

114TH CONGRESS  
1ST SESSION

# H. R. 936

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

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## 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. McDERMOTT, 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

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## A BILL

To authorize the Secretary of Commerce to identify, declare, and respond to marine disease emergencies, 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 “Marine Disease Emer-  
5 gency Act of 2015”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1           (1) COORDINATOR.—The term “coordinator”  
2 means an individual designated under section 3(d) to  
3 coordinate the response to a marine disease emer-  
4 gency.

5           (2) DATA REPOSITORY.—The term “Data Re-  
6 pository” means the National Data Repository for  
7 Marine Diseases Research and Services established  
8 under section 6.

9           (3) EXCLUSIVE ECONOMIC ZONE.—The term  
10 “exclusive economic zone” means the exclusive eco-  
11 nomic zone of the United States established by Pres-  
12 idential Proclamation No. 5030, of March 10, 1983.

13           (4) FUND.—The term “Fund” means the Ma-  
14 rine Disease Emergency Fund established under sec-  
15 tion 5.

16           (5) MARINE DISEASE.—The term “marine dis-  
17 ease” means a pathological condition that—

18                   (A) occurs in a population of marine spe-  
19 cies; and

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

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

24                   (A) affects the marine environment;

1 (B) is caused by a marine disease or envi-  
2 ronmental stressor;

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

6 (D) is likely to expand in geographic scope.

7 (7) MARINE ENVIRONMENT.—The term “ma-  
8 rine environment” means those areas of coastal,  
9 ocean, and estuarine waters over which the United  
10 States has jurisdiction, including the exclusive eco-  
11 nomic zone, consistent with international law.

12 (8) MARINE SPECIES.—The term “marine spe-  
13 cies”—

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

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

20 (9) SECRETARY.—The term “Secretary” means  
21 the Secretary of Commerce acting through the Ad-  
22 ministrator of the National Oceanic and Atmos-  
23 pheric Administration.

24 (10) STATE.—The term “State” means each of  
25 the several States, the District of Columbia, the

1 Commonwealth of Puerto Rico, American Samoa,  
2 the United States Virgin Islands, Guam, and any  
3 other Commonwealth, territory, or possession of the  
4 United States, and each federally recognized Indian  
5 tribe.

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

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

11 (a) IN GENERAL.—The Secretary may declare a ma-  
12 rine disease emergency in accordance with subsection (b).

13 (b) DECLARATION PROCEDURE.—After receiving no-  
14 tice that a marine disease emergency may be occurring,  
15 the Secretary shall, to the extent practicable—

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

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

23 (c) EFFECT OF DECLARATION.—

24 (1) POWERS OF SECRETARY.—Upon declaring a  
25 marine disease emergency under this section, and

1 subject to the availability of appropriations, the Sec-  
2 retary may take such actions as may be appropriate  
3 to respond to the emergency, including making  
4 grants, providing awards for expenses, entering into  
5 contracts and conducting and supporting investiga-  
6 tions into the cause, treatment, or prevention of the  
7 emergency.

8 (2) RESPONSE ACTIVITIES.—As soon as pos-  
9 sible after declaring a marine disease emergency, the  
10 Secretary shall carry out the activities described in  
11 subsections (d) and (e) with respect to the emer-  
12 gency.

13 (d) DESIGNATION OF COORDINATOR.—

14 (1) IN GENERAL.—The Secretary shall des-  
15 ignate an individual to coordinate the response to  
16 each marine disease emergency declared under this  
17 section.

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

24 (3) COORDINATOR ASSISTANTS.—The Secretary  
25 may designate one or more individuals to assist the

1 coordinator in carrying out the duties described in  
2 paragraph (2).

