

110TH CONGRESS  
1ST SESSION

# S. 2299

To require the Secretary of Agriculture to establish an advisory committee to develop recommendations regarding the national aquatic animal health plan developed by the National Aquatic Animal Health Task Force, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

NOVEMBER 1, 2007

Ms. SNOWE introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

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## A BILL

To require the Secretary of Agriculture to establish an advisory committee to develop recommendations regarding the national aquatic animal health plan developed by the National Aquatic Animal Health Task Force, 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 “National Aquatic Ani-  
5 mal Health Act of 2007”.

1 **SEC. 2. OVERSIGHT OF NATIONAL AQUATIC ANIMAL**  
2 **HEALTH PLAN.**

3 (a) DEFINITIONS.—In this section:

4 (1) ADVISORY COMMITTEE.—The term “advi-  
5 sory committee” means the General Advisory Com-  
6 mittee for Oversight of National Aquatic Animal  
7 Health established under subsection (b)(1).

8 (2) PLAN.—The term “plan” means the na-  
9 tional aquatic animal health plan developed by the  
10 National Aquatic Animal Health Task Force, com-  
11 posed of representatives of the Department of Agri-  
12 culture, the Department of Commerce (including the  
13 National Oceanic and Atmospheric Administration),  
14 and the Department of the Interior (including the  
15 United States Fish and Wildlife Service).

16 (3) SECRETARY.—The term “Secretary” means  
17 the Secretary of Agriculture, acting through the Ad-  
18 ministrator of the Animal and Plant Health Inspec-  
19 tion Service.

20 (b) GENERAL ADVISORY COMMITTEE FOR OVER-  
21 SIGHT OF NATIONAL AQUATIC ANIMAL HEALTH.—

22 (1) ESTABLISHMENT.—Not later than 180 days  
23 after the date of enactment of this Act, the Sec-  
24 retary, in consultation with States and the private  
25 sector, shall establish an advisory committee, to be

known as the “General Advisory Committee for Oversight of National Aquatic Animal Health”.

(2) MEMBERSHIP.—

(A) COMPOSITION.—The advisory committee shall—

(i) be composed equally of representatives of—

(I) State and tribal governments;

and

(II) commercial aquaculture interests; and

(ii) consist of not more than 20 members, to be appointed by the Secretary, of whom—

(I) not less than 3 shall be representatives of Federal departments or agencies;

(II) not less than 6 shall be representatives of State or tribal governments that elect to participate in the plan under subsection (d);

(III) not less than 6 shall be representatives of affected commercial aquaculture interests; and

1 (IV) not less than 2 shall be  
2 aquatic animal health experts, as de-  
3 termined by the Secretary.

4 (B) NOMINATIONS.—The Secretary shall  
5 publish in the Federal Register a solicitation  
6 for, and may accept, nominations for members  
7 of the advisory committee from appropriate en-  
8 tities, as determined by the Secretary.

9 (c) RECOMMENDATIONS.—

10 (1) IN GENERAL.—Not later than 18 months  
11 after the date of enactment of this Act, the advisory  
12 committee shall develop and submit to the Secretary  
13 recommendations regarding—

14 (A) the establishment and membership of  
15 appropriate expert and representative commis-  
16 sions to efficiently implement and administer  
17 the plan;

18 (B) disease- and species-specific best man-  
19 agement practices relating to activities carried  
20 out under the plan; and

21 (C) the establishment and administration  
22 of the indemnification fund under subsection  
23 (e).

24 (2) FACTORS FOR CONSIDERATION.—In devel-  
25 oping recommendations under paragraph (1), the

1 advisory committee shall take into consideration all  
 2 emergency aquaculture-related projects that have  
 3 been or are being carried out under the plan as of  
 4 the date of submission of the recommendations.

5 (d) PARTICIPATION BY STATE AND TRIBAL GOVERN-  
 6 MENTS AND PRIVATE SECTOR.—

7 (1) IN GENERAL.—Any State or tribal govern-  
 8 ment, and any entity in the private sector, may elect  
 9 to participate in the plan.

10 (2) DUTIES.—On election by a State or tribal  
 11 government or entity in the private sector to partici-  
 12 pate in the plan under paragraph (1), the State or  
 13 tribal government or entity shall—

14 (A) submit to the Secretary—

15 (i) a notification of the election; and

16 (ii) nominations for members of the  
 17 advisory committee, as appropriate; and

18 (B) as a condition of participation, enter  
 19 into an agreement with the Secretary under  
 20 which the State or tribal government or enti-  
 21 ty—

22 (i) assumes responsibility for a por-  
 23 tion of the non-Federal share of the costs  
 24 of carrying out the plan, as described in  
 25 paragraph (3); and

(ii) agrees to act in accordance with applicable disease- and species-specific best management practices relating to activities carried out under the plan by the State or tribal government or entity, as the Secretary determines to be appropriate.

(3) NON-FEDERAL SHARE.—

(A) IN GENERAL.—Subject to subparagraph (B), the non-Federal share of the cost of carrying out the plan—

(i) shall be determined—

(I) by the Secretary, in consultation with the advisory committee; and

(II) on a case-by-case basis for each project carried out under the plan; and

(ii) may be provided by State and tribal governments and entities in the private sector in cash or in-kind.

(B) DEPOSITS INTO INDEMNIFICATION FUND.—The non-Federal share of amounts in the indemnification fund under subsection (e) provided by each State or tribal government or entity in the private sector shall be—

- 1 (i) zero with respect to the initial de-
- 2 posit into the fund; and
- 3 (ii) determined on a case-by-case basis
- 4 for each project carried out under the plan.

5 (e) INDEMNIFICATION FUND.—

6 (1) ESTABLISHMENT.—The Secretary, in con-

7 sultation with the advisory committee, shall establish

8 a fund, to be known as the “indemnification fund”,

9 consisting of—

10 (A) such amounts as are initially deposited

11 into the fund by the Secretary under subsection

12 (g)(1); and

13 (B) such amounts as are deposited into the

14 fund by the Secretary, State and tribal govern-

15 ments, and entities in the private sector for spe-

16 cific activities under the plan.

17 (2) USES.—The Secretary shall use amounts in

18 the indemnification fund only to compensate aquatic

19 farmers—

20 (A) the entire inventory of livestock or ag-

21 ricultural products of which is eradicated as a

22 result of a disease control or eradication meas-

23 ure carried out under the plan; or

1 (B) for the cost of disinfecting and clean-  
2 ing products or equipment in response to a de-  
3 population order carried out under the plan.

4 (3) UNUSED AMOUNTS.—Amounts remaining in  
5 the indemnification fund on September 30 of the fis-  
6 cal year for which the amounts were appropriated—

7 (A) shall remain in the fund;

8 (B) may be used in any subsequent fiscal  
9 year in accordance with paragraph (2); and

10 (C) shall not be reprogrammed by the Sec-  
11 retary for any other use.

12 (f) REVIEW.—Not later than 2 years after the date  
13 of enactment of this Act, the Secretary, in consultation  
14 with the advisory committee, shall review, and submit to  
15 Congress a report regarding—

16 (1) activities carried out under the plan during  
17 the preceding 2 years;

18 (2) activities carried out by the advisory com-  
19 mittee; and

20 (3) recommendations for funding for subse-  
21 quent fiscal years to carry out this section.

22 (g) AUTHORIZATION OF APPROPRIATIONS.—There is  
23 authorized to be appropriated to carry out this section  
24 \$15,000,000 for each of fiscal years 2008 and 2009, of  
25 which—



1           (1) not less than 50 percent shall be deposited  
2           into the indemnification fund established under sub-  
3           section (e) for use in accordance with that sub-  
4           section; and

5           (2) not more than 50 percent shall be used for  
6           the costs of carrying out the plan, including the  
7           costs of—

8                   (A) administration of the plan;

9                   (B) implementation of the plan;

10                  (C) training and laboratory testing;

11                  (D) cleaning and disinfection associated  
12                  with depopulation orders; and

13                  (E) public education and outreach activi-  
14                  ties.

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