

114TH CONGRESS
1ST SESSION

H. R. 394

To prevent the escapement of genetically altered salmon in the United States,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 14, 2015

Mr. YOUNG of Alaska (for himself, Mr. JONES, Mr. THOMPSON of California,
Mr. DEFAZIO, and Mr. HUFFMAN) introduced the following bill; which
was referred to the Committee on Natural Resources

A BILL

To prevent the escapement of genetically altered salmon in
the United States, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Prevention of
5 Escapement of Genetically Altered Salmon in the United
6 States Act”.

7 **SEC. 2. PROHIBITION ON SALE OF GENETICALLY ALTERED** 8 **SALMON.**

9 (a) PROHIBITION.—It shall be unlawful for a per-
10 son—

1 (1) to ship, transport, offer for sale, sell, or
2 purchase a covered fish, or a product containing cov-
3 ered fish, in interstate or foreign commerce;

4 (2) to have custody, control, or possession of,
5 with the intent to ship, transport, offer for sale, sell,
6 or purchase a covered fish, or a product containing
7 covered fish, in interstate commerce;

8 (3) to engage in net-pen aquaculture of covered
9 fish;

10 (4) to release a covered fish into a natural envi-
11 ronment; or

12 (5) to have custody, control, or possession of a
13 covered fish with the intent to release it into a nat-
14 ural environment.

15 (b) EXCEPTION.—Subsection (a) shall not apply to
16 a fish, fish part, or product—

17 (1) under confined use, or intended for confined
18 use, for scientific research;

19 (2) collected for the purpose of enforcing this
20 Act; or

21 (3) if the Under Secretary of Commerce for
22 Oceans and Atmosphere, in consultation with the
23 Director of the United States Fish and Wildlife
24 Service and any other Federal, State, or tribal entity
25 the Under Secretary considers appropriate, reviews

1 any application requesting an action by a depart-
2 ment or agency of the Federal government to permit
3 an act prohibited under subsection (a), including any
4 environmental assessment prepared as part of that
5 application, and—

6 (A) prepares a finding of no significant im-
7 pact in accordance with the National Environ-
8 mental Policy Act of 1969 (42 U.S.C. 4321 et
9 seq.); or

10 (B) finds the application to be consistent
11 with an environmental impact statement pre-
12 pared by the Under Secretary in accordance
13 with section 102(2)(C) of the National Environ-
14 mental Policy Act of 1969 (42 U.S.C. 4332)
15 that includes—

16 (i) an environmental risk analysis that
17 assesses the potential direct and indirect
18 impacts from escapement of covered fish
19 on wild and cultured fish stocks and envi-
20 ronments that may be exposed to such cov-
21 ered fish;

22 (ii) a failure mode and effects analysis
23 that quantitatively assesses the best- and
24 worst-case probabilities of failure of each
25 applicable confinement technique;

1 (iii) an assessment of the costs of con-
2 trol or eradication of escaped covered fish;
3 and

4 (iv) an assessment of the potential
5 economic damage in terms of loss of pro-
6 duction or sales to relevant wild and cul-
7 tured fish stocks and environments from
8 the escapement of covered fish.

9 (c) ENVIRONMENTAL IMPACT CONSIDERATIONS.—

10 (1) NOTICE.—Each agency, department, or
11 other unit of the Federal Government shall promptly
12 notify the Under Secretary of Commerce for Oceans
13 and Atmosphere when an action involving covered
14 fish, or a product containing covered fish is first
15 identified by such unit.

16 (2) ENSURING COMPLIANCE.—The Under Sec-
17 retary of Commerce for Oceans and Atmosphere, in
18 cooperation with each Federal, State, or tribal entity
19 that the Under Secretary considers appropriate, may
20 monitor any mitigation measures proposed under
21 subsection (b)(3) to ensure implementation and com-
22 pliance therewith.

23 (3) PROVISIONS AS COMPLEMENTARY.—The
24 provisions of this Act are in addition to, and shall
25 not affect the operation of, other Federal, State, or

1 local laws regulating a covered fish, or a product
2 containing covered fish.

3 (d) RULES AND REGULATIONS.—The Secretary shall
4 prescribe such rules and regulations as the Secretary con-
5 sider necessary to carry out the provisions of this Act.

6 **SEC. 3. ENFORCEMENT AND PENALTIES.**

7 (a) ENFORCEMENT.—The Secretary of Commerce
8 may enforce section 2 in the same manner, by the same
9 means, and with the same jurisdiction, powers, and duties
10 provided under sections 308, 309, 310, and 311 of the
11 Magnuson-Stevens Fishery Conservation and Manage-
12 ment Act (16 U.S.C. 1858, 1859, 1860, and 1861).

13 (b) PENALTIES.—A person who violates section 2
14 shall be subject to the penalties, and entitled to the privi-
15 leges and immunities, under sections 308, 309, 310, and
16 311 of the Magnuson-Stevens Fishery Conservation and
17 Management Act (16 U.S.C. 1858, 1859, 1860, and
18 1861).

19 **SEC. 4. REPORT ON RISKS TO WILD FISH STOCKS.**

20 Not later than 180 days after the date of enactment
21 of this Act, the Under Secretary of Commerce for Oceans
22 and Atmosphere shall transmit to the Committee on Com-
23 merce, Science, and Transportation of the Senate and the
24 Committee on Natural Resources of the House of Rep-
25 resentatives the report under section 1007 of the Food

1 and Drug Administration Amendments Act of 2007 (21
2 U.S.C. 2106).

3 **SEC. 5. DEFINITIONS.**

4 In this Act:

5 (1) **CONFINED USE.**—The term “confined use”
6 means any operation, undertaken within a secured,
7 land-based facility, that involves a covered fish con-
8 trolled by specific measures that effectively prevent
9 the covered fish from having contact with and im-
10 pact on the external environment, including biologi-
11 cal and physical confinement measures.

12 (2) **COVERED FISH.**—The term “covered fish”
13 means any finfish, live or dead, including the
14 gametes, fertilized eggs, offspring, and descendants
15 thereof, that is modified or produced through the
16 application of recombinant deoxyribonucleic acid
17 (DNA) technologies, using DNA from an organism’s
18 own genome or that of another species, that over-
19 come natural physiological reproductive barriers and
20 that are not techniques used in traditional breeding
21 and selection.

22 (3) **FINDING OF NO SIGNIFICANT IMPACT.**—The
23 term “finding of no significant impact” has the
24 meaning given the term in section 1508.13 of title
25 40, Code of Federal Regulations.

1 (4) PRODUCT.—The term “product” means an
2 item manufactured or produced for sale or use as
3 food.