3 (e) DEVELOPMENT OF RESPONSE PLAN.—

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

9 (2) CONTENTS.—The plan described in para-  
10 graph (1) shall include, at minimum—

11 (A) a list of persons at appropriate Fed-  
12 eral, regional, State, and local agencies who can  
13 assist the Secretary in implementing a coordi-  
14 nated and effective response to the marine dis-  
15 ease emergency;

16 (B) a description of the steps necessary to  
17 diagnose the cause of the marine disease emer-  
18 gency;

19 (C) training, mobilization, and utilization  
20 procedures for personnel, facilities, and other  
21 resources necessary to conduct a rapid and ef-  
22 fective response to the marine disease emer-  
23 gency;

1 (D) an assessment of the potential effects  
2 of the marine disease emergency on populations  
3 of marine species;

4 (E) strategies to minimize morbidity and  
5 mortality in marine species and minimize trans-  
6 mission of the disease; and

7 (F) provisions to protect other populations  
8 of aquacultured animals, plants, marine mam-  
9 mals, and birds that could be directly or indi-  
10 rectly impacted by the marine disease emer-  
11 gency or response actions.

12 (3) PUBLICATION.—Not later than 21 days  
13 after declaring a marine disease emergency under  
14 this section the Secretary shall publish a summary  
15 of the plan on a publicly accessible Internet website  
16 of the National Oceanic and Atmospheric Adminis-  
17 tration.

18 (f) TERMINATION OF MARINE DISEASE EMER-  
19 GENCY.—

20 (1) IN GENERAL.—A marine disease emergency  
21 declared under this section shall terminate on the  
22 date on which the Secretary declares that the emer-  
23 gency no longer exists, or upon the expiration of the  
24 120-day period beginning on the date on which such

1 declaration is made by the Secretary, whichever oc-  
2 curs first.

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

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

11 (1) submit to Congress a report describing—

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

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

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

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

23 **SEC. 4. MARINE DISEASE EMERGENCY WORKING GROUP.**

24 (a) ESTABLISHMENT.—There is established in the  
25 National Oceanic and Atmospheric Administration a work-



1 ing group to be known as the “Marine Disease Emergency  
2 Working Group”.

3 (b) DUTIES.—The Working Group shall—

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

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

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

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

16 (5) consult with the Director of the Data Re-  
17 pository established under section 6 to ensure the  
18 quality and availability of the data contained there-  
19 in.

20 (c) MEMBERSHIP.—

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

24 (A) The Secretary or the Secretary’s des-  
25 ignee.

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

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

6           (D) The Director of the United States Ge-  
7 ological Survey or the Director’s designee.

8           (E) 3 members, appointed by the Presi-  
9 dent, who have specialized knowledge and ex-  
10 pertise in—

11           (i) marine animal and plant health,  
12 marine animal and plant disease assess-  
13 ments, and responding to disease out-  
14 breaks or ecological disasters; and

15           (ii) marine veterinary science, bacteri-  
16 ology, virology or immunology,  
17 histopathology, genetics, epidemiology,  
18 ecology, or microbiology.

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

1       ginning on the date the member becomes an em-  
2       ployee of an agency.

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

7           (4) TERMS.—

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

12          (B) TEMPORARY MEMBERS.—The term of  
13      each member appointed under paragraph (3)  
14      shall expire 90 days after the date on which the  
15      marine disease emergency for which that mem-  
16      ber was appointed is terminated under section  
17      3(f).

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

21          (6) PROHIBITION ON COMPENSATION OF FED-  
22      ERAL EMPLOYEES.—Members of the Working Group  
23      who are full-time officers or employees of the United  
24      States may not receive additional pay, allowances, or

1 benefits by reason of their service on the Working  
2 Group.

3 (7) TRAVEL EXPENSES.—Subject to the avail-  
4 ability of appropriations, each member of the Work-  
5 ing Group shall receive travel expenses, including  
6 per diem in lieu of subsistence, in accordance with  
7 applicable provisions under subchapter I of chapter  
8 57 of title 5, United States Code.

9 (8) CHAIRPERSON.—The Secretary, or a des-  
10 ignee of the Secretary, shall be the Chairperson of  
11 the Working Group.

