

111TH CONGRESS
1ST SESSION

H. R. 2453

To provide for a national biological data center, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 15, 2009

Mr. DUNCAN (for himself and Mr. WAMP) introduced the following bill; which
was referred to the Committee on Natural Resources

A BILL

To provide for a national biological data center, 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. NATIONAL BIOLOGICAL DATA CENTER.**

4 (a) IN GENERAL.—The Secretary, acting through the
5 United States Geological Survey, shall establish a national
6 biological data center (in this Act referred to as the “cen-
7 ter”). The center may be established within an existing
8 program (such as the National Biological Information In-
9 frastructure program).

1 (b) CONTRACT.—The Secretary seek to enter into a
2 contract with a small business for the purpose of man-
3 aging the center.

4 (c) CONTRACT TERM.—

5 (1) INITIAL CONTRACT.—The contract under
6 subsection (a) shall have an initial term of 10 years.

7 (2) SUBSEQUENT CONTRACTS.—The terms of
8 subsequent contracts shall be determined by the Sec-
9 retary.

10 (d) ENTITY SELECTION.—

11 (1) COMPETITIVE PROCEDURES.—The Sec-
12 retary shall use competitive procedures (as defined
13 in section 4(5) of the Office of Federal Procurement
14 Policy Act (41 U.S.C. 403(5))) to enter into the con-
15 tract under subsection (b).

16 (2) QUALIFICATION REQUIREMENTS.—To qual-
17 ify to participate in the competitive procedures
18 under paragraph (1), a small business shall have—

19 (A) no more than 500 employees on the
20 date that the initial contract is awarded to such
21 business under subsection (a);

22 (B) demonstrated expertise in—

23 (i) managing scientific and technical
24 information;

1 (ii) implementing scientific informa-
2 tion projects;

3 (iii) presenting scientific data in an
4 objective manner; and

5 (iv) managing interagency collabora-
6 tions related to scientific and technical in-
7 formation;

8 (C) demonstrated involvement with bio-
9 diversity information programs and the Na-
10 tional Biological Information Infrastructure of
11 the United States Geological Survey (through
12 partnership or other form of collaboration); and

13 (D) a demonstrated ability and willingness
14 to partner with a research university and a na-
15 tional laboratory with expertise in biodiversity
16 and computational sciences.

17 (e) LEADERSHIP.—The head of the center shall be
18 appointed by the Secretary, acting through the Director
19 of the United States Geological Survey, in consultation
20 with the program director of the National Biological Infor-
21 mation Infrastructure.

22 (f) DUTIES OF THE NATIONAL BIOLOGICAL DATA
23 CENTER.—The duties of the center shall be determined
24 by the Secretary and shall include, at a minimum, the fol-
25 lowing activities:

1 (1) Collect nonhuman biological data from Fed-
2 eral, public, private, and nonprofit entities, includ-
3 ing—

4 (A) the National Biological Information
5 Infrastructure; and

6 (B) institutions and organizations that
7 partner with the National Biological Informa-
8 tion Infrastructure.

9 (2) Develop partnerships with public and pri-
10 vate entities that are nationally recognized for com-
11 putational capabilities and computer capacity to
12 allow the center to efficiently develop a digital net-
13 work for the storage and retrieval of data collected
14 under paragraph (1).

15 (3) Develop partnerships with academic and sci-
16 entific institutions in the United States to increase
17 the quantity of data—

18 (A) collected under paragraph (1); and

19 (B) made available for public use under
20 paragraph (4).

21 (4) Subject to Federal statutes and regulations
22 relating to the disclosure of information collected
23 under paragraph (1), including statutes and regula-
24 tions related to intellectual property and section 552
25 of title 5, United States Code, make available for

1 use by Federal, State, and local governments and
2 members of the public any federally funded data col-
3 lected under paragraph (1).

4 (5) Make the data described in paragraph (4)
5 available to such governments and members of the
6 public—

7 (A) through a single electronic search
8 function; or

9 (B) in any case in which such data is not
10 electronically maintained, at a single location.

11 (6) Organize and manage data collected under
12 paragraph (1) in a manner that—

13 (A) enables efficient and effective use of
14 the data by the public;

15 (B) presents the data in an objective man-
16 ner; and

17 (C) is consistent with efforts made by the
18 National Biological Information Infrastructure
19 to organize and manage nonhuman biological
20 data for public use.

