

Calendar No. 515112TH CONGRESS
2^D SESSION**S. 357****[Report No. 112-214]**

To authorize the Secretary of the Interior to identify and declare wildlife disease emergencies and to coordinate rapid response to those emergencies, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 15, 2011

Mr. LAUTENBERG (for himself, Mr. LEAHY, Mr. SANDERS, Mr. BINGAMAN, Mr. MENENDEZ, and Mr. CARDIN) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

SEPTEMBER 19, 2012

Reported by Mrs. BOXER, with amendments

[Omit the part struck through and insert the part printed in *italic*]

A BILL

To authorize the Secretary of the Interior to identify and declare wildlife disease emergencies and to coordinate rapid response to those 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Wildlife Disease Emer-
3 gency Act of 2011”.

4 **SEC. 2. PURPOSES.**

5 The purposes of this Act are—

6 (1) to authorize the Secretary of the Interior to
7 identify and declare wildlife disease emergencies;

8 (2) to establish a fund through which the Sec-
9 retary may coordinate rapid response to those emer-
10 gencies; and

11 (3) to prepare for, identify, and address dis-
12 eases adversely affecting wildlife populations and
13 biodiversity through strategic and coordinated ac-
14 tions among Federal, State, and local agencies, In-
15 dian tribes, and nongovernmental organizations.

16 **SEC. 3. DEFINITIONS.**

17 In this Act:

18 (1) COMMITTEE.—The term “Committee”
19 means the Wildlife Disease Committee established
20 under section 6(a).

21 (2) DISEASE.—The term “disease” means an
22 infectious or noninfectious, pathological condition
23 that—

24 (A) occurs in a susceptible population of
25 wildlife; and

26 (B) is not zoonotic.

1 (3) FUND.—The term “Fund” means the Wild-
2 life Disease Emergency Fund established by section
3 5.

4 (4) INDIAN TRIBE.—The term “Indian tribe”
5 has the meaning given the term in section 4 of the
6 Indian Self-Determination and Education Assistance
7 Act (25 U.S.C. 450b).

8 (5) SECRETARY.—The term “Secretary” means
9 the Secretary of the Interior.

10 (6) STATE.—The term “State” means—

11 (A) each of the several States of the
12 United States;

13 (B) the District of Columbia;

14 (C) the Commonwealth of Puerto Rico;

15 and

16 (D) any other territory or possession of the
17 United States.

18 (7) UNITED STATES.—The term “United
19 States” includes—

20 (A) each of the several States of the
21 United States;

22 (B) the District of Columbia;

23 (C) the Commonwealth of Puerto Rico;

24 and

1 (D) any other territory or possession of the
2 United States.

3 (8) WILDLIFE.—The term “wildlife” means any
4 species native to the United States, including non-
5 domesticated mammals, fish, birds, amphibians, rep-
6 tiles, mollusks, and arthropods.

7 (9) WILDLIFE DISEASE EMERGENCY.—The
8 term “wildlife disease emergency” means a disease
9 that—

10 (A) is infectious and caused by—

11 (i) a newly discovered pathogen; or

12 (ii) a known infectious disease that is
13 expanding in geographic range, species im-
14 pacted, or other recognized impacts;

15 (B) poses significant threats to the sus-
16 tainability of a wildlife species;

17 (C) is spreading rapidly; or

18 (D) poses a significant threat to the health
19 of a functioning ecosystem in a priority land
20 scape identified in—

21 (i) the national fish and wildlife cli-
22 mate change adaptation plan entitled “Ris-
23 ing to the Urgent Challenge: Strategic
24 Plan for Responding to Accelerating Cli-

1 mate Change” and dated September 2010;

2 or

3 (ii) a similar Federal, State, local, or

4 tribal law, regulation, or conservation plan.

5 *scape identified in a Federal, State, local,*

6 *or tribal law, regulation, or conservation*

7 *plan.*

8 **SEC. 4. DECLARATION OF WILDLIFE DISEASE EMERGENCY.**

9 (a) IN GENERAL.—The Secretary, in consultation
10 with the Governor of a potentially affected State, may de-
11 clare within that State a wildlife disease emergency for
12 a disease that affects wildlife—

13 (1) within the United States; or

14 (2) outside the United States, but has the po-
15 tential, as determined by the Secretary, to enter the
16 United States.

