

112TH CONGRESS
1ST SESSION

S. 357

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, and Mr. BINGAMAN) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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,*

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. PURPOSES.**

7 The purposes of this Act are—

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

3 (2) to establish a fund through which the Sec-
 4 retary may coordinate rapid response to those emer-
 5 gencies; and

6 (3) to prepare for, identify, and address dis-
 7 eases adversely affecting wildlife populations and
 8 biodiversity through strategic and coordinated ac-
 9 tions among Federal, State, and local agencies, In-
 10 dian tribes, and nongovernmental organizations.

11 **SEC. 3. DEFINITIONS.**

12 In this Act:

13 (1) COMMITTEE.—The term “Committee”
 14 means the Wildlife Disease Committee established
 15 under section 6(a).

16 (2) DISEASE.—The term “disease” means an
 17 infectious or noninfectious, pathological condition
 18 that—

19 (A) occurs in a susceptible population of
 20 wildlife; and

21 (B) is not zoonotic.

22 (3) FUND.—The term “Fund” means the Wild-
 23 life Disease Emergency Fund established by section
 24 5.

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

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

7 (6) STATE.—The term “State” means—

8 (A) each of the several States of the
9 United States;

10 (B) the District of Columbia;

11 (C) the Commonwealth of Puerto Rico;

12 and

13 (D) any other territory or possession of the
14 United States.

15 (7) UNITED STATES.—The term “United
16 States” includes—

17 (A) each of the several States of the
18 United States;

19 (B) the District of Columbia;

20 (C) the Commonwealth of Puerto Rico;

21 and

22 (D) any other territory or possession of the
23 United States.

24 (8) WILDLIFE.—The term “wildlife” means any
25 species native to the United States, including non-

domesticated mammals, fish, birds, amphibians, reptiles, mollusks, and arthropods.

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

(A) is infectious and caused by—

(i) a newly discovered pathogen; or

(ii) a known infectious disease that is expanding in geographic range, species impacted, or other recognized impacts;

(B) poses significant threats to the sustainability of a wildlife species;

(C) is spreading rapidly; or

(D) poses a significant threat to the health of a functioning ecosystem in a priority landscape identified in—

(i) the national fish and wildlife climate change adaptation plan entitled “Rising to the Urgent Challenge: Strategic Plan for Responding to Accelerating Climate Change” and dated September 2010; or

(ii) a similar Federal, State, local, or tribal law, regulation, or conservation plan.

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

2 (a) IN GENERAL.—The Secretary, in consultation
3 with the Governor of a potentially affected State, may de-
4 clare within that State a wildlife disease emergency for
5 a disease that affects wildlife—

6 (1) within the United States; or

7 (2) outside the United States, but has the po-
8 tential, as determined by the Secretary, to enter the
9 United States.

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

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

14 (A) the relative threat to population levels;

15 (B) the relative strength of the contagion
16 and spread of the disease;

17 (C) the observed rate of morbidity or mor-
18 tality of the disease; and

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

21 (i) species under—

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

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

1 (III) the Marine Mammal Protec-
2 tion Act of 1972 (16 U.S.C. 1361 et
3 seq.); or

4 (IV) any other applicable Federal
5 law (including regulations);

6 (ii) species and habitats identified as
7 priorities in—

8 (I) the national fish and wildlife
9 climate change adaptation plan enti-
10 tled “Rising to the Urgent Challenge:
11 Strategic Plan for Responding to Ac-
12 celerating Climate Change” and dated
13 September 2010; or

14 (II) a similar Federal, State,
15 local, or tribal law, regulation, or con-
16 servation plan; and

17 (iii) wildlife located on Federal land;

18 (2) the sufficiency of resources available in the
19 Fund;

20 (3) the ability of the Department of the Interior
21 and other Federal, State, and local agencies, tribal
22 governments, and other stakeholders to address and
23 coordinate response to the disease through other
24 means; and

1 (4) the request of any State Governor to make
2 such a declaration.

3 (c) RESPONSE COORDINATION.—Upon a declaration
4 of a wildlife disease emergency by the Secretary, the Sec-
5 retary shall lead a coordinated response to the emergency
6 that shall include, to the maximum extent practicable, ap-
7 propriate Federal, State, and local agencies, Indian tribes,
8 nongovernmental organizations, or other stakeholders.

