H. R. 936

To authorize the Secretary of Commerce to identify, declare, and respond to marine disease emergencies, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

February 12, 2015

Mr. Heck of Washington (for himself, Mr. Huffman, Mrs. Capps, Mr. Jolly, Mr. Murphy of Florida, Mr. Pallone, Mr. Blumenauer, Ms. DelBene, Mr. Larsen of Washington, Mr. Kilmer, Mr. Mc Dermott, and Mr. Smith of Washington) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To authorize the Secretary of Commerce to identify, declare, and respond to marine disease emergencies, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Marine Disease Emergency Act of 2015”.

SEC. 2. DEFINITIONS.

In this Act:
(1) **COORDINATOR.**—The term “coordinator” means an individual designated under section 3(d) to coordinate the response to a marine disease emergency.

(2) **DATA REPOSITORY.**—The term “Data Repository” means the National Data Repository for Marine Diseases Research and Services established under section 6.

(3) **EXCLUSIVE ECONOMIC ZONE.**—The term “exclusive economic zone” means the exclusive economic zone of the United States established by Presidential Proclamation No. 5030, of March 10, 1983.

(4) **FUND.**—The term “Fund” means the Marine Disease Emergency Fund established under section 5.

(5) **MARINE DISEASE.**—The term “marine disease” means a pathological condition that—

(A) occurs in a population of marine species; and

(B) appears to be caused by an infectious or noninfectious biological agent.

(6) **MARINE DISEASE EMERGENCY.**—The term “marine disease emergency” means an event that—

(A) affects the marine environment;
(B) is caused by a marine disease or environmental stressor;

(C) is likely to threaten the sustainability of a marine species or the health of a marine ecosystem; and

(D) is likely to expand in geographic scope.

(7) MARINE ENVIRONMENT.—The term “marine environment” means those areas of coastal, ocean, and estuarine waters over which the United States has jurisdiction, including the exclusive economic zone, consistent with international law.

(8) MARINE SPECIES.—The term “marine species”—

(A) except as provided in subparagraph (B), means marine reptiles, finfish, mollusks, and crustaceans, and all other forms of marine animal and plant life; and

(B) does not include aquacultured animals of any species, marine mammals, and birds.

(9) SECRETARY.—The term “Secretary” means the Secretary of Commerce acting through the Administrator of the National Oceanic and Atmospheric Administration.

(10) STATE.—The term “State” means each of the several States, the District of Columbia, the
Commonwealth of Puerto Rico, American Samoa, the United States Virgin Islands, Guam, and any other Commonwealth, territory, or possession of the United States, and each federally recognized Indian tribe.

(11) WORKING GROUP.—The term “Working Group” means the Marine Disease Emergency Working Group established under section 4.

**SEC. 3. DECLARATION OF MARINE DISEASE EMERGENCY AND RESPONSE.**

(a) IN GENERAL.—The Secretary may declare a marine disease emergency in accordance with subsection (b).

(b) DECLARATION PROCEDURE.—After receiving notice that a marine disease emergency may be occurring, the Secretary shall, to the extent practicable—

(1) not later than 24 hours after receiving such notice, contact members of the Working Group for guidance on whether the event is a marine disease emergency; and

(2) not later than 7 days after receiving such notice, declare whether the event is a marine disease emergency.

(e) EFFECT OF DECLARATION.—

(1) POWERS OF SECRETARY.—Upon declaring a marine disease emergency under this section, and
subject to the availability of appropriations, the Secretary may take such actions as may be appropriate to respond to the emergency, including making grants, providing awards for expenses, entering into contracts and conducting and supporting investigations into the cause, treatment, or prevention of the emergency.

(2) RESPONSE ACTIVITIES.—As soon as possible after declaring a marine disease emergency, the Secretary shall carry out the activities described in subsections (d) and (e) with respect to the emergency.

(d) DESIGNATION OF COORDINATOR.—

(1) IN GENERAL.—The Secretary shall designate an individual to coordinate the response to each marine disease emergency declared under this section.

(2) DUTIES OF COORDINATOR.—The coordinator, under the supervision of the Secretary, shall lead a response to the emergency that may include Federal, State, regional, and local agencies, non-governmental organizations, and other persons as appropriate.

(3) COORDINATOR ASSISTANTS.—The Secretary may designate one or more individuals to assist the
coordinator in carrying out the duties described in paragraph (2).