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

18 (d) STAFFING AND ASSISTANCE.—The Secretary  
19 shall make available to the Working Group any staff, in-  
20 formation, administrative services, or assistance the Sec-  
21 retary considers reasonably required to enable the Work-  
22 ing Group to carry out its duties.

23 (e) TERMINATION.—Section 14 of the Federal Advi-  
24 sory Committee Act (5 U.S.C. App.) shall not apply with  
25 respect to the Working Group.

1 **SEC. 5. ESTABLISHMENT OF MARINE DISEASE EMERGENCY**  
2 **FUND.**

3 (a) ESTABLISHMENT.—There is established in the  
4 Treasury a fund to be known as the “Marine Disease  
5 Emergency Fund”, which shall be administered by the  
6 Secretary. Amounts in the Fund shall be made available  
7 without fiscal year limitation, and subject to appropria-  
8 tions, to carry out this Act.

9 (b) AMOUNTS.—The Fund shall consist of—

10 (1) amounts appropriated to the Fund; and

11 (2) amounts received by the Secretary as dona-  
12 tions, gifts, or contributions for the purpose of ad-  
13 dressing marine disease emergencies.

14 (c) USE OF FUND.—Amounts in the Fund shall be  
15 used only to respond to a marine disease emergency de-  
16 clared under section 3.

17 (d) SUPPLEMENT NOT SUPPLANT.—Amounts from  
18 the Fund shall be used to supplement and not supplant  
19 other Federal, State, regional, and local public funds pro-  
20 vided for activities under this Act.

21 **SEC. 6. NATIONAL DATA REPOSITORY FOR MARINE DIS-**  
22 **EASES RESEARCH AND SERVICES.**

23 (a) IN GENERAL.—The Secretary shall establish a  
24 National Data Repository for Marine Diseases Research  
25 and Services. Subject to the availability of appropriations,  
26 the Secretary shall enter into a contract with an entity

1 eligible under subsection (c) to develop and administer  
2 such repository.

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

5 (1) collect, store, and disseminate information  
6 regarding research, data, findings, and technical as-  
7 sistance materials related to marine diseases;

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

11 (3) collect epidemiological, environmental im-  
12 pact, timeline, global positioning system registered  
13 location, and ecological consequence data regarding  
14 marine diseases, linking different datasets across the  
15 country to assist researchers in developing strategies  
16 for addressing marine diseases.

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

19 (1) be a public or private nonprofit entity;

20 (2) have experience—

21 (A) collecting data;

22 (B) developing systems to store data in a  
23 secure manner;

1 (C) developing Internet web portals and  
2 other means of communicating with a wide au-  
3 dience; and

4 (D) making information available to the  
5 public; and

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

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

14 (1) collect information and research methodolo-  
15 gies from individuals, agencies, and organizations  
16 engaged in the research of marine diseases;

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

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

22 (4) make information in the Data Repository  
23 accessible through an Internet website or other ap-  
24 propriate means of sharing information; and

1           (5) ensure that the information contained in the  
2       Data Repository is accessible to members of the  
3       public, marine disease researchers, and persons re-  
4       sponding to marine disease emergencies.

5 **SEC. 7. MARINE DISEASE EMERGENCY FOR SEA STAR**  
6                                   **WASTING SYNDROME.**

7       (a) IN GENERAL.—The marine mortality event af-  
8       fecting species of sea stars commonly referred to as “sea  
9       star wasting syndrome” is deemed to be a marine disease  
10      emergency declared by the Secretary under section 3. Be-  
11      ginning on the effective date of this section, the Secretary  
12      shall immediately carry out the activities described in sub-  
13      sections (d) and (e) of section 3 with respect to such ma-  
14      rine disease emergency.

15      (b) EFFECTIVE DATE.—This section shall take effect  
16      on the date that is 180 days after the date of the enact-  
17      ment of this Act.

18 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

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

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