

113TH CONGRESS
2D SESSION

H. R. 5546

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

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 18, 2014

Mr. HECK of Washington (for himself, Mr. McDERMOTT, Mr. HUFFMAN, Mr. BLUMENAUER, Mr. KILMER, Mr. SMITH of Washington, and Mr. LARSEN 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.

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 2014”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

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

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) is caused by a living organism;

19 (B) occurs in a population of marine spe-
20 cies; and

21 (C) appears to be infectious.

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” means finfish, mollusks, crustaceans, and all
14 other forms of marine animal and plant life other
15 than marine mammals and birds.

16 (9) SECRETARY.—The term “Secretary” means
17 the Secretary of Commerce acting through the Ad-
18 ministrator of the National Oceanic and Atmos-
19 pheric Administration.

20 (10) STATE.—The term “State” means each of
21 the several States, the District of Columbia, the
22 Commonwealth of Puerto Rico, American Samoa,
23 the United States Virgin Islands, Guam, and any
24 other Commonwealth, territory, or possession of the

1 United States, and each federally recognized Indian
2 tribe.

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

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

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

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

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

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

20 (c) EFFECT OF DECLARATION.—

21 (1) POWERS OF SECRETARY.—Upon declaring a
22 marine disease emergency under subsection (b), and
23 subject to the availability of appropriations, the Sec-
24 retary may take such actions as may be appropriate
25 to respond to the emergency, including making

1 grants, providing awards for expenses, entering into
2 contracts and conducting and supporting investiga-
3 tions into the cause, treatment, or prevention of the
4 emergency.

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

10 (d) DESIGNATION OF COORDINATOR.—

11 (1) IN GENERAL.—The Secretary shall des-
12 ignate an individual to coordinate the response to
13 each marine disease emergency declared under sub-
14 section (b).

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

21 (3) ASSISTANT COORDINATORS.—The Secretary
22 may designate one or more individuals to assist the
23 coordinator in carrying out the duties described in
24 paragraph (2).

25 (e) DEVELOPMENT OF RESPONSE PLAN.—

1 (1) IN GENERAL.—Not later than 21 days after
2 declaring a marine disease emergency under sub-
3 section (b) the Secretary shall, in consultation with
4 the Working Group and coordinator, develop a writ-
5 ten response plan for each marine disease emer-
6 gency.

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

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

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

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

22 (D) an assessment of the potential effects
23 of the marine disease emergency on populations
24 of marine species; and

1 (E) strategies to minimize morbidity and
2 mortality in marine species and minimize trans-
3 mission of the disease.

4 (3) PUBLICATION.—Not later than 21 days
5 after declaring a marine disease emergency under
6 subsection (b) the Secretary shall publish a sum-
7 mary of the plan on a publicly accessible Internet
8 website of the National Oceanic and Atmospheric
9 Administration.

10 (f) TERMINATION OF MARINE DISEASE EMER-
11 GENCY.—

12 (1) IN GENERAL.—A marine disease emergency
13 declared under subsection (b) shall terminate on the
14 date on which the Secretary declares that the emer-
15 gency no longer exists, or upon the expiration of the
16 120-day period beginning on the date on which the
17 declaration is made by the Secretary under sub-
18 section (b), whichever occurs first.

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

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

4 (1) submit to Congress a report describing—

5 (A) the cause and environmental impact of
6 the marine disease emergency;

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

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

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

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

17 (a) ESTABLISHMENT.—There is established in the
18 National Oceanic and Atmospheric Administration a
19 Working Group to be known as the “Marine Disease
20 Emergency Working Group”.

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

22 (1) advise the Secretary on risk assessment,
23 preparation, monitoring, research, and response to
24 marine diseases that may significantly impact the

1 health and sustainability of marine species and eco-
2 systems;

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

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

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

10 (5) consult with the Director of the Data Re-
11 pository established under section 6 to ensure the
12 quality and availability of the data contained there-
13 in.

14 (c) MEMBERSHIP.—

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

18 (A) The Secretary or the Secretary's des-
19 ignee.

20 (B) The Administrator of the United
21 States Animal and Plant Health Inspection
22 Service or the Administrator's designee.