(e) DEVELOPMENT OF RESPONSE PLAN.—

(1) IN GENERAL.—Not later than 28 days after declaring a marine disease emergency under this section the Secretary shall, in consultation with the Task Force, develop a written response plan for such emergency based on sound science.

(2) CONTENTS.—The plan described in paragraph (1) shall include, at minimum—

(A) a list of persons at appropriate Federal, regional, State, and local agencies who can assist the Secretary in implementing a coordinated and effective response to the marine disease emergency;

(B) a description of the steps necessary to diagnose the cause of the marine disease emergency;

(C) training, mobilization, and utilization procedures for personnel, facilities, and other resources necessary to conduct a rapid and effective response to the marine disease emergency;
(D) an assessment of the potential effects of the marine disease emergency on populations of marine species;

(E) strategies to minimize morbidity and mortality in marine species and minimize transmission of the disease; and

(F) provisions to protect other populations of aquacultured animals, plants, marine mammals, and birds that could be directly or indirectly impacted by the marine disease emergency or response actions.

(3) P UBLICATION.—Not later than 21 days after declaring a marine disease emergency under this section the Secretary shall publish a summary of the plan on a publicly accessible Internet website of the National Oceanic and Atmospheric Administration.

(f) T ERMINATION OF MARINE DISEASE EMERGENCY.—

(1) I N GENERAL.—A marine disease emergency declared under this section shall terminate on the date on which the Secretary declares that the emergency no longer exists, or upon the expiration of the 120-day period beginning on the date on which such
declaration is made by the Secretary, whichever oc-
curs first.

(2) RENEWAL OF DECLARATION.—A declara-
tion that terminates under paragraph (1) may be re-
newed by the Secretary. The time limitations in
paragraph (1) shall apply with respect to each such
renewal.

(g) REPORT.—Not later than 90 days after the termi-
nation of a marine disease emergency declared under this
section, the Secretary shall—

(1) submit to Congress a report describing—

(A) the presumptive cause and environ-
mental impact of the marine disease emergency;

(B) the response to the marine disease
emergency and recommendations, if any, for
improving responses to future marine disease
emergencies; and

(C) recommendations, if any, for pre-
venting future marine disease emergencies; and

(2) publish the report on a publicly accessible
Internet website of the National Oceanic and Atmos-
pheric Administration.

SEC. 4. MARINE DISEASE EMERGENCY WORKING GROUP.

(a) ESTABLISHMENT.—There is established in the
National Oceanic and Atmospheric Administration a work-
ing group to be known as the “Marine Disease Emergency

Working Group”.

(b) DUTIES.—The Working Group shall—

(1) advise the Secretary on risk assessment, preparation, monitoring, research, and response to marine diseases that may significantly impact the health and sustainability of marine species and eco-

systems;

(2) advise the Secretary in determining whether a marine disease emergency should be declared or terminated;

(3) assist the Secretary in drafting response plans under section 3(e);

(4) assist the Secretary in drafting reports under section 3(g); and

(5) consult with the Director of the Data Re-

pository established under section 6 to ensure the quality and availability of the data contained there-

in.

(c) MEMBERSHIP.—

(1) COMPOSITION.—Subject to paragraph (3), the Working Group shall be composed of 7 members as follows:

(A) The Secretary or the Secretary’s des-

ignee.
(B) The Administrator of the United States Animal and Plant Health Inspection Service or the Administrator’s designee.

(C) The Director of the United States Fish and Wildlife Service or the Director’s designee.

(D) The Director of the United States Geological Survey or the Director’s designee.

(E) 3 members, appointed by the President, who have specialized knowledge and expertise in—

(i) marine animal and plant health, marine animal and plant disease assessments, and responding to disease outbreaks or ecological disasters; and

(ii) marine veterinary science, bacteriology, virology or immunology, histopathology, genetics, epidemiology, ecology, or microbiology.

(2) LIMITATION.—A member appointed under paragraph (1)(E) shall not be an employee of an agency (as defined in section 551 of title 5, United States Code). If any such member becomes an employee of an agency, that member may continue as a member for not longer than the 30-day period be-
ginning on the date the member becomes an em-
ployee of an agency.

(3) TEMPORARY MEMBERS.—The Secretary
may appoint additional members to the Working
Group to serve during a marine disease emergency
declared under section 3.

(4) TERMS.—

(A) NON-AGENCY MEMBERS.—Each mem-
ber appointed under paragraph (1)(E) shall be
appointed for a term of 2 years and may be re-
appointed thereafter by the President.