17 (b) CONSIDERATIONS.—In making a declaration
18 under subsection (a), the Secretary shall consider—

19 (1) the level of threat the disease poses to af-
20 fected wildlife populations, based on—

21 (A) the relative threat to population levels;

22 (B) the relative strength of the contagion
23 and spread of the disease;

24 (C) the observed rate of morbidity or mor-
25 tality of the disease; and

1 (D) the priority of affected species, eco-
2 systems, or habitats, including—

3 (i) species under—

4 (I) the Endangered Species Act
5 of 1973 (16 U.S.C. 1531 et seq.);

6 (II) the Migratory Bird Treaty
7 Act (16 U.S.C. 703 et seq.);

8 (III) the Marine Mammal Protec-
9 tion Act of 1972 (16 U.S.C. 1361 et
10 seq.); or

11 (IV) any other applicable Federal
12 law (including regulations);

13 (ii) species and habitats identified as
14 priorities in—

15 (I) the national fish and wildlife
16 climate change adaptation plan enti-
17 tled “Rising to the Urgent Challenge:
18 Strategic Plan for Responding to Ac-
19 celerating Climate Change” and dated
20 September 2010; or

21 (II) a similar Federal, State,
22 local, or tribal law, regulation, or con-
23 servation plan; and

24 (iii) wildlife located on Federal land;

1 *(i) species and habitats identified as*
2 *priorities in a Federal, State, local, or trib-*
3 *al law, regulation, or conservation plan;*
4 *and*

5 *(ii) wildlife located on Federal land;*

6 (2) the sufficiency of resources available in the
7 Fund;

8 (3) the ability of the Department of the Interior
9 and other Federal, State, and local agencies, tribal
10 governments, and other stakeholders to address and
11 coordinate response to the disease through other
12 means; and

13 (4) the request of any State Governor to make
14 such a declaration.

15 (c) RESPONSE COORDINATION.—Upon a declaration
16 of a wildlife disease emergency by the Secretary, the Sec-
17 retary shall lead a coordinated response to the emergency
18 that shall include, to the maximum extent practicable, ap-
19 propriate Federal, State, and local agencies, Indian tribes,
20 nongovernmental organizations, or other stakeholders.

21 (d) GRANT PROGRAM.—The Secretary may develop
22 and implement a grant program to provide grants to State
23 wildlife agencies and Indian tribes to coordinate the re-
24 sponse to and address declared wildlife disease emer-
25 gencies.

1 **SEC. 5. WILDLIFE DISEASE EMERGENCY FUND.**

2 (a) ESTABLISHMENT OF FUND.—There is estab-
3 lished in the Treasury of the United States a fund to be
4 known as the “Wildlife Disease Emergency Fund”, to be
5 administered by the Secretary, to be available without fis-
6 cal year limitation, and subject to appropriation, to carry
7 out this Act.

8 (b) TRANSFERS TO FUND.—The Fund shall consist
9 of—

10 (1) such amounts as are appropriated to the
11 Fund; and

12 (2) such amounts as are received by the Sec-
13 retary as donations, gifts, or contributions for the
14 purpose of addressing wildlife disease emergencies.

15 (c) PROHIBITION.—Amounts in the Fund may not be
16 made available for any purpose other than to respond to
17 a wildlife disease emergency declared under section 4.

18 (d) ANNUAL REPORTS.—

19 (1) IN GENERAL.—Not later than 60 days after
20 the end of each fiscal year beginning with fiscal year
21 2011, the Secretary shall submit to the Committee
22 on Appropriations of the House of Representatives,
23 the Committee on Appropriations of the Senate, the
24 Committee on Environment and Public Works of the
25 Senate, and the Committee on Natural Resources of

1 the House of Representatives a report on the oper-
2 ation of the Fund during the fiscal year.

3 (2) CONTENTS.—Each report shall include, for
4 the fiscal year covered by the report, the following:

5 (A) A statement of the amounts deposited
6 into the Fund.

7 (B) A description of the expenditures made
8 from the Fund for the fiscal year, including the
9 purpose of the expenditures.