21 (7) Prepare value added compilations and ana-
22 lytical assessments (including models and simula-
23 tions) of multiple data sets that combine and ana-
24 lyze data from multiple data sources to improve the

1 ease of use of such data sets by Federal, State, and
2 local governments and by members of the public.

3 (8) Conduct public awareness activities that
4 promote the use of the data made available under
5 paragraph (4) for purposes of encouraging—

6 (A) economic development;

7 (B) the development of public policy (in-
8 cluding policy relating to land use, economic de-
9 velopment, conservation, and preservation);

10 (C) scientific research; and

11 (D) science, technology, engineering, and
12 mathematics education.

13 (9) Hold an annual conference on nonhuman
14 biological data collection for the purpose of encour-
15 aging experts from Federal, State, and local govern-
16 ments and public and private entities to provide ad-
17 vice to the head of the center on improving the cen-
18 ter's performance.

19 (10) Collect fees from State and local govern-
20 ments and members of the public for the use of—

21 (A) compilations and analytical assess-
22 ments prepared under paragraph (7); and

23 (B) other products and services offered by
24 the center including but not limited to technical
25 training and consultation relating to the use or

1 application of data products, except that the
2 center may not collect a fee solely for accessing
3 data collected by the center from another
4 source.

5 (g) DUTIES OF OTHER ENTITIES.—

6 (1) IN GENERAL.—Subject to Federal statutes
7 and regulations relating to the disclosure of informa-
8 tion, including statutes and regulations related to in-
9 tellectual property and section 552 of title 5, United
10 States Code, any entity that collects or stores feder-
11 ally funded data on or after the end of the one-year
12 period beginning on the date of enactment of this
13 Act shall submit or make available such data to the
14 center, in a form and manner described in standards
15 published by the center, unless such data has been
16 submitted to the National Biological Information In-
17 frastructure.

18 (2) NATIONAL BIOLOGICAL INFORMATION IN-
19 FRASTRUCTURE.—

20 (A) IN GENERAL.—The center shall serve
21 as the data repository for the National Biologi-
22 cal Information Infrastructure. and all data
23 shall be made available in a form and manner
24 described in standards published by the center.

1 (B) DATA TO BE MADE AVAILABLE.—Sub-
2 ject to Federal statutes and regulations relating
3 to the disclosure of information, including stat-
4 utes and regulations related to intellectual prop-
5 erty and section 552 of title 5, United States
6 Code, the National Biological Information In-
7 frastructure shall make all data that it stores
8 and maintains available to the center in a form
9 and manner described in standards published
10 by the center.

11 (h) AVAILABILITY OF FEES.—Subject to appropria-
12 tion, fees collected under subsection (d)(10) shall remain
13 available for use by the center for activities under sub-
14 section (d).

15 (i) REPORTS.—

16 (1) ANNUAL REPORT TO SECRETARY.—Not
17 later than January 1 of each year following the date
18 of enactment of this Act, the head of the center shall
19 submit to the Secretary an annual report con-
20 taining—

21 (A) information on the activities of the
22 center during the preceding fiscal year and the
23 plans of the center for activities in the current
24 fiscal year; and

1 (B) such additional information as the Sec-
2 retary may require.

3 (2) ANNUAL REPORT TO CONGRESS.—Not later
4 than April 1 of each year following the date of en-
5 actment of this Act, the Secretary shall submit to
6 Congress an annual report on—

7 (A) information on the activities of the
8 center during the preceding fiscal year and the
9 plans of the center for activities in the current
10 fiscal year; and

11 (B) the administration of the contract en-
12 tered into under subsection (a).

13 (j) DEFINITIONS.—For purposes of this Act, the fol-
14 lowing definitions apply:

15 (1) FEDERALLY FUNDED DATA.—The term
16 “federally-funded data” means nonhuman biological
17 data that is collected, maintained, or stored, in
18 whole or in part, through the use of Federal funds.

19 (2) SECRETARY.—The term “Secretary” means
20 the Secretary of the Interior.

21 (k) AUTHORIZATION OF APPROPRIATIONS.—There is
22 authorized to be appropriated to carry out this section
23 \$8,000,000 per fiscal year. Amounts appropriated under
24 this subsection shall remain available until expended.

○