(B) TEMPORARY MEMBERS.—The term of
each member appointed under paragraph (3)
shall expire 90 days after the date on which the
marine disease emergency for which that mem-
ber was appointed is terminated under section
3(f).

(5) VACANCIES.—A vacancy in the Working
Group shall be filled in the manner in which the
original appointment was made.

(6) PROHIBITION ON COMPENSATION OF FED-
ERAL EMPLOYEES.—Members of the Working Group
who are full-time officers or employees of the United
States may not receive additional pay, allowances, or
benefits by reason of their service on the Working Group.

(7) **Travel Expenses.**—Subject to the availability of appropriations, each member of the Working Group shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(8) **Chairperson.**—The Secretary, or a designee of the Secretary, shall be the Chairperson of the Working Group.

(9) **Meetings.**—The Secretary shall convene the Working Group not later than 30 days after the date of the enactment of this Act. Thereafter, the Working Group shall meet not less than annually and may also meet at the call of the Chairperson or a majority of its members.

(d) **Staffing and Assistance.**—The Secretary shall make available to the Working Group any staff, information, administrative services, or assistance the Secretary considers reasonably required to enable the Working Group to carry out its duties.

(e) **Termination.**—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply with respect to the Working Group.
SEC. 5. ESTABLISHMENT OF MARINE DISEASE EMERGENCY FUND.

(a) Establishment.—There is established in the Treasury a fund to be known as the “Marine Disease Emergency Fund”, which shall be administered by the Secretary. Amounts in the Fund shall be made available without fiscal year limitation, and subject to appropriations, to carry out this Act.

(b) Amounts.—The Fund shall consist of—

(1) amounts appropriated to the Fund; and

(2) amounts received by the Secretary as donations, gifts, or contributions for the purpose of addressing marine disease emergencies.

(c) Use of Fund.—Amounts in the Fund shall be used only to respond to a marine disease emergency declared under section 3.

(d) Supplement Not Supplant.—Amounts from the Fund shall be used to supplement and not supplant other Federal, State, regional, and local public funds provided for activities under this Act.

SEC. 6. NATIONAL DATA REPOSITORY FOR MARINE DISEASES RESEARCH AND SERVICES.

(a) In General.—The Secretary shall establish a National Data Repository for Marine Diseases Research and Services. Subject to the availability of appropriations, the Secretary shall enter into a contract with an entity
eligible under subsection (c) to develop and administer such repository.

(b) PURPOSE.—The purpose of the Data Repository shall be to—

(1) collect, store, and disseminate information regarding research, data, findings, and technical assistance materials related to marine diseases;

(2) facilitate the development, coordination, and rapid dissemination of research on marine diseases; and

(3) collect epidemiological, environmental impact, timeline, global positioning system registered location, and ecological consequence data regarding marine diseases, linking different datasets across the country to assist researchers in developing strategies for addressing marine diseases.

(c) ELIGIBILITY.—To be eligible for the contract under subsection (a), an entity shall—

(1) be a public or private nonprofit entity;

(2) have experience—

(A) collecting data;

(B) developing systems to store data in a secure manner;
(C) developing Internet web portals and other means of communicating with a wide audience; and

(D) making information available to the public; and

(3) meet such other criteria as the Secretary considers appropriate.

(d) DATA REPOSITORY DIRECTOR.—As a condition of receiving the contract under subsection (a), an entity shall agree to employ a director of the Data Repository chosen in accordance with guidance issued by the Secretary. The Director, in consultation with the Secretary and Working Group, shall—

(1) collect information and research methodologies from individuals, agencies, and organizations engaged in the research of marine diseases;

(2) ensure research methods are standardized whenever possible to ensure data comparability across regions;

(3) securely store and maintain information in the Data Repository;

(4) make information in the Data Repository accessible through an Internet website or other appropriate means of sharing information; and
(5) ensure that the information contained in the Data Repository is accessible to members of the public, marine disease researchers, and persons responding to marine disease emergencies.

SEC. 7. MARINE DISEASE EMERGENCY FOR SEA STAR WASTING SYNDROME.

(a) In General.—The marine mortality event affecting species of sea stars commonly referred to as “sea star wasting syndrome” is deemed to be a marine disease emergency declared by the Secretary under section 3. Beginning on the effective date of this section, the Secretary shall immediately carry out the activities described in subsections (d) and (e) of section 3 with respect to such marine disease emergency.

(b) Effective Date.—This section shall take effect on the date that is 180 days after the date of the enactment of this Act.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act $15,000,000 for each of the fiscal years 2016 through 2021.