9 (d) GRANT PROGRAM.—The Secretary may develop
10 and implement a grant program to provide grants to State
11 wildlife agencies and Indian tribes to coordinate the re-
12 sponse to and address declared wildlife disease emer-
13 gencies.

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

15 (a) ESTABLISHMENT OF FUND.—There is estab-
16 lished in the Treasury of the United States a fund to be
17 known as the “Wildlife Disease Emergency Fund”, to be
18 administered by the Secretary, to be available without fis-
19 cal year limitation, and subject to appropriation, to carry
20 out this Act.

21 (b) TRANSFERS TO FUND.—The Fund shall consist
22 of—

23 (1) such amounts as are appropriated to the
24 Fund; and

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

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

7 (d) ANNUAL REPORTS.—

8 (1) IN GENERAL.—Not later than 60 days after
9 the end of each fiscal year beginning with fiscal year
10 2011, the Secretary shall submit to the Committee
11 on Appropriations of the House of Representatives,
12 the Committee on Appropriations of the Senate, the
13 Committee on Environment and Public Works of the
14 Senate, and the Committee on Natural Resources of
15 the House of Representatives a report on the oper-
16 ation of the Fund during the fiscal year.

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

19 (A) A statement of the amounts deposited
20 into the Fund.

21 (B) A description of the expenditures made
22 from the Fund for the fiscal year, including the
23 purpose of the expenditures.

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

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

3 (e) SEPARATE APPROPRIATIONS ACCOUNT.—Section
4 1105(a) of title 31, United States Code, is amended by
5 adding at the end the following:

6 “(39) a separate statement for the Wildlife Dis-
7 ease Emergency Fund established under section 5 of
8 the Wildlife Disease Emergency Act of 2011, which
9 shall include the estimated amount of deposits into
10 the Fund, obligations, and outlays from the Fund.”.

11 (f) AUTHORIZATION OF APPROPRIATIONS.—There
12 are authorized to be appropriated to carry out this section
13 such sums as are necessary.

14 **SEC. 6. WILDLIFE DISEASE COMMITTEE.**

15 (a) ESTABLISHMENT.—The Secretary may establish
16 a Wildlife Disease Committee to assist the Secretary in
17 increasing the level of preparedness of the United States
18 to address emerging wildlife diseases.

19 (b) DUTIES.—The Committee shall—

20 (1) advise the Secretary on risk assessment,
21 preparation, monitoring, research, and response to
22 wildlife diseases that may significantly impact the
23 health and sustainability of wildlife populations; and

24 (2) as appropriate, draft reports, recommenda-
25 tions, plans, or other documents relating to risk as-

1 assessment, preparation, monitoring, research, and re-
2 sponse to wildlife diseases that may significantly im-
3 pact the health and sustainability of wildlife popu-
4 lations.

5 (c) MEMBERSHIP.—

6 (1) IN GENERAL.—Subject to paragraph (2),
7 members of the Committee shall be appointed by the
8 Secretary from among individuals who are qualified
9 by education, training, or experience in topics such
10 as wildlife health, biology, ecology, wildlife conserva-
11 tion, and natural resource management.

12 (2) INCLUSIONS.—The Committee shall in-
13 clude—

14 (A) qualified individuals who are employed
15 by Federal and State agencies and tribal enti-
16 ties; and

17 (B) qualified individuals who represent
18 public and private organizations.

19 (d) COMMITTEE CHAIR.—The Secretary, or a des-
20 ignee of the Secretary, shall be the Chair of the Com-
21 mittee.

22 (e) STAFFING AND ASSISTANCE.—The Secretary
23 shall make available to the Committee any staff, informa-
24 tion, administrative services, or assistance the Secretary

1 determines is reasonably required to enable the Committee
2 to carry out the functions of the Committee.

3 (f) RENEWAL.—Notwithstanding section 14 of the
4 Federal Advisory Committee Act (5 U.S.C. App.), the Sec-
5 retary may renew the Committee for any period of time
6 that the Secretary determines to be appropriate.

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

8 The Secretary may convene rapid response teams to
9 address any wildlife disease emergency.

10 **SEC. 8. ADMINISTRATION.**

11 Nothing in this Act—

12 (1) limits the authority of the Secretary to re-
13 spond to wildlife disease events that are not declared
14 wildlife disease emergencies under this Act; or

15 (2) limits, repeals, supersedes, or modifies any
16 provision of Federal, State, local, or tribal law (in-
17 cluding regulations).

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