10 (C) Recommendations for additional au-
11 thorities to fulfill the purpose of the Fund.

12 (D) A statement of the balance remaining
13 in the Fund at the end of the fiscal year.

14 (e) SEPARATE APPROPRIATIONS ACCOUNT.—Section
15 1105(a) of title 31, United States Code, is amended by
16 adding at the end the following:

17 “(39) a separate statement for the Wildlife Dis-
18 ease Emergency Fund established under section 5 of
19 the Wildlife Disease Emergency Act of 2011, which
20 shall include the estimated amount of deposits into
21 the Fund, obligations, and outlays from the Fund.”.

22 (f) AUTHORIZATION OF APPROPRIATIONS.—There
23 are authorized to be appropriated to carry out this section
24 such sums as are necessary.

1 **SEC. 6. WILDLIFE DISEASE COMMITTEE.**

2 (a) ESTABLISHMENT.—The Secretary may establish
3 a Wildlife Disease Committee to assist the Secretary in
4 increasing the level of preparedness of the United States
5 to address emerging wildlife diseases.

6 (b) DUTIES.—The Committee shall—

7 (1) advise the Secretary on risk assessment,
8 preparation, monitoring, research, and response to
9 wildlife diseases that may significantly impact the
10 health and sustainability of wildlife populations; and

11 (2) as appropriate, draft reports, recommenda-
12 tions, plans, or other documents relating to risk as-
13 sessment, preparation, monitoring, research, and re-
14 sponse to wildlife diseases that may significantly im-
15 pact the health and sustainability of wildlife popu-
16 lations.

17 (c) MEMBERSHIP.—

18 (1) IN GENERAL.—Subject to paragraph (2),
19 members of the Committee shall be appointed by the
20 Secretary from among individuals who are qualified
21 by education, training, or experience in topics such
22 as wildlife health, biology, ecology, wildlife conserva-
23 tion, and natural resource management.

24 (2) INCLUSIONS.—The Committee shall in-
25 clude—

1 (A) qualified individuals who are employed
2 by Federal and State agencies and tribal enti-
3 ties; and

4 ~~(B) qualified individuals who represent~~
5 *by Federal agencies;*

6 *(B) at least 8 qualified individuals who are*
7 *employed by a State fish and wildlife agency,*
8 *each of whom shall be employed in a different 1*
9 *of the 8 regions of the United States Fish and*
10 *Wildlife Service;*

11 *(C) qualified individuals employed by other*
12 *State agencies and tribal entities; and*

13 *(D) qualified individuals who represent*
14 *public and private organizations.*

15 (d) COMMITTEE CHAIR.—The Secretary, or a des-
16 ignee of the Secretary, shall be the Chair of the Com-
17 mittee.

18 (e) STAFFING AND ASSISTANCE.—The Secretary
19 shall make available to the Committee any staff, informa-
20 tion, administrative services, or assistance the Secretary
21 determines is reasonably required to enable the Committee
22 to carry out the functions of the Committee.

23 (f) RENEWAL.—Notwithstanding section 14 of the
24 Federal Advisory Committee Act (5 U.S.C. App.), the Sec-

1 retary may renew the Committee for any period of time
2 that the Secretary determines to be appropriate.

3 **SEC. 7. RAPID RESPONSE TEAMS.**

4 The Secretary may convene rapid response teams to
5 address any wildlife disease emergency.

6 **SEC. 8. ADMINISTRATION.**

7 Nothing in this Act—

8 (1) limits the authority of the Secretary to re-
9 spond to wildlife disease events that are not declared
10 ~~wildlife disease emergencies under this Act; or~~

11 ~~(2) limits, repeals, supersedes, or modifies any~~
12 ~~wildlife disease emergencies under this Act;~~

13 (2) *affects the authority, jurisdiction, or respon-*
14 *sibility of the States to manage, control, or regulate*
15 *fish and resident wildlife under any State law (in-*
16 *cluding regulations);*

17 (3) *grants authority to any public agency to ac-*
18 *quire private property or conservation easements or*
19 *otherwise infringe any use of private property; or*

20 (4) *limits, repeals, supersedes, or modifies any*
21 *provision of Federal, State, local, or tribal law (in-*
22 *cluding regulations).*

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