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

1 (D) The Director of the United States Ge-
2 ological Survey or the Director's designee.

3 (E) Three members, appointed by the
4 President, who have specialized knowledge and
5 expertise in epidemiology, ecology, or microbi-
6 ology, or expertise in responding to disease out-
7 breaks or ecological disasters.

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

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

20 (4) TERMS.—

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

1 (B) TEMPORARY MEMBERS.—The term of
2 each member appointed under paragraph (3)
3 shall expire 90 days after the date on which the
4 marine disease emergency for which that mem-
5 ber was appointed is terminated under section
6 3(f).

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

10 (6) BASIC PAY.—Members of the Working
11 Group shall serve without pay.

12 (7) TRAVEL EXPENSES.—Subject to the avail-
13 ability of appropriations, each member of the Work-
14 ing Group shall receive travel expenses, including
15 per diem in lieu of subsistence, in accordance with
16 applicable provisions under subchapter I of chapter
17 57 of title 5, United States Code.

18 (8) CHAIRPERSON.—The Secretary, or a des-
19 ignee of the Secretary, shall be the Chairperson of
20 the Working Group.

21 (9) MEETINGS.—The Secretary shall convene
22 the Working Group not later than 30 days after the
23 date of the enactment of this Act. Thereafter, the
24 Working Group shall meet not less than annually

1 and may also meet at the call of the Chairperson or
2 a majority of its members.

3 (d) STAFFING AND ASSISTANCE.—The Secretary
4 shall make available to the Working Group any staff, in-
5 formation, administrative services, or assistance the Sec-
6 retary considers reasonably required to enable the Work-
7 ing Group to carry out its duties.

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

11 **SEC. 5. ESTABLISHMENT OF MARINE DISEASE EMERGENCY**
12 **FUND.**

13 (a) ESTABLISHMENT.—There is established in the
14 Treasury a fund to be known as the “Marine Disease
15 Emergency Fund” which shall be administered by the Sec-
16 retary. Amounts in the fund shall be made available with-
17 out fiscal year limitation, and subject to appropriations,
18 to carry out this Act.

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

20 (1) amounts appropriated to the Fund; and

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

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

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

8 **SEC. 6. NATIONAL DATA REPOSITORY FOR MARINE DIS-**
9 **EASES RESEARCH AND SERVICES.**

10 (a) IN GENERAL.—The Secretary shall establish a
11 National Data Repository for Marine Diseases Research
12 and Services. Subject to the availability of appropriations,
13 the Secretary shall enter into a contract with an entity
14 eligible under subsection (c) to develop and administer
15 such repository.

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

18 (1) collect, store, and disseminate information
19 regarding research, data, findings, and technical as-
20 sistance materials related to marine diseases;

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

24 (3) collect epidemiological, environmental im-
25 pact, timeline, global positioning system registered

1 location, and ecological consequence data regarding
2 marine diseases, linking different datasets across the
3 country to assist researchers in developing strategies
4 for addressing marine diseases.

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

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

8 (2) have experience—

9 (A) collecting data;

10 (B) developing systems to store data in a
11 secure manner;

12 (C) developing Internet web portals and
13 other means of communicating with a wide au-
14 dience; and

15 (D) making information available to the
16 public; and

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

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

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

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

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

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

12 (5) ensure that the information contained in the
13 Data Repository is accessible to members of the
14 public, marine disease researchers, and persons re-
15 sponding to marine disease emergencies.

16 **SEC. 7. MARINE DISEASE EMERGENCY FOR SEA STAR**
17 **WASTING SYNDROME.**

18 (a) IN GENERAL.—The marine mortality event af-
19 fecting species of sea stars commonly referred to as “sea
20 star wasting syndrome” is deemed to be a marine disease
21 emergency declared by the Secretary under section 3(b).
22 Beginning on the effective date of this section, the Sec-
23 retary shall immediately carry out the activities described
24 in subsections (d) and (e) of section 3 with respect to such
25 marine disease emergency.

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

4 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

5 There is authorized to be appropriated to carry out
6 this Act \$15,000,000 for each of the fiscal years 2015
7 through 2020.

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