsection (b) the follow-
24 ing:

25 “(c) MARINE BIOTECHNOLOGY PROGRAM.—

1 “(1) *GRANTS AND CONTRACTS.*—*There is author-*
2 *ized to be appropriated to carry out the provisions of*
3 *section 206A (other than for administration) an*
4 *amount—*

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

7 “(B) *for each of fiscal years 1996 and 1997,*
8 *not to exceed \$25,000,000.*

9 “(2) *ADMINISTRATION.*—*There is authorized to*
10 *be appropriated for the administration of section*
11 *206A, an amount—*

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

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

16 **SEC. 5. DEFINITION.**

17 *Section 203(4) of the National Sea Grant College Pro-*
18 *gram Act (33 U.S.C. 1122(4)) is amended by inserting*
19 *“marine biotechnology,” after “marine technology